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Washington, Tuesday, March 27, 1945

The President

EXECUTIVE ORDER 9532

CHANGING THE NAME OF THE OFFICE OF THE COORDINATOR OF INTER-AMERICAN AFFAIRS

By virtue of the authority vested in me by the Constitution and statutes as President of the United States, it is hereby ordered as follows:

The name of the Office of the Coordinator of Inter-American Affairs, established within the Office for Emergency Management of the Executive Office of the President by Executive Order No. 8840 of July 30, 1941, is changed to the Office of Inter-American Affairs. There shall be at the head of the Office of Inter-American Affairs a Director who shall be appointed by the President and who shall hereafter discharge and perform, under the direction and supervision of the President and in conformity with the foreign policy of the United States as defined by the Secretary of State through the Assistant Secretary of State in charge of relations with the American republics, all of the duties, powers, responsibilities and functions now discharged and performed by the Coordinator. The Director shall receive a salary at the rate of \$10,000 per annum and shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. All prior Executive orders inconsistent with this order are amended accordingly. Wallace K. Harrison is hereby appointed Director of the Office of Inter-American Affairs.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 23, 1945.

[F. R. Doc. 45-4739; Filed, Mar. 24, 1945; 11:25 a. m.]

EXECUTIVE ORDER 9533

CHANGING THE NAME OF THE CUSTOMS PORT OF ENTRY OF MARSHFIELD, OREGON, TO COOS BAY, OREGON

By virtue of the authority vested in me by section 1 of the act of August 1,

1914, 38 Stat. 609, 623 (19 U.S.C. 2), it is hereby ordered as follows:

1. The name of the customs port of entry of Marshfield, Oregon, in Customs Collection District Number 29 (Oregon), is changed to Coos Bay, Oregon.

2. Executive Order No. 5193, dated September 14, 1929, and Executive Order No. 5445, dated September 16, 1930, extending the limits of the customs port of Marshfield to include the municipality of North Bend, Oregon, and all points on Coos Bay in the State of Oregon, shall continue in force and effect, the name of the port "Coos Bay" being substituted for the name "Marshfield" in such orders.

3. This order shall become effective April 1, 1945.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 23, 1945.

[F. R. Doc. 45-4740; Filed, Mar. 24, 1945; 11:25 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 79-102, Amdt. 9]

PART 1401—DAIRY PRODUCTS

DELEGATION OF AUTHORITY TO MARKET AGENTS IN ADMINISTRATION OF WAR FOOD ORDERS FOR CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM

Pursuant to War Food Order No. 79, as amended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-102, as amended (8 F.R. 16313, 9 F.R. 337, 4321, 4319, 4500, 10241, 11308, 12948, 14007, 14875, 10 F.R. 103, 126, 1854), is hereby further amended so as to read as follows:

§ 1401.135 *Fluid milk and cream*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent

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

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milk byproducts, and which are disposed of primarily for resale to consumers off the premises where made.

(2) To transfer quota from one handler to another, upon application and after written notice to the Director and each handler involved, whenever (i) a handler has denied service to one or more of his accounts, (ii) an account customarily rotates among handlers, inclusive of any account with a public agency or institution which is let on a bid basis, (iii) a sub-handler regularly making 50 percent or more of his deliveries under his own brand or trade name submits an application, (iv) a handler or a sub-handler applies in order to consummate a bona fide sale of business, or (v) handlers apply in order to exchange or transfer accounts.

(3) With the prior approval of the Chief, Dairy and Poultry Branch, Office of Marketing Services, to increase the quotas of any handler or group of handlers in any milk sales area for which he is market agent, in order to provide for the full utilization of milk in the public interest and to promote the national defense: *Provided*, That in the case of quotas for butterfat in cream the amount of any such increase shall be not more than 15 percent of deliveries of butterfat in cream in the base period except in May and June when any such increase shall be not more than 25 percent of deliveries of butterfat in cream in the base period.

(c) *Review by the Director.* A ruling by a market agent under the authority delegated herein may be reviewed by the Director upon petition or upon the initiative of the Director, and may be affirmed, modified or reversed by the Director.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., April 1, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283; 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990; 10 F.R. 103)

Issued this 22d day of March 1945.

C. W. KITCHEN,
 Director of Marketing Services.

[F. R. Doc. 45-4690; Filed, Mar. 23, 1945; 12:07 p. m.]

[WFO 125, Amdt. 2]

PART 1414—POULTRY

POULTRY

Correction

In § 1414.8 (f) (2) of Federal Register Document 45-4243, appearing at page 2953 of the issue for Tuesday, March 20, 1945, the date "April 1, 1943" should read "April 1, 1945".

[WFO 18-3, Partial Suspension, Amdt. 1]

PART 1415—IMPORTED FOODS

TEA QUOTAS, PACKING RESTRICTIONS, REPORTS, AND RECORDS FOR PACKERS AND WHOLESALERS

The order (9 F.R. 14876, 10 F. R. 103), issued December 22, 1944, partially sus-

pending War Food Order No. 18-3, as amended (9 F.R. 13943, 10 F.R. 103), is hereby amended to read as follows:

The provisions of § 1415.6, paragraphs (b), (c), (d), and (e) of War Food Order No. 18-3, as amended (9 F.R. 13943, 10 F.R. 103), issued on November 22, 1944, are temporarily suspended.

The provisions hereof shall become effective at 12:01 a. m., e. w. t., January 1, 1945, and shall continue in effect until 12:01 a. m., e. w. t., July 1, 1945, unless otherwise ordered by the Director. With respect to violations of said War Food Order No. 18-3, as amended, rights accrued, liabilities incurred, or appeals taken prior to the effective time hereof, the provisions of said War Food Order No. 18-3, as amended, and in effect prior to the time hereof, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 18, 8 F.R. 1778, 3244, 8388, 9103, 9 F.R. 4321, 4319, 9584, 10 F.R. 103)

Issued this 22d day of March 1945.

C. W. KITCHEN,
 Director of Marketing Services.

[F. R. Doc. 45-4725; Filed, Mar. 23, 1945; 3:26 p. m.]

Chapter XII—War Food Administration (Commodity Credit Orders)

[WFO 113, Termination]

PART 1600—OILSEEDS

COTTONSEED

War Food Order No. 113, 9 F.R. 11146, is hereby terminated as of 12:01 a. m., e. w. t., March 24, 1945.

With respect to violations, rights accrued, or liabilities incurred under War Food Order No. 113 prior to said date, all provisions of said War Food Order No. 113 shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(54 Stat. 676; 55 Stat. 236; 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 24th day of March 1945.

ASHLEY SELLERS,
 War Food Administrator.

[F. R. Doc. 45-4776; Filed, Mar. 24, 1945; 3:38 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5181]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHICK BED CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of prod-*

hereof, each term defined in War Food Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in War Food Order No. 79, as amended.

(b) *Delegation of authority.* The market agent under any of the War Food Orders issued pursuant to War Food Order No. 79, as amended, and notwithstanding the provisions of any such orders, is hereby authorized:

(1) To exempt deliveries of milk, cream, and milk byproducts to industrial users, in their capacity as such users, from charges to quotas and exclude such deliveries from the computation of deliveries in the base period, and the term "industrial user" shall be construed to mean a person, as determined by the market agent, manufacturing products using as an ingredient milk, cream, or

uct or service. In connection with the offering for sale, sale and distribution of their product, Chick Bed, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of said product, which advertisements represent, directly or through inference, (1) that said product constitutes a preventive of poultry diseases; (2) that the use of said product as a litter or floor covering in poultry or brooder houses will cause chicks or poultry occupying such houses to be healthy or free from disease; (3) that the use of said product is a competent and effective treatment for coccidiosis; (4) that said product is an effective germicide in use; or (5) that the use of said product will prevent poultry disease losses or increase egg production; prohibited, subject to the provision, however, as respects said first prohibition, that the same shall not be construed as preventing respondents from representing that said product used as a floor litter is absorptive, and tends to dry conditions in poultry houses, thereby aiding in the control of poultry diseases. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Chick Bed Company, Docket 5181, March 8, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of March, A. D. 1945.

In the Matter of Otto A. Kohl, an Individual, Clarke Van Meter, and Marvin M. Cobb, Individuals and Trustees, Co-partners Trading as Chick Bed Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents and counsel for the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein, findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Otto A. Kohl, Clarke Van Meter, and Marvin M. Cobb, jointly or severally, trading as Chick Bed Company or under any other name or names, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their product, Chick Bed, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

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

(1) That said product constitutes a preventive of poultry diseases: *Provided, however*, This paragraph shall not be construed as preventing respondents from representing that said product used as a floor litter is absorptive, and tends to dry conditions in poultry houses, thereby aiding in the control of poultry diseases;

(2) That the use of said product as a litter or floor covering in poultry or brooder houses will cause chicks or poultry occupying such houses to be healthy or free from disease;

(3) That the use of said product is a competent and effective treatment for coccidiosis;

(4) That said product is an effective germicide in use;

(5) That the use of said product will prevent poultry disease losses or increase egg production.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-4734; Filed, Mar. 24, 1945;
11:01 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter B—The Foreign Service

[Departmental Reg. 7]

PART 82—SEAMEN'S WAGES

WAIVER OF COMPLIANCE BY CONSULAR OFFICERS WITH CERTAIN PROVISIONS OF THE NAVIGATION LAWS

Under the authority contained in section 501 of the act of March 27, 1942, as extended by the act of December 20, 1944 (50 U.S.C. Sup. III 635; Public Law 509, 78th Cong.) authorizing the head of each department or agency of the United States Government responsible for the administration of the navigation and vessel-inspection laws to waive compliance with such laws whenever he deems such action to be necessary in the conduct of the war, I hereby waive compliance by a consular officer with those provisions of

the navigation laws requiring such officer to collect from the master of a vessel of the United States, and to pay to a seaman discharged therefrom in a foreign port, the arrears of wages and extra wages due such seaman in those cases where the seaman elects to accept, instead of full or partial payment of his wages at the time of discharge, a wage voucher signed by both the master and the seaman and evidencing the amount owed the seaman to be paid in future settlement.

This regulation shall become effective immediately upon registration in the Division of the Federal Register.

JOSEPH C. GREW,
Acting Secretary of State.

MARCH 21, 1945.

[F. R. Doc. 45-4775; Filed, Mar. 24, 1945;
11:00 a. m.]

[Foreign Service Regs. S-1]

PART 111—NEGOTIATION OF TREATIES AND OTHER INTERNATIONAL AGREEMENTS

AGREEMENTS BY EXCHANGE OF NOTES

Pursuant to the authority vested in me by R.S. 161 (5 U.S.C. 22) and by Executive Order 9452 of June 26, 1944 (9 F.R. 7183), as amended by Executive Orders 9514 of January 18, 1945 (10 F.R. 771) and 9521 of February 13, 1945 (10 F.R. 1991), Title 22, Part 111, of the Code of Federal Regulations (Foreign Service Regulations, Chapter XI) is hereby amended as follows:

1. The part heading is changed to read as set forth above.
2. A new section is established, reading as follows:

§ 111.8 *Agreements by exchange of notes*. In case of an exchange of diplomatic notes constituting a definitive agreement or arrangement between the Government of the United States and a foreign government, there shall be sent to the Department, as soon as practicable after the notes have been exchanged, a certified copy of the note addressed by the diplomatic officer of the United States to the officer of the foreign government together with the original of the note addressed by the officer of the foreign government to the diplomatic officer of the United States. A secretary of the mission should certify a copy of the foreign government's note for retention in the files of the mission. Certified copies of the notes should include such letterheads as may appear on the originals and the signatures, typed to accord with the originals.

This regulation shall become effective immediately upon registration in the Division of the Federal Register.

For the Secretary of State:

[SEAL] J. C. HOLMES,
Assistant Secretary.

MARCH 23, 1945.

[F. R. Doc. 45-4774; Filed, Mar. 24, 1945;
1:31 p. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter C—Mutual Mortgage Insurance

PART 522—ADMINISTRATIVE REGULATIONS FOR MUTUAL MORTGAGE INSURANCE UNDER SECTION 203 OF THE NATIONAL HOUSING ACT

TERMINATION OF CONTRACT OF INSURANCE

Section 522.17 (b) is hereby amended by striking the period at the end thereof and inserting a comma and the following: "nor to any mortgage or group of mortgages transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency."

Issued at Washington, D. C., this 24th day of March 1945.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 45-4741; Filed, Mar. 24, 1945; 11:32 a. m.]

Subchapter H—War Housing Insurance

PART 577—ADMINISTRATIVE REGULATIONS FOR WAR HOUSING INSURANCE UNDER SECTION 603 OF THE NATIONAL HOUSING ACT

TERMINATION OF CONTRACT OF INSURANCE

Section 577.11 (b) is hereby amended by striking the period at the end thereof and inserting a comma and the following: "nor to any mortgage or group of mortgages transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency."

Issued at Washington, D. C., this 24th day of March 1945.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 45-4742; Filed, Mar. 24, 1945; 11:32 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS; DRY CLEANING, LUGGAGE MANUFACTURING AND JEWELRY MANUFACTURING INDUSTRIES

The National War Labor Board, under paragraph (d) of § 803.4 (General Order 4), has approved the following exceptions to the exemption provided for in paragraph (a) of this section:

(50) Establishments engaged in dry cleaning, dyeing, and/or pressing apparel and

household fabrics located in the following counties in California: Kern, Santa Barbara, Ventura, Los Angeles, Riverside, San Bernardino, Imperial, Orange and San Diego. (Approved, March 19, 1945)

(51) Luggage manufacturing industry in Los Angeles County, California. For the purposes of this subsection this industry is defined as establishments primarily engaged in manufacturing suitcases, brief cases, bags, trunks, and related luggage of leather or other materials, but does not include establishments primarily engaged in manufacturing women's hand bags and purses or other small leather goods. (Approved, March 19, 1945)

(52) Jewelry manufacturing industry in Region I, Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island. (Approved, March 19, 1945)

(E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C 578, 56 Stat. 765; Pub. Law 729, 77th Cong.)

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-4732; Filed, Mar. 24, 1945; 9:53 a. m.]

APPENDIX—INDUSTRY COMMISSIONS AND PANELS

THE WAR SHIPPING PANEL

The National War Labor Board has amended paragraph D of the Directive Order of July 8, 1943 establishing the War Shipping Panel (9 F.R. 3174) as follows:

D. The Panel shall have authority to make final rulings on voluntary wage and salary adjustments involving the shipping industry, as herein defined, submitted for the approval of the National War Labor Board. Applications for approval of voluntary wage and salary adjustments within the jurisdiction of the Panel shall be filed with the nearest office of the Wage and Hour Division of the Department of Labor which shall transmit them directly to the Panel. A ruling of the Panel shall be final, and shall be issued to the parties when made, unless a dissenting member of the Panel expressly requests that the case be transmitted to the National War Labor Board for decision, in which case the ruling of the Panel shall not be issued to the parties and shall not become effective unless and until approved by the National War Labor Board. The rulings of the Panel shall conform to the policy of the National War Labor Board based on Executive Orders 9250 and 9328, and the policy directive of May 12, 1943, issued by the Director of Economic Stabilization. Accordingly, any wage or salary adjustment approved by the Panel "which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments" shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings issued by the Panel.

Approved: March 19, 1945.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-4733; Filed, Mar. 24, 1945; 9:53 a. m.]

Chapter IX—War Food Administration (Agricultural Labor)

[Revision-2]

PART 1107—SPECIFIC WAGE CEILING REGULATIONS

STABILIZATION AND LIMITATION OF WAGES AND SALARIES

On August 28, 1943, the Economic Stabilization Director promulgated revised regulations relating to wages and salaries (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547), by virtue of authority vested in the President by the act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (56 Stat. 765), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States and for other purposes" (57 Stat. 63), and as amended by the Stabilization Extension Act of 1944, entitled "An Act to Amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of October 2, 1942, as amended, and for other purposes" (58 Stat. 632), and vested in turn by the President in the Economic Stabilization Director, under Executive Order 9328 dated April 8, 1943 (3 CFR, Cum. Supp., p. 1267). The regulations in this part conferred on the War Food Administrator authority to administer the provisions thereof relating to the stabilization and limitation of wages and salaries paid to agricultural labor. In the exercise of authority so conferred on the War Food Administrator, the following regulations relating to specific wage ceilings of agricultural labor issued on January 20, 1944 (9 F.R. 831), as revised on October 23, 1944 (9 F.R. 12807, 14206), are hereby amended and revised to read as follows:

Sec.	Purpose.
1107.1	Definitions.
1107.2	Areas, crops and classes of workers.
1107.3	Wage rates.
1107.4	Applications for adjustments.
1107.5	Standards to be used by State WFA Wage Boards in making determinations.
1107.6	Limitation on effect of adjustments granted by State WFA Wage Boards.
1107.7	Procedure for determination of violations.
1107.8	Effect of unlawful payments.
1107.9	Inspection of records.
1107.10	Evasions.
1107.11	

AUTHORITY: §§ 1107.1 to 1107.11, inclusive, issued under 56 Stat. 765 (1942), 50 U.S.C. App. §§ 961 et seq., (Supp. III), as amended by 57 Stat. 63 (1943), 50 U.S.C. App. § 964 (Supp. III); 58 Stat. 632 (1944); E.O. 9328, 3 CFR, Cum. Supp., p. 1267; Regs. of Economic Stabilization Director, dated August 28, 1943, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547; Regs. of the War Food Administrator, dated January 17, 1944, 9 F.R. 655, as revised on October 3, 1944, 9 F.R. 12117, 12611.

§ 1107.1 *Purpose.* From time to time heretofore the War Food Administrator has issued, pursuant to § 4001.7 of the general regulations, supplements to the regulations in this part governing the wages and salaries of agricultural labor with respect to areas, crops, classes of employers, or otherwise. From time to time in the future the War Food Administrator will issue further supplements to these wage ceiling regulations with respect to areas, crops, classes of employers, or otherwise, of agricultural labor, in accordance with said § 4001.7 of the general regulations and § 1100.7 of the regulations relative to salaries and wages of agricultural labor. The purpose of these present regulations is to provide general provisions for all specific wage ceiling supplements. All supplements will contain only designation of areas, crops, classes of employers, or those otherwise affected thereby, the wage or salary rates applicable thereto and such other special provisions as may be necessary. The provisions of the regulations in this part will be applicable to each supplement heretofore or hereafter issued and each such supplement shall be considered a part of the regulations in this part. The regulations of the War Food Administrator relating to wages and salaries of agricultural labor are modified to the extent that any provisions of such regulations are inconsistent with these regulations or any supplement issued pursuant to the regulations in this part. (Issued Jan. 20, 1944, amended Oct. 23, 1944, and as currently amended.)

§ 1107.2 *Definitions.* When used in these regulations, unless otherwise distinctly expressed, or manifestly incompatible with the intent thereof:

(a) The term "act" means the act of October 2, 1942 (56 Stat. 765), entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes", as amended by the Public Debt Act of 1943 entitled "An Act to increase the debt limit of the United States and for other purposes" (57 Stat. 63), and as amended by the Stabilization Extension Act of 1944, entitled "An Act to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of October 2, 1942, as amended, and for other purposes" (58 Stat. 632). (Issued Jan. 20, 1944, and as amended Oct. 23, 1944.)

(b) The term "general regulations" means amended regulations (relating to wages and salaries), promulgated by the Economic Stabilization Director on August 28, 1943, as amended or supplemented (8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547). (As issued Jan. 20, 1944.)

(c) The term "regulations relative to salaries and wages of agricultural labor" means the regulations promulgated by the War Food Administrator on January 17, 1944 (9 F.R. 655), as revised on October 3, 1944, and as amended or supplemented (9 F.R. 12117, 12611). (Issued Jan. 20, 1944, and as amended Oct. 23, 1944.)

(d) The term "specific wage ceiling regulations" means not only the pro-

visions of the regulations in this part, but also the provisions of any supplements issued pursuant hereto. (Issued Jan. 20, 1944, and as currently amended.)

(e) The term "supplements" means determinations made and public notices issued with respect to areas, crops, classes of employers, or otherwise of agricultural labor, pursuant to § 4001.7 of the general regulations. (Currently added.)

(f) The term "Administrator" means the War Food Administrator, or any person, or agency authorized by him to carry out the purposes and provisions of the regulations in this part and other regulations issued by him pursuant to his authority under the "general regulations." (As issued Jan. 20, 1944, and as currently amended.)

(g) The term "Director" means the Director of Labor, War Food Administration. (Issued Jan. 20, 1944, and as amended Oct. 23, 1944.)

(h) The term "wage board" means a State WFA Wage Board established pursuant to § 1100.4 of the regulations relative to salaries and wages of agricultural labor. (As issued Jan. 20, 1944.)

(i) The term "person" means any individual, partnership, corporation, association, business trust, or any other organization or group of persons, whether incorporated or not. (As issued Jan. 20, 1944.)

(j) The term "in contravention of the act" means in contravention of the act of October 2, 1942, as amended (referred to in paragraph (a) above), Executive Order No. 9250 of October 3, 1942 (3 CFR, Comp. Supp., p. 1213), Executive Order No. 9328 of April 8, 1943 (3 CFR, Comp. Supp., p. 1267), the general regulations, the regulations in this part, any supplement issued hereto, and any other orders, rulings, and regulations promulgated under said act. (Issued Jan. 20, 1944, amended Oct. 23, 1944, and as currently amended.)

(k) The terms "approval of the Administrator" and "determination by the Administrator" shall include approval or determination, as the case may be, by an agent or agents of the Administrator, duly authorized to perform such acts. (As issued Jan. 20, 1944.)

§ 1107.3 *Areas, crops and classes of workers.* The areas, crops and classes of workers or otherwise of agricultural labor which will be subject to the regulations in this part will be defined in supplements hereto establishing wage or salary rates as set forth in § 1107.1. (Issued Jan. 20, 1944, and as currently amended.)

§ 1107.4 *Wage rates.* Notwithstanding the provisions of any contract or other commitment, no payments of wages, salaries, or other valuable consideration to agricultural labor described in any supplement issued pursuant to the regulations in this part shall be made in excess of the maximum rates set forth in any such supplement, or of an equivalent of such rates, without the approval of the War Food Administrator under the procedure provided for in the regulations in this part: *Provided*, That if an employer was paying a particular employee doing the same type of work at a higher

wage or salary rate between January 1, 1942 and September 15, 1942, such employer may pay such employee at the wage or salary rate paid during that period, but the burden of proving the facts so justifying payment at such higher rate shall be upon the employer. (Issued Jan. 20, 1944, amended July 8, 1944, and as currently amended.)

§ 1107.5 *Applications for adjustments.*
(a) Any appeals for relief from hardships resulting from any supplements establishing maximum wages or salaries for any type of agricultural labor issued pursuant to this part and any applications for adjustment in such wages and salaries shall be filed by the employer or the employee with the State WFA Wage Board for the State in which the employee works. That wage board, after conducting such investigation as may be required and reviewing such applications or appeals, shall have the authority to make such determinations as are consistent with the intent of the regulations in this part and the applicable supplement. Three members of such a wage board shall constitute a quorum to act upon such applications and appeals. Such wage board shall forward a copy of all its rulings on such applications and appeals to the Administrator. Each such ruling of a wage board shall be final, subject only to the Administrator's right of review on his own initiative. Any reversal or modification of such a ruling by the Administrator shall take effect from the date the affected party is notified thereof or at such later date as is specified in the notification: *Provided, however*, That if a ruling denying an application for permission to make a wage increase is overruled, the final ruling by the Administrator shall incorporate the effective date of the adjustment. (Issued Jan. 20, 1944 and as currently amended.)

(b) Any increases in or payments of wages or salaries above the maximum rates established in any supplement hereto will be in violation of this part if made without approval. The increase or payment will only be lawful from the date specified in the ruling which grants the application or appeal. (Issued Jan. 20, 1944, and as currently amended.)

(c) If an appeal for relief from hardship or an application for adjustment of wages and salaries is granted by a wage board pursuant to paragraph (a) of this section, the employer shall post in a conspicuous place available to his employees a copy of the ruling of the board. (As issued Jan. 20, 1944 and as currently amended.)

§ 1107.6 *Standards to be used by State WFA Wage Boards in making determinations relative to appeals and adjustments.* State WFA Wage Boards may make determinations on appeals for relief from hardship and applications for relief from hardship and salaries only in the following instances:

(a) Reasonable adjustments may be made in case of employees paid on a weekly, monthly, or annual basis in cases of promotions, reclassifications, merit increases, length of service, and incentive payments: *Provided*, That such ad-

justments do not increase the level of production costs appreciably.

(b) Reasonable adjustments may be made where an employee is paid on an hourly or piece rate basis in case of:

(1) Incentive payments.

(2) Sparse yield in parts of the areas affected as a result of which certain workers or groups of workers are unable to earn an amount fairly comparable to their estimated earning capacity under the normal yield on which the wage ceiling is based.

(3) Unusual weather and atmospheric conditions which reduce to below normal the number of working hours per day and hence reduce the employees' daily earnings below their estimated earning capacity under normal circumstances.

(4) Other unusual circumstances beyond the control of the employer or the employees which prevent the latter from earning an amount fairly comparable to their estimated earning capacity under normal circumstances.

(5) Employers' remoteness from the labor supply, lack of housing facilities and other related circumstances affecting the total compensation of the employees.

The burden of justifying an appeal or application for adjustment shall in each instance be upon the employer or employee seeking such appeal or such adjustment. (As issued Jan. 20, 1944 and as currently amended.)

§ 1107.7 *Limitation on effect of adjustments granted by State WFA Wage Boards.* No increase in wage or salary payments which is granted by a State WFA Wage Board, either an appeal for relief from hardship or an application for adjustment, shall furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices, or furnish the basis for further wage or salary increases. (As issued Jan. 20, 1944, and as currently amended.)

§ 1107.8 *Procedure for determination of violations—(a) Preliminary investigation.* Preliminary investigations of alleged unlawful wage or salary payments shall be made by representatives of the Administrator. A report of investigation shall be submitted to the Regional Attorney, United States Department of Agriculture, within whose region the State involved lies, for consideration. He shall forward the report, with his recommendations to the wage board which has jurisdiction over the alleged violation. If after consideration of such report and recommendations the wage board is of the opinion that there is reasonable cause to believe that a violation has occurred, the wage board shall cause a hearing to be held. (Issued Jan. 20, 1944, amended Oct. 23, 1944, and as currently amended.)

(b) *Wage boards.* Wage boards are, pursuant to § 1100.4 of the regulations relative to wages and salaries of agricultural labor, authorized to conduct hearings on behalf of the War Food Administrator for the purpose of making proposed findings of fact, conclusions of law and recommended orders with respect to alleged violations of these specific wage ceiling regulations and sup-

plements hereto. For such hearings three members of the wage board shall constitute a quorum and the chairman of the wage board, or temporary chairman in the absence of the regular chairman, shall act as presiding officer at the hearing, administer oaths and affirmations and rule on motions, requests, and on the admission and exclusion of evidence. The wage boards shall have authority to take all steps required by this section for the holding of hearings. (Issued Jan. 20, 1944, and as currently amended.)

(c) *Examiner.* In the event the wage board does not desire to conduct a hearing, the wage board may direct that such hearing shall be held before a person authorized to act as an examiner, presiding officer, or referee, by the designation, issued October 25, 1943, entitled "Designation of Persons to Hold Hearings, to Sign and Issue Subpoenas, and to Administer Oaths and Affirmations," (8 F.R. 14592), as amended. In those cases in which the wage board requires that a hearing shall be conducted by such an authorized person, the wage board shall notify the Associate Solicitor in Charge of Food Production and Commodity Credit who shall assign an authorized person to preside at such hearing. The authorized person shall give notice of the hearing and shall take all other steps required by this section for the holding of hearings. (Issued Jan. 20, 1944, amended Oct. 23, 1944, and as currently amended.)

(d) *Notice.* Notice of the hearing shall be served on the alleged violator by personal service or by registered mail not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (1) the time and place of the hearing, (2) a citation of the regulations alleged to have been violated, (3) a concise statement of the allegations of fact which constitute a basis for the proceeding, (4) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charges, and (5) a statement informing the alleged violator that failure to appear will neither preclude the wage board or the examiner from taking testimony, receiving proof and making findings and recommendations with respect to the charges, nor the Administrator or his authorized representative from making a determination with respect thereto. (Issued Jan. 20, 1944, and as currently amended.)

(e) *Consent order.* At any time after the service of the notice and prior to the hearing, the Administrator, in his discretion, may allow the alleged violator to consent to an order. In so consenting the alleged violator shall file for the record with the wage board or the examiner a stipulation or statement in which he admits all of the facts, or at least the material facts, on which the charges against him are based and agrees that an order may be entered against him. Upon a record composed of the notice and the stipulation and agreement consenting to the order the Administrator may enter an appropriate order, which

shall have the same force and effect as an order made after a hearing. The declination of the alleged violator to consent to an order will not affect or prejudice his rights or interests in any proceeding. (Currently added.)

(f) *Conduct of the hearing.* The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy, and probative force of the evidence offered. The hearing shall be held at the time scheduled and a determination may be made by the Administrator although the alleged violator fails to appear.

All testimony shall be given under oath and a written transcript of the hearing shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument, or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days. (Issued Jan. 20, 1944, and as currently amended.)

(g) *Findings and recommendations.* Immediately following the hearing, a majority of the wage board or the examiner, as the case may be, shall prepare proposed findings of fact, conclusions of law, and a recommended order and submit them, together with the transcript of the proceedings, to the Administrator. A copy of the proposed findings of fact, conclusions of law and a recommended order shall be served on the alleged violator by registered mail, and he may within 10 days after the receipt thereof file with the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., exceptions or objections, in writing, together with supporting briefs. After consideration of the record, including any exceptions or objections and briefs filed by the alleged violator, the Administrator shall determine whether the alleged violator has made wage or salary payments in contravention of the regulations in this part and any supplement hereto, and shall make appropriate findings and conclusions. A copy of such determination and of such findings and conclusions shall be served on the alleged violator by registered mail. (Issued Jan. 20, 1944, amended July 8, 1944, and Oct. 23, 1944, and as currently amended.)

(h) *Petition for reconsideration.* Within five (5) days after receipt of a copy of the Administrator's determination and findings and conclusions, the alleged violator may file with the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., a petition for reconsideration of such determination. Such petition may be accompanied by any affidavits or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify, or reverse his original determination, or direct a further hearing to be held. Such further hearing

shall follow the procedure prescribed for the original hearing. (Issued Jan. 20, 1944, and as amended Oct. 23, 1944.)

§ 1107.9 *Effect of unlawful payments*—(a) *Amounts disregarded.* In any case where the Administrator determines, under the procedure set forth herein, that a wage or salary has been paid or has accrued in contravention of the act, or of these specific wage ceiling regulations and any supplement issued hereto and made a part hereof, the entire amount of the wage or salary paid or accrued or a lesser amount as certified by the Administrator, shall be disregarded by any executive department or other agency of the Federal Government, to which such certification is made, for the following purposes:

(1) Determining costs or expenses of the employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, as amended, or any maximum price regulation thereof.

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

A payment in contravention of the act, or of the regulations in this part and any supplement issued pursuant hereto, may be disregarded for more than one of the foregoing purposes and the determination made by the Administrator shall be conclusive in every respect on the executive departments and agencies of the Federal Government which receive such a certification. The Administrator is authorized, under § 4001.15 of the general regulations, as amended November 30, 1944 (9 F.R. 14547) to make such certification in the light of any extenuating circumstances found to be present in each case, and all other pertinent considerations. (Issued Jan. 20, 1944, and as currently amended.)

(b) *Criminal penalties.* Any person whether an employer or an employee, who wilfully violates any provision of these regulations and any supplement hereto issued by the Administrator, shall, upon conviction thereof, be subject to a fine of not more than \$1,000.00 or to imprisonment for not more than one year, or to both such fine and imprisonment. (Issued Jan. 20, 1944, and as currently amended.)

§ 1107.10 *Inspection of records.* Upon request of an authorized agent of the War Food Administrator, the Department of Agriculture, or a WFA Wage Board, any person, including an independent contractor, employing or paying agricultural labor performing services described in any supplement issued pursuant to the regulations in this part, shall make available for inspection and audit by such authorized agent all employment and wage records kept by such persons, such inspection and audit to be made at a place designated by such authorized agent, unless such person prefers to have the audit and inspection made at such person's place of business where such records are kept. (Amendment of July 8, 1944, and as currently amended.)

§ 1107.11 *Evasions.* The wage or salary limitations described in these specific wage ceiling regulations and any supplement issued pursuant hereto shall not be evaded either by direct or indirect methods in connection with any contract of hire, offer, solicitation, or agreement for the payment of any agricultural labor described in such supplement, or by payment, gift, or any other form of compensation to any such agricultural labor, such compensation including, but not limited to, wages, bonuses, gifts, perquisites, excessive transportation allowances, salaries, allowance of payment for not working, or payment for more volume or hours than those actually worked. Nor shall any person either singly or in conjunction with others pay any agricultural labor described in any supplement issued pursuant to these regulations any additional compensation of any kind whatsoever for performing work for which such employee is receiving or will receive wages or a salary if such additional compensation would have the effect of increasing the total compensation of such employee to more than is permitted by the terms of the supplement applicable to such agricultural labor. (Issued October 23, 1944, and as currently amended.)

Issued this 23d day of March 1945.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 45-4735; Filed, Mar. 24, 1945;
11:12 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices: Department of the Treasury

PART 137—SPECIAL REGULATIONS UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, AND EXECUTIVE ORDER NO. 9193

REPORTS RELATING TO PROPERTY IN FOREIGN COUNTRIES

MARCH 23, 1945.

Amendment to Special Regulation No. 1 requiring reports on Form TFR-500 by persons subject to the jurisdiction of the United States with respect to property in any foreign country.

Special Regulation No. 1 is hereby amended in the following respects:

1. Section 137.3 (b), shall read as follows:

§ 137.3 *Exemptions.* * * *

(b) Reports are not required from (1) any citizen of the United States in enemy or enemy-occupied territory: *Provided*, That reports shall be filed by such persons whenever they depart from such territory or, if they have not so departed, whenever United States consular services have been established in the territory within which they are present, or (2) any member of the armed forces of the United States serving outside the continental United States, regardless of the amount or kind of property otherwise reportable by any such person.

2. Section 137.4 (b), shall read as follows:

§ 137.4 *Filing.* * * *

(b) Reports by persons outside the United States who are subject to the jurisdiction of the United States shall be filed on or before December 1, 1943, with the United States Consul of the District wherein such person is then present, except that reports by persons who are in enemy or enemy-occupied territory on December 1, 1943 shall be filed on or before May 1, 1945, or within sixty days after the date when United States consular services have been established in the territory within which they are present, whichever is later. Persons required to report hereunder who have returned to the United States before the date on which they are required to report should file in the manner specified by paragraph (a) of this section.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; sec. 3, 56 Stat. 1078; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941 and July 26, 1941)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.
[F. R. Doc. 45-4728; Filed, Mar. 23, 1945;
4:43 p. m.]

[Public Circular 22, Amdt.]

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

REPORTS RELATING TO PROPERTY IN FOREIGN COUNTRIES

MARCH 23, 1945.

Amendment to Public Circular No. 22 under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Public Circular No. 22 is hereby amended in the following respects:

1. Section II-3-B shall read as follows:

B. *Certain persons exempted regardless of amount or kind of property.* Report need not be made by any person who is within any of the following categories on or after May 31, 1943, and who remains therein until December 1, 1943, regardless of the amount or kind of property otherwise reportable by such person: (1) citizens of the United States in enemy or enemy-occupied territory: *Provided*, That reports shall be filed by such persons whenever they depart from such territory or, if they have not so departed, whenever United States consular services have been established in the territory within which they are present; (2) members of the armed forces of the United States serving outside the continental United States; (3) officers or employees of foreign governments and

members of the immediate families of such persons, provided they are not citizens of the United States.

2. Section II-9-B shall read as follows:

B. Persons outside the United States. Reports by persons outside the United States who are subject to the jurisdiction of the United States shall be filed on or before December 1, 1943, with the United States Consul of the district wherein such person is then present, except that reports by persons who are in enemy or enemy-occupied territory on December 1, 1943 shall be filed on or before May 1, 1945, or within sixty days after the date when United States consular services have been established in the territory within which they are present, whichever is later. Persons who have returned to the United States before the date on which they are required to report should file in the manner specified in subdivision 9-A of this section.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941; Special Regulation No. 1, June 1, 1943)

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

[F. R. Doc. 45-4729; Filed, Mar. 23, 1945; 4:43 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

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

PART 1010—SUSPENSION ORDERS

[Suspension Order S-700, Stay of Execution]

HERRMAN LUMBER CO.

Jesse Herrman and Carrie M. Herrman, co-partners doing business as Herrman Lumber Company, have appealed from the provisions of Suspension Order No. S-700, issued February 10, 1945 and effective February 20, 1945, and have requested a stay on the ground that irreparable harm would be done their business if the suspension order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the suspension order be stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner. In view of the foregoing, it is hereby ordered, that:

The provisions of *Suspension Order No. S-700*, issued February 10, 1945 and effective February 20, 1945, are hereby stayed,

subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy.

Issued this 23d day of March 1945.

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

[F. R. Doc. 45-4726; Filed, Mar. 23, 1945; 4:35 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-733, Stay of Execution]

COLLINS CONCRETE AND STEEL PIPE CO.

Collins Concrete and Steel Pipe Company, an Oregon corporation, of Portland, Oregon, engaged in the business of manufacturing steel septic tanks, range boilers, electric hot water heaters, and in the dip galvanizing of sheet metal products is appealing from the provisions of Suspension Order No. S-733, issued March 10, 1945 and effective March 20, 1945, and has requested a stay on the ground that irreparable harm would be done its business if the suspension order were not stayed. The Chief Compliance Commissioner has directed that the provisions of Suspension Order No. S-733 be stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy. In view of the foregoing, it is hereby ordered, that:

The provisions of *Suspension Order No. S-733*, issued March 10, 1945 and effective March 20, 1945, are hereby stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy.

Issued this 23d day of March 1945.

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

[F. R. Doc. 45-4727; Filed, Mar. 23, 1945; 4:35 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-741]

R. E. ROGERS

R. E. Rogers of Seattle, Washington is a contractor and builder engaged in housing construction. In March, 1944, he began and carried on construction consisting of the conversion of an existing building into a frozen food locker plant and cold storage warehouse, at 500 Queen Ann Avenue, Seattle, at an estimated cost of \$4,000, without authorization from the War Production Board, in violation of Conservation Order L-41. In the course of such construction, he made an unauthorized application of AA-3 rating to a purchase order for lumber in violation of Priorities Regulation No. 3; and he accepted delivery of and used Douglas fir softwood lumber without au-

thorization from the War Production Board, in violation of Conservation Order M-208. R. E. Rogers was aware of the provisions of Conservation Order L-41, Priorities Regulation No. 3 and Conservation Order M-208, and his actions constituted willful violations of these orders. These violations have diverted critical materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.741 *Suspension Order No. S-741.*

(a) R. E. Rogers shall not for four months from the effective date of this order apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) Nothing contained in this order shall be deemed to relieve R. E. Rogers from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to R. E. Rogers, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) This order shall take effect on March 24, 1945.

Issued this 14th day of March 1945.

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

[F. R. Doc. 45-4737; Filed, Mar. 24, 1945; 11:17 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 67]

LIMITATIONS ON DELIVERIES OF HOT ROLLED PICKLED STEEL SHEETS OR STRIP TO DISTRIBUTORS

The following direction is issued pursuant to CMP Regulation 1:

(a) *Purpose and scope of this direction.* In the interest of maximum wartime production of prime hot rolled sheet and strip steel, it is necessary to relieve producers during the second quarter of 1945 of any special processing operations on distributors' orders which can be performed by other than steel producers. The terms of this direction apply only to orders for hot rolled pickled sheets or strip accepted from distributors which will be filled from prime scheduled rollings during the second quarter of 1945, and to orders for mill accumulations of prime or rejected hot rolled steel sheets or strip to be specially processed by the producer, including pickling, if such material is accumulated or rejected in the plain hot rolled state. They do not apply to orders accepted from distributors calling for second quarter delivery of mill accumulations or rejected material which require no further processing.

(b) *Restrictions on deliveries to distributors.* Pursuant to paragraph (t) of CMP Regulation No. 1, each producer of hot rolled pickled sheets or hot rolled pickled strip who has accepted orders for these products from any distributor for production during the second quarter of 1945 shall produce no more pickled sheets or strip on each such order than 50% of the pickled tonnage originally specified by the distributor. Not more than 40% of the total tonnage of pickled sheets and strip which a producer is permitted by this direction to produce for all distributors during the second quarter of 1945 shall be scheduled for production during any month of such quarter.

(c) *Instructions as to orders already accepted.* Each producer of hot rolled pickled sheets or strip shall notify each distributor from whom he has accepted orders for pickled material for production during the second quarter of 1945 concerning the terms of this direction. Each distributor shall, within 10 days from the date of such a notice, submit revised specifications for plain hot rolled sheets or strip, or his orders shall be considered cancelled to the extent necessary to comply with the terms of this direction.

(d) After the date of this direction, no producer shall accept any order for hot rolled pickled sheets or strip from a distributor for distributor stock for delivery in the second quarter of 1945.

(e) *Expiration date.* Unless sooner revoked this direction shall expire June 30, 1945.

Issued this 24th day of March 1945.

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

[F. R. Doc. 45-4790; Filed, Mar. 26, 1945;
10:06 a. m.]

**PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN**
[CMP Reg. 1, Interpretation 26]

**ORDERS FOR CONTROLLED MATERIAL TO FILL
HIGHER RATED ORDERS**

The following interpretation is issued with respect to CMP Regulation 1:

(a) Where a Class B product manufacturer has not received a sufficient allotment to fill all rated orders, or where his allotment is subsequently reduced so that he is unable to fill all rated orders, he must use his allotment to get the amount and kind of controlled material required to fill his higher rated orders.

(b) For example: The manufacturer of ball bearings is given an allotment of 1,000 tons of alloy steel. He proposes to use 500 tons of this allotment to get one kind of alloy steel required for AA-1 rated orders, and the other 500 tons to get other alloy steel required for low rated orders. Subsequently, 500 tons of his allotment is cancelled. In cancelling outstanding authorized controlled material orders (or placing further authorized controlled material orders), he must order only the kind of alloy steel required for his high rated orders, and may not order any of the other alloy until he obtains sufficient quantities of the alloy needed to fill his high rated orders.

Issued this 24th day of March 1945.

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

[F. R. Doc. 45-4789; Filed, Mar. 26, 1945;
10:06 a. m.]

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

[General Conservation Order M-317, Direction 9, as Amended Mar. 24, 1945]

**RESTRICTIONS ON SALE AND DELIVERY OF
CERTAIN CARDED COTTON SALE YARN IN
COUNTS OF 20'S AND COARSER AND ON USE
OF ALL CARDED COTTON YARN AND ROVING
IN COUNTS OF 20'S AND COARSER**

Direction 9 to Order M-317 is hereby amended to read as follows:

(a) *Purpose.* This direction is issued to provide cotton duck and duck substitutes for the programmed requirements of the armed services and essential civilian needs.

(b) *Restriction on delivery.* This paragraph restricts deliveries of those carded cotton sale yarns (excluding seconds) produced under paragraph (d) (1) or (d) (2) of Order M-317 which are of such descriptions and counts as to fall within Group No. 1 or 3 of the Sale Yarn Production Schedule of that order (carded single or ply yarns, other than machine knitting, 20's & coarser). From March 24, 1945 through June 30, 1945, and regardless of preference rated orders, no person who produces any of those yarns shall sell or deliver any of them except:

(1) To fill an order bearing a preference rating assigned on Form WPB-2842, or

(2) To make delivery before May 1, 1945, on an order placed before March 29, 1945, which order must be either:

(i) A direct order of the Army, Navy, Maritime Commission or War Shipping Administration, or

(ii) A rated order bearing a purchaser's certification substantially as follows: "This yarn will be used to fill Contract No. _____ (insert number) of the _____ (Army, Navy, Maritime Commission or War Shipping Administration)".

(c) *Restriction on acceptance of delivery.* No person shall buy or accept delivery of any carded cotton sale yarn in counts of 20's or coarser, if he knows or has reason to believe that it is being sold or delivered in violation of paragraph (b) of this direction.

(d) *Applications on Form WPB-2842.* Applications made on Form WPB-2842 will be granted only for deliveries of yarn in proper amounts, descriptions and counts to or for the governmental agencies named in paragraph (b) (2) (1), and to others only when it appears that the programmed requirements of the armed services will not be interfered with and it is shown that the yarn is needed for an essential industrial, agricultural or other civilian purpose.

(e) *Restriction on use.* The restriction of this paragraph affects all carded cotton yarns and rovings of all descriptions which are in counts of 20's or coarser. The general rule is that no person shall incorporate any carded cotton yarns or rovings in counts of 20's or coarser into any tufted, shag or chenille fabrics or products. However, a producer of these fabrics or products may be able to use for a limited period of time some of his carded cotton yarns or rovings in counts of 20's or coarser which he produced before January 15, 1945, or which were delivered to him or for his account before that date. If he has offered any such yarn or rovings to the Army Quartermaster Depot, Philadelphia, Pennsylvania, or to the Office of the Quartermaster General, Washington, D. C., and before March 24, 1945 has received from that depot or from that office written refusal of any of them, he may use the refused yarns or rovings for incorporation into tufted, shag or chenille fabrics or products through May 8, 1945. If he has offered or offers any such yarns or rovings to that depot or to that office (beginning March 24, 1945 offers must

be made only to the Army Quartermaster Depot, Philadelphia, Pennsylvania) and on or after March 24, 1945 receives from that depot or from that office written refusal of any of them, he may use the refused yarns or rovings for such purposes for a period of 45 days immediately following his receipt of notice of refusal. If he has offered or offers any such yarns or rovings to that depot or to that office and after a period of 45 days from the date of offer he has not received notice of acceptance or refusal, he may appeal to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., for permission to use those particular yarns or rovings for 45 days.

Issued this 24th day of March 1945.

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

[F. R. Doc. 45-4788; Filed, Mar. 26, 1945;
10:06 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L-190, as Amended Mar. 24, 1945]

SCALES, BALANCES AND WEIGHTS

The fulfillment of requirements for the defense of the United States has created a shortage in the materials used in the manufacture of scales, balances and weights 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:

§ 3302.21 *Limitation Order L-190—*
(a) *Definitions.* For the purpose of this order:

(1) "Scales" means devices used for weighing persons or materials, or for grading, classifying, counting or evaluating materials in terms of weight, or the measuring of forces expressed in terms of weight. The term includes scales, balances, attachments, weights, automatic indicating elements such as, but not restricted to dials, weightographs, and automatic printers.

(2) "Weights" means objects of established weight used in connection with the operation of scales and necessary to operation or testing.

(3) "Scales for household use" includes all scales commonly used for household purposes except baby weighing, nursery or dietetic scales.

(4) "New" scales are all scales other than those which have been used, or sold, rented or lent for the purpose of being used; except that scales which have been used solely for demonstration, trial loans or emergency repair loans are "new" scales.

(5) "Class A scales" means coin-operated person weighing scales, spring type scales equipped with postal charts and having a retail list price of \$5.00 or less, and scales for household use, including bathroom and kitchen scales. (Formerly Class I).

(6) "Class B scales" means: Person weighing scales for clinical use and baby weighing or nursery scales (Formerly Class II); mailing and parcel post scales,

except spring type scales equipped with postal charts and having a retail list price of \$5.00 or less (Formerly Class III); egg grading scales, milk scales, cotton beam scales, cotton spring scales, and grain sampling, grading and testing scales (Formerly Class V); and dietetic scales, graduated in the metric system for personal use by a person whose diet is regulated by a licensed physician, and prescription scales as used by prescription druggists (Formerly Class VI).

(7) "Class C scales" means cylinder type scales, fan type scales, hanging scales, and even-balance scales of the kinds, sizes and models commonly used in making sales of merchandise direct to ultimate consumers (Formerly Class VII).

(8) "Class D scales" means all scales other than those in Class A, Class B, or Class C (Formerly Class IV).

(b) Restrictions on production. (1) No person shall fabricate or assemble new Class A scales.

(2) No person shall fabricate or assemble any new Class B scales, except as authorized in writing by the War Production Board. Applications to produce this class of scales should be made for a total amount on Form CMP-4B addressed to the nearest field office of the War Production Board in cases where that office has processed previous applications; otherwise to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-190. In processing these applications, the War Production Board will be guided by the policy that the total production of the entire industry must not exceed the approved War Production Board program for scales, and that the production in any one plant, or labor requirements therefor, must not interfere with war production in that plant or in any other plant.

(3) No person shall fabricate or assemble during any calendar year a total dollar value of new Class C scales in excess of two-fifths of the total dollar value of such scales billed by him to customers during the calendar year 1941.

(4) No person engaged in the manufacture of scales shall maintain an inventory of new scales in Class D in excess of ten percent of the total number of such scales billed by him to his customers during the calendar year 1941.

(5) Any person who did not fabricate or assemble scales during 1941 may apply for permission to do so by letter to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-190. This letter should state what scales he wants to make and what facilities he has for this purpose. A base rate of production will be assigned on an equitable basis in view of the base rates of other persons in the industry. Materials will be allocated to the extent available, with the view of permitting production where this will not require materials, facilities, or labor needed for war purposes and will not otherwise adversely affect or interfere with production for war purposes.

(6) The restrictions of this paragraph shall not apply to the fabrication or assembly of repair or replacement parts.

(c) Restrictions on delivery of Class D scales. (1) Except as indicated in paragraph (c) (5), no manufacturer or dealer shall sell any new Class D scales except to fill orders approved by the War Production Board on Form WPB-1319, on Form GA-1456 or on Form WPB-2774.

(2) When a person requests Class D scales on construction application Form WPB-617, approval will be granted on Form GA-1456. Purchase orders approved for delivery on Form GA-1456 should be accompanied by the following certification (in addition to the certification in Priorities Regulation 3):

Delivery approved on Form GA-1456 under Direction 1 to CMP Regulation No. 6.

When a utility operator or producer has received approval on Form WPB-2774 to commence construction, purchase orders for Class D scales pursuant to such authorization should be accompanied by the following certification (in addition to the certification in Priorities Regulation 3):

Delivery authorized on Form WPB-2774.
OWU serial number -----

(3) Applications for Class D scales when construction is not involved should be made on Form WPB-1319, and sent to the nearest field office of the War Production Board, Ref: L-190. Purchase orders approved for delivery on this form should be accompanied by the following certification (in addition to the certification in Priorities Regulation 3):

Approved under Order L-190 on Form WPB-1319. Case Number -----

(4) The person receiving a certification shall be entitled to rely on the representation unless he knows or has reason to believe it to be false.

(5) The restrictions of this paragraph (c) shall not apply:

(i) To scales having a retail sales value of less than \$50.00;

(ii) To scales which are delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L-144; or

(iii) To the sale or delivery of new scales by a manufacturer to a dealer in the United States, its territories or insular possessions for resale by the dealer.

(6) There are no restrictions on the delivery of Class A, B or C scales.

(7) The War Production Board, in approving applications for permission to accept delivery of scales, may assign ratings in cases of emergency when the equipment is required (i) to prevent a delay in production or construction which has been rated AA-1, or (ii) because a suspension of operations has occurred or is imminent and where immediate replacement is necessary, for the prosecution of the war, the protection of public health, or the maintenance of essential civilian production, provided that the suspension of operations which has occurred or is imminent has resulted from an ac-

tual or imminent breakdown, the wearing out beyond economical repair of a given unit or units of equipment, or damage beyond economical repair to equipment by fire, flood, tornado, earthquake, Act of God, or public enemy.

(d) Restrictions on types, sizes and materials. (1) No manufacturer shall fabricate or assemble scales equipped with pans, scoops or commodity receivers of copper or copper base alloy.

(2) No manufacturer shall fabricate weights of copper or copper base alloy if such weights are of denominations of 20 grams (metric) or 1/2 ounce (avoirdupois) and over. This restriction does not apply to weights of Classes A, B, M, S and S2 as defined and recognized by the National Bureau of Standards.

(e) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, orders for Class D scales must be certified in accordance with paragraph (c) of this order, as well as in accordance with the requirements of that regulation.

(f) Reports. Each manufacturer of scales must report on Form WPB-3495 monthly in accordance with the instructions thereon.

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

(h) Exceptions and appeals—(1) Production under Priorities Regulation 25. Any person who wants to fabricate or assemble more scales than he is permitted under the provision of paragraphs (b) (1), (b) (2) and (b) (3) shall apply for permission to do so as explained in Priorities Regulation 25. The delivery restrictions of paragraph (c) apply to fabrication or assembly of all Class D scales authorized under Priorities Regulation 25.

(2) Appeals. Any appeal from the provisions of this order other than those included in paragraphs (b) (1), (b) (2) and (b) (3) shall be made by filing a letter in triplicate with the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-190, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) Communications. All reports to be filed hereunder, or communications concerning this order, unless otherwise directed, should be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-190.

(j) Bureau of the Budget approval. All forms used and reporting require-

ments have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of March 1945.

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

NOTE: Schedules to Limitation Order L-190 were revoked November 20, 1944.

[F. R. Doc. 45-4791; Filed, Mar. 26, 1945; 10:06 a. m.]

PART 933—COPPER

[Conservation Order M-9-c, as Amended Mar. 10, 1945, Amdt. 1]

Section 933.4 *Conservation Order M-9-c* is hereby amended by adding to the item "Slide fastener interlocking elements. . . ." on the Military Exemption List, the following:

(iii) Snap fasteners of the sew-on, machine-attached or riveted types.

Issued this 26th day of March 1945.

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

[F. R. Doc. 45-4798; Filed, Mar. 26, 1945; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-701, Further Stay of Execution]

STANDARD TRUNK AND SUITCASE CO.

Standard Trunk and Suitcase Company, a partnership composed of Max Sherman and Marvin Sherman, located at 1242 South Flower Street, Los Angeles, California has appealed from the provisions of Suspension Order No. S-701, issued February 2, 1945 and has requested a stay on the ground that irreparable harm will be done its business. On February 20, 1945, the Chief Compliance Commissioner directed by a stay of execution that the respondent be relieved from the restrictions of the suspension order insofar as luggage produced for military orders, Post Exchanges and Ships' Service Stores is concerned.

The Chief Compliance Commissioner has further considered the request for a stay and has directed that the respondent be relieved from all restrictions of the suspension order, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy. In view of the foregoing, it is hereby ordered, that:

The provisions of *Suspension Order No. S-701*, issued February 2, 1945, are hereby stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner or his Deputy.

Issued this 24th day of March 1945.

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

[F. R. Doc. 45-4781; Filed, Mar. 24, 1945; 4:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-712, Reinstatement and Modification]

BUZZELL ELECTRIC WORKS

F. W. Buzzell the owner of a contracting and maintenance firm doing business under the trade name and style of Buzzell Electric Works located at 130 8th Street, San Francisco, California was suspended on February 14, 1945, by Suspension Order No. S-712. The firm appealed from the provisions of the suspension order and, pending final determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on February 16, 1945. The Chief Compliance Commissioner has considered the matter and as a result has directed that the stay be revoked and that the suspension be reinstated and modified. In view of the foregoing, it is hereby ordered that: § 1010.712 *Suspension Order No. S-712* issued February 7, 1945 and effective February 14, 1945, be and hereby is reinstated; the stay of execution directed by the Chief Compliance Commissioner be and hereby is revoked; and that paragraph (a) of the suspension order be modified by adding the following:

unless specifically authorized in writing by the Regional Director of the San Francisco, California, Regional Office of the War Production Board, and specific authority to act on applications for exceptions is hereby delegated to the Regional Director of the San Francisco Regional Office.

And that paragraph (e) shall be amended to read as follows:

(e) This order shall take effect on March 24, 1945, and shall expire on June 21, 1945.

Issued this 24th day of March 1945.

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

[F. R. Doc. 45-4786; Filed, Mar. 24, 1945; 11:17 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, as Amended Mar. 24, 1945]

NEWSPAPERS

Scope

(a) The purpose of this order.

Definitions and Explanations

- (b) Newspaper.
- (c) Camp papers and free distribution publications.
- (d) Publisher.
- (e) Print paper.
- (f) Use.
- (g) Net paid circulation.
- (h) Inventory.
- (i) Transfer of quotas.

Consumption Quota

- (j) Allowable consumption.
- (k) Computation of consumption quota.
- (l) Carry-over.
- (m) Consumption quotas for certain types of newspapers.
- (n) Allotment to Army and Navy.

Delivery Quota

- (o) Computation of delivery quota.
- (p) Exceptions.
- (q) Certification.
- (r) Copies of orders.
- (s) Inter-company transfers.

Miscellaneous Provisions

- (t) Loans of print paper.
- (u) Applicability of regulations.
- (v) Appeals.
- (w) Communications to the War Production Board.
- (x) Violations.

Scope

§ 3133.6 *Limitation Order L-240*—(a) *The purpose of this order.* This order does two things: First, it limits the tonnage of print paper which may be used by a publisher in printing a newspaper. This is called his "consumption quota". Second, it limits the tonnage of print paper which may be ordered or accepted by a newspaper publisher. This is called his "delivery quota". A publisher's consumption quota is on a quarterly basis and his delivery quota is on a monthly basis.

Definitions and Explanations

(b) *Newspaper.* "Newspaper" means any publication generally recognized as a newspaper in the newspaper industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a newspaper or delivered together with it.

Where two or more newspapers are published by the same publisher, whether in the same city or in different cities, each newspaper shall operate under a separate consumption quota and a separate delivery quota. In computing his consumption quota a publisher must make separate calculations for morning, evening and Sunday editions, but these figures must be consolidated into a single consumption quota for each newspaper, in accordance with the instructions contained in paragraph (k).

However, morning, evening, Sunday and other editions of the same newspaper shall operate under a single consumption quota and a single delivery quota.

In determining whether a publisher issues separate newspapers or separate editions of the same newspaper, the number and form of the reports filed by the publisher with the Audit Bureau of Circulations in 1941 will be controlling, in the absence of special circumstances. Thus, if a publisher in 1941 filed consolidated statements with the Audit Bureau of Circulations covering morning, evening and Sunday issues, even if these issues had different names, different formats and different staffs, they will ordinarily be considered as a single newspaper for the purposes of this order. If a publisher in 1941 filed separate statements with the Audit Bureau of Circulations covering his morning, evening, Sunday and other publications, they will ordinarily be considered as separate newspapers for the purposes of this order.

The term "newspaper", as used in this order, does not include "servicemen's", "overseas", "pony", or other condensed

editions of newspapers which (1) are printed by the Army or Navy outside the continental United States on print paper procured by the Army or Navy, and (2) are distributed exclusively to United States Armed Forces personnel outside the continental United States. A publisher need not deduct from his consumption quota the print paper used in such editions, even though he supplies to the Army or Navy the print paper, the editorial material, and the mats or plates.

If a publisher is uncertain as to whether or not his publication is a newspaper as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion. Such a determination, issued to the publisher in the name of the Recording Secretary of the War Production Board, shall be conclusive for the purposes of this order, unless revoked or modified by the same authority.

(c) *Camp papers and free distribution publications.* Army or Navy camp, post, station or unit "newspapers" or news sheets generally are not recognized as newspapers in the newspaper industry. They are covered by Order L-241 (commercial printing). Shopping guides, want ad periodicals and publications in newspaper format distributed free or at nominal cost also are not recognized as newspapers within the meaning of this order and are governed by Order L-241, Schedule II. If a publisher issued a free distribution newspaper in 1941, his consumption quota shall be determined in accordance with Schedule II to Order L-241 and that order shall govern even if the circulation of the publication has subsequently been changed in whole or in part to a net paid basis.

(d) *Publisher.* "Publisher" means a person who publishes a newspaper, including an individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(e) *Print paper.* "Print paper" means any grade, quality, type or basis weight of paper used in publishing a newspaper. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber. It also includes roll wrappers, newsprint used as wrappers, identification sheets and labels for newspapers, and production waste, whether or not this waste is subsequently salvaged for other uses.

(f) *Use.* All production waste shall be included in the tonnage of print paper "used" in printing a newspaper. Transit damage shall not be included in a publisher's "use" of print paper. A publisher may determine the dates on which paper is "used" under this order either on the basis of the dates when the paper is actually printed or the dates appearing on the respective issues of the newspaper, provided he continues to use the same method which he used in computing his 1941 base tonnages.

(g) *Net paid circulation.* "Net paid circulation" means the number of copies of a newspaper which have been sold (exclusive of bulk sales), as audited by the Audit Bureau of Circulations or (in the case of newspapers which are not members of the Audit Bureau of Circulations) as verified in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(h) *Inventory.* "Inventory" means all the print paper which is owned by a publisher or is available for his use. It includes the print paper which he has on hand, in storage, and in transit, and paper held for his use by a paper merchant, warehouseman or other person, regardless of its physical location. However, it does not include print paper shipped by water and held in warehouse by a paper manufacturer or merchant as part of the inventory of the manufacturer or merchant; such paper does not become part of a publisher's inventory until it is delivered to him.

(i) *Transfer of quotas—(1) Quotas established by different orders.* Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a newspaper any part of a consumption quota established under Orders L-241 (commercial printing), L-244 (magazines) or L-245 (books) and he may not permit any part of his consumption quota established under this order to be used for commercial printing, magazines or books. If a newspaper publisher also conducts a job printing business, he must keep these two operations separate for quota purposes. The amount of print paper which he is permitted to consume and the amount which he is permitted to order or accept for the publication of his newspaper is limited by this order. The amount of print paper which he is permitted to consume and the amount which he is permitted to accept for his commercial printing business is limited by Order L-241.

(2) *Transfer of quotas to different persons.* The rules governing the assignability of quotas are set forth in Priorities Regulation 7a.

Consumption Quota

(j) *Allowable consumption.* In the first quarter of 1944, and in each calendar quarter after that, no publisher may use or cause to be used, in the publication of a newspaper, print paper in excess of:

(1) His quarterly consumption quota, which shall be computed in accordance with the instructions set forth in paragraph (k) or (m) plus

(2) Any less-than-quota savings carried over from previous calendar quarters, as provided in paragraph (l), plus

(3) Ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(k) *Computation of consumption quota—(1) Base tonnages.* Ascertain, separately, the tonnage of print paper comprising the net paid circulation of morning, evening, Sunday or other issues of the newspaper in the corresponding quarter of 1941. Add 3 per cent to each

figure. (This 3 per cent is an arbitrary allowance to compensate for production waste and should be added whether the actual production waste in 1941 was greater or less than 3 per cent). These are the "base tonnages" for morning, evening, Sunday or other issues of the newspaper, which shall be adjusted in accordance with instructions 2, 3, and 4.

(2) *Circulation increase.* Ascertain, separately, the percentage increase or decrease in average net paid circulation of morning, evening, Sunday or other issues of the newspaper in the calendar year 1942 as compared with the calendar year 1941. (The average net paid circulation for each year shall be determined by adding together the average net paid circulation for each of the four quarters of the year and dividing by four).

(3) *Tonnage equivalent of circulation increase.* Apply, separately, the respective percentages of circulation increase or decrease determined under instruction number 2 to the respective base tonnages determined under instruction number 1 for morning, evening, Sunday or other issues of the newspaper.

(4) *Adjustment of base tonnages.* Adjust the respective base tonnages determined under instruction number 1 by adding or subtracting the number of tons represented by the percentage circulation gain or loss determined under instruction number 3.

(5) *Total adjusted base tonnage.* Total the respective base tonnages for morning, evening, Sunday or other issues of the newspaper determined under instruction number 1. Total the respective adjusted base tonnages for morning, evening, Sunday, or other issues of the newspaper determined under instruction number 4. The larger of these two totals is the publisher's "total adjusted base tonnage" from which the required reductions shall be applied.

(6) *Sliding scale of reductions.* Reduce the total adjusted base tonnage by the following sliding scale of percentage cuts:

(i) Deduct 4% of the amount over 25 tons but not over 125 tons.

(ii) Deduct 8% of the amount over 125 tons but not over 250 tons.

(iii) Deduct 12% of the amount over 250 tons but not over 500 tons.

(iv) Deduct 20% of the amount over 500 tons but not over 1000 tons.

(v) Deduct 24% of the amount over 1000 tons.

(7) *Consumption quota.* The balance remaining after subtraction of the above reductions from the total adjusted base tonnage determined under instruction number 5 is the publisher's consumption quota for the quarter.

(8) *Adjustment for print paper lighter than 32-pound basis weight.* Beginning July 1, 1944, if a publisher orders print paper lighter than 32-pound basis weight, his consumption quota for the current calendar quarter shall be reduced proportionately as follows: First, determine the percentage by which 32-pound paper exceeds such lighter paper in weight. Second, multiply the tonnage of lighter paper so ordered by this percentage. Third, subtract the result from the publisher's consumption quota. For example, if a publisher has a consumption

quota of 200 tons and orders 100 tons of 30-pound basis weight paper, his consumption quota shall be reduced by 6 $\frac{2}{3}$ tons, since 32-pound paper is 6 $\frac{2}{3}$ % heavier than 30-pound paper.

(9) *Borrowing for 14th Sunday.* Inasmuch as there are 14 Sundays in the fourth quarter of 1944 and only 12 in the first quarter of 1945 the publisher of a Sunday newspaper may deduct the tonnage of print paper consumed in his December 31, 1944 issue from his first quarter 1945 consumption quota rather than his fourth quarter 1944 consumption quota.

(l) *Carry-over.* If a publisher uses less print paper than he is permitted to use in the fourth quarter of 1943, or in any calendar quarter after that, he may add this tonnage to his consumption quota but not to his delivery quota, in any succeeding quarter. This paragraph does not apply to the print paper which a publisher is permitted to use under paragraph (m) (2).

(m) *Consumption quotas for certain types of newspapers.* Excepted from the provisions of paragraph (k) are certain types of newspapers described in this paragraph (m), whose consumption quotas shall be computed as follows:

(1) *Special types of newspapers.* Any newspaper containing the equivalent of 8 standard-size pages or less which is authorized to be admitted to the mails as second-class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39, U. S. C., sec. 229) pertaining to the publications of benevolent, fraternal, trades-union, professional, literary, historical, and scientific organizations and societies shall have a consumption quota of print paper in any calendar quarter equal to either:

(i) Its quarterly consumption of print paper in any one of the first three calendar quarters of 1944; or

(ii) Its consumption of print paper in the corresponding calendar quarter of 1943. If the publisher selects this latter method in any calendar quarter, he may increase his consumption quota in that quarter by that percentage by which the average number of copies per issue in the third quarter of 1944 exceeds the average number of copies per issue in the corresponding calendar quarter of 1943. For example, if a newspaper's consumption of print paper in the first quarter of 1943 was 5 tons with an average press-run in that quarter of 5,000 copies per issue, and its average press-run in the third quarter of 1944 was 6,250 copies per issue, his consumption quota for the first calendar quarter of 1945 is 6 $\frac{1}{4}$ tons.

(2) *Small newspapers.* Any person may use or cause to be used in the publication of a newspaper during any calendar quarter a tonnage of print paper equal to 1 $\frac{1}{4}$ tons multiplied by the number of days per week on which the newspaper is published. For example, any person may use 1 $\frac{1}{4}$ tons of print paper per calendar quarter for the publication of a weekly newspaper, 2 $\frac{1}{2}$ tons per calendar quarter for the publication of a semi-weekly newspaper, etc. It makes no difference whether he used that much paper, or any paper, in the publication

of a newspaper during any previous period.

(3) *Other newspapers using less than 25 tons per quarter.* If, prior to October 1, 1944, a publisher used less than 25 tons of print paper per calendar quarter for civilian readers (whether or not he used additional paper for military readers), his total quarterly consumption quota for all types of readers shall be computed as follows:

(i) Ascertain the total number of copies of all issues printed in each of the seven calendar quarters between January 1, 1943 and September 30, 1944.

(ii) Ascertain the average number of pages per issue printed in each of the seven calendar quarters between January 1, 1943 and September 30, 1944.

(iii) Multiply the highest quarterly figure determined under subdivision (i) by the highest quarterly figure determined under subdivision (ii). The weight of paper required to produce this number of pages is the publisher's quarterly consumption quota; *Provided, however,* That if this figure is in excess of 25 tons, the publisher shall be limited to 25 tons per quarter plus the tonnage in excess of 25 tons which he used for military circulation in the third quarter of 1944.

(n) *Allotment to Army and Navy.* (1) The War Production Board may from time to time allot to the Army and the Navy a specified tonnage of paper to be consumed in printing "servicemen's", "overseas", "pony", or other condensed editions of newspapers which will be furnished to United States Armed Forces personnel overseas.

(2) From this allotment the Army and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in such editions acquired by the Army and the Navy for distribution outside the continental limits of the United States. This allotment does not cover purchases of newspapers by military exchanges or service departments as defined in Priorities Regulation 17 for distribution within the continental limits of the United States. All newspapers sold to the military shall be charged against the publisher's consumption quota unless the publisher has received a specific grant from the Army or the Navy pursuant to this paragraph.

Delivery Quota

(o) *Computation of delivery quota.* In April 1945, and in each calendar month after that, no publisher may order or accept delivery of print paper in excess of his monthly delivery quota, which shall be computed in accordance with the following instructions:

(1) *Monthly base.* Total the publisher's consumption quotas for the first and second quarters of 1945 and add the ex-quota tonnage, if any, which may have been granted on appeal for the first quarter of 1945. Divide by 6. Add $\frac{1}{2}$ of the ex-quota tonnage, if any, which may have been granted on appeal for the second quarter of 1945. (Do not add any

carry-over from preceding quarters.) Subtract 6%.

(2) *Inventory ceiling.* The above amount shall be reduced accordingly if a publisher's inventory is, or by virtue of such order or acceptance will become, on June 30, 1945, greater than: (i) 40 days' supply for publishers in the states named in List A, (ii) 65 days' supply for publishers in the states named in List B, or (iii) 60 tons for publishers who would be limited to a smaller amount by subdivision (i) or (ii) above.

List A

Connecticut.	Nebraska.
District of Columbia.	New Hampshire.
Delaware.	New Jersey.
Illinois.	New York.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	South Dakota.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	

List B

Alabama.	Nevada.
Arizona.	New Mexico.
Arkansas.	North Carolina.
California.	Oklahoma.
Colorado.	Oregon.
Florida.	South Carolina.
Georgia.	Tennessee.
Idaho.	Texas.
Louisiana.	Utah.
Montana.	Washington.
Mississippi.	Wyoming.

(3) *Exclusions.* In computing the maximum tonnage which a publisher may have in his inventory, he shall exclude any less-than-quota savings under his consumption quota carried over from previous quarters. He shall also exclude print paper which he has received by Great Lakes or coastal water-borne shipments; provided on May 1 of any calendar year he shall have on hand or available for use not more than (i) a 40 days' supply if he is located in one of the states named on List A above, or (ii) more than a 65 days' supply if he is located in one of the states named in List B above and provided further that no publisher may order or accept delivery of a total amount of print paper by water, rail or otherwise in any calendar year (including both the open and closed navigation seasons) in excess of his delivery quota for that calendar year.

(4) *Computation of rate of consumption.* The number of days' supply shall be computed at the average daily rate of allowable consumption for the first six months of 1944.

(5) *Fractional carloads.* If a publisher's delivery quota for any month is less than one carload, he may nevertheless order and accept, in that month, up to one full carload. If a publisher's delivery quota for any month is a whole number of carloads plus a fraction of another carload, the fraction may be added to his delivery quota for any succeeding month.

(6) *Transit damage.* If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable in publishing his newspaper, whether this

occurs while the paper is in transit or after it has reached its destination, the publisher may increase his delivery quota (but not his consumption quota) in the same or any subsequent month by an amount sufficient to replace such paper. It is immaterial whether or not the publisher is reimbursed for the destroyed or damaged paper by the shipper, the carrier, or an insurance company. It is also immaterial whether or not the publisher salvages all or part of the damaged paper for use other than in publishing his newspaper.

(7) *Report on transit damage.* Any publisher who increases his delivery quota to replace destroyed or damaged print paper in accordance with subparagraph 6 above shall, within 15 days after placing the order for such replacement, file a letter with the War Production Board stating the number of tons comprising the publisher's delivery quota for that month, the number of tons destroyed or damaged, the manner in which such print paper was rendered unfit for use in publishing his newspaper, and the number of tons ordered in excess of his delivery quota. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(p) *Exceptions.* Permission to order or accept delivery of print paper in excess of the tonnage allowed under paragraph (o) may be granted by the War Production Board upon a written request for specific authorization stating the number of tons and the number of days' supply of print paper which the publisher has in inventory, the number of tons comprising his delivery quota, the number of additional tons he desires to order and accept, and the reasons why the denial of the request would create undue hardship.

(q) *Certification.* On and after December 24, 1943, each order by a publisher for delivery of print paper shall contain substantially the following certification, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, and to receive the item(s) ordered for the purpose for which ordered.

No person may deliver print paper to a publisher except upon a delivery order which bears the above certification.

(r) *Copies of orders.* On and after March 1, 1944, the publisher of every newspaper which consumes 25 tons of print paper or more in any calendar quarter shall file with the War Production Board copies of all orders for the delivery of print paper placed by him or for his account. Such copies must be mailed within three days after the orders are placed. On or before March 15, 1944, every such publisher shall mail to the War Production Board copies of all orders for the delivery of print paper placed by him or for his account since

January 1, 1944. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(s) *Intra-company transfers.* The foregoing restrictions apply not only to deliveries from one person to another, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Miscellaneous Provisions

(t) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported to the War Production Board by letter within 15 days after the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(u) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(v) *Appeals.* Any appeal from the provisions of this order shall be made in accordance with Supplement 1 to the order. Regardless of the provisions of Priorities Regulation 16 no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany any appeal.

(w) *Communications to the War Production Board.* All reports required to be filed hereunder, requests for specific authorization, appeals and other communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240.

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

Issued this 24th day of March 1945.

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

INTERPRETATION 1: Revoked Dec. 24, 1943.

INTERPRETATION 2: Revoked Dec. 24, 1943.

INTERPRETATION 3: Revoked Dec. 24, 1943.

INTERPRETATION 4

TRANSIT DAMAGE

Paragraph (f) of Order L-240 states in part: "Transit damage shall not be included in a publisher's 'use' of print paper." This provision which was inserted in the order on December 24, 1943, merely explained, and did not change, the existing rule.

At all times since the issuance of Order L-240 on December 31, 1942, a publisher has been obliged to charge against his consumption quota only the print paper which was actually "used" in publishing his newspaper;

print paper which was destroyed or damaged in transit need not be charged against the publisher's consumption quota to the extent that such print paper was rendered unusable in the publication of his newspaper. However, at all times since the issuance of Order L-240 on December 31, 1942, production waste has been included in the tonnage of print paper which is "used" in publishing a newspaper. (Issued Oct. 30, 1944.)

[F. R. Doc. 45-4782; Filed, Mar. 24, 1945; 4:33 p. m.]

PART 3270—CONTAINERS

[Order M-290, Direction 2 as Amended
Mar. 26, 1945]

USE OF SOLID FIBRE CONTAINER PRODUCTION EQUIPMENT

The following amended direction is issued pursuant to Order M-290:

(a) *Purpose.* This direction is issued in order to insure timely production of the items listed in Schedule A and to reduce the current excessive backlog of orders for these items.

(b) *Restrictions on use of solid fibre container production equipment.* Unless authorized in writing to do so by the War Production Board, in accordance with paragraph (f) below, no person shall use solid fibre container production equipment to fill any order except a preferred order. A preferred order is an order for any item listed in Schedule A which, in the case of all items except V-boxes and W-boxes bears the certificate set forth in paragraph (g).

(c) *Use of solid fibre container production equipment to produce preferred orders.* All persons are directed to use all of their solid fibre container production equipment to the fullest extent to fill all preferred orders which they may have on hand at any time, regardless of the preference ratings on other orders for solid fibre containers which they may then have on hand.

(d) *Scheduling of solid fibre container orders on which specifications are changed.* If a person has unfilled rated orders for solid fibre containers other than preferred orders, and the specifications on them are changed to call for corrugated rather than solid fibre containers, he shall not treat them as new orders, but as orders received on the date the original rated order for solid fibre containers was received.

(e) *Applicability of regulations.* All applicable provisions of the regulations of the War Production Board as amended from time to time remain fully applicable to the production of solid and corrugated fibre containers except as they are specifically modified by this direction.

(f) *Authorizations to produce other than preferred orders.* Application for authorization to use solid fibre container production equipment for other than preferred orders may be made by letter, stating the tonnage involved in such orders, addressed to the War Production Board, Paperboard Division, Washington 25, D. C., REF: Direction 2, Order M-290. Authorization will be granted only when it is apparent that the proposed production of non-preferred orders will in no way interfere with the fulfillment of preferred orders which the applicant has on hand or which he could obtain with the assistance of the War Production Board.

(g) *Certification.* No person shall treat any order for any item listed in Schedule A (except V-boxes and W-boxes) as a preferred

order, unless he receives with each purchase order a certification signed as provided in Priorities Regulation No. 7 in substantially the following form:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Direction 2 to Order M-290 of the War Production Board and that the items covered by this purchase order are included in the items listed in Schedule A of said direction.

A jobber, in placing this certificate on his orders, may rely on the certificate supplied to him by his customer.

(h) [Deleted Mar. 26, 1945.]

Issued this 26th day of March 1945.

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

SCHEDULE A

1. V-boxes and W-boxes (as defined in Paragraph (b) (5) of Order L-317).
2. Interior boxes or parts when sold to be packed for the account of the military services in accordance with Army specification 100-14A, OQMC 93, Navy specifications 39P16A and 53B-11, and joint Army and Navy specifications JAN-P108.
3. Solid fibre board sheets to be made into fibre drums.
4. Freezer boxes for packing butter, meat and fish.
5. Solid fibre containers for packing military explosives, TNT, nitromon or dynamite.

[F. R. Doc. 45-4789; Filed, Mar. 26, 1945; 11:33 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS
[Order L-335, Direction 2a as Amended Mar. 26, 1945]

RESTRICTION ON DELIVERY AND RECEIPTS OF WESTERN PINE LUMBER

The following amended direction is issued pursuant to L-335:

(a) *What this direction does.* This direction restricts the delivery by sawmills and distributors and the receipt by consumers of Western pine lumber produced by sawmills located in the States of Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, and South Dakota which currently produce 5,000 or more board feet of lumber (whether one of the named species or not) per average day of eight hours of continuous operation or which produced an average of 5,000 or more board feet of lumber per day during the days from June 3, 1943 to December 3, 1943 when in operation. For the purposes of this direction Western pine means Idaho white pine, Ponderosa pine, and sugar pine.

(b) *Deliveries prohibited except on orders bearing special certificate.* No sawmill of the kind described in paragraph (a) above and no distributor may deliver Western pine lumber except on orders bearing one of the certificates described in paragraphs (g) and (h) below. These certificates may not be accepted by a sawmill unless they bear an "authorization" number.

(c) *Restriction on placement of orders by Class I consumers.* Except as authorized on Form WPB-3640 (or by letter amending the authorization on Form WPB-3640) a Class I consumer may not place an order with a lumber supplier to obtain Western pine lumber. The usual authorization on Form WPB-3640 for a Class I consumer to receive lumber generally may not be construed as an authorization to receive Western pine lumber. If the authorization on Form WPB-3640

(or letter from the War Production Board amending the authorization) states specifically that the Class I consumer may receive a specified amount of Western pine lumber then the Class I consumer may order and receive within the quarter for which the authorization is valid the amount (but no more) stated on the authorization. A Class I consumer authorized to receive Western pine lumber must use the certificate described in paragraph (g) below in addition to the regular certificate required by Order L-335. The certificate described in paragraph (g) below will not be valid and cannot be accepted by a distributor or sawmill unless the "authorization" number assigned to the Class I consumer is inserted in the space provided in the certificate. If the copy of Form WPB-3640 that the Class I consumer receives says that he may receive a specified amount of Western pine lumber then his authorization number is the number appearing in the upper right hand margin of that copy. If his authorization to receive Western pine lumber is by letter amending his authorization on Form WPB-3640 then the number will be assigned to him in that letter. All applications for authorization to order and receive Western pine lumber, whether filed on Form WPB-3640 or as a request by letter for reconsideration of a former action on Form WPB-3640, shall include a statement specifying fully the use to which such lumber is to be put and the quantity of lumber required for such use. Within the available supply, authorization will be granted only for essential purposes where substitutes cannot be used. Letters of request should be addressed to the War Production Board, Washington 25, D. C., Ref. L-335, Direction 2a, and letters requesting reconsideration must indicate the code letters and number appearing on the Form WPB-3640 in the box marked "For WPB Use Only"

(d) *Placement of orders by consumers other than Class I consumers.* Unless authorized in writing by the War Production Board or by paragraph (e) below no Class II consumer or farmer may place an order with a lumber supplier to obtain Western pine lumber. If a Class II consumer or farmer is authorized by the War Production Board in writing or by paragraph (e) below to receive Western pine lumber he must use the certificate provided for in paragraph (g) below on his orders for such lumber. That certificate will not be valid and may not be accepted unless the "authorization" number (assigned by the War Production Board) is inserted in the space provided for in the certificate. Requests for authorization to order and receive Western pine lumber shall be made by mailing a letter to the Lumber and Lumber Products Division, War Production Board, Washington 25, D. C., Ref.: L-335, Direction 2a stating fully the use to which such lumber is to be put and the quantity required. Within the available supply authorizations will be granted only for essential purposes where substitutes cannot be used.

(e) *Class II Consumer who received authorization in first quarter of 1945 entitled to same authorization in second quarter.* Any Class II consumer who received an authorization to order and accept delivery of a specified amount of Western pine lumber in the first quarter of 1945 and who needs the same or smaller amount of Western pine lumber in the second quarter of 1945 for the same purpose is permitted to use the certification described in paragraph (g) below and the authorization number assigned to him by the War Production Board in the first quarter of 1945 to order from his supplier for delivery in the second quarter of 1945 the amount of Western pine lumber actually required by him in the second quarter, provided, he does not order more than he was authorized to order in the first quar-

ter of 1945. If such a Class II consumer needs more Western pine lumber in the second quarter of 1945 than he was authorized to receive in the first quarter in 1945 or needs it for a purpose other than the purpose for which he was authorized to receive in the first quarter then he must apply under paragraph (d) above for the additional amount or for the new purpose.

(f) *Limitation on manufacture of millwork out of Western pine lumber authorized under this direction.* Any Class I or Class II consumer who receives any Western pine lumber on an order bearing the certificate described in paragraph (g) below is forbidden to use such Western pine lumber for millwork except in the manufacture of windows; sash; doors; window, sash, and door frames; window and door screens; trim and mouldings and cut stock for such items.

(g) *Certificate required of consumers.* Any consumer (including a Class I consumer) who is authorized to receive Western pine lumber must provide his lumber supplier with the following certificate which is in addition to the regular certificate required by Order L-335. This certificate may only be used by a consumer to obtain the quantity of Western pine lumber which he is specifically authorized by the War Production Board to receive.

I certify to the supplier and to the War Production Board that this order together with all other orders that I have placed for Western pine lumber does not exceed the amount that I have been specifically authorized by the War Production Board to receive under Direction 2a to Order L-335. My "authorization" number is _____

Consumer

By _____
Duly authorized official

Date _____

(h) *Distributors extension of orders.* No distributor may place an order with a sawmill of the kind described in paragraph (a) above to get Western pine lumber except where the Western pine lumber is required for delivery on an order bearing one of the certificates shown in this direction or where the Western pine lumber is required to replace lumber in inventory which the distributor has delivered on an order bearing such a certificate. In extending such an order the distributor shall use the following certificate:

I certify to the supplier and to the War Production Board that the amount of Western pine lumber covered by this order does not exceed the amount which I have sold on unextended orders certified under Direction 2a to Order L-335. These unextended orders bear the following "authorization" numbers _____

Distributor

By _____
Duly authorized official

Date _____

This certificate is in addition to the regular certificate required of distributors by Order L-335 and need only be used to get Western pine lumber from sawmills of the kind described in paragraph (a) above.

(i) *Production of small sawmills excepted.* This direction does not apply to Western pine lumber produced by sawmills smaller than the size sawmill referred to in paragraph (a) above. Consumers (including Class I consumers) and distributors may order and receive such lumber from these small sawmills without regard to the provisions of this direction or any restrictions on Form WPB-3640 against the receipt of Western pine lumber. However, such a small sawmill may not deliver lumber on an uncertified order unless permitted under paragraph (t) of Order L-335 or under Direction 7 to Order L-335.

(j) *Distributors' present inventory may be exceeded.* If a distributor wishes to dispose of Western pine lumber which he received before December 31, 1944 without requiring his customer to give him one of the certificates described in paragraphs (g) and (h) above, he may do so but he is not required to deliver any Western pine lumber (even on a rated order) unless such a certificate is supplied by his customer. This applies also to Western pine lumber which the distributor ordered from a sawmill before December 2, 1944 if it is placed in transit by the sawmill before December 31, 1944. The restrictions of this Direction and any restrictions on Form WPB-3640 against receipt of Western pine lumber do not apply to Western pine lumber that a consumer is able to get from this source.

(k) *Provisions of Order L-335 and other directions.* In the event there is any conflict between the provisions of this Direction and the provisions of Order L-335 or any other direction, the provisions of this Direction shall govern. However, nothing in this Direction shall prevent a sawmill from delivering Western pine lumber to a consumer or a distributor on an uncertified order or on an order bearing only the regular certificate described in paragraph (q) of Order L-335, or the receipt of such lumber by a consumer or a distributor when specific authorization for such delivery has been granted under the terms of paragraph (t) of Order L-335.

Issued this 26th day of March 1945.

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

[F. R. Doc. 45-4796; Filed, Mar. 26, 1945;
11:32 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 6 as Amended Mar. 26, 1945]

RESTRICTIONS ON DELIVERY AND RECEIPT OF CERTAIN SPECIES OF HARDWOOD LUMBER

The following direction is issued pursuant to Order L-335:

(a) *What this direction does.* This direction controls the delivery by sawmills and distributors and the receipt by consumers of "restricted hardwood lumber". For the purposes of this direction "restricted hardwood lumber" means any #1 common or better (or special grades which are equivalent to #1 common or better grades) White oak including WHND, red oak, birch, beech, pecan, rock elm, hard maple, and tough ash produced by sawmills which currently manufacture 5,000 or more board feet of hardwood lumber per average day of 8 hours of continuous operation or which manufactured an average of 5,000 or more board feet of hardwood lumber per day during the days from June 3, 1943 to December 3, 1943 when in operation. This direction applies to deliveries of any of the above grades and species when shipped in combination grades of log run or #2 common and better. It does not apply to deliveries of hardwood lumber between sawmills nor does it restrict the delivery of White ash to Ash Specialists under Direction 11 to Order L-335. However, White Ash Specialists in delivering tough ash to consumers and distributors must follow the provisions of this direction.

(b) *Deliveries prohibited except on orders bearing special certificate.* No sawmill of the kind described in paragraph (a) above and no distributor may deliver "restricted hardwood lumber" except on orders bearing one

of the certificates described in paragraphs (f) and (g) below. These certificates may not be accepted by a sawmill unless they bear an "authorization" number.

(c) *Restriction on placement of orders by Class I consumers.* Except as authorized on Form WPB-3640 (or by letter amending the authorization on Form WPB-3640) a Class I consumer may not place an order with a lumber supplier to obtain restricted hardwood lumber. The usual authorization on Form WPB-3640 for a Class I consumer to receive lumber generally may not be construed as an authorization to receive restricted hardwood lumber. If the authorization on Form WPB-3640 (or letter from the War Production Board amending the authorization) states specifically that the Class I consumer may receive a specified amount of restricted hardwood lumber, then the Class I consumer may order and receive within the quarter for which the authorization is valid the amount (but no more) stated on the authorization. A Class I consumer authorized to receive restricted hardwood lumber must use the certificate described in paragraph (f) below in addition to the regular certificate required by Order L-335. The certificate described in paragraph (f) below will not be valid and cannot be accepted by a distributor or sawmill unless the "authorization" number assigned to the Class I consumer is inserted in the space provided in the certificate. If the copy of Form WPB-3640 that the Class I consumer receives says that he may order and accept delivery of a specified amount of restricted hardwood lumber, then his authorization number is the number appearing in the upper right hand margin of that copy. If his authorization to receive restricted hardwood lumber is by letter amending his authorization on Form WPB-3640, then the number will be assigned to him in that letter. All applications for authorization to order and receive restricted hardwood lumber, whether filed on Form WPB-3640 or as a request by letter for reconsideration of a former action on Form WPB-3640, shall include a statement specifying fully the use to which such lumber is to be put, the quantity of lumber required for such use, the number of the military contract held by you which requires the use of this type of lumber, and if known, the military contracting officer familiar with the contract. Letters of request should be addressed to the War Production Board, Washington 25, D. C., Ref. L-335, Direction 6, and letters requesting reconsideration must indicate the code letters and number appearing on the Form WPB-3640 in the box marked "For WPB Use Only." Within the available supply authorizations will be granted to consumers for use on military contracts where substitutes cannot be used. "Authorizations" may also be granted in cases of highly essential civilian items (such as farm machinery) where continued production of those items will be affected because of inadequate inventory of hardwood lumber.

(d) *Placement of orders by consumers other than Class I consumers.* Unless authorized in writing by the War Production Board or by paragraph (e) below, no Class II consumer or farmer may place an order with a lumber supplier to obtain restricted hardwood lumber. If a Class II consumer or farmer is authorized by the War Production Board in writing or by paragraph (e) below to receive restricted hardwood lumber, he must use the certificate provided for in paragraph (f) below on his orders for such lumber. That certificate will not be valid and may not be accepted unless the "authorization" number (assigned by the War Production Board) is inserted in the space provided for in the certificate. Requests for authorizations to order and receive restricted hardwood lumber shall be made by mailing a letter to the Lumber and Lumber

Products Division, War Production Board, Washington 25, D. C., Ref. L-335, Direction 6, stating the quantity required, the use to which such lumber is to be put, the number of the military contract held by you which requires the use of this type of lumber and, if known, the name of the military contracting officer familiar with the contract. Within the available supply, authorizations will be granted to Class II consumers for use on military contracts where substitutes cannot be used. Authorizations may also be granted in cases of highly essential civilian items (such as farm machinery) where continued production of those items will be affected because of inadequate inventory of hardwood lumber.

(e) *Class II consumer who received authorization in first quarter of 1945 entitled to same authorization in second quarter.* Any Class II consumer who received an authorization to order and accept delivery of a specified amount of restricted hardwood lumber in the first quarter of 1945 and who needs the same or smaller amount of restricted hardwood lumber in the second quarter of 1945 for the same purpose is permitted to use the certification described in paragraph (f) below and the authorization number assigned to him by the War Production Board in the first quarter of 1945 to order from his supplier for delivery in the second quarter of 1945 the amount of restricted hardwood lumber actually required by him in the second quarter, provided, he does not order more than he was authorized to order in the first quarter of 1945. If such a Class II consumer needs more restricted hardwood lumber in the second quarter of 1945 than he was authorized to receive in the first quarter or needs it for a purpose other than the purpose for which he was authorized to receive in the first quarter, then he must apply under paragraph (d) above for the additional amount or for the new purpose.

(f) *Certificate required of consumers.* Any consumer (including a Class I consumer) who is authorized to receive restricted hardwood lumber must provide his lumber supplier with the following certificate which is in addition to the regular certificate required by Order L-335. This certificate may only be used by a consumer to obtain the quantity of restricted hardwood lumber which he is specifically authorized by the War Production Board to receive.

I certify to the supplier and to the War Production Board that this order together with all other orders that I have placed for restricted hardwood lumber does not exceed the amount that I have been specifically authorized by the War Production Board to receive under Direction 6 to Order L-335. My "authorization" number is _____

Consumer
Date _____ By _____
Duly authorized official

(g) *Distributors extension of orders.* No distributor may place an order with a sawmill of the kind described in paragraph (a) above to get restricted hardwood lumber except where the restricted hardwood lumber is required for delivery on an order bearing one of the certificates shown in this direction or where the restricted hardwood lumber is required to replace lumber in inventory which the distributor has delivered on an order bearing such a certificate. In extending such an order the distributor shall use the following certificate:

I certify to the supplier and to the War Production Board that the amount of restricted hardwood lumber covered by this order does not exceed the amount which I have sold on unextended orders certified under Direction 6 to Order L-335. These un-

extended orders bear the following "authorization" numbers.

 Distributor
 By -----
 Duly authorized official
 Date -----

This certificate is in addition to the regular certificate required of distributors by Order L-335 and need only be used to get restricted hardwood lumber from sawmills of the kind described in paragraph (a) above.

(h) *Production of small sawmills excepted.* This direction does not apply to restricted hardwood lumber produced by sawmills smaller than the size sawmill referred to in paragraph (a) above. Consumers (including Class I consumers) and distributors may order and receive such lumber from these small sawmills without regard to the provisions of this direction or any restrictions on Form WPB-3640 against the receipt of restricted hardwood lumber. However, such a small sawmill may not deliver lumber on an uncertified order unless permitted under paragraph (t) of Order L-335 or under Direction 7 to Order L-335.

(i) *Distributors' present inventory may be excepted.* If a distributor wishes to dispose of restricted hardwood lumber which he received before January 7, 1945 without requiring his customer to give him one of the certificates described in paragraphs (f) and (g) above, he may do so but he is not required to deliver any restricted hardwood lumber (even on a rated order) unless such a certificate is supplied by his customer. This applies also to restricted hardwood lumber which the distributor ordered from a sawmill before January 7, 1945, if it was placed in transit by the sawmill before January 7, 1945. The restrictions of this direction and any restrictions on Form WPB-3640 against receipt of restricted hardwood lumber do not apply to restricted hardwood lumber that a consumer is able to get from this source.

(j) *Provisions of Order L-335 and other directions.* In the event there is any conflict between the provisions of this direction and the provisions of Order L-335 or any other direction, the provisions of this direction shall govern. However, nothing in this direction shall prevent a sawmill from delivering restricted hardwood lumber to a consumer or a distributor on an uncertified order or on an order bearing only the regular certificate described in paragraph (q) of Order L-335, or the receipt of such lumber by a consumer or a distributor when specific authorization for such delivery has been granted under the terms of paragraph (t) of Order L-335.

Issued this 26th day of March 1945.

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

[F. R. Doc. 45-4797; Filed, Mar. 26, 1945;
 11:32 a. m.]

PART 3291—CONSUMERS. DURABLE GOODS
 [Supplementary Limitation Order L-7-c,
 Schedule XI]

DOMESTIC ICE REFRIGERATORS

§ 3291.27 *Schedule XI to Limitation Order L-7-c.* Pursuant to paragraph (b) (3) of Limitation Order L-7-c:

The following production quotas for domestic ice refrigerators are established for the period from April 1, 1945 through June 30, 1945, inclusive. During that period each manufacturer listed is authorized to make the number of domestic ice refrigerators set forth below op-

posite his name. Manufacturers listed may only make the refrigerators in their own plants at the location set forth opposite their respective names. Manufacturers listed may not make more domestic ice refrigerators than the number opposite their names, even for orders bearing preference ratings. All domestic ice refrigerators made by each manufacturer must be included in the quotas assigned in this schedule.

Company and Location	Units
American Fixture & Mfg. Co., St. Louis, Mo.	2,000
Arctic Refrigerator Co., Brooklyn, N. Y.	3,460
Atkins Table & Cabinet Co., Brooklyn, N. Y.	1,215
Brunswick Refrigerator Co., Brooklyn, N. Y.	2,176
Craftbilt Cabinets, Burbank, Calif.	1,691
Doherty-Stirling, Inc., Baton Rouge, La.	500
Dratch's Victory Refrigerator Box, Brooklyn, N. Y.	1,535
Fy-Boro Metal Products Co., Brooklyn, N. Y.	4,310
Ice Cooling Appliance Corporation, Morrison, Ill.	15,527
Iceland Refrigerator Co., Brooklyn, N. Y.	2,010
King Refrigerator Co., Brooklyn, N. Y.	2,701
Maine Manufacturing Co., Nashua, N. H.	9,900
Modern Refrigerator Works, Glendale, Calif.	2,500
Precision Metal Products Co., Brooklyn, N. Y.	1,139
Sanitary Refrigerator Co., Fond du Lac, Wis.	15,000
Stoddard Manufacturing Co., Mason City, Iowa	836
Ward Refrigerator & Manufacturing Co., Los Angeles, Calif.	7,500

Issued this 26th day of March 1945.

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

[F. R. Doc. 45-4794; Filed, Mar. 26, 1945;
 11:32 a. m.]

PART 3294—IRON AND STEEL PRODUCTION
 [Limitation Order L-88 as Amended
 Mar. 26, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of used rail and used rail joints 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:

§ 3294.161 *Limitation Order L-88.*
 (a) [Deleted Feb. 23, 1945.]

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

(1) "Person" means any individual, partnership, association, business trust, corporation, government, corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Rail" means the steel rolling mill shape known as the "tee rail," but does not include high tee rail from street car tracks.

(3) [Deleted Feb. 5, 1944.]

(4) "Used rail" means rail (weighing not less than 35 pounds nor more than

132 pounds per yard in length, weight determination based on steel rolling mill weight descriptions) which has been released from track by the laying of new replacement rail or used rail or by removal of the track as a transportation facility.

(5) [Deleted Feb. 5, 1944.]

(c) *Restrictions on disposition of used rail.* No person shall sell, transfer or otherwise dispose of any used rail in any amount exceeding 10 tons in any one month, except such used rail as may be furnished by a common carrier for use in industrial sidings, unless specifically authorized in writing by the War Production Board under Order M-24. This restriction, however, does not prevent any person from using used rail of any grade in his own tracks and does not apply to used rail of relayer grade which is disposed of to fill orders certified substantially as follows:

The undersigned certifies, subject to criminal penalties for misrepresentation, that used rail specified in the accompanying purchase order is for use in laying track.

 Authorized Official.

Or in the case of a reseller:

The undersigned certifies, subject to criminal penalties for misrepresentation, that used rail specified in the accompanying purchase order is for subsequent resale in accordance with Order L-88.

 Authorized Official.

The standard form of certification provided by Priorities Regulation No. 7 may not be substituted for the above.

(d) [Deleted Feb. 23, 1945.]

(e) [Deleted Feb. 23, 1945.]

(f) [Deleted Feb. 23, 1945.]

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

(h) [Deleted Feb. 23, 1945.]

(i) *Communications.* All communications concerning this order should be addressed to Scrap Unit, Steel Division, War Production Board, Washington 25, D. C., Ref.: L-88.

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

Issued this 26th day of March 1945.

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

[F. R. Doc. 45-4795; Filed, Mar. 26, 1945;
 11:32 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 99]

VULCANIZED FIBRE TUBING

§ 3293.1099 *Schedule 99 to General Allocation Order M-300—(a) Definitions.* (1) "Vulcanized fibre tubing" means tubing which is formed by convolute (not spiral) winding and which consists of chemically converted and hardened cellulose material commonly designated "vulcanized fibre" or "hard vulcanized fibre" (prepared by treating cotton rag or alpha cellulose paper with zinc chloride, which is subsequently leached out of the resulting mass).

(2) "Producer" means any person who makes vulcanized fibre tubing.

(b) *General provisions.* Vulcanized fibre tubing is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is April 22, 1943, when vulcanized fibre tubing first became subject to allocation under Order M-305 (revoked). The allocation period is the calendar quarter.

(c) *Special provisions.* (1) Any person who is not a producer and is not under common ownership and control with any producer, may use or deliver vulcanized fibre tubing without application or specific authorization in either of the following cases: (i) if he did not file, and was not required by paragraph (f) of this schedule to file a certificate of proposed ultimate use with his purchase order for the tubing; or (ii) if his use or delivery is for the purpose specified in his purchase order certificate for the tubing.

(2) A person who has purchased vulcanized fibre tubing on a certified order and is unable to use or deliver it for the certified purpose, shall not use or deliver it for any other purpose except as specifically authorized in writing by the War Production Board. He may, however, deliver it to any producer of vulcanized fibre tubing.

(3) In the case of any fabricator or distributor under common ownership and control with any producer, deliveries may be made between these units without restriction, but these units may make other deliveries and may use vulcanized fibre tubing only in the quantities and for the purpose authorized upon application by the producer under this schedule.

(d) *Transition from M-305.* Regular and interim allocations of vulcanized fibre tubing heretofore issued under Order M-305 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.

(e) *Suppliers' applications and reports on WPB-2947.* (1) Each supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). Application need not be filed by a supplier when exempt under paragraph (c) above.

Filing date is six weeks before the beginning of the proposed delivery quarter. A consolidated set of forms may be filed by any group of producing units under common ownership or control, regardless of plant locations. Send three copies

(one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-99. The unit of measure is feet. Specify diameter of tubing in Column 5-a. An aggregate quantity may be requested, without specifying customers' names or uses, for delivery on orders for 250 feet or less total of all diameters (which may be in addition to specifically allocated quantities). In the case of orders for more than 250 feet, each customer shall be named in Column 1, the certified use shown in Column 1-a, and the quantity requested for each use specified in Column 4. Leave Table II blank.

(2) Each producer of vulcanized fibre tubing shall file a report with the War Production Board, Chemicals Bureau, Washington 25, D. C., on or before the 10th day of the first month in each calendar quarter, specifying the total quantity in feet of vulcanized fibre tubing produced during the previous calendar quarter and unallocated inventory remaining at the end of the quarter, for each different producing plant. This report may be made by letter or may be included in Table II of Form WPB-2947 (specifying production in Column 9, and inventory in Column 10, after changing "month" to "quarter" in the headings).

(f) *Certified statements of use.* Each person shall furnish a certified statement of proposed use in either of the following cases:

(1) When ordering unfabricated vulcanized fibre tubing from any producer, fabricator, distributor or other supplier; or

(2) When ordering fabricated vulcanized fibre tubing from any producer or from any fabricator or distributor under common ownership or control with any producer.

The statement of proposed use shall be followed by the certification "Use certified-Ref: M-300" and shall be duly signed (as prescribed in Appendix D of Order M-300). End use may be specified as "Fuses" (specify whether secondary, high voltage or telephone). "Brush holder insulation", or in terms of any other specified product. Specify military or Lend-Lease contract or requisition numbers, if any. Proposed use may also be specified as "for export" (specify destination and export license or UNRRA requisition number). A supplier ordering for resale shall specify the aggregate quantities requested for each proposed ultimate use by his customers, without specifying the customers' names.

(g) *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.

(h) *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-300-99.

Issued this 26th day of March 1945.

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

[F. R. Doc. 45-4800; Filed, Mar. 26, 1945; 11:33 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-305, Revocation]

VULCANIZED FIBRE

Section 3293.411 *Allocation Order M-305* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Vulcanized fibre tubing is subject to allocation under General Allocation Order M-300 as an Appendix B material, subject to Schedule 99 issued simultaneously with this revocation.

Regular and interim allocations of vulcanized fibre tubing heretofore issued under Order M-305 are effective under that schedule, but authorizations to deliver are limited in duration as if originally issued under that schedule. Pending applications need not be refilled.

Vulcanized fibre sheet and rod are added to List I of General Preference Order M-340 by amendment issued simultaneously with this revocation.

Issued this 26th day of March 1945.

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

[F. R. Doc. 45-4801; Filed, Mar. 26, 1945; 11:33 a. m.]

PART 3293—CHEMICALS

[Limitation Order M-353, Revocation]

WHITE PIGMENTS

Section 3293.546 *Limitation Order M-353* is revoked. This revocation does not affect any liabilities incurred under the order.

White pigments (titanium dioxide and zinc sulfide) are subject to General Preference Order M-340, as amended simultaneously with this revocation.

Issued this 26th day of March 1945.

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

[F. R. Doc. 45-4803; Filed, Mar. 26, 1945; 11:33 a. m.]

PART 3293—CHEMICALS

[General Preference Order M-340 as Amended Mar. 26, 1945]

MISCELLANEOUS CHEMICALS

§ 3293.491 *General Preference Order M-340—(a) Definitions.* (1) "Subject chemical" means any chemical as defined in List 1 attached to this order.

(2) "Preferred order" means any purchase order for subject chemicals which are (i) ultimately to be delivered to or incorporated in material to be delivered to, the United States Army, Navy, Maritime Commission, War Shipping Administration, Panama Canal, Office of Scientific Research and Development, Veterans' Administration, or any government agency pursuant to the Act of March 11, 1941 (Lend-Lease Act), or which are (ii) ultimately to be used for any preferred purpose specified opposite the subject chemical in List 1 attached to this order. An order for a subject chemical may be certified as "preferred order" if the chemical is required to replace withdrawals from inventory within

the previous 30 days to fill "preferred orders". The term "preferred order" under item (i) above shall not include any order for a military exchange or service department unless clearly identified on its face as coming within the definition of "overseas order" under Priorities Regulation 17.

(b) *Inapplicability of certain preference ratings.* (1) No person shall give any effect to any preference rating below AAA on any purchase order for subject chemicals, unless the person placing the purchase order certifies that it is a "Preferred order".

(2) "Preferred orders" shall be certified in substantially the following form, duly signed by an authorized official:

Certified as Preferred Order under WPB Order M-340

(Identify purchase order if certificate is not on it or attached to it; if certificate does not cover whole order, add "as to _____ (quantity) of _____ (material)").

(Name of purchaser)

(Signature and title of duly authorized official)

The certificate may be indorsed on or attached to the purchase order and need not be filed with the War Production Board. Any person receiving the certificate may rely upon it unless he knows or has reason to believe that it is false. The standard certification of Priorities Regulation 7 may not be used instead.

(3) A person who receives a subject chemical on a certified "preferred order" shall use the chemical only for the purposes shown in paragraph (a) (2) above, unless otherwise specifically authorized in writing by the War Production Board.

(c) *Special directions.* The War Production Board may at any time issue special directions to any person regarding production, use or delivery of subject chemicals, notwithstanding the other provisions of this order.

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

(e) *Violations.* Any person who 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.

(f) *Communications.* Communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-340.

Issued this 26th day of March 1945.

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

List 1

[NOTE: Items 12 to 16 added March 26, 1945.]

Subject chemical	Preferred purposes under paragraph (a) (2) (ii)
1. Oxidized petrolatum, meaning high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventative compounds or corrosion inhibitors meeting Specification No. 52-C-18 such as those petrolatums known by the trade-marks Par-Al-Ketone, Alox 707, and Alox 701.	None.
2. Enamelwire naphtha, also known as E. W. naphtha, meaning a mixture of aromatic solvents derived from coke oven light oil, drip oil, or coal tar, distilling between 150 and 290° C., with at least 15 per cent monomeric polymerizable constituents of the cumorene-indene type. The term does not include aromatic material for the production of E. W. naphtha, or for the production of cumorene-indene resin, or for the production of other chemicals or intermediates, or for use as solvents in the crude state.	(i) Wire and cable.
3. Precipitated calcium carbonate, meaning ultrafine particle calcium carbonate such as the chemical known as Kalvan, Witcarb R and Multifex.	(i) Wire and cable.
4. Hi-flash naphtha, meaning water white coal tar solvent naphtha, having a distillation range of 140° C. (293° F. to 200° C.) (392° F.) derived from coke oven light oils, coal tar distillates, drip oils or holder oils.	None.
5. Dipentene, meaning certain terpene solvents, consisting largely or entirely of mono cyclic terpene hydrocarbons of the empirical formula C ₁₀ H ₁₆ , having a distilling range and solvent power above that of turpentine.	(i) Marine paint for maintenance of ocean-going vessels; (ii) Rubber reclaiming.
6. Heat treated rosins, meaning rosin heated to a sufficiently high temperature and for a sufficient period to effect some degree of isomerization and disproportionation.	(i) Foundry cores; (ii) Wire and cable.
7. Stabilized rosins, meaning rosin stabilized by hydrogenation, dehydrogenation, or disproportionation.	(i) Manufacturing and compounding of synthetic and natural rubber; (ii) Wire and cable.
8. Polymerized rosins, meaning rosin which contains 20% or more of polymerized or condensed rosin acids.	(i) Wire and cable.
9. Metal resinates, meaning any rosin which has been reacted with any given metal or metallic salt and contains 1% or more of the metal combined with the rosin.	(i) Foundry cores; (ii) Heat setting inks.
10. Rosin, meaning gum rosin and wood rosin as defined in the Naval Stores Act of March 3, 1923.	(i) Marine paint for maintenance of ocean-going vessels; (ii) Orders rated under Order P-149 for materials for coatings for interior can linings; (iii) Ultimate use by U. S. Government Printing Office or Bureau of Printing and Engraving; (iv) Wire and cable.
11. Nitrocellulose plastics, meaning plasticized cellulose nitrate in primary unfabricated forms, such as sheets, shapes, rods, and tubes (including extruded, butt-joined, and spiral-wound tubes manufactured by the producer of the nitrocellulose plastic incorporated therein).	None.
12. Titanium dioxide, means any pigment containing more than 12% titanium dioxide whether alone or admixed with or precipitated on inerts, extenders or opaque pigments.	(i) Marine paint for maintenance of ocean-going vessels; (ii) Orders rated under Order P-149 for materials for coatings for interior can linings; (iii) Ultimate use by U. S. Government Printing Office or Bureau of Printing and Engraving; (iv) Wire and cable.
13. Zinc sulfide, meaning any pigment containing more than 12% zinc sulfide whether alone or admixed with, or precipitated on inerts, extenders or opaque pigments. The terms include all the commercial grades of lithopone, but does not include luminescent pigments containing zinc sulfide.	(i) Marine paint for maintenance of ocean-going vessels; (ii) Orders rated under Order P-149 for materials for coatings for interior can linings; (iii) Ultimate use by U. S. Government Printing Office or Bureau of Printing and Engraving; (iv) Wire and cable.
14. Vulcanized fibre sheet and rod, meaning unfabricated or fabricated (unless attached to other items) sheet or rod formed from regular paper which has been processed through a zinc chloride bath and cured in a series of fresh water baths.	(i) Marine paint for maintenance of ocean-going vessels; (ii) Railroad track electrical insulation; (iii) Electrical insulation for electrical power transformers.
15. Paradichlorobenzene, meaning paradichlorobenzene in any form and from whatever source derived.	(i) Polydichlorostyrene; (ii) Fungicides and insecticides solely for agricultural crops (excluding all moth preventative and deodorant uses).
16. Ester gum, meaning the reaction product of wood or gum rosin and any alcohol (usually glycerin or pentaerythritol).	(i) Wire and cable.

[F. R. Doc. 45-4802; Filed, Mar. 26, 1945; 11:33 a. m.]

Chapter XI—Office of Price Administration

PART 1397—CONSTRUCTION OF BUILDINGS AND STRUCTURES

[MPR 583]

PREFABRICATED NON-DWELLING STRUCTURES

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been

filed with the Division of the Federal Register.

ARTICLE I—WHAT THIS REGULATION COVERS; ITS RELATIONSHIP TO OTHER REGULATIONS

Sec.

1. What this regulation covers.
2. Relationship of this regulation to other regulations.

ARTICLE II—MAXIMUM PRICES

3. Maximum prices for sales by manufacturers who regularly sell direct to ultimate users.
4. Maximum prices for sales by other manufacturers.
5. Maximum prices for sales by distributors, jobbers, department stores, and mail order houses.
6. Maximum prices for sales by dealers.

ARTICLE III—PROHIBITIONS AND PENALTIES

Sec.

7. Prohibitions against sales at higher than maximum prices.
8. Prohibited practices.
9. Penalties.

ARTICLE IV—MISCELLANEOUS

10. Petitions for amendment.
11. Adjustment of maximum prices.
12. Licensing.
13. Marking ultimate users prices.
14. Records.

AUTHORITY: § 1397.1 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—WHAT THIS REGULATION COVERS; ITS RELATIONSHIP TO OTHER REGULATIONS

SECTION 1. *What this regulation covers.*

(a) This regulation covers sales by all persons of the following prefabricated non-dwelling structures, their sub-assemblies and sections, whether assembled or knocked-down. It also covers sales of accessories, when sold as an integral part of such structures. (See paragraph (b) for structures not covered.)

Hog houses
Poultry houses
Livestock feeders (non-mechanical)
Barns
Granaries and grain bins
Corn cribs (except wood slat corn cribbing covered with wire)
Smoke houses
Milk houses
Ice houses
Seed storage
Tool houses
Contractors' shanties
Garages
Sheds
Shelters (other than dwellings)
Well and pump houses
Other utility structures of the type commonly used on a farm

(b) The listing in (a) above is modified by the exceptions listed below. This regulation does not cover:

(1) Prefabricated non-dwelling structures made predominately of metal, brick, tile, cast stone, or concrete.

(2) Any prefabricated non-dwelling structure, regardless of the material used, not listed in (a) above.

(3) Specifically excluded are silos, tanks, troughs, hay racks, incubators, fences, fence panels, hurdles, gates, saw-mills, cotton gins, wagon racks, wagon boxes, nests, poultry feeders, mechanical hog feeders, garden furniture, stalls, stanchions, and mechanical farm equipment, except when sold as an integral part of a prefabricated structure.

(c) As used in this regulation, the term:

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

(2) "Manufacturer" means the person who makes the first sale of a prefabricated non-dwelling structure, section or sub-assembly.

(3) "Distributor" or "jobber" is a person, other than a manufacturer, whose

majority of sales of products covered by this regulation are to purchasers for resale.

(4) A "department store" is a person who sells at retail the products covered by this regulation and in addition at least the following types of merchandise: Wearing apparel and household furnishings.

(5) A "mail order house" is a person, other than a manufacturer, who regularly sells the products covered by this regulation at retail and whose majority of such sales in dollar volume is by mail order.

(6) "Dealer" is a person, other than a manufacturer, distributor, jobber, department store, or mail order house, who sells directly to ultimate users.

SEC. 2. *Relationship of this regulation to other regulations.* This regulation supersedes all other price regulations, including the General Maximum Price Regulation and Revised Maximum Price Regulation No. 251, with respect to sales of prefabricated non-dwelling structures for which maximum prices are established under this regulation.

ARTICLE II—MAXIMUM PRICES

SEC. 3. *Maximum prices for sales by manufacturers who regularly sell direct to the ultimate user—(a) What this section covers.* This section covers all sales to ultimate users by manufacturers who regularly sell direct to the ultimate user (this means manufacturers who make 90 percent or more of their dollar volume of sales of products under this regulation direct to the ultimate user, but excluding those whose majority of sales are by mail order). However, sales by a manufacturer to purchasers for resale are covered by section 4; all sales by one manufacturer of another manufacturer's products are covered by section 6.

(b) *Maximum prices.* The maximum price for a sale covered by this section is the sum of the following factors:

(1) Retail selling price of the net number of board feet of lumber in the structure, plus 5 percent for wastage, not exceeding the maximum price established under the applicable regulation. The retail selling price in the case of softwood lumber and hardwood flooring, shall not exceed the maximum prices established for lower bracket items and hardwood flooring based on random lengths, in 2d Revised Maximum Price Regulation 215 (Distribution Yard Sales of Softwood) for retail distribution lumber yards for quantities of over 1000 ft. B. M. The retail selling price, in the case of hardwood lumber, shall not exceed the maximum price computed by the use of the mark-up applicable to grades of 2A common or lower priced on sales of 5000 ft. B. M. or less as provided in Revised Maximum Price Regulation 467 (Distribution Yard Sales of Hardwood Lumber).

(2) Retail selling prices of other materials in the structure not exceeding their maximum prices.

(3) Actual direct labor costs. Payments for Federal old age benefits, unemployment compensation taxes, and workmen's compensation may be included as labor costs.

(4) Costs of sub-contracts not otherwise provided for in (1), (2), and (3) above.

The maximum prices figured in accordance with (1), (2), (3), and (4) above are prices at the plant or yard.

(c) *Additional charges.* The following additions may be made to the prices computed under (b) above:

(1) If the sale is made on a delivered basis, actual delivery costs figured in accordance with the seller's usual practice may be added, but such charges must not be in excess of common carrier rates.

(2) If the sale is made upon the basis of erection or installation upon delivery, erection or installation charges, figured in accordance with the seller's usual practice, may be added, but such charges must not be in excess of charges permitted under Revised Maximum Price Regulation 251 (Construction Services and Sales of Installed Building Materials) for the erection or installation services only.

(d) *Changed items.* Where a seller has computed a maximum price for a structure under this section and wishes to sell a structure which is not the same as the one for which a maximum price has already been established, he shall use the following rule to determine the maximum price: If the cost of the item being priced, as figured in (1), (2), (3), and (4) of paragraph (b), does not vary by more than 5 percent from the cost of the most comparable item which already has an established maximum price, then the maximum price of the new or changed item shall be the same as the maximum price of the item which already has a maximum price. If the cost, figured as in (1), (2), (3), and (4) of paragraph (b) does vary by more than 5 percent, the manufacturer must figure the maximum price of the item being priced in accordance with the method set forth in paragraph (b).

SEC. 4. *Maximum prices for sales by other manufacturers—(a) What this section covers.* This section covers all sales by manufacturers not covered by section 3, including those whose majority of sales are by mail order. However, sales by one manufacturer of another manufacturer's products are not covered by this section, but are covered by section 6.

(b) *Maximum prices.* The maximum price f. o. b. factory for sales by manufacturers covered by this section, to all classes of buyers shall be the sum of the following:

(1) Cost of the net board feet of lumber in the structure plus 5 percent for wastage figured as follows: Maximum f. o. b. mill price, on a carload basis, under the maximum price regulation governing the particular species of lumber for random lengths, plus freight for that species also calculated in carload quantities.

(2) Cost of other materials but not in excess of their maximum prices.

(3) Cost of sub-contracts not otherwise provided for in (1) and (2) above.

(4) Direct labor costs based upon the manufacturer's highest labor rates in effect during March 1942 for the particular kind of work. Payments for Federal old age benefits, unemployment compensa-

tion taxes, and workmen's compensation shall be regarded as labor costs. If the manufacturer did not do that kind of work during March 1942, he must use rates not in excess of the highest labor rates in effect during that month which were paid by his most nearly comparable seller for that kind of work.

(5) A mark-up on the sum of (1), (2), (3), and (4) applicable to each class of purchaser, not in excess of the dollar or percentage margin whichever is lower figured on the following basis for the same or most comparable product.

The difference between the highest f. o. b. factory price (in absence of an f. o. b. factory price, the highest delivered price less the applicable delivery charge) legally charged that class of purchaser after the maximum price had been established under the General Maximum Price Regulation, and the sum of (1), (2), (3), and (4) at the time the price was established.

(6) For the purposes of this section, the "most comparable product" is one whose current cost as computed under (1), (2), (3), and (4) of paragraph (b) is nearest that of the product being priced and does not vary by more than 33 1/3 percent from the cost of product being priced.

(c) *Additional charges.* The maximum price figured in accordance with (1), (2), (3), (4), and (5) of paragraph (b) is the price at the plant or yard. The following additions may be added to that price:

(1) If the sale is made on a delivered basis, actual delivery costs figured in accordance with the seller's usual practice may be added, but such charges must not be in excess of common carrier rates.

(2) If the sale is made on the basis of erection or installation upon delivery, erection or installation charges figured in accordance with the seller's usual practice may be added, but such charges must not be in excess of charges permitted under Revised Maximum Price Regulation 251 (Construction Services and Sales of Installed Building Materials) for the erection or installation services only.

(d) *Changed items.* Where a seller has computed a maximum price for a structure under this section and wishes to sell a structure which is not the same as the one for which a maximum price has already been established, he shall use the following rule to determine the maximum price: If the cost of the item being priced, as figured in (1), (2), (3), and (4) of paragraph (b), does not vary by more than 5 percent from the cost of the most comparable item which already has an established maximum price, then the maximum price of the new or changed item shall be the same as the maximum price of the item which already has a maximum price. If the cost, figured in (1), (2), (3), and (4) of paragraph (b), does vary by more than 5 percent, the manufacturer must figure the maximum price of the item being priced in accordance with the method set forth in paragraph (b).

(e) *Reports.* A manufacturer determining a maximum price under paragraph (b) or (d) of this section shall

file a report of such maximum price with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., within thirty days after first offering the item for sale, giving the following information:

(1) His name and address.

(2) Description of the product.

(3) Computed maximum price.

(4) Basis of computed maximum price showing costs and mark-up (Following the outline in paragraph (b), including March 1942 rates).

(f) *Manufacturers who cannot price under paragraphs (b) or (d) above.* If the manufacturer is unable to determine a maximum price under paragraph (b) or (d) above, the maximum price shall be a price approved by the Office of Price Administration consistent with the level of maximum prices established by this regulation. In each case covered by this paragraph, the seller must file a report with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., giving the following information before offering the item for sale:

(1) His name and address.

(2) A description of the product.

(3) Reasons why the pricing provisions of paragraphs (b) or (d) are not applicable.

(4) Proposed maximum price.

(5) Basis for the proposed maximum price, showing costs and markup (follow the outline in paragraph (b), including March 1942 labor rates).

(6) Names and addresses of competitive manufacturers of the same or similar products, together with their maximum prices if such information is readily available.

The proposed maximum price shall be deemed to be approved unless, within twenty days after the mailing of the report (or within twenty days after the mailing of all additional information which may have been requested), the Office of Price Administration notifies the seller that his proposed maximum price has been disapproved or that action thereon has been deferred pending receipt of further information.

After filing the required report, and pending approval of the proposed maximum price, a manufacturer may offer to sell, and accept orders at the proposed maximum price reported to the Office of Price Administration, but he shall not make deliveries or accept payment until a maximum price has been approved: *Provided*, That until a maximum price has been approved by the Office of Price Administration, the manufacturer must notify the buyer that the price is subject to the approval of the Office of Price Administration. If the price approved by the Office of Price Administration is less than the price at which offers to sell were made and orders accepted, the price must be changed to the approved maximum price.

The Office of Price Administration may approve or disapprove and may at any time after approval, adjust maximum prices proposed or established under this paragraph so as to make them consistent with the level of maximum prices otherwise established by this regulation.

SEC. 5. Maximum prices for sales by distributors, jobbers, department stores, and mail order houses—(a) What this section covers. This section covers all sales by distributors, jobbers, department stores, and mail order houses.

(b) *Maximum prices.* The maximum price for sales covered by this section shall not exceed the delivered cost determined without deduction of discount for cash, plus a mark-up applicable to each class of purchaser not in excess of the dollar or percentage margin whichever is lower, figured on the following basis for the same or most comparable product covered by this regulation:

(1) The difference between the highest price f. o. b. place of business legally charged that class of purchaser after the maximum price was established under the General Maximum Price Regulation and the delivered cost to the seller at the time the price was established.

In the absence of an f. o. b. place of business selling price the seller shall use in the above calculation the highest delivered price legally charged less the applicable delivery charge.

(2) For the purpose of this section "the most comparable product" is one whose current delivered cost is nearest that of the product being priced and does not vary by more than 33 1/3 percent from the delivered cost of the product being priced.

(c) *Additional charges.* The maximum price figured in accordance with paragraph (b) of this section, is f. o. b. seller's place of business. The following additions may be made to that price:

(1) If the sale is made on a delivered basis, actual delivery costs, figured in accordance with the seller's usual practice, may be added, but such charges must not be in excess of common carrier rates.

(2) If the sale is made on the basis of erection or installation upon delivery, erection or installation charges, figured in accordance with the seller's usual practice, may be added, but such charges must not be in excess of charges permitted under Revised Maximum Price Regulation 251 (Construction Services and Sales of Installed Building Materials) for the erection or installation services only.

(d) *Reports.* A seller determining a maximum price under paragraph (b) of this section shall file a report of such maximum price with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C. within thirty days after first offering the item for sale, giving the following information.

(1) His name and address.

(2) Description of the product.

(3) Computed maximum price.

(4) Basis of computed maximum price showing costs and markup.

(e) *Sellers who cannot determine a maximum price under paragraph (b) above.* If a seller covered by this regulation is unable to determine a maximum price under paragraph (b) above, the maximum price shall be a price approved by the Office of Price Administration, consistent with the level of maximum prices established by this regulation. In each case covered by this para-

graph, the seller must file a report with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., giving the following information, before offering the item for sale:

- (1) His name and address.
- (2) A description of the product, and name and address of manufacturer.
- (3) Reasons why the pricing provision of paragraph (b) is not applicable.
- (4) Proposed maximum price.
- (5) Basis for the proposed maximum price, showing cost and markup.
- (6) Names and addresses of competitive sellers of the same or similar products, together with their maximum prices, if such information is readily available.

The proposed maximum price shall be deemed to be approved unless, within twenty days after the mailing of the report (or within twenty days after the mailing of all additional information which may have been requested), the Office of Price Administration notifies the seller that his proposed maximum price has been disapproved or that action thereon has been deferred pending receipt of further information.

After filing the required report, and pending approval of the proposed maximum price, a seller may offer to sell, and accept orders at the proposed maximum price reported to the Office of Price Administration, but he shall not make deliveries or accept payment until a maximum price has been approved: *Provided*, That until a maximum price has been approved by the Office of Price Administration, the seller must notify the buyer that the price is subject to the approval of the Office of Price Administration. If the price approved by the Office of Price Administration is less than the price at which offers to sell were made and orders accepted, the price must be changed to the approved maximum price.

The Office of Price Administration may approve or disapprove and may at any time after approval adjust maximum prices proposed or established under this paragraph so as to make them consistent with the level of maximum prices otherwise established by this regulation.

SEC. 6. Maximum prices for sales by dealers—(a) *What this section covers.* This section covers all sales by dealers, and sales by one manufacturer of another manufacturer's products.

(b) *Maximum prices for sales by dealers who take delivery before shipment to ultimate user.* The maximum price for a sale covered by this section by a seller who takes delivery before shipment to the ultimate user is the sum of the following:

- (1) Cost of the product delivered to seller (determined without deduction of discount for cash).
- (2) Handling charges of 5 percent of (1) above.
- (3) A markup of 25 percent of (1) above.

The maximum prices figured in accordance with (1), (2), and (3) above are the prices at the seller's place of business.

(c) *Additional charges.* The following additions may be made to the maximum price determined under (b):

(1) If the sale is made on a delivered basis, actual delivery costs figured in accordance with the dealer's usual practice may be added but such charges must not be in excess of common carrier rates.

(2) If the sale is made on the basis of erection or installation upon delivery, erection or installation charges figured in accordance with the dealer's usual practice may be added, but such charges must not be in excess of charges permitted under Revised Maximum Price Regulation 251 (Construction Services and Sales of Installed Building Materials) for the erection or installation services only.

(d) *Maximum prices for sales by dealers who do not take delivery before shipment to ultimate user.* The maximum price for a sale covered by this section by a seller who does not take delivery before shipment to the ultimate user is the sum of the following:

(1) Cost of the product to the seller at the point of delivery (determined without deduction of discount for cash).

(2) A markup of 25 percent of (1) above.

If the sale is made on the basis of erection or installation upon delivery, erection or installation charges figured in accordance with the dealer's usual practice, may be added, but such charges must not be in excess of charges permitted under Revised Maximum Price Regulation 251 (Construction Services and Sales of Installed Building Materials) for the erection or installation services only.

ARTICLE III—PROHIBITIONS AND PENALTIES

SEC. 7. Prohibition against sales at higher than maximum prices. (a) On and after March 28, the effective date of this regulation:

(1) No person shall sell prefabricated non-dwelling structures covered by this regulation at prices higher than maximum prices established by this regulation.

(2) No person in the course of trade or business shall buy or receive any prefabricated non-dwelling structure covered by this regulation at prices higher than those permitted by this regulation.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) *Less than maximum prices.* Lower prices than those provided for in this regulation may, of course, be offered, charged, or paid.

SEC. 8. Prohibited practices. The price limitations set forth in this regulation shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any prefabricated structure covered by this regulation, alone or with any other commodity, or by way of commission, service, transportation or other charge, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more onerous to buyers than they were during March 1942 (except as specifically permitted by this regulation).

SEC. 9. Penalties. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

ARTICLE IV—MISCELLANEOUS

SEC. 10. Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration. The petition for amendment must propose a change of general applicability in the regulation for the industry as a whole or a substantial portion thereof, or a change affecting all sellers in a given area, as distinguished from an application which seeks individual price adjustment. Petitions for amendment must be filed with the Office of Price Administration, Washington 25, D. C.

SEC. 11. Adjustment of maximum prices. The Office of Price Administration may at any time adjust or revoke (not to apply retroactively) a maximum price determined under any section of this regulation so as to make it consistent with the level of maximum prices otherwise established by this regulation.

SEC. 12. Licensing. The provisions of Licensing Order No. 1 licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 13. Marking ultimate users' prices. Where products covered by this regulation are sold direct to the ultimate user, except where a reseller does not take delivery before shipping to the ultimate user, the seller shall clearly and conspicuously mark on the outside of such structure or on a label securely affixed thereto the certificate shown in (a) of this section, the time of marking to be governed by the requirements of paragraph (b) or (c), whichever is applicable:

(a)

The maximum retail price of this product, f. o. b. seller's place of business is \$..... and such maximum price has been determined in accordance with section of Maximum Price Regulation No. 583.

Name of Seller

Address

(b) Where products are manufactured before being offered for sale, the manufacturer shall mark them immediately upon completion and before offering them for sale.

(c) Where products are custom-built or made to order, the manufacturer shall mark them immediately upon completion.

(d) All products shall be marked by resellers upon acceptance of delivery from manufacturers by such resellers.

Sec. 14. Records. Persons subject to this regulation 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, records of each sale or delivery showing the name and address of the purchaser, date of sale, description of the item, the net price received, and the way the price was figured under the pricing methods of the regulation.

This regulation shall become effective March 28, 1945.

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

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4694; Filed, Mar. 23, 1945;
1:39 p. m.]

PART 1450—TRANSPORTATION

[MPR 571, Amdt. 1]

RENTAL OF CERTAIN TYPES OF COMMERCIAL MOTOR VEHICLES

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 571 is amended in the following respects:

1. In the table of contents the reference to section 7 is amended to read "7. Exemptions".

2. Section 7 is amended to read as follows:

Sec. 7. Exemptions. Neither the provisions of this regulation nor any other maximum price regulation shall be applicable

(a) to any transaction in which the United States or any agency thereof is the lessor of any "commercial motor vehicle" as defined in section 3 (d), nor

(b) except to the extent that certain practices are or may be prohibited by such other regulation, to any rental or lease of "commercial motor vehicles" by a purchaser of pulpwood, cordwood, bolts, logs, or other primary forest products, or by a purchaser of contract logging services in connection with such primary forest products, to the seller or supplier of such commodities or services for the transportation of primary forest products to, or for the account of, the lessor.

3. Section 17 is re-designated section 18, and a new section 17 is added to read as follows:

Sec. 17. Geographical applicability. This regulation applies to the 48 states of the United States and the District of Columbia.

¹ 10 F.R. 1150, 1738.

This amendment shall become effective March 28, 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4693; Filed, Mar. 23, 1945;
1:39 p. m.]

PART 1499—COMMODITIES AND SERVICES [RMPR 165, Amdt. 1 to Supp. Service Reg. 47]

RETAIL SHOE REPAIR SERVICES

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

Section 1499.680 (g) is amended to read as follows:

(g) *Higher filed maximum prices.* Any Regional Administrator or any District Director who has been authorized to act by the Regional Administrator having jurisdiction over his district, is authorized to issue an order increasing the maximum prices specified in an area order of any seller who can satisfy the requirements set forth below.

The seller must show that his total gross income from services covered in an area order is substantially less than it would have been under RMPR 165 prior to the area order, on the basis of the quantity of sales for a representative period as indicated below; and

That he filed an adequate statement of his maximum prices for the services listed in the area order with his appropriate War Price and Rationing Board on or before September 10, 1942; or

If the seller entered business after March 1942 and established his maximum prices by taking those of his closest competitor, that the competitor had filed a statement as set forth above; and that the seller had filed a statement of his maximum prices under the applicable filing provision.

Any seller wishing to request such an increase in the maximum prices specified in an area order must do so by filing a request in writing within 60 days of the effective date of the area order applicable to him. The request must be in duplicate and may be made by letter. The request must show:

(1) The number of repair jobs for each retail shoe repair service listed in the area order which were performed by the seller during any representative period of at least 14 consecutive calendar days following the issuance date of the area order. The Regional Administrator or authorized District Director may require the same information for an additional period, the duration of which he shall specify, if in his opinion such information is necessary to satisfy the requirements of this paragraph.

(2) The maximum combination prices for the seller's half-sole and heel serv-

¹ 9 F.R. 7439, 9107, 9411, 11173, 12040, 12969.

ices (leather or rubber) as established by RMPR 165.

A price increase under this paragraph shall provide the seller with approximately the same gross income from the same quantity of sales as he would have had under RMPR 165 prior to the area order for the period or periods indicated above.

The request shall be filed with the OPA district office for the district where the seller's place of business is located.

This amendment shall become effective March 28, 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4691; Filed, Mar. 23, 1945;
1:44 p. m.]

PART 1499—COMMODITIES AND SERVICES [MPR 188, Amdt. 51]

EVAPORATIVE COOLERS

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

Maximum Price Regulation No. 188 is amended in the following respects:

1. Section 1499.166, Appendix A, is amended by adding to paragraph (b) (6) immediately following the item beginning "Air conditioning equipment":

Evaporative coolers.

2. Section 1499.167, Appendix B, is amended by adding the following articles to the list of commodities:

Evaporative coolers.

This amendment shall become effective on the 28th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4692; Filed, Mar. 23, 1945;
1:44 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 18, Amdt. 1 to Supp. 1]

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

The heading "Maximum base permitted No. of pounds", under Schedule I—Industrial Users, is amended to read as follows:

MAXIMUM ANNUAL BASE PERMITTED (No. OF POUNDS)

This amendment shall become effective March 26, 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4790; Filed, Mar. 23, 1945;
5:07 p. m.]

PART 1305—ADMINISTRATION
[Gen. RO 12,¹ Amdt. 7]

WAR RATION BOOK NO. 3

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

General Ration Order No. 12 is amended in the following respects:

1. Section 4 (c) is amended to read as follows:

(c) If the Board finds that a person named in the application is eligible for but has not received a War Ration Book No. 3 it shall issue a book for him. Before issuing a War Ration Book No. 3 to an applicant who has been discharged from the armed forces of the United States, the Board shall remove all expired stamps and all valid stamps except the last two stamps which became valid. Before issuing War Ration Book No. 3 to all other applicants, the Board shall remove all expired stamps and all valid stamps except the last stamp which became valid.

2. The last sentence of section 8 (e) is amended to read as follows: "Before issuing the new War Ration Book No. 3, the Board shall remove all expired stamps and all valid stamps except the last two stamps which became valid and shall write "Exchange Book" in ink or indelible pencil on the front cover of the book."

This amendment shall become effective March 28, 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4752; Filed, Mar. 24, 1945;
11:48 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 373,² Corr. to Amdt. 95]

FURNITURE AND BEDDING IN HAWAII

Amendment 95 to Maximum Price Regulation 373 is corrected by adding the words "bed pillows," after the words "such as" in section 68 (a) (5).

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

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4753; Filed, Mar. 24, 1945;
11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 53,³ Amdt. 44]

FATS AND OILS

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

¹ 8 F.R. 7453, 11514, 17183; 9 F.R. 6504, 9255, 10706.

² 9 F.R. 13004.

³ 10 F.R. 824, 2246, 3053.

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

Maximum Price Regulation No. 53 is amended in the following respects:

1. A new section is added to Article 8 to read as follows:

Sec. 8.3a *Olive oil to be imported into the United States.* (a) Except as hereinafter provided no person in the course of trade or business shall import (buy, receive or in any manner pay for and bring in, deliver or cause to be brought into the continental United States) any olive oil at a price higher than \$4.30 per gallon, c. & f., first United States point or port of arrival.

(1) The above price includes foreign export duties or taxes, freight to the point or port of arrival within the United States, brokerage and all other charges except marine and war risk insurance and applicable United States duties.

This maximum importing price does not apply to olive oil on the high seas enroute to the United States on the issuance date of this amendment.

Contracts for olive oil entered into prior to the issuance date of this amendment under which the importing price is higher than the price established by this amendment may be carried out at the contract price where such contract or contracts are accompanied by an unexpired irrevocable letter or letters of credit having a definite expiration date and where such letter or letters of credit were issued prior to the issuance date of this amendment. Such contracts may be carried out until the expiration date of such letter or letters of credit.

Where a contract is excepted by this subsection the importer of the oil shall file a copy of said contract and the accompanying letter or letters of credit with the Fats and Oils Section, Food Price Division, Washington, D. C. within two weeks of the issuance date of this amendment.

After the importer of the oil has received the final shipment called for in such excepted contract, he shall report such receipt to the Fats and Oils Section, Food Price Division, Washington, D. C. within two weeks of the receipt of the final shipment, stating that the total amount received did not exceed the quantity specified in such excepted contract.

Every person importing olive oil into the continental United States after the issuance date of this amendment shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the accurate records of each importation including the date of the contract, the name of the foreign supplier, the price paid and the grade, quality and amount purchased.

(2) The word "person" or "importer" as used in this section means the first consignee of the imported olive oil in the continental United States.

2. Section 8.5 is amended to read as follows:

Sec. 8.5 *Limitation.* The maximum prices established in sections 8.1-8.4 of

this article do not apply to the following sales of olive oil in containers holding one gallon or less:

(a) Sales to "wholesalers" and "retailers" as defined in Maximum Price Regulations Nos. 421, 422, and 423, and sales to commercial, industrial, and institutional users. However, the maximum prices established in sections 8.1-8.4 of this article do apply to all sales of olive oil to "wholesalers" who are packers of any of the olive oil they sell.

(b) Sales by "wholesalers" and sales by "retailers" as defined in Maximum Price Regulations Nos. 421, 422 and 423. Sales by wholesalers of any item of olive oil they pack are priced under Section 16 (b) of Maximum Price Regulation No. 421. The maximum prices for such sales are those set out in sections 8.6 and 8.7 of this article.

(c) Sales by persons other than wholesalers or retailers in containers of one gallon or less to household consumers. The maximum prices for such sales are those set out in section 8.6.

3. The introductory paragraph to section 8.6 is amended to read as follows:

SEC. 8.6 *Sales in containers of one gallon or less of olive oil to wholesalers, retailers and commercial, industrial and institutional users, and sales to household consumers.* The maximum prices for olive oil when sold in containers of one gallon or less to wholesalers as defined in Maximum Price Regulation No. 421 other than a packer or to a retailer as defined in Maximum Price Regulation No. 422 and Maximum Price Regulation No. 423 or to a commercial, industrial and institutional user and a sale by persons other than wholesalers or retailers to a household consumer shall be the prices listed in the following table:

4. Section 8.11 (a) is amended to read as follows:

(a) "Packer" as used in this article means a person who sells any olive oil in containers other than those in which he received the olive oil. It shall include also anyone who blends, bottles or performs any similar operations or anyone who has such operations performed for himself by a third party to whom he furnishes the oil.

This amendment shall become effective March 24, 1945.

NOTE: The reporting and recording provisions of this amendment are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4779; Filed, Mar. 24, 1945;
4:26 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT
[RMFR 136]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

Maximum Price Regulation 136, as amended, is redesignated Revised Maxi-

imum Price Regulation 136 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

ARTICLE I—SCOPE AND PROHIBITIONS OF THE REGULATION

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21. Applications for adjustment.
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Appendix A: Products covered by the regulation.

Appendix B: Form for reporting manufacturers' maximum prices of modified products.

Appendix C: Form for reporting recomputed maximum prices under section 9.

Appendix D: Form for reporting manufacturers' new list prices.

Appendix E: Table of depreciation rates for determining maximum prices of second-hand products.

Appendix F: Form for applications for adjustment.

AUTHORITY: § 1390.1 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—SCOPE AND PROHIBITIONS OF THE REGULATION

SECTION 1. *Scope*—(a) *Commodities and transactions*. Except as provided in the next section 2, this regulation establishes maximum prices for all sales,

rentals and leases of unused or second-hand products that fall within the groups listed in Appendix A. Note that this regulation applies to sales to governmental, as well as non-governmental, purchasers. Thus, a product which falls within the groups listed in Appendix A is covered by this regulation, even if it is made only for military purposes and is sold to an agency of the United States.

(b) *Geographical applicability*. This regulation applies in the forty-eight states of the United States, in the District of Columbia, and in the territories and possessions of the United States.

SEC. 2. *Exclusions*—(a) *Commodities*. Any sales, leases or rentals of the following:

NOTE: This paragraph only deals with commodities which are covered by regulations which are superseded by this regulation. For commodities covered by other regulations see section 3 (Relationship to other regulations). Unless otherwise indicated, maximum prices for the commodities listed below are established by another regulation.

(1) Diamond dies and diamond tools. Sales of diamond dies under .002" are exempted from price control by Revised Supplementary Regulation 1 to the General Maximum Price Regulation.

(2) Instrument jewel bearings. Sales of these bearings are exempted from price control by Revised Supplementary Regulation 1 to the General Maximum Price Regulation.

(3) Nonferrous forgings.

Regulation	Title
Revised Price Schedule 86-----	Domestic Washing Machines.
Revised Price Schedule 102-----	Household Mechanical Refrigerators.
Revised Price Schedule 111-----	New Household Vacuum Cleaners and Attachments.
Maximum Price Regulation 188---	Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.
Maximum Price Regulation 254---	New Small Firearms and Firearms Parts.
Maximum Price Regulation 272---	Cast-Iron Boilers and Cast-Iron Radiation.
Maximum Price Regulation 399---	New Ice Boxes.
Maximum Price Regulation 430---	Assembled Radios and Phonographs.

However, this regulation does cover (1) sales and deliveries of such parts and subassemblies to the manufacturer of the complete item of which they are a part; and (2) all sales and deliveries by a manufacturer of replacement units and assemblies for mechanical refrigerators having a refrigerated volume of 16 cubic feet or less, parts for radio transmitting and receiving equipment, and parts for electronic devices or equipment.

NOTE: The General Maximum Price Regulation establishes maximum prices for those sales which this paragraph (d) exempts from this regulation.

(e) *Sales of used snow plows to the War Department*. Any sale of used snow plows to the War Department. These sales are exempted from price control by Revised Supplementary Regulation 1 to the General Maximum Price Regulation.

(f) *Certain leases by Defense Plant Corporation*. Any lease by Defense Plant Corporation, where the contract of lease (1) does not provide for specific rentals

(4) Pipe and tube fittings, except those made of glass.

(5) Refrigeration controls.

(6) Valves.

(b) *Certain leases*. Any leases or rentals of the following:

(1) Public address systems.

(2) Electric storage batteries.

(3) Surveying and drafting instruments, and engineering reproduction equipment.

NOTE: Maximum prices for these leases and rentals are established by Revised Maximum Price Regulation 165 (Services).

(c) *Installation or erection services*. Where a person sells an unused product covered by this regulation, and also furnishes the services required to incorporate that product into a building, structure or construction project, the maximum price for the sale of the product must be determined under this regulation and the maximum price for the installation or erection services must be determined under Revised Maximum Price Regulation 251 (Construction Services and Sales of Installed Building Materials). In the case of such a sale, the price of the product must be billed or invoiced separately. Note that the sale of second-hand products on an installed or erected basis is covered by this regulation. See section 12.

(d) *Sales of certain parts and subassemblies by a seller of the complete item*. Any sale or delivery of a part or subassembly of a commodity covered by any of the following regulations:

allocable to specific products, and (2) provides that products will be brought within the scope of the lease after purchase by the Defense Plant Corporation. These leases are exempted from price control by Revised Supplementary Regulation 11 to the General Maximum Price Regulation.

(g) *Certain sales of underground tanks or vessels*. The sale of any tank or vessel which (1) is installed underground at the time of sale, and (2) is purchased for use in its present location. Sales of such tanks are exempted from price control by Revised Supplementary Regulation 1 to the General Maximum Price Regulation.

(h) *Sales of rebuilt fractional horsepower motors*. The sale of a rebuilt fractional horsepower motor of $\frac{3}{4}$ horsepower or less. The maximum prices for such sales are established by section 3.1 of Supplementary Regulation 14K to the General Maximum Price Regulation. Note that this regulation covers sales of second-hand fractional horsepower motors that have not been rebuilt.

(i) *Secret contracts.* This regulation does not apply to sales or deliveries of any product under a contract or subcontract that is officially classified as "secret" and certified in writing as such to the OPA by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing. Such certification shall state the date of the secret contract or subcontract and its number or other designation. The certifying government agency shall notify the seller and the OPA whenever such contract or subcontract ceases to be secret. This exemption shall not apply after the seller is notified by the certifying government agency that the contract is no longer deemed to be secret.

(j) *Developmental contracts.*—(1) *Exclusion.* This regulation does not apply to sales and deliveries of any product manufactured under a contract or subcontract that is certified in writing to the OPA as being "developmental", by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any foregoing. A contract is deemed to be "developmental" during the period required for the selection of a product by the purchaser or for the accumulation of sufficient experience by the manufacturer to permit a fair estimate of the manufacturing costs, or both. If the OPA determines, after consultation with the appropriate government agency, that the period necessary for development has expired, and in writing so notifies such agency and the seller, this regulation shall apply to all subsequent sales and deliveries of such product.

(2) *Report.* Within ten days after entering into any developmental contract or subcontract, the seller shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall set forth a description of the products that are the subject of the contract, a summary of the terms of the contract, and an estimate of the expected duration of the developmental work. This report need not be filed if the developmental contract or subcontract is also certified as "confidential" or "restricted" by the certifying government agency.

(k) *Emergency purchases.* This regulation does not apply to sales or deliveries of any product which is purchased for immediate delivery by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing, under such circumstances as to make immediate delivery imperative and as to render it impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable: *Provided*, That, within ten days

after any such emergency purchase in the amount of \$500 or more is made, the person making such purchase on behalf of the purchasing government or agency files a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall contain (1) a certification that an emergency existed, (2) the name and address of the seller, (3) date of purchase, (4) date of delivery, (5) description of the product purchased, (6) quantity purchased, (7) price at which purchased, and (8) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price.

SEC. 3. *Relationship to other regulations.*—(a) *In general.* Except as otherwise specifically provided in this regulation, this regulation supersedes the General Maximum Price Regulation, Revised Price Schedule 84 (Radio Receiver and Phonograph Parts) and Maximum Price Regulation 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel), in so far as transactions covered by this regulation are concerned. This regulation does not apply to transactions covered by any other specific regulation issued by the OPA.

(b) *Applicability of the Second Revised Maximum Export Price Regulation.*¹ The maximum price at which a person may make any export sales of any product covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation or any revision thereto. See the Second Revised Maximum Export Price Regulation for the definition of "export sale".

(c) *Applicability of the Maximum Import Price Regulation.*² The provisions of this regulation do not apply to purchases, sales or deliveries of products which originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported products are governed by the provisions of the Maximum Import Price Regulation.

SEC. 4. *Prohibitions.* (a) On and after March 31, 1945 (except as provided in paragraph (b)):

(1) No person shall sell, deliver, lease, rent or negotiate the sale or lease of any product at a price higher than the maximum fixed by this regulation.

(2) No person, in the course of trade or business, shall buy, rent, lease or receive any product at a price higher than the maximum fixed by this regulation. The purchaser or lessee shall be deemed to have complied with the subparagraph, if he receives a written statement from his supplier that the price does not exceed the maximum price and if he has no reason to doubt the validity of this statement.

¹ 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11773, 12919.

² 9 F.R. 2350, 7504, 8062, 10925, 12270.

(b) Nothing in this regulation shall be deemed to prohibit the fulfillment of any contract entered into before March 31, 1945, if the maximum price regulation or price schedule which was applicable to the transaction at the time the contract was made permitted deliveries at such price.

SEC. 5. *Less than maximum prices.* Lower prices than those established by this regulation may be charged or paid.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 6. *Base dates.* Appendix A lists four base dates for the products covered by this regulation. These are October 1, 1941, October 15, 1941, March 31, 1942, and April 1, 1943. The date that must be used in determining the maximum price for the sale, lease or rental of any product depends upon the base date listed in Appendix A for that product.

SEC. 7. *Maximum manufacturers' prices for products with list or established prices.* The maximum price for the sale of any product (new and unused), for which the manufacturer had a published list price or established price in effect on the base date, shall be that price, adjusted to reflect all applicable extra charges, discounts or other allowances that the manufacturer had in effect to a purchaser of the same class on the base date. See the definition of "established price in effect on the base date" in section 28 (a).

SEC. 8. *Maximum manufacturers' prices for products that have been modified.*—(a) *Pricing formula.* This section is applicable to any product (new and unused), for which the manufacturer either had a published list price or an established price in effect on the base date, or for which a list price has been approved by the OPA. Where a substantial change in design, specifications, or equipment has been made in any such product and the OPA has not previously approved a maximum price for the product as modified, the manufacturer's maximum price for the product as modified shall be figured as follows:

(1) The manufacturer shall first figure the increases and decreases in those costs listed below which are attributable to the change in design, specifications or equipment. This change in costs shall be figured by using:

(i) Direct labor cost determined by using his current straight-time labor rates for the labor costs both added and eliminated.

(ii) Direct material cost determined by using his current material and parts prices, not in excess of the maximum established by the OPA, for the materials and parts both added and eliminated.

(iii) If the manufacturer has materials processed by a subcontractor, he must use the actual price paid the subcontractor (not in excess of the applicable maximum price), plus any transportation costs paid by the manufacturer for shipment from the subcontractor to him.

(iv) Factory overhead allocable to such direct material or direct labor costs, determined in accordance with the manufacturer's method of accounting and charged at the actual rate or rates in effect in his plant in the month preceding the base date, or at the standard rate or rates, if any, consistently used by the manufacturer for price determining purposes in the month which includes the base date, whichever is lower.

(v) Royalty payments, if any, determined at the rate actually paid by the manufacturer.

(vi) Where the product is sold on a freight allowed or a delivered price basis, outbound transportation charges may be added. These charges shall be computed by using current freight rates applied in accordance with the manufacturer's base date practice.

(2) The manufacturer shall then add or subtract the net increase or decrease in costs so calculated from his maximum net price to the class of purchasers who paid the lowest net price for the product before modification. The resultant figure is the manufacturer's maximum price for the product as modified when sold to the class of purchasers who buy at the lowest net price. This maximum price may not be rounded out above the computed price.

(3) The manufacturer shall then determine the maximum price to every other class of purchasers by multiplying his maximum price for that class of purchasers before modification by a factor. This factor shall be determined by dividing the manufacturer's new lowest maximum net price after modification (computed under subparagraph (2) above) by the manufacturer's lowest maximum net price before modification.

(b) *Report and approval of maximum prices.* If a manufacturer publishes or proposes to publish a list price for a modified product covered by this section or for the modification itself, he must file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. No reports need be filed, however, by a manufacturer who modifies repair parts or tools used in the maintenance and repair of products manufactured by him. The manufacturer must always file a report when specifically requested to do so by the OPA.

The report shall contain the information required by Form OPA 694-2165 (see Appendix B). After receipt of this report, OPA may (1) approve the proposed maximum price, (2) disapprove the proposed maximum price, or (3) establish a different maximum price determined under this section, by order. If the OPA fails to act within thirty days after it receives the required report (or any verification of the facts stated in the report that may be requested), the proposed maximum price shall be deemed to be approved.

The maximum price established in this manner shall be applicable to all subsequent sales and deliveries. However, if the OPA later determines that this price was not figured in accordance with this section, it may disapprove that price at any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

In the event that the OPA finds that the manufacturer's production experience does not yet warrant the establishment of a permanent maximum price, it may either establish, or give temporary approval to, a maximum price and require further filing under this section at a later date.

(c) *Interim pricing.* Prior to receipt of approval by the OPA of the proposed price, or prior to the expiration of the thirty-day period after receipt by OPA of the required report (or of any verification of the facts stated in the report that may be requested), the proposed price may be tentatively quoted or charged. However, no more than the maximum price before modification or 75 percent of the proposed price, whichever is the lower, may be paid or received until a maximum price has been established. Also, final settlement shall be made in accordance with the action taken by the OPA.

(d) *Certification by seller where the manufacturer is unable to determine the maximum price of purchased materials or services.* For the purposes of this section, if the manufacturer receives a written statement from his supplier that the price charged the manufacturer for purchased materials, parts or services does not exceed the applicable maximum price, and he has no reason to doubt the validity of this statement, the price certified by the supplier shall be deemed not to be in excess of the maximum price. A statement that "prices in this invoice do not exceed OPA maximum prices" will be acceptable.

SEC. 9. Maximum manufacturers' prices for products without list or established prices—(a) Maximum prices. This section is applicable to any product (new and unused) for which the manufacturer had no published list price or established price in effect on the base date, and which is not a modified product covered by section 8. Except where the OPA has approved a new list price in accordance with paragraph (c) below, the manufacturer must determine the maximum price for each sale of any such product, in accordance with the provisions of this section, before making the sale. This maximum price shall be calculated by using the method of determining price by relation to cost that the manufacturer had in effect on the base date for products of the same or a similar type. The application of this method is subject to the limitations set forth in the next section 10. If the manufacturer did not have such a method in effect on the base date, he shall use a method approved by the OPA. See section 10, paragraph (b). The application of this method is also subject to the limitations set forth in section 10. However, in the case of a newly constructed plant, a manufacturer, who did not have a price determining method in effect on the base date, may use the labor rates and material prices in effect to him on the date when he first made price quotations or on the date when production was first started in the plant, whichever is earlier.

(b) *Report and approval of recomputed maximum prices.* This paragraph

is applicable to products covered by this section for which the manufacturer has not established a list price under the next paragraph (c). If, for any such product, the manufacturer charges a price which is higher than the last price he charged a purchaser of the same class for the same product, he must file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall be filed within ten days after entering into a contract at such increased price. The report shall contain the information required by Form OPA 694-2166 (see Appendix C).

After receipt of the report, OPA may (1) approve the proposed maximum price, (2) disapprove the proposed maximum price, or (3) establish a different maximum price, determined under this section, by order. If OPA fails to act within thirty days after it receives the required report (or any verification of the facts stated in the report that may be requested), the proposed maximum price shall be deemed to be approved.

The manufacturer may not receive payment for the product at the higher price reported by him until the OPA approves that price in writing or until thirty days have elapsed after it receives the required report (or any verification of the facts stated in the report that may be requested) without the OPA disapproving of the new price. Of course, if OPA establishes a different maximum price, the manufacturer may not receive payment in excess of that price.

(c) *Report and approval of list prices—(1) Report and approval.* If the manufacturer publishes or proposes to publish a list price for a product covered by this section, or if he is requested in writing by the OPA to establish a list price for any such product, he shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall contain the information required by Form OPA 694-2167 (see Appendix D).

After receipt of this report, OPA may (i) approve the proposed maximum price, (ii) disapprove the proposed maximum price, or (iii) establish a different maximum price, determined under this section, by order. If the OPA fails to act within thirty days after it receives the required report (or any verification of the facts stated in the report that may be requested), the proposed maximum price shall be deemed to be approved.

The maximum price established in this manner shall be applicable to all subsequent sales and deliveries. However, if the OPA later determines that this price was not figured in accordance with this section, it may disapprove that price at any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

In the event that the OPA finds that the manufacturer's production experience does not yet warrant the establishment of a permanent maximum price, it may establish, or give temporary approval to, a maximum price and require further filing under this paragraph (c) at a later date.

(2) *Interim pricing.* Prior to receipt of approval of the OPA of any proposed price, or prior to the expiration of the thirty-day period after OPA's receipt of the required report (or of any verification of the facts stated in the report that may be requested), the proposed price may be tentatively quoted or charged, but no more than 75 per cent of the proposed price may be paid or received until a maximum price has been established. Also, final settlement shall be made in accordance with the action taken by the OPA.

(d) *"In-line" pricing for certain products.* This paragraph is applicable to electric fuses (cartridge and plug types), electric motors (standard types and sizes), electronic apparatus and parts, storage batteries, switches (knife and enclosed), transformers (standard types and sizes), welding rods for electric and gas welding, and wiring devices. In the case of any such product, the OPA may disapprove any maximum price determined under this section because it is not in line with maximum prices fixed by this regulation for comparable products. Of course, the maximum price for such products must also not exceed the price determined under paragraph (a) of this section.

SEC. 10. Pricing formula for manufacturers—(a) *Price determining method where the manufacturer had one in effect on the base date.* The manufacturer shall use the method of determining price by relation to cost that he had in effect on the base date for determining the selling prices of products of the same or a similar type. This means that he must use the overhead rates, machine hour rates, if any, rates for general administrative and selling expense, profit markup, discounts and allowances, and any other bases of computing price by relation to cost that were in use in his plant on the base date and are applicable to the product being priced. This pricing method must be applied in accordance with paragraphs (c) to (h), inclusive, of this section.

(b) *Price determining method where the manufacturer had none in effect on the base date—*(1) *Price determining method.* If the manufacturer had no method of determining price by relation to cost in effect on the base date, for products of the same or a similar type, he must file a proposed price determining method with OPA before he delivers any product which is covered by the preceding section 9. This price determining method must be reasonable in the light of the operations being or to be performed, and the profit margin used must be in line with that used by comparable manufacturers of comparable products. Immediately upon the determination of such a price determining method, the manufacturer shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall set forth (i) a detailed description of the proposed price determining method, (ii) a detailed explanation of all factors included in the proposed price determining method and the manner in which they were deter-

mined and are applied, and (iii) a representative sample of prices determined in accordance with the proposed price determining method, showing in detail how they were computed.

After receipt of this report, OPA may approve the proposed price determining method, require the manufacturer to file a revised price determining method, or establish a different price determining method. If the OPA fails to act within thirty days after it receives the required report (or any verification of the facts stated in the report that may be requested), the proposed price determining method shall be deemed to be approved. In the event that the OPA finds that the manufacturer's production experience does not yet warrant the establishment of a permanent price determining method, it may either establish, or give temporary approval to, a price determining method and require further filing under this paragraph at a later date.

(2) *Interim pricing.* Prior to receipt of approval by the OPA of the proposed price determining method, or prior to the expiration of the thirty-day period after receipt by the OPA of the required report (or of any verification of the facts stated in the report that may be requested), prices determined in accordance with the proposed price determining method may be quoted or charged. However, no more than 75 percent of this price may be paid or received until a price determining method has been established. Also, final settlement shall be made in accordance with the action taken by the OPA.

(3) *Application of price determining method.* The price determining method approved by the OPA must be applied in accordance with paragraphs (c) to (h), inclusive, of this section. However, in the case of a newly constructed plant, the manufacturer may use labor rates and material prices in effect to him on the date when he first made price quotations or on the date when production was first started in the plant, whichever is earlier.

(c) *Direct labor costs—*(1) *Method of determining direct labor costs.* The manufacturer shall determine direct labor costs by multiplying the straight-time labor rate for each classification of labor in effect on the base date (see subparagraph (2), below) by the estimated number of clock hours of that classification of labor. This estimate of the number of clock hours shall be based on previous production experience. If, on the base date, the manufacturer used an average rate to determine labor costs, he shall determine labor costs by using the method of computing the average in effect on that date and labor rates determined in accordance with (2).

(2) *Labor rates.* The rates used in determining allowable direct labor costs shall be the rate in the manufacturer's plant for each classification of labor that either was prevailing on the base date or was made retroactive to or before that date by an order of the National War Labor Board. If the manufacturer requires the use of labor of a classification not employed by him in his plant

on the base date, he shall use as the rate for that classification of labor, the rate prevailing on that date in the locality in which the manufacturing is to be performed. If labor of that classification was not employed in that locality on the base date, the manufacturer shall use the rate prevailing on that date in the most comparable locality, as accurately as he is able to determine that rate by the use of reasonable diligence.

(3) *Overtime.* The method of determining direct labor costs set forth in (1) requires that only straight-time labor rates may be used in determining allowable direct labor costs. The manufacturer may add the amount of overtime premium which he expects to pay to the maximum price. This overtime premium shall be determined by multiplying the estimated number of hours of overtime by the rate for overtime premium determined in accordance with (2). No markup, overhead or profit shall be applied to that part of the allowable direct labor cost which is in excess of the straight-time cost, and any addition made for overtime must be invoiced separately. However, if the manufacturer's base date overhead or machine-hour rate included an amount for overtime, no adjustment of that rate shall be required. Also, if on the base date, the manufacturer's price determining method included an amount determined by applying a fixed percentage to straight-time labor costs, he may apply markup, overhead or profit to that amount, if he did so on the base date.

(d) *Material costs—*(1) *How the manufacturer determines material costs.* The manufacturer shall determine the allowable cost of raw materials, processed and fabricated materials, and parts or subassemblies as follows: He shall multiply the price determined in accordance with (2) for each material, part or subassembly by the estimated quantity of that material, part or subassembly. This estimate of the quantity of the material, part or subassembly, which is to be used in the production of the product, shall be based on previous production experience.

(2) *Material prices.* The price used in determining the allowable cost of purchased parts and subassemblies covered by this regulation, Revised Price Schedule 82 (Wire, Cable and Cable Accessories), Maximum Price Regulation 119 (Original Equipment Tires and Tubes), Maximum Price Regulation 147 (Bolts, Nuts, Screws and Rivets), Maximum Price Regulation 149 (Mechanical Rubber Goods) and Maximum Price Regulation 523 (Plastics Products) shall be the price paid by the manufacturer, not in excess of the applicable maximum price.

The price used in determining the allowable cost of all other purchased parts or assemblies and all other material shall be the cost to the manufacturer on the base date, or if the manufacturer cannot determine his base date cost, the price in effect to a purchaser of the same class as the manufacturer in the same locality on the base date. However, if the actual cost to the manufacturer is lower, he shall use his actual cost. If the manufacturer is unable to determine a base date cost for the material, part or sub-

assembly, he shall use his actual cost, not in excess of the applicable maximum price. However, the manufacturer must determine the base date cost, if there was a published price list for the material, part or subassembly in effect on the base date, if the manufacturer purchased such material, part or subassembly on or about the base date, or if one of the manufacturer's suppliers was selling the material, part or subassembly on or about the base date.

(e) *Subcontracted services.* If the manufacturer has materials processed by a subcontractor, he must use the actual price paid the subcontractor, not in excess of the applicable maximum price.

(f) *Transportation costs.* If the manufacturer pays any transportation costs for inbound shipments, he may use these costs in determining his maximum price. In determining such transportation costs, the manufacturer shall use freight rates in effect on the base date or current freight rates, whichever is the lower for the mode of transportation actually used.

(g) *Expendable tools, etc.* To the extent that the manufacturer's price determining method includes or is based on prices paid for expendable tools, dies, jigs, fixtures, moulds, patterns or workholding devices, the manufacturer shall use the actual cost to him for such items, not in excess of the applicable maximum price. These costs must be amortized in accordance with the manufacturer's price determining method.

(h) *Purchaser's allowance for scrap or wastage.* Where the manufacturer's base date price determining method included an allowance to the purchaser for scrap or wastage, generated during the manufacturing process, this allowance shall be determined as follows:

(1) If, on the base date, the manufacturer determined the amount of this allowance by the current market price, he shall multiply the estimated quantity of scrap or wastage by its market price on the date when he determines his maximum price.

(2) If, on the base date, the manufacturer determined the amount of this allowance by a percentage of the current market price, he shall first multiply the market price in effect for the scrap or wastage, on the date when he determines his maximum price, by the percentage of the market price he was using on the base date, and then multiply the result by the estimated quantity of scrap or wastage.

(i) *Certification by supplier where the manufacturer is unable to determine the maximum price of purchased materials, parts, or services.* For the purposes of this section, if the manufacturer receives a certification from his supplier that the price charged him for purchased materials, parts or services does not exceed the applicable maximum price, and if he has no reason to doubt the validity of his certification, the price certified by the supplier shall be deemed not to be in excess of the maximum price. A certification to the effect that "prices in this invoice do not exceed OPA maximum prices" will be acceptable.

SEC. 11. *Maximum resellers' prices—*
(a) *Products with list or established prices.* The maximum price for any product (new and unused), for which the reseller had a published list price or established price in effect on the base date, shall be that price, adjusted to reflect all applicable extra charges, discounts or allowances that the reseller had in effect to a purchaser of the same class on the base date. See the definition of "established price in effect on the base date" in section 28 (a).

(b) *Certain cases where this reseller's base date price is based on lower cost—*
(1) *Applicability of this paragraph.* This paragraph is applicable to products (new and unused), for which the reseller had a published list price or established price in effect on the base date. It covers four possibilities:

First, the reseller's base date price was based on price sheets published by another person and did not reflect an increase in those sheet prices that had occurred before the base date.

Second, the reseller's base date price was based on a supplier's unpublished price and did not reflect an increase in the supplier's price that had occurred before the base date.

Third, the reseller's base date price was based on price sheets published by his supplier which, in turn, did not reflect an increase in the supplier's cost that had occurred before the base date and, therefore, the OPA authorized the reseller's supplier to revise his price upwards under this paragraph (b).

Fourth, the reseller's base date price was based on a supplier's unpublished price which, in turn, did not reflect an increase in the supplier's cost that had occurred before the base date and, therefore, the OPA authorized the reseller's supplier to revise his price upwards under this paragraph.

This paragraph is not applicable to sales by a reseller of products whose cost has been increased to him because of an adjustment granted his supplier under section 21 (Adjustments).

(2) *Price—*(i) *Where the reseller's base date price was based on price sheets published by another.* Where the reseller's price in effect on the base date was based on price sheets published by another person, the reseller's maximum price shall be determined as follows: The reseller shall deduct from the published list price, which such other person had in effect on the base date, or which was revised by such other person in accordance with the provisions of this paragraph, all discounts, allowances and any other deductions which the reseller had in effect to a purchaser of the same class on the base date.

(ii) *Where reseller's base date price was not based on price sheets published by another.* Where the reseller's price in effect on the base date was not based on price sheets published by another person, the reseller shall determine his maximum price as follows: The reseller shall multiply his price in effect on the base date to each class of purchasers by the percentage increase in cost to him, either occurring on or before the base date, or because of an increase in his supplier's

price authorized by OPA under this paragraph. This percentage shall be determined as follows: The reseller shall divide either the price his supplier had in effect to him on the base date, had he made a purchase, or the increased price this paragraph permits his supplier to charge, by the cost on which his base date selling price was calculated.

(3) *Report and approval of price.* No adjustment may be made under subparagraph (2) until the price which the seller wishes to charge is approved in writing by the OPA. A reseller who desires to obtain this approval shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall set forth the following information:

(i) *Where the reseller's base date price was based on price sheets published by another.* Where the reseller's base date price was based on price sheets published by another person, the report shall contain the following information:

(a) The name and address of the immediate supplier, as well as the manufacturer, of the product. If the manufacturer is also the supplier, include a statement to that effect.

(b) A description of the product.

(c) A copy of the published price sheet which the reseller used in determining his base date price, together with all discounts, allowances and any other deductions from that list price which the reseller had in effect on the base date.

(d) A copy of the published price sheet which the reseller's supplier put in effect either on or before the base date, or in accordance with the provisions of this paragraph.

(e) The supplier's list price which the reseller desires to have approved for his use, together with all applicable discounts, allowances and any other deductions from that list price.

(ii) *Where the reseller's base date price was not based on price sheets published by another.* Where the reseller's base date price was not based on price sheets published by another person, the report shall set forth the following information:

(a) The name and address of the immediate supplier, as well as the manufacturer, of the product. If the manufacturer is also the supplier, include a statement to that effect.

(b) A description of the product.

(c) Where the price to the reseller was increased on or before the base date, the price that the reseller's supplier would have charged him on the base date, had the reseller made a purchase, and the date that price became effective. Where the price to the reseller was increased in accordance with the provisions of this paragraph, the price which has been approved by the OPA and the date that approval was given.

(d) The cost upon which the reseller's base date price was calculated, and the period during which such cost was effective.

(e) The seller's net price in effect to each class of purchasers on the base date, and the date such price or prices became effective.

(f) The maximum price or prices determined in accordance with subparagraph (2) and the class of purchasers to which each price applies.

(c) *Products without list or established prices—Where there is an approved suggested resale price—(1) Maximum price.* This paragraph is applicable only to products (new and unused) for which the reseller had no published list price or established price in effect on the base date. Where the manufacturer had a suggested resale price for such a product in effect on the base date or where the OPA has approved a suggested resale price for such a product in writing, the maximum price for a sale by a reseller shall be determined as follows: The reseller shall deduct from the suggested resale price, which the manufacturer had in effect on the base date or which was approved by the OPA, all discounts, allowances and other deductions that the reseller had in effect on the base date for products of the same type to a purchaser of the same class. Where the reseller was not selling products of the same type on the base date, he shall deduct from this suggested resale price all discounts, allowances and other deductions, which his most closely competitive seller of the same class had in effect on the base date for products of the same type to a purchaser of the same class.

(2) *Most closely competitive seller of the same class.* A reseller's "most closely competitive seller of the same class" means a person selling to the same class of purchasers who (i) is selling the same or a similar product (ii) is a seller of the same class (distributor, wholesaler, dealer, etc.), and (iii) is located nearest to the reseller.

(3) *Report.* The reseller must file any maximum prices determined under this paragraph (c) with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall identify the price sheets used by the reseller to determine his maximum prices, together with his own discounts and allowances, if any, and a statement as to the method by which those discounts and allowances were determined.

(d) *Products without list or established prices—Where the manufacturer had no approved suggested resale price—*

(1) *How the seller calculates the maximum price.* This paragraph is applicable to products (new and unused) for which the reseller had no published list price or established price in effect on the base date. Where the manufacturer did not have a suggested resale price for such a product in effect on the base date and the OPA has not approved a suggested resale price for such a product in writing, the maximum price for a sale by a reseller shall be determined as follows: The reseller shall first multiply the cost of the product, determined under subparagraph (2), by the percentage margin determined under subparagraph (3). The result, less the deduction for lower freight rates required by subparagraph (4), if any, is the maximum price.

(2) *Cost of the product.* The cost of the product that must be used in determining the maximum price shall be the reseller's net invoiced cost, not to exceed the applicable maximum price.

For the purposes of this section, if the reseller receives a written statement from his supplier that the price charged does not exceed the applicable maximum price, and the reseller has no reason to doubt the validity of this statement, the price certified by his supplier shall be deemed not to be in excess of the maximum price. A statement that "prices in this invoice do not exceed OPA maximum prices" will be acceptable.

(3) *Percentage which must be used in determining the maximum price.* The percentage which the reseller must use in determining the maximum price shall be the first of the following which is available:

(i) The percentage margin over net invoiced cost that the reseller realized on or about the base date on sales of the same product to purchasers of the same class.

(ii) The percentage margin over net invoiced cost that the reseller realized on or about the base date on sales of products of the same type to purchasers of the same class.

(iii) The percentage margin over net invoiced cost that the reseller realized on or about the base date on sales of the same product to a purchaser of a different class, adjusted to reflect the reseller's base date differential between the two classes of purchasers.

(iv) The percentage margin over net invoiced cost that the reseller realized on or about the base date on sales of products of the same type to a purchaser of a different class, adjusted to reflect the reseller's base date differential between the two classes of purchasers.

(4) *Deduction to reflect lower freight rates.* In determining maximum prices for products with a March 31, 1942, base date, which are sold on a delivered basis and delivered by railroad, the reseller is required to deduct the railroad freight difference between March 31, 1942 rates and current rates.

(e) *Products that cannot be priced under (a) to (d)—(1) Maximum price.* This paragraph is applicable to sales by resellers of products (new and unused) that cannot be priced under paragraphs (a) to (d), inclusive. The maximum price for such sales shall be a price, in line with maximum prices otherwise established by this regulation, that is specifically authorized by the OPA. A reseller seeking such authorization shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall set forth the following:

(i) A description of the product for which a maximum price is sought. This description shall include the manufacturer's name, type of product, model and serial number, if any, and any other specifications commonly shown on price sheets for similar products.

(ii) The net invoiced cost of the product.

(iii) The proposed maximum price.

(iv) A statement of the basis on which such proposed maximum price was determined.

(v) An explanation of the reasons why the product cannot be priced under paragraphs (a) to (d), inclusive, of this section.

After receipt of this report OPA may approve the proposed maximum price, disapprove the proposed maximum price, or establish a different maximum price, by order. If the OPA fails to act within thirty days after it receives the required report (or any verification of the facts stated in the report that may be requested), the proposed maximum price shall be deemed to be approved.

The maximum price established in this manner shall be applicable to all subsequent sales and deliveries. However, if the OPA later determines that this price is not in line with maximum prices established by this regulation, it may disapprove that price at any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

(2) *Interim pricing.* Prior to receipt of approval by OPA of the proposed price, or prior to the expiration of the thirty-day period after receipt by OPA of the required report (or any verification of the facts stated in the report that may be requested), the proposed price may be tentatively quoted or charged. However, no more than 75% of the proposed price may be paid or received until a maximum price has been established. Also, final settlement shall be made in accordance with the action taken by the OPA.

SEC. 12. Maximum prices for second-hand products: in general—(a) Applicability of this section. This section is applicable to all sales of second-hand products, except those covered by the next section 13. A "second-hand product" is one that has been used.

(b) *Maximum prices for rebuilt and guaranteed products—(1) Applicability of this paragraph.* This paragraph is applicable to the sale of rebuilt and guaranteed products. A "rebuilt and guaranteed" product is one that meets the following conditions:

(i) The product must have been inspected to determine the need for replacement or repair of parts.

(ii) All worn, broken or missing components, that are necessary for satisfactory operation, must have been replaced or repaired.

(iii) The product must have been completely assembled and tested. This test must show that its performance will be substantially equivalent to that of the new product. Where the product operates under power or pressure, it must have been tested by the seller under power or pressure.

(iv) Except as provided in (v) below, the seller must certify to the buyer on the invoice that:

The product(s) described in this invoice is (are) in a rebuilt condition as defined in Revised Maximum Price Regulation 136, and is (are) guaranteed to give service equivalent to a new product(s) for a period of sixty days after installing or seventy-five days from date of shipment, whichever is shorter.

(v) In the case of a sale by a government agency, or a sale for the benefit of creditors where a government agency is the largest creditor, a written certificate may be substituted for the guarantee.

This certificate must state that the used product has been inspected, that all worn, broken or missing components necessary for satisfactory operation have been replaced or repaired, and that the used product has a performance substantially equivalent to that of the new product. This certificate shall be signed by a qualified person who is not in the business of selling used products.

(2) *Maximum prices.* The maximum price of a rebuilt and guaranteed product is 85 per cent of its "base price" (see paragraph (e) below). However, the seller may charge the price determined in accordance with the "depreciation method" (see paragraph (f) below). See paragraph (g) below, for items which may and may not be added to the maximum price.

(c) *Maximum prices for second-hand products that do not qualify as rebuilt and guaranteed.* The maximum price for any second-hand product that does not qualify as rebuilt and guaranteed, shall be 55 percent of the "base price" (see paragraph (e), below). However, the seller may charge the price determined in accordance with the "depreciation method" (see paragraph (f), below), but never more than 80 percent of the "base price". See paragraph (g), below, for items which may and may not be added to the maximum price.

(d) *Refund where the buyer does his own dismantling and loading.* If the sale price of any second-hand product, plus the actual cost incurred by the buyer for dismantling and loading, exceeds the maximum price established by this section, the seller must make a refund to the buyer. This refund shall be equal to the difference between the maximum price and the sum of the sale price, plus the actual cost of dismantling and loading, not to exceed 10 percent of the maximum price.

(e) *Base price.* The "base price" that must be used in figuring maximum prices under this section shall be the first applicable of the following prices:

(1) The price for the same product, when new, stated in the published price list of the manufacturer in effect at the time the second-hand product is sold, less the manufacturer's smallest discount to users, if any.

(2) The price for the same product, when new, stated in the published price list of the manufacturer in effect on the base date for the product, less the manufacturer's smallest discount to users, if any.

(3) The last price, f. o. b. manufacturer's plant, at which the manufacturer contracted to sell the same product, when new, to a user on and after the base date for the product.

(4) The first applicable of the prices set forth in (1) to (3), inclusive, for the nearest equivalent product.

The base price shall be the price, f. o. b. manufacturer's plant. However, if the manufacturer sells the product only on an installed or delivered basis, the manufacturer's installed or delivered price to users may be used as a base price.

(f) *Depreciation method—(1) All products listed in Appendix E, except certain construction equipment.* The "de-

preciation method" may be used only in computing the maximum prices of products listed in Appendix E. This subparagraph (1) is applicable to all such second-hand products, except construction equipment covered by the next subparagraph (2). The seller shall determine the price of any such product under the depreciation method, as follows: The seller shall first determine the base price of the product under the preceding paragraph (d). The seller shall then deduct from that price an amount determined by applying to the base price of the product (see paragraph (d)), the depreciation rate set forth in Appendix E for the type of product being priced. Depreciation shall be determined by use of the straight line method. The period of time from the date of acquisition by the original purchaser for use of the product when new to the date of sale shall be used to determine the amount of depreciation. In measuring that period of time, a fractional period of a month consisting of sixteen days or more shall be regarded as a full month and a fractional period of a month consisting of fifteen days or less shall be disregarded.

(2) *Certain construction equipment.* This subparagraph (2) is applicable to the sale of any second-hand motor grader, crawler tractor, shovel, dragline, crane or backhoe that was manufactured during the years 1939 to 1943, inclusive, and is not sold as "rebuilt and guaranteed". The maximum prices for any such sales shall be the following percentages of the base price:

Year of manufacture:	Percentage
1943.....	80
1942.....	75
1941.....	70
1940.....	65
1939.....	60

(3) *Statement to be given purchaser.* The seller shall give the purchaser a signed statement before or at the time of the delivery of any machine or part priced under this paragraph (e). This statement shall contain (i) a description of the product that is sufficient to permit identification, (ii) the name and address of the original purchaser of the product when new, and (iii) the date of acquisition of the product by the original purchaser. If this information is not available to the seller, the maximum price may not be figured under the depreciation method.

(g) *Items which may and may not be added to the maximum price.* The seller may add the following items of expense to the maximum price established by paragraphs (a) to (e), inclusive, (to the extent that they are incurred by him):

(1) The actual amount of any tax upon the sale or delivery.

(2) The actual cost of transportation from the point of shipment to the place where the purchaser requests that the second-hand product be shipped. The point of shipment means the point at which the second-hand product is loaded on a conveyance for transportation directly to the place where the purchaser requests that it be shipped.

(3) The actual cost of installation, if the installation is done at the request of the purchaser.

(4) The expense of packing and crating.

(5) In the case of a second-hand machine, a price not exceeding the applicable maximum price established by this regulation for any extras supplied with the machine. The term "extra" means optional equipment furnished by the manufacturer at additional cost.

(6) In the case of a second-hand motor grader, tractor, shovel, dragline, crane or backhoe, which was purchased by the seller solely for rebuilding and sale and is sold by him as "rebuilt and guaranteed", the actual cost paid by the seller for transportation from the point of his acquisition to the place where it was rebuilt.

These items may be added only if billed or invoiced separately. No other charges or expenses may be added, such as any commission or service charge paid to anyone or the expense incurred by the seller for dismantling and loading.

SEC. 13: *Maximum prices for certain sales of second-hand products—(a) Certain sales by the Defense Plant Corporation, the War Department and the Department of the Navy—(1) Applicability.* This paragraph is applicable to sales by Defense Plant Corporation, the War Department, or the Department of the Navy of second-hand products which were originally acquired by the agency for the purpose of rental. Notwithstanding any other provisions of this regulation, the maximum price for such sales is the price determined in accordance with subparagraphs (2) and (3), below, or the price determined in accordance with the applicable provisions of section 12, whichever is the higher.

(2) *Where the purchaser is the first lessee.* The maximum price for the sale of the second-hand product to the first lessee under an agreement with the agency shall be the sum of the following, less the deduction for depreciation required by subparagraph (4):

(i) The cost of the second-hand product to the agency.

(ii) The freight paid by the agency, if any, for transportation of the product to the point where it was installed for use by the first lessee.

(iii) The cost to the agency of unloading the product at the point where it was installed for use by the first lessee.

(iv) The cost to the agency of the installation of the product at the point where it was installed for use by the first lessee.

(v) Interest on items (i) to (iv), inclusive, at the rate actually charged the purchaser under the agreement of lease between the agency and the purchaser. If no interest rate was specified in such agreement, the interest rate used shall be the average rate charged by the agency to other lessees of comparable products. Interest shall be computed from the date that each of the items listed in (i) to (iv), inclusive, was paid by the agency.

(vi) Direct expenses actually incurred by the agency and normally charged the purchaser under the agreement of lease between the agency and the purchaser. If no provision for direct expenses is specified in such agreement, there may be added direct expenses actually in-

curred by the agency and normally charged by them to other lessees of comparable products.

(vii) Any tax upon the sale or delivery of the second-hand product, paid by the agency. This tax may be added only if it is billed or invoiced separately.

(3) *Where the purchaser is a person other than the first lessee of the product.* The maximum price for the sale of the second-hand product to a person, other than the first lessee, under an agreement with the agency, shall be the sum of the following, less the deduction for depreciation required by subparagraph (4):

(i) The cost of the product to the agency.

(ii) The freight paid by the agency for transportation to the place where the purchaser requests that the second-hand product be shipped.

(iii) Any tax upon the sale or delivery of the second-hand product paid by the agency. This tax may be added only if it is billed or invoiced separately.

(4) *Depreciation.* Depreciation on the original total cost of acquisition shall be deducted at the rate of 8% a year from the date of installation after acquisition by the agency, except where the product is sold within ninety days after that date.

(b) *Sales between affiliated corporation—(1) Applicability of this paragraph.* This paragraph is applicable to the sale of any second-hand product which (i) is sold by one corporation to another corporation, both of which are members of an affiliated group, as defined in Section 141 of the Internal Revenue Code, and (ii) is acquired by the purchasing corporation for the processing or fabricating of other commodities and not for resale in the same or in a fabricated form. The maximum prices for such sales are to be determined in accordance with the provisions of this paragraph, notwithstanding any other provision of this regulation.

(2) *Maximum prices.* The maximum price for the sale of a second-hand product covered by this paragraph shall be the selling corporation's book value of the product, less depreciation computed at the rate and in the manner used by the selling corporation in the preparation of its federal income tax return. However, if the price computed in this manner equals zero, the maximum price for the sale of the second-hand product shall be its maximum price as scrap.

(3) *Report.* Within ten days after any sale of a second-hand product covered by this section, the selling corporation shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall state the following:

(i) A description of the product, including the manufacturer's name, type of product and the model or serial number;

(ii) The name and address of the purchasing corporation;

(iii) The date of acquisition of the product by the selling corporation.

(iv) The selling price of the product;

(v) A computation of the maximum price under subparagraph (2) of this paragraph; and

(vi) A statement signed by a responsible officer of the purchasing corporation to the effect that the product has been acquired for the processing or fabricating of other commodities and not for resale in the same or in a fabricated form.

SEC. 14. *Maximum rental rates—(a) List or established prices.* The maximum rental for any new or second-hand product for which the lessor had a published or established price in effect on the base date, shall be that price, adjusted to reflect all applicable extra charges, discounts or other allowances that the lessor had in effect to a lessee of the same class on the base date. See the definition of "established price in effect on the base date" in section 28 (a).

(b) *Products without list or established prices—(1) Report.* This paragraph is applicable to the lease or rental of any new or second-hand product for which the lessor did not have a published or established price in effect on the base date. The maximum rental for any such product shall be a price, in line with maximum prices otherwise established by this regulation, specifically authorized by the OPA. A lessor seeking such authorization shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C. This report shall set forth the following:

(i) A description of the product for which a maximum rental rate is sought. This description shall include the manufacturer's name and address, type of product, model, figure, or serial number, if any, and any other specifications commonly shown on price sheets or furnished to purchasers to identify similar products.

(ii) The lessor's acquisition cost of the product.

(iii) The proposed maximum rental rate and the rental period involved (day, week, month, year, etc.).

(iv) A statement of the bases on which such proposed maximum rental rate was established.

(v) A statement of the reasons why the maximum price cannot be determined under paragraph (a) of this section.

(2) *Maximum prices.* The lessor may quote, contract, lease and deliver the product at the maximum rental rate proposed by him in his report but he may not receive payment until the OPA approves the proposed maximum rental rate or until thirty days have elapsed after the mailing of the required report (or all additional information which may be requested) without the OPA disapproving of the proposed rental rate. If the OPA disapproves of the proposed rental rate, it may fix a different maximum rental rate. This rental rate will be in line with maximum prices otherwise established by this regulation. The lessor may not receive payment at a price in excess of the maximum rental rate so fixed. The maximum rental rate either approved or fixed in the manner just set forth shall be the maximum rental rate for all subsequent leases or rentals of the product. However, the OPA may, by order, fix a different maximum rental rate (not to apply retroactively). This rental rate

will be in line with maximum prices otherwise established by this regulation.

SEC. 15. *Emergency service charges.* Notwithstanding any other provision of this regulation, any manufacturer may add to the maximum price for a new product the extra material cost resulting from his purchasing materials (not including parts and subassemblies), in an emergency and at the request of the customer, from a source more expensive than the current usual source. Also, any manufacturer, reseller or lessor may add to the maximum price for a product his extra transportation cost resulting from his shipping the product or materials used in its production, in an emergency and at the request of the customer, by means more expensive than the current usual method of shipping. No markup, overhead or profit shall be applied to the extra material or transportation cost. The extra charges allowed by this paragraph shall be billed separately on the invoice, and a copy of the invoice must be immediately forwarded to the Machinery Branch, Office of Price Administration, Washington 25, D. C.

SEC. 16. *Taxes—(a) In general.* If a tax or tax increase is imposed on a new or second-hand product and the tax law does not forbid the seller or lessor to pass the tax on to his customers, he may add the tax or tax increase to his maximum price, if he separately states it. However, if the tax was in effect on the base date, and the seller or lessor did not charge his customers extra for the tax on that date, he may not do so now.

(b) *Tax on the transportation of property.* The tax on the transportation of all property imposed by section 620 of the Revenue Act of 1942, shall, for purposes of determining the applicable maximum price of any new or second-hand product, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 17. *Terms and conditions of sale—(a) Credit charges.* The maximum prices established by this regulation shall not be increased by any charges for the extension of credit unless (1) the seller or lessor on the base date required the payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales or leases of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge the seller or lessor had in effect on the base date for extension of credit involving the same amount and term.

(b) *Transportation costs.* No seller or lessor may require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity, than the seller or lessor required purchasers of the same class to pay on the base date on deliveries or supplies of the same or similar types of commodities.

(c) *Demonstration and training.* Charges for demonstrating and training

of operators shall be figured on the same basis as that used by the seller on the base date. Where such charges are made, they shall be invoiced separately. Charges for demonstration and training may not be added where the seller supplied such services and made no separate charge therefor on the base date.

SEC. 18. Transfers of business or stock in trade. If the business, assets or stock in trade are sold or otherwise transferred after the base date for the product and the transferee carries on the business, or continues to deal in the same type of products, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 19. Maximum prices for certain specified products. Notwithstanding any other provisions of this regulation, the maximum prices for the following products shall be as follows:

(a) **Lead acid storage batteries and parts.** The maximum price for any new lead acid storage battery or part shall be the higher of the following:

(1) The net price determined in accordance with the applicable provisions of section 7 to 11, inclusive, plus an amount not exceeding one cent for each pound, or major fraction of a pound, of lead contained in the battery or part.

(2) The net price determined in accordance with the applicable provisions of sections 7 to 11, inclusive, substituting the date February 1, 1942, for the base date.

(b) **Loom picker sticks and other textile machinery parts made of hickory—**

(1) **Increase in maximum prices.** The maximum price for any loom picker sticks and any other weaving and spinning hardwood parts made of hickory (such as: jack sticks, sweep sticks, binders, crank or pitman arms, skewers, parallel blocks, dobbie sheaves, etc.) shall be the price determined in accordance with the applicable provisions of sections 7 to 11, inclusive, plus the amount provided in whichever of the following subdivisions (i) to (iii) is applicable:

(i) **Manufacturers who buy picker sticks blanks.** The amount to be added by any manufacturer who buys the hickory picker stick blanks from which he manufactures the parts involved shall be the combined dollar amount of the increases in the maximum prices of the picker stick blanks going into the production of the picker sticks and other textile machinery parts made of hickory, which became effective April 1, 1943, and April 8, 1943. These increases shall be the amounts by which Order No. 16 under section 1499.18 (c), as amended, of the General Maximum Price Regulation and Amendment No. 151 to Supplementary Regulation 14 to the General Maximum

Price Regulation, increased the maximum price of hickory picker stick blanks sold or delivered by the manufacturer's supplier to the manufacturer, including any increase due to delivery charges that the supplier is permitted to make under that order or regulation.

(ii) **Manufacturers who make their own picker stick blanks.** The amount to be added by any manufacturer who makes the hickory picker stick blanks from which he manufactures the parts involved shall be an amount in line with amounts added under (i) by comparable manufacturers who buy their hickory picker stick blanks, specifically authorized in writing by the OPA. The manufacturer shall write to the Machinery Branch, Office of Price Administration, Washington 25, D. C., for such authorization.

(iii) **Resellers.** The amount to be added by a reseller shall be the dollar amount by which the maximum price of his supplier has been increased by this paragraph on sales and deliveries to the reseller. If the reseller's supplier has notified him of the amount of that increase in accordance with the next subparagraph (2), and if the reseller has no reason to doubt the validity of the notification, the amount of which the seller has been so notified shall be deemed to be the proper amount to be added under this subdivision (iii).

(2) **Notification by sellers who sell to purchasers for resale.** Every seller of loom picker sticks and other textile machinery parts made of hickory which are covered by this paragraph, who sells such items to purchasers who buy for the purpose of resale, shall notify every such purchaser in writing of the amount by which the maximum price to the purchaser has been increased on each such item.

(c) **Machines and parts containing silver—**(1) **Maximum price.** Except where another provision of this regulation permits the increase in cost due to the increased price of silver to be reflected in the maximum price, the maximum price for the sale of any product containing silver shall be as follows: The maximum price shall be the price figured in accordance with all other applicable provisions of this regulation, plus an amount found by multiplying the number of fine troy ounces of silver contained in the product by 9.625 cents for foreign silver and by 36.125 cents for domestic or Treasury silver.

(2) **Definitions.** When used in this paragraph, the term:

(i) "Domestic silver" means silver mined after July 1, 1939, from natural deposits in the United States or in any place subject to the jurisdiction thereof.

(ii) "Treasury silver" means silver sold by the United States Treasury Department under the Act approved July 12, 1943, entitled "An Act to Authorize the Use for War Purposes of Silver Held or Owned by the United States" (Pub. Law 137, 78th Cong.).

(iii) "Foreign silver" means any silver other than domestic or Treasury silver, as defined above.

(d) **Mica capacitors.** The maximum manufacturers' price of mica capacitors shall be determined as follows: The man-

ufacturer shall first determine the price in accordance with all applicable provisions of this regulation, except this paragraph. The manufacturer shall then add to that price, increases in unit cost due to increases realized subsequent to March 31, 1942, in the cost of block mica and in the cost of splitting and cutting mica film. Labor rates must be determined as of March 31, 1942.

(e) **Textile bobbins and spools made principally of wood.** The maximum manufacturers' prices for bobbins and spools made principally of wood shall be 114 per cent of the net price the manufacturer had in effect to a purchaser of the same class on October 1, 1941.

Sec. 20. Individual maximum prices—
(a) **Those established by Maximum Price Regulation 136, as amended.*** The provisions of subparagraphs (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (14), (16), (17), (18), (19), (20), (22), (24), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), and (39) of section 1390.25 (a) of Maximum Price Regulation 136, as amended, are incorporated by reference into this regulation as they were in effect on March 31, 1945. The maximum prices established by these subparagraphs remain in effect, notwithstanding any other provisions of this regulation. The subparagraphs named establish maximum prices for the following persons:

A. C. Spark Plug Division of General Motors Corporation.
Aget Manufacturing Company, Adrian, Mich.
Air Associates, Inc., Bendix, N. J.
A. K. Robins and Company, Baltimore, Md.
American Raw Hide Products Company, Providence, R. I.
American Saw Mill Machinery Company, Hackettstown, N. J.
Brandtjen and Kluge, Inc., St. Paul, Minn. Counties of the State of Michigan.
Elmira Lubricator Company, Inc., Elmira, N. Y.
Filtration Engineers, Inc.
Frick-Reid Supply Corporation, Tulsa, Okla.
Giffillan Machine Works, Inc., Ebenezer, N. Y.
International Telephone and Radio Manufacturing Corporation, East Newark, N. J.
J. F. Kidder Manufacturing Company, Inc., J. A. Lang and Sons Company, Boston, Mass.
John E. Fast & Company, Chicago, Ill.
John E. Mitchell Company, Dallas, Tex.
L. H. Cook Research Laboratories, Limited.
Louis Van Dorp Sheet Metal and Roofing Company, Inc., Topeka, Kans.
Middlesex Manufacturing Company, Medford, Mass.
Monarch Engineering and Manufacturing Company, Baltimore, Md.
Northwestern Motor Company, Eau Claire, Wis.
Petrometer Corporation, Long Island, N. Y.
Select-O-Phone Company, Division of Screw Machine Products Company, Inc., Providence, R. I.
Sterling Electrical Motors, Inc., Los Angeles, Calif.
The Parks Woodworking Machine Company, Cincinnati, Ohio.
The Tabor Manufacturing Company, Philadelphia, Pa.
Teesdale Manufacturing Company, Grand Rapids, Mich.

* 9 F.R. 4248, 6420, 6239, 6884, 7079, 7168, 7615, 7854, 10589, 12034, 12266, 12538.

The Electro Motive Manufacturing Company, Willimantic, Conn.
 Tempest Products Manufacturing Company, Indianapolis, Ind.
 Union Fork and Hoe Company, Columbus, Ohio.
 Unique Manufacturing Company, Omaha, Nebr.

(b) *Those established by Administrative Notice No. 1.* Notwithstanding any other provisions of this regulation:

(1) The maximum price for the sale or delivery by the manufacturer of any product listed in Administrative Notice No. 1, as amended, shall be the price established by that Notice.

(2) The maximum price for the sale or delivery by a reseller of any product listed in Administrative Notice No. 1, as amended, for which the manufacturer has published a list price in accordance with that notice shall be that list price, subject to all applicable extra charges, discounts or other allowances that the reseller had in effect to a purchaser of the same class on October 1, 1941.

ARTICLE III—MISCELLANEOUS

SEC. 21. Applications for adjustment—

(a) *Applications based upon impediments to supply*—(1) *Who may receive an adjustment.* The maximum price established by this regulation for a product may be adjusted in the case of an essential supplier of an essential product. An "essential product" is one which contributes to the effective prosecution of the war. An "essential supplier" is one whose output or supply of a product cannot be reasonably expected to be replaced at lower prices than the proposed adjusted maximum price. In addition, any person who has entered into, or proposes to enter into, a war contract (as defined in subparagraph (5)), or a subcontract thereunder, is an essential supplier of an essential product.

(2) *When adjustment may be granted*—(i) *In general.* The OPA may adjust the maximum price in the case of an essential supplier of an essential product upon the basis of information submitted by the supplier or of other information. It may make that adjustment whenever it finds that the maximum price of a product is at such a level that (taking into account the cost thereof the profits position of the supplier and the nature of his business) production or supply of the product is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) *Factors which may be considered.*

(a) The following factors are relevant to the consideration of whether production or supply of the product is impeded or threatened:

(1) Whether, and by what amount, the maximum price is below or above (i) the total unit costs less selling and administrative expenses properly allocable to the internal management of the business, in the case of a manufacturer, and (ii) the current price being charged the seller, in the case of any other seller.

(2) Whether, and by what amount, the maximum price is below or above total unit costs.

(3) Whether, and by what amount, the supplier's current overall profits, before income and excess profits taxes, are greater or less than his average overall profits during the normal base period. These base period profits will be adjusted to reflect any change from the normal base period average investment.

(4) Whether the proposed price is higher than the price prevailing in the industry.

(5) Whether the supplier's sales of the product represent only a very small part of his total sales.

(6) Whether, and by what amount, the supplier previously sold the product below (i) its total unit costs less selling and administrative expenses properly allocable to the internal management of the business, in the case of a manufacturer, and (ii), the supplier's invoice cost, in the case of any other seller.

(7) Whether, and by what amount, the supplier previously sold the product at a price below its total unit costs.

(b) The following factors are relevant to the consideration of whether the adjustment would cause an increase in the cost of living:

(1) Whether the product or a commodity in the production of which it is used is of a type sold to civilian consumers other than industrial consumers.

(2) If so, whether the increase in price allowed by the adjustment would be absorbed prior to sale to a non-industrial consumer.

(3) Whether, if the applicant did not produce or supply the product, his output or supply would be replaced by the same or a substitute commodity only at prices equal to or higher than the proposed adjusted maximum price.

(3) *How the seller proceeds in applying for an adjustment*—(i) *In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 and shall be made on a copy of Form OPA 694-2168, set out in Appendix F. If the seller's total sales of all commodities during the previous year exceeded \$500,000, the application shall be filed with the OPA National Office in Washington, D. C. If the seller's total sales of all commodities for the previous year did not exceed \$500,000, the application shall be filed with the regional office of the OPA located in the same region in which the seller's business is located.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A seller who believes that the conditions for an adjustment set forth in this paragraph (a) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28.

(4) *Prices for deliveries made pending disposition of the application.* A seller who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific

price which is higher than the existing maximum price which the seller wants to have adjusted. However, no payment in excess of that existing maximum price may be received until final disposition is made of the application. Where the application is disposed of by an order issued under this section, the price received for deliveries made subsequent to the filing of the application may not exceed the maximum price as determined by the OPA. Where the application is disposed of by an amendment of general applicability, payment in excess of the maximum price in effect at the time of delivery may be made for deliveries made pending disposition of the application, only as expressly authorized by order of the Price Administrator.

A seller who wishes to enter into such an arrangement must specifically state to the buyer the following:

(i) The maximum price for the product;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the OPA; and

(iii) The fact that the specific price quoted by him is subject to the approval of the OPA.

(5) *Definitions*—(i) *Normal base period.* The term "normal base period" means the period 1936-1939. However, if the seller demonstrates to the satisfaction of the OPA either (a) that his entire industry was operating during the greater part of that period at an unusually depressed level or (b) that because of conditions prevailing during that period, he was then operating at an unusually depressed level in comparison to other sellers in the industry, and if he demonstrates also that some other period before January 1, 1941, represents a proper "normal base period," such other period may be considered. The mere fact that the rate of production or supply has increased since 1936-1939 will not be deemed evidence that the seller was operating at an "unusually depressed level" during that period. If the seller was not in business before January 1, 1941, he shall state that fact in his application.

(ii) *Overall profits.* The term "overall profits" means net profit resulting from the operation of all divisions of the seller, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "overall profits" means the consolidated net profit of the parent corporation before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract.* The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) *Total unit costs.* (a) In the case of a manufacturer, the term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based

on actual operating experience, properly allocable to the production of the product. It does not include provisions for income or excess profits taxes. In evaluating total unit costs, the OPA will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(b) In the case of a reseller, the term "total unit costs" means the current price the seller is paying for the product plus the handling and administrative expense, normally applicable to the handling of the product, properly allocable to the seller's total cost of doing business, but does not include provisions for income or excess profits taxes. In evaluating total unit costs, the OPA will determine whether the allocation of administrative and other expenses is based on a representative period of continuous, normal production.

(v) *War contract.* The term "war contract" means a contract for the sale of a product purchased (a) for the ultimate use of the armed forces of the United States, (b) for use by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, or (c) for use in the production or manufacture of any commodity described in (a) or (b).

(b) *Application based upon an appropriate decrease of other prices—*(1) *Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only to an essential supplier of an essential product. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted.* The OPA may make an adjustment of the maximum price if:

(i) The seller agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (b)) actually does make a reduction in his selling prices which will equal or exceed the total dollar amount of the adjustment granted under this paragraph; and

(ii) One of the following conditions is met:

(a) The increases and decreases in price are made to restore normal price relationships;

(b) The increases and decreases in price are effected by changes in the prices charged different classes of purchasers for the same product; or

(c) The increases and decreases in price are made to change the seller's price list-discount structure.

An adjustment will not be granted under this paragraph where the increases in price are to be made to civilian purchasers and the decreases in price are to be made to governmental purchasers.

(3) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (b) must show that the applicant is an essential supplier of an essential product and that if the proposed adjustment is granted, the gross dollar amount of sales of the products affected by the adjustment will not be greater than it would have been in the absence of the

adjustment. Whenever the OPA grants such an adjustment, it may require appropriate reports relating to the products affected.

(4) *How the seller proceeds in applying for an adjustment.* An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1. If the seller's total sales during the previous year exceeded \$500,000, the application shall be filed with the National Office of the OPA in Washington, D. C. If the seller's total sales for the previous year did not exceed \$500,000, the application shall be filed with the Regional Office of the OPA located in the same region in which the seller's business is located.

(5) *Adjustment of resellers' maximum prices.* The maximum prices for sales of products by resellers may be adjusted in an order issued under this paragraph (b). This adjustment for resellers will reflect the increases and decreases in the reseller's cost due to the adjustment granted his supplier. However, where it has been customary for resellers of a product to determine their maximum prices by reference to a price list issued by their supplier, the order adjusting the supplier's maximum prices may require resellers to determine their maximum prices by reference to the revised price list issued by the supplier in accordance with the order issued under this paragraph (b). In such case, the supplier must revise his price list in accordance with the order issued under this paragraph (b).

(c) *Application under a combination of paragraphs (a) and (b).* A seller who desires to apply for an adjustment under paragraph (b) may, at the same time, also apply under paragraph (a), if the facts of his case warrant it. In such case, the office considering his application will give the adjustment under paragraph (a) before applying paragraph (b).

(d) *Procedural Regulation No. 6 superseded.* No application for adjustment filed under Procedural Regulation No. 6 with respect to products covered by this regulation will be granted.

(e) *Amendment of general applicability.* Where the Price Administrator deems it appropriate, he may grant the necessary relief by issuing an amendment of general applicability.

SEC. 22. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the OPA.

SEC. 23. *Adjustable pricing.* If the seller or lessor wishes, he may agree with the buyer or lessee to charge a price that can be increased up to the maximum price in effect at the time of delivery. Where the seller or supplier has filed an application for adjustment under section 21, he may, in accordance with the provisions of that section, deliver at a price which will be adjusted upwards in accordance with the action taken by the OPA on his application. In all other

cases, unless authorized by the OPA, the seller or lessor must not deliver at a price which is to be adjusted upwards in accordance with action taken by the OPA after delivery. This authorization will be given only where: (a) a request for a change in the applicable price is pending; (b) authorization is necessary to promote distribution or production; and (c) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the OPA having authority to act upon the pending request for a change in price. The authorization will be given by order.

SEC. 24. *Records.* Every person subject to the provisions of this regulation is required to keep certain records for inspection by the OPA, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are:

(a) *By a manufacturer.* Every manufacturer shall keep for inspection by the OPA complete and accurate records of the following:

(1) *Records of sales and leases.* Complete and accurate records of each sale or lease of a product showing:

(i) The date thereof;

(ii) The name and address of the buyer or lessee;

(iii) An identification of each product sold or leased by a reference to either a price list or to production records;

(iv) The quantity of each product sold or leased;

(v) The net price or rental; and

(vi) The maximum price and computations showing the method by which it was determined.

(2) *Price lists and discount sheets.* Published price lists and discount sheets in effect on the base date for products sold or leased by him.

(3) *Prices charged.* The prices at which he contracted to sell or lease each product during the six months' period before and including its base date.

(4) *Price determining methods and rates.* Price determining methods, labor rates, material prices, overhead rates and machine hour rates, selling and administrative rates and profit mark-ups in effect on the base date of the products produced by him.

(5) *Cost estimate sheets.* Detailed cost estimate sheets and other data showing the calculation of maximum prices for all products for which the maximum price must be determined under sections 8 or 9 of this regulation.

(b) *By a lessor, other than a manufacturer.* Every lessor, other than a manufacturer, shall keep for inspection by the OPA accurate records of the following:

(1) *Records for rentals.* Accurate records of each lease or rental showing:

(i) The date thereof;

(ii) The name and address of the lessee;

(iii) An identification of each product leased or rented; and

(iv) The net rental.

(2) *Price lists and discount sheets.* Published price lists and discount sheets

in effect on the base dates for products rented or leased.

(3) *Prices charged.* The prices at which he contracted to lease or rent each product during the six months' period before and including its base date.

(4) *Bases of maximum rentals.* The bases upon which maximum rentals are and have been figured.

(c) *By a reseller.* Every reseller of new products shall keep for inspection by the OPA accurate records of the following:

(1) *Records of sales.* A record of each sale of a product showing:

(i) The date of sale.

(ii) The name and address of the purchaser.

(iii) An identification of each product sold. Where available, this identification shall state the name of the manufacturer, the model or style number, the type, and the serial or other number.

(iv) The quantity of each product sold.

(v) The net price received.

(vi) The maximum price and the method by which it was determined.

(2) *Records of purchases.* Records of purchases of the kind the reseller has customarily kept.

(3) *Price lists.* Published price lists and discount sheets in effect on the base date for products sold by him.

(4) *Prices charged.* The prices at which he contracted to sell each product during the six months' period before and including its base date.

(d) *By a seller of second-hand products.* Every seller of second-hand products shall keep for inspection by the OPA accurate records of each sale of a second-hand product showing:

(1) The name and address of the purchaser.

(2) The date of sale.

(3) An identification of each second-hand product sold. Where available, this identification shall state the name of the manufacturer, the model or style number, the type, and the serial or other number.

(4) The quantity of each second-hand product sold.

(5) The net price received.

(6) The maximum price and the method by which it was determined.

(7) Whether or not the sale was made on a "rebuilt and guaranteed" basis.

SEC. 25. Reports—(a) *Price lists and discount sheets.* On or before April 30, 1945, every manufacturer, seller and lessor shall file with the Machinery Branch, Office of Price Administration, Washington 25, D. C., if he has not already done so, all published price lists and discount sheets he had in effect on the base date for the sale or rental of products covered by this regulation. However, no price lists or discount sheets need be filed by a manufacturer for repair parts or tools used in the maintenance and repair of products manufactured by him, unless OPA specifically requests him to do so. Any person who, on the base date, sold or leased products at prices based upon price sheets published by another subject to this regulation shall file, instead of that other person's published price sheets, a statement

identifying the particular price sheets he used on the base date, together with his own discount sheets, if any, and a statement of any variation from such other person's published price sheets.

(b) *Reports on products brought under this regulation.* Whenever the sale or rental of any product is brought within the scope of this regulation by an amendment, the reports required by paragraph (a) shall be filed within thirty days after the effective date of that amendment.

(c) *Notification of auction sales.* Every auctioneer shall file a written notice of every public or private auction sale of second-hand products at least one week before the sale. This notice shall be sent to the District Office of the OPA located where the auction is to be held. It shall include the place, date and hour of sale, the classes and types of products that are to be sold, and a copy of the sale announcement.

SEC. 26. Evasion—(a) *In general.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of or relating to commodities covered by this regulation, alone or in conjunction with any other commodity or service, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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

(1) Paying a purchase commission if the sum of the commission and the purchase price exceeds the maximum price.

(2) Requiring a customer to furnish material for processing not in accordance with previous practice.

(3) Entering into a joint venture with any other person subject to this regulation for cross-selling, cross-purchasing or cross-servicing.

(4) Reducing the period of any guaranty or warranty of performance in effect on the base date, except as otherwise provided in this regulation.

(5) Eliminating or reducing any maintenance, repair or installation service in effect on the base date.

(6) Granting less than a reasonable allowance for commodities received in trade.

(7) Eliminating or reducing rental credits on purchases.

(8) Renting or leasing a new or second-hand product with an option to purchase, when the sum of the rental and the sale price exceeds the maximum price established by this regulation.

SEC. 27. Violation—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) *Record-keeping and filing violations; failure to establish maximum price.* If any person subject to this regulation fails to keep the records or file

the reports required by this regulation, or if any person subject to this regulation fails to establish a maximum price or to apply to the OPA for the establishment of a maximum price under sections 8, 9, 10, 11, or 14, if he is required to do so, the OPA may issue an order fixing maximum prices for the products such person sells. Any maximum price fixed in this manner will be in line with maximum prices established by this regulation. The order fixing the maximum price may apply to all deliveries or transfers for which a maximum price was not established in accordance with the provisions of this regulation. The issuance of such an order will not relieve the seller or lessor of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

(c) *License suspension.* The licensing provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. During the period of suspension, no sale for which the license has been suspended can be made.

SEC. 28. Definitions. (a) When used in this regulation, the term—

(1) "Established price in effect on the base date" means a price at which the seller or lessor contracted to sell, rent or lease the same product to the same class of purchasers at least three times during the six months' period before and including the base date. However, if, during that period, he contracted at least once to sell, rent or lease that product to the same class of purchasers at a higher price, than neither price shall be considered an "established price."

If the seller or lessor has an established price to one class of purchasers, he must determine his maximum price to all other classes of purchasers by adjusting that established price to reflect the seller's or lessor's base date differentials, if any, between classes of purchasers.

(2) "Manufacturer" means any of the following:

(i) Any person engaged in one or more operations in the fabrication, processing or assembly of the product being priced, including subcontractors.

(ii) Any person who sells a product which has been produced on his account from materials or parts owned by him.

(iii) Any person who sells a product under his own brand.

(3) "OPA" means the Office of Price Administration.

(4) "Parts and subassemblies" includes all metallic and non-metallic component parts, adjuncts, and accessories of products listed in Appendix A that have been machined or fabricated. The term does not include any materials in such form as to permit their use in the manufacture of products other than those listed in Appendix A.

(5) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any

of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) "Product" means any commodity covered by this regulation. Unless otherwise specified, this term means such a commodity in an unused and new condition.

(7) "Purchaser of the same class" and "class of purchaser" means a purchaser or lessee belonging to the same price class; that is, a group of purchasers to whom it was the seller's or lessor's practice on the base date to sell or lease the same product at a particular price. If on the base date the seller or lessor customarily sold or leased, or offered to sell or lease, the same product to any purchaser or lessee at a price different from the price or prices at which he sold or leased, or offered to sell or lease, the same product to all other purchasers or lessees, that purchaser or lessee is in a price class by himself.

If, on the base date, the seller or lessor had an established practice of charging the same price to certain customers on the basis of standards, such as the nature of the buyer or lessee (manufacturer, distributor, wholesaler, dealer, etc.) or the nature of the sale or lease (large, small, cash, credit, etc.), he must place a new purchaser or lessee of the same product in the proper price class in accordance with such standards. If the seller or lessor had no such standards, he must establish a price for the new purchaser or lessee under section 9, in the case of a manufacturer; section 11 (c) or 11 (e), in the case of a reseller; and section 14 (b), in the case of a lessor. For the purposes of this definition, a "new purchaser or lessee" means a purchaser or lessee to whom the seller or lessor did not sell or lease, or offer to sell or lease, the same type of product on the base date.

(8) "Reseller" means a seller who is not a manufacturer of the product being sold.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used here.

SEC. 29. Delegation of authority. Any Regional Administrator and any District Director, who has been authorized to act by the Regional Administrator having jurisdiction over his district, may adjust maximum prices under section 21 of this regulation.

APPENDIX A: PRODUCTS COVERED BY THE REGULATION

The products covered by this regulation and the base dates to be used in determining the maximum prices for those products are listed below:

NOTE: If a part or subassembly of any item listed in this Appendix is produced by the manufacturer of the complete item, the part or subassembly has the same base date as that listed for the complete item, even where the part or subassembly is listed separately in this appendix.

Product	Base date	Product	Base date
Air - conditioning equipment, condensing units of 25 tons capacity and over.....	Oct. 1, 1941	Automotive testing and maintenance equipment, mechanical and electrical, not listed elsewhere in this Appendix.....	Mar. 31, 1942
Anchors, earth and rock.....	Mar. 31, 1942	Batteries, storage, wet cell only, including automotive.....	Oct. 1, 1941
Anchors, marine, except those subject to Revised Price Schedule 41 (Steel Castings and Railroad Specialties) or Maximum Price Regulation 351 (Ferrous Forgings).....	Mar. 31, 1942	Battery chargers, except motor generator sets.....	Mar. 31, 1942
Arresters, lightning.....	Oct. 1, 1941	Bearings, antifriction (ball, roller, needle, etc.), except automotive.....	Oct. 1, 1941
Asphalt mixing plant and attendant plant.....	Oct. 1, 1941	Bearings and bushings, ferrous and non-ferrous metal, except pipe and tube bushings; those listed elsewhere in this Appendix; and those for which maximum prices are established by Revised Price Schedule 41 (Steel Castings and Railroad Specialties), Revised Maximum Price Regulation 125 (Non-ferrous Foundry Products), Maximum Price Regulation 241 (Malleable Iron Castings) or Maximum Price Regulation 244 (Gray Iron Castings).....	Mar. 31, 1942
Attachments and accessories for machinery and machine tools, except when subject to Maximum Price Regulation 1 (Second-Hand Machine Tools) or Maximum Price Regulation 67 (New Machine Tools). The term "attachments and accessories for machinery and machine tools" means all devices used with, but not an integral part of, machinery or machine tools and includes the following illustrative list:	Mar. 31, 1942	Belting, leather and textile, except those for which maximum prices are established by Maximum Price Regulation 149 (Mechanical Rubber Goods).....	Mar. 31, 1942
Adapters.		Bimetallic thermal strips, fabricated.....	Oct. 1, 1941
Arbors.		Blocks and sheaves, tackle.....	Oct. 1, 1941
Blocks, machine tool.		Boilers, power, industrial and marine, 100 p. s. i. and higher working pressure.....	Oct. 1, 1941
Brakes, spindle.		Broom-making machinery.....	Oct. 1, 1941
Centers, bench.		Brushes, industrial, power-driven.....	Mar. 31, 1942
Centers, lathe.		Brush-making machinery.....	Mar. 31, 1942
Chucks, all types.		Bushings, porcelain, glass and steatite, for electrical uses.....	Mar. 31, 1942
Clamps.		Cable, electrical, other than copper, copper alloy or copper clad.....	Mar. 31, 1942
Collets.		Cable accessories, electrical, other than copper, copper alloy or copper clad.....	Mar. 31, 1942
Cutter heads.		Can-making machinery and equipment.....	Oct. 1, 1941
Die heads.		Capacitors, electrical, except fixed capacitors of the type and size used for military radio and radar equipment.....	Oct. 1, 1941
Die sets.		Capacitors, electrical, fixed, of the type and size used for military radio and radar equipment.....	Apr. 1, 1943
Dogs, work driving.		Carbon graphite and metal graphite for electrical uses.....	Oct. 1, 1941
Edges, straight.		Carriers, lumber.....	Oct. 1, 1941
Electric etchers and de-magnetizers.		Cars, freight, including all types of flanged wheel mining and industrial cars.....	Oct. 1, 1941
Feeding devices.		Cars, passenger, for surface, subway or elevated lines.....	Oct. 1, 1941
Glass, level.		Casters.....	Mar. 31, 1942
Grinders.		Cement-making machinery.....	Oct. 1, 1941
Guides, adjustable.		Ceramics machinery.....	Oct. 1, 1941
Heads, universal dividing.		Chain, chain fittings and assemblies, except jewelry chains, cast manganese steel chain subject to Maximum Price Regulation 235 (Manganese Steel Castings and Manganese Steel Castings Products), and power transmission chains.....	Mar. 31, 1942
Holder, tool.		Chains, power transmission (roller and silent type), including sprockets.....	Oct. 1, 1941
Holder, work.		Chemical processing machinery.....	Oct. 1, 1941
Mandrels, all types.		Circuit breakers, electrical.....	Oct. 1, 1941
Plates, angle.		Clamps of the C and bar type, except those used for medical or dental purposes.....	Mar. 31, 1942
Plates, bench.			
Plates, brick liner.			
Plates, face.			
Plates, lapping.			
Plates, surface.			
Plates, wearing.			
Posts, tool.			
Saw accessories (sets, swages, guides, clamps, bracing tools).			
Sockets.			
Stops, machine.			
Templates.			
Torque wrenches.			
Wheels, buffing and polishing, except those covered by Maximum Price Regulation 316 (Coated and Bonded Abrasive Products).			
Augers, earth.....	Oct. 1, 1941		
Automotive trucks, motorcycles, busses, and house and truck trailers, new only, which are manufactured on or after August 12, 1943, and originally designed for use as private or commercial motor vehicles. The foregoing does not include automotive trucks, motorcycles, trailers or busses specially designed for use as military vehicles, nor does it include cars or trucks listed elsewhere in this Appendix.....	Mar. 31, 1942		

Product	Base date	Product	Base date	Product	Base date
Clevises, except those covered by Maximum Price Regulation 246 (Manufacturers' and Wholesale Prices for Farm Equipment).....	Mar. 31, 1942	Dust-collecting equipment, industrial, portable and stationary, including industrial vacuum cleaners.....	Oct. 1, 1941	Gauges, special, manufactured pursuant to the customers' drawings, including special purpose plug, ring, snap, height, length, and location gauges, but not general purpose graduated or adjustable gauges.....	Mar. 31, 1942
Clockwork systems, industrial, used in connection with mechanical instruments.....	Oct. 1, 1941	Economizers, steam, industrial and marine.....	Oct. 1, 1941	Gears, pinions, sprockets and speed reducers, including gear motors, motorized speed reducers and variable speed drives, but not including (1) automotive or tractor transmissions, transfer cases, power take-offs, differential or axle assemblies; (2) any item designed for use in private or commercial motor vehicles; or (3) any item specially designed for use in vehicles, aircraft or equipment used primarily for military purposes.....	Oct. 15, 1941
Coal preparation equipment.....	Oct. 1, 1941	Electrodes.....	Oct. 1, 1941	Gears, pinions, sprockets and speed reducers specially designed for use in vehicles, aircraft or equipment used primarily for military purposes, except automotive gears; and automotive or tractor transmissions, transfer cases, power take-offs, differentials or axle assemblies.....	Mar. 31, 1942
Compressors, except those used with condensing units under 25 horsepower or 25 tons.....	Oct. 1, 1941	Electroplating and hot-dip metal coating equipment, including preparatory and finishing equipment used in connection with metal coating processes.....	Oct. 1, 1941	Generators, electrical, except automotive.....	Oct. 1, 1941
Concrete products machinery and equipment.....	Oct. 1, 1941	Electro-therapeutic apparatus and supplies.....	Mar. 31, 1942	Generators, gas.....	Oct. 1, 1941
Condensers, synchronous, electrical.....	Oct. 1, 1941	Electronic devices, equipment and parts (other than radio receivers), when sold by the manufacturer or when sold to industrial, commercial or governmental users.....	Mar. 31, 1942	Generator sets, diesel-electric, gas engine, electric, and motor or engine driven, except automotive.....	Oct. 1, 1941
Conduit fittings.....	Oct. 1, 1941	Elevators, passenger and freight, except farm grain elevators.....	Oct. 1, 1941	Glass-making machinery.....	Oct. 1, 1941
Conduit, metallic, except when sold by the conduit manufacturer.....	Oct. 1, 1941	Engines, diesel and oil, except automotive, truck and aircraft.....	Oct. 1, 1941	Glass products, industrial, scientific and technical, which are listed below.....	Mar. 31, 1942
Control equipment, electrical, industrial.....	Oct. 1, 1941	Engines, gas.....	Oct. 1, 1941	Electrical glassware:	
Convertors, synchronous, electrical.....	Oct. 1, 1941	Engines, gasoline and kerosene, except automotive, truck and aircraft, toy and portable outboard motors.....	Oct. 1, 1941	Bulbs, glass portion (incandescent, fluorescent, indicator, auto lamp, radio, television, X-ray, radar and power tube).	
Conveyors and conveying systems, industrial.....	Oct. 1, 1941	Engines, steam, except toy.....	Oct. 1, 1941	Bushings.	
Core drilling machinery.....	Oct. 1, 1941	Engine-generator sets.....	Oct. 1, 1941	Capacitors.	
Cotton-ginning machinery.....	Oct. 1, 1941	Escalators (moving inclined stairways for raising or lowering passengers).....	Oct. 1, 1941	Coil forms.	
Cranes, crawler, overhead bridge, locomotive, revolving and truck.....	Oct. 1, 1941	Excavating and earth-moving machinery, including power shovels, ditchers, draglines and power scrapers.....	Oct. 1, 1941	Flares (glass base portion for lighting, radio, indicator, auto lamp, television, X-ray, radar and power tube).	
Cutting tools, including the following illustrative list:	Mar. 31, 1942	Fans and blowers, industrial, except unit heaters or unit ventilators, hand blowers, and desk, pedestal, portable, ceiling and wall-bracket type fans.....	Oct. 1, 1941	Fuse plugs.	
Augers, machine.		Feed-water heaters (steam specialties), industrial and marine.....	Oct. 1, 1941	Insulators.	
Bits, machine.		Floor surfacing and floor maintenance machinery, industrial.....	Oct. 1, 1941	Resistor tubes.	
Blades, hacksaw—all types.		Food and beverage machinery, including baking, bottling, brewing, canning, confectionery, grain milling, meat packing, edible oil, sugar and dairy machinery and equipment (except dairy farm equipment).....	Oct. 1, 1941	Tubing (electrical, fluorescent).	
Blades, power-driven saw.		Foundry machinery, including ladles not over 40 ton capacity.....	Oct. 1, 1941	Industrial glassware:	
Blades, machine, shear, etc.		Furnaces and ovens, industrial and laboratory, except space heating, warm air furnaces, stoves, blast furnaces, open hearth furnaces, bessemer converters and soaking pits, coke ovens, and industrial furnaces used solely for the manufacture of pig iron and steel.....	Oct. 1, 1941	Cylinders.	
Broaches.		Fuses for the protection of electrical equipment, except automotive.....	Oct. 1, 1941	Flat gauge glasses.	
Chasers.		Galvanometer and pyrometer movements.....	Oct. 1, 1941	Glass bulbs.	
Chisels, machine.		Gas burners designed for use with products covered by this regulation.....	Mar. 31, 1942	Gauge cup and oil cup glasses.	
Counterbores.		Gaskets and packings, except those for which maximum prices are established by Maximum Price Regulation 149 (Mechanical Rubber Goods) or Maximum Price Regulation 452 (Manufacturers' Maximum Prices for Automotive Parts).....	Mar. 31, 1942	Meter and relay covers.	
Countersinks, machine.				Miscellaneous industrial glassware which is to be further fabricated by others, or which is to be incorporated as a component part of an industrial product.	
Cutters, machine.					
Dies, cutting and threading.					
Dressers, abrasive wheel, except diamond dressers.					
Drills, twist.					
Extractors.					
Files, rasps and burrs.					
Form tools.					
Hobs.					
Knives, machine.					
Knurling tools.					
Punches, machine.					
Reamers.					
Rules, creasing, cutting and perforating.					
Scraper blades, machine.					
Taps.					
Tips, tool, tungsten carbide, stellite, etc.					
Cylinders, power, hydraulic, pneumatic and hydropneumatic.....	Mar. 31, 1942				
Derricks.....	Oct. 1, 1941				
Dies, jigs and fixtures, except when (1) the die, jig or fixture is used in connection with the production of a product not covered by this regulation, and (2) the die, jig or fixture is sold in connection with the sale of that product.....	Mar. 31, 1942				
Die-casting machinery.....	Oct. 1, 1941				
Distribution boards, electrical.....	Oct. 1, 1941				
Dollies, industrial.....	Oct. 1, 1941				
Dozers, angle, bull and push.....	Oct. 1, 1941				
Dredging machinery.....	Oct. 1, 1941				
Dry-cleaning and clothes-pressing machinery, except domestic.....	Oct. 1, 1941				
Ducts for electrical uses, metallic and nonmetallic, except wooden, asbestos-cement, cement conduit and clay conduit.....	Oct. 1, 1941				

Product	Base date	Product	Base date	Product	Base date
Glass products—Continued.		Lighting equipment, electrical for airway, commercial, flood-lighting, industrial, marine, seadrome, and street and highway uses.....	Oct. 1, 1941	Marine equipment—Con.	
Laboratory and pharmaceutical glassware:		Line material, trolley.....	Oct. 1, 1941	Snaps.	
Apparatus ware.		Locomotives and tenders, including mining and industrial.....	Oct. 1, 1941	Sockets.	
Chemical ware.		Lubricating systems and devices, industrial, stationary, except portable hand-operated grease guns and devices designed for automotive and truck lubrication.....	Oct. 1, 1941	Steering apparatus, manually operated.	
Instrument tubing.		Machinery, industrial, not listed elsewhere in this Appendix. The term "industrial machinery" means any machinery and equipment, not specifically excluded from the coverage of this regulation, which is used in the extraction, production or processing of commodities.....	Mar. 31, 1942	Ventilators.	
Laboratory apparatus tubing.		Machine tools, including those powered by hand or foot, except those subject to Maximum Price Regulation 1 (Second-Hand Machine Tools) or Maximum Price Regulation 67 (New Machine Tools).....	Oct. 1, 1941	Metals and alloys, special electrical, except steel with less than 6% alloy content, in any fabricated form, used for electrical, magnetic or glass-sealing purposes, including special contact alloys and special coated iron wire.....	Oct. 1, 1941
Pharmaceutical ware.		Machine tool parts and sub-assemblies, except those subject to Maximum Price Regulation 1 (Second-Hand Machine Tools) or Maximum Price Regulation 67 (New Machine Tools).....	Oct. 1, 1941	Mining machinery, including mine cars and trucks.....	Oct. 1, 1941
Optical glass:		Machines, tools, devices and appliances designed especially for the installation, operation, maintenance and protection of tracks, yards, signals, rolling stock and motive power of surface, subway or elevated rail lines.....	Oct. 1, 1941	Molds and patterns, except (1) when the mold or pattern is used in connection with the production of a product not covered by this regulation, and (2) the mold or pattern is sold in connection with the sale of that product.....	Mar. 31, 1942
Rough glass blanks for optical, ophthalmic and scientific use.		Magnetos, except automotive.	Oct. 1, 1941	Motion picture equipment, 35 millimeter, including sound equipment and parts for recording, reproducing and projecting, for studio, theater, commercial or industrial use.	Mar. 31, 1942
Signal glassware:		Magnets, lifting, industrial.	Oct. 1, 1941	Motors, electrical, except automotive.....	Oct. 1, 1941
Airplane running lights.		Marine equipment listed below.....	Mar. 31, 1942	Neon indicator attachments.	Mar. 31, 1942
Battery jars.		Anchors, except those subject to Revised Price Schedule 41 (Steel Castings and Railroad Specialties) or Maximum Price Regulation 351 (Ferrous Forgings).		Numbering and marking machines for use on metal, except office machines.....	Oct. 1, 1941
Explosion resisting globes.		Boat hooks without handles.		Oil burners, industrial and marine, burning No. 5 oil or heavier, except horizontal rotary and gun type burners.....	Oct. 1, 1941
Fresnels.		Buoys, pontoons and rafts, metallic.		Oil-well machinery and equipment.....	Oct. 1, 1941
Front glasses.		Capstans.		Optical processing machinery, manufacturers', except Rx optical, laboratory machinery.....	Mar. 31, 1942
Lenses.		Chocks.		Ore-crushing and concentrating machinery.....	Oct. 1, 1941
Obstruction lights.		Cleats.		Ovens, industrial and laboratory, except coke ovens.....	Oct. 1, 1941
Optical ware (color and light filters).		Controls, bulkhead and throttle.		Packaging, wrapping, filling and labeling machinery.....	Oct. 1, 1941
Roundels.		Deck and man-hole plates, machined.		Paint-making machinery.....	Oct. 1, 1941
Ground steel stock for punches, dies, jigs, fixtures, etc.....	Mar. 31, 1942	Fog horns and whistles, manually operated.		Panelboards, electrical.....	Oct. 1, 1941
Gyroscopes.....	Oct. 1, 1941	Gooseneck and boom bands.		Parts and subassemblies of any item listed in this Appendix when produced by the manufacturer of the complete item.	Same as base date of complete item.
Hat-making and repairing machinery.....	Oct. 1, 1941	Hatch covers, metal.		Parts and subassemblies of any item listed in this Appendix when (1) produced by a person other than the manufacturer of the complete item and (2) not listed elsewhere in this Appendix.....	Mar. 31, 1942
Heat exchanger equipment, (when designed for use with products covered by this regulation).....	Oct. 1, 1941	Lights, oil.		Parts, subassemblies and components, metallic, of any commodity covered by a regulation listed in the following table, when the part, subassembly or component is sold to the manufacturer of the commodity of which it is a part.....	Mar. 31, 1942
Heaters, sand, stone, or bitumen.....	Oct. 1, 1941	Marlin spikes and belaying pins, metal.		Revised Price Schedule 86.....	Domestic Washing Machines and Ironing Machines.
Heating, melting, burning and thawing equipment, portable, for industrial and transportation purposes, except mechanics' fire pots and blow torches.....	Oct. 1, 1941	Mooring and riding bits.		Revised Price Schedule 102.....	Household Mechanical Refrigerators.
Heating units and devices, electrical, industrial.....	Oct. 1, 1941	Port lights.			
Hoists.....	Oct. 1, 1941	Pumps, marine, manually operated.			
Hose and tubing, metal, flexible, except that for which maximum prices are established by Maximum Price Regulation 149 (Mechanical Rubber Goods).....	Mar. 31, 1942	Reels, hawser, manually operated.			
Instruments, electrically or magnetically operated, for measuring, testing, indicating and recording electrical quantities, except automotive.....	Oct. 1, 1941	Rope guides and leaders.			
Instruments, mechanical, for indicating, measuring, recording and testing, including aircraft, laboratory, marine, precision and scientific mechanical instruments, but excluding automotive and tire gauges, carpenters' tools, clinical, dental, household, optical and surgical instruments, low pressure heating controls (such as thermostatic traps, blast traps and strainers), water level controls (all types), air temperature and humidity controls (all types), complete coin-operated devices, refrigeration controls, and special gauges manufactured to conform to the purchaser's specifications.....	Oct. 1, 1941	Rowlocks			
Insulators, porcelain, glass and steatite, for electrical uses.....	Mar. 31, 1942	Shackles.			
Inter-communicating systems, electronic.....	Mar. 31, 1942				
Jacks and jack screws, manually operated.....	Mar. 31, 1942				
Laundry machinery, except domestic.....	Oct. 1, 1941				
Leather-working machinery.....	Oct. 1, 1941				

Regulation	Title	Product	Base date	Product	Base date
Revised Price Schedule 111-----	New Household Vacuum Cleaners and Attachments.	Radio receiving equipment parts when sold by the manufacturer of the part or when sold to industrial, commercial or governmental users-----	Mar. 31, 1942	Scaffolds and construction towers-----	Oct. 1, 1941
Maximum Price Regulation 188-----	Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.	Radio transmitting equipment and parts, including dual transmitting-receiving units-----	Mar. 31, 1942	Scales, weighing, industrial and laboratory, except coin operated, counter, household, office and store types-----	Oct. 1, 1941
Maximum Price Regulation 246-----	Manufacturers' and Wholesale Prices for Farm Equipment.	Railroad car and locomotive parts, and specialties for elevated, subway and surface lines, including-----	Oct. 1, 1941	Screw machine products, when sold by the manufacturer, except those for which the manufacturer has issued a catalog or price list. The term "screw machine product" means any product that is made complete or in its first operation on a hand or automatic screw machine. However, it does not include products covered by Maximum Price Regulation 147 (Bolts, Nuts, Screws and Rivets) or Maximum Price Regulation 452 (Manufacturers' Maximum Prices for Automotive Parts)-----	Mar. 31, 1942
Maximum Price Regulation 254-----	New Small Firearms and Firearms Parts.	Axles. Bearings, truck side. Boilers, fireboxes, front ends and cabs, fittings, fixtures, devices or appliances mounted thereon. Brakes and brake gears. Coupler devices or attachments. Devices and appliances mounted on locomotives for treatment, distribution, and control of water, fuel, steam, sand or electricity. Doors and fixtures, except those subject to Revised Price Schedule 40 (Builders' Hardware and Insect Screen Cloth). Draft gears, buffers, and attachments. Driving, foundation, and running gear. Journal boxes, assembled. Heating, lighting, ventilating, and air-conditioning equipment. Lubricating devices. Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on railroad cars or locomotives, except artillery or other exclusively military or naval equipment. Safety appliances and warning devices. Sides, roofs, ends, running boards and brake steps. Spring rigging, snubbers and shock absorbers. Tires, steel. Train control apparatus. Trucks, complete. Underframes. Wheels, iron and steel.	Oct. 1, 1941	Searchlights, except military-----	Oct. 1, 1941
Maximum Price Regulation 272-----	Cast-Iron Boilers and Cast-Iron Radiation.	Rectifiers, power, industrial-----	Oct. 1, 1941	Searchlights, military, completely assembled-----	Mar. 31, 1942
Maximum Price Regulation 399-----	New Ice Boxes.	Refrigeration equipment, condensing units of 25 horsepower and over-----	Oct. 1, 1941	Separators, steam, industrial and marine-----	Oct. 1, 1941
Maximum Price Regulation 430-----	Assembled Radios and Phonographs.	Regulators, feeder voltage-----	Oct. 1, 1941	Sewing machines, industrial-----	Oct. 1, 1941
		Regulators and dampers, power operated-----	Oct. 1, 1941	Sharpening and filing equipment-----	Mar. 31, 1942
		Replacement units and assemblies for mechanical refrigerators having a refrigerated volume of 16 cubic feet or less, when sold by the manufacturer-----	Mar. 31, 1942	Shoe manufacturing and repairing machinery-----	Oct. 1, 1941
		Reproduction machinery, architectural and engineering, such as blueprinting, black and white printing, and brown printing machinery-----	Oct. 1, 1941	Signal equipment, railroad, including highway crossing signals-----	Oct. 1, 1941
		Road-building and maintenance machinery, including graders, pavers, rollers, sprayers, etc-----	Oct. 1, 1941	Signalling apparatus, except automotive-----	Oct. 1, 1941
		Rock-crushers and plants-----	Oct. 1, 1941	Siren blowers-----	Mar. 31, 1942
		Rod, wire and tube-working machinery and equipment-----	Oct. 1, 1941	Snow plows, except truck mounted-----	Oct. 1, 1941
		Rolling mill machinery and equipment-----	Oct. 1, 1941	Soot blowers and tube cleaners, power-operated, industrial and marine-----	Oct. 1, 1941
		Rope fittings, manila and wire-----	Mar. 31, 1942	Sound recording and reproducing equipment and parts, including portable recorders and recording and transcription turntables, except home or office recording or reproducing equipment-----	Mar. 31, 1942
		Rubber and allied products machinery-----	Oct. 1, 1941	Spraying devices, industrial, power-operated, for the application of any material, except agricultural sprayers-----	Oct. 1, 1941
		Rubber tire and tube machinery and equipment, including tire recapping and retreading molds and necessary parts (full circle and sectional molds, matrices, etc.), tire buffers and spot vulcanizers for tubes-----	Oct. 1, 1941	Spreaders for construction and road-building use-----	Oct. 1, 1941
		Saws, masonry-----	Oct. 1, 1941	Springs, except furniture and bed springs and automotive springs covered by Maximum Price Regulation 452 (Manufacturers' Maximum Prices for Automotive Parts)-----	Mar. 31, 1942
				Spring winding and forming machinery-----	Oct. 1, 1941
				Sprockets, roller and silent, power transmission, except automotive-----	Oct. 1, 1941
				Stackers, industrial-----	Oct. 1, 1941
				Stampings, metal, when sold by the manufacturer, except forgings, non-ferrous mill products, wire goods, steel mill products, or any product for which the manufacturer has issued a catalog or price list. The term "metal stampings" means stamped or pressed metal products which are mechanically processed by the use of dies and upon which further finishing operations may or may not have been performed, when sold unassembled. A metal stamping may consist of two or more	

Product	Base date	Product	Base date	Product	Base date
Stampings, metal—Continued stamped pieces which have been permanently joined by methods such as brazing, riveting, soldering or welding.....	Mar. 31, 1942	Tanks and vessels—Con- ing fixtures, such as flush tanks and laundry trays; products commonly known as pans and cans, such as pails and buckets; non-returnable shipping containers; refuse receptacles; drip and waste receivers; and septic tanks.....	Mar. 31, 1942	Tools, specially designed, except those listed elsewhere in this Appendix.....	Mar. 31, 1942
Steam cleaning and degreasing equipment and parts washing and cleaning equipment, except commercial and domestic dish and utensil washing and cleaning equipment.....	Mar. 31, 1942	Telegraph apparatus.....	Oct. 1, 1941	Tractors, crawler and non-agricultural wheel type.....	Oct. 1, 1941
Stokers, industrial and marine, with a capacity of 1200 pounds per hour or more.....	Oct. 1, 1941	Telephone apparatus, including sound and powered telephone and non-electronic intercommunicating equipment.....	Oct. 1, 1941	Trailers, non-highway, used with industrial tractors.....	Oct. 1, 1941
Stone-working machinery.....	Oct. 1, 1941	Testing sets for electronic equipment.....	Mar. 31, 1942	Transformers, including specialty transformers, except those designed for use with electronic equipment.....	Oct. 1, 1941
Substations, unit (power distribution).....	Oct. 1, 1941	Textile preparatory and finishing machinery, including equipment and accessories designed exclusively for use with such machinery.....	Oct. 1, 1941	Transformers designed for use with electronic equipment.....	Mar. 31, 1942
Superheaters, industrial and marine.....	Oct. 1, 1941	Tobacco working machinery.....	Oct. 1, 1941	Trucks, industrial, hand.....	Oct. 1, 1941
Surveying instruments, such as alidades, levels and transits.....	Oct. 1, 1941	Tools, hand-operated, especially designed for manufacture, repair or maintenance of aircraft, military vehicles or other predominantly military equipment.....	Mar. 31, 1942	Trucks, power-operated, lift, platform and straddle.....	Oct. 1, 1941
Switchboxes.....	Oct. 1, 1941	Tools, manually operated, for the cutting, forming and punching of metals.....	Mar. 31, 1942	Turbine-generator sets.....	Oct. 1, 1941
Switches, electrical, knife and enclosed.....	Oct. 1, 1941	Tools, pipe and tube, manually operated, including beading, belling, bending, cleaning, cutting, expanding, and flaring, and wrenches for operating.....	Mar. 31, 1942	Turbines and governors, gas, hydraulic and steam.....	Oct. 1, 1941
Switchgear and switchgear accessories.....	Oct. 1, 1941	Tools, portable, power-driven, which in normal use are held or guided by hand and not customarily attached to a permanent support.....	Oct. 1, 1941	Turnbuckles.....	Mar. 31, 1942
Tanks and vessels, pressure, made of metal 10 B. W. G. and heavier, regardless of capacity, or of a capacity in excess of 192 gallons, regardless of gauge, except field-erected storage tanks, and tanks or cylinders which are designed primarily for the transportation of liquids or gases under pressure and which are not designed to be permanently attached to the vehicle transporting such tanks.....	Mar. 31, 1942	Tools, power-driven, primarily designed for use on a bench, for the working of wood and plastics, except bench tools especially designed for metal working which are subject to Maximum Price Regulation 1 (Second-Hand Machine Tools) or Maximum Price Regulation 67 (New Machine Tools).....	Oct. 1, 1941	Vises, all types, vise mounts, stands and supports.....	Mar. 31, 1942
Tanks and vessels, non-pressure, made of metal 10 B. W. G. and heavier, regardless of capacity, or of a capacity in excess of 585 gallons, regardless of gauge, except all obround tanks; field-erected tanks or vessels; products commonly known as plumb-				Water conditioning and purifying equipment, industrial.....	Oct. 1, 1941

APPENDIX B: FORM FOR REPORTING MANUFACTURERS' MAXIMUM PRICES OF MODIFIED PRODUCTS

(a) Form.
OPA Form 694-2165

Budget Bureau No. 08-R1048.1

This form may be reproduced without change

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON 25, D. C.

Report of Maximum Prices
for Modified Products
(under Revised Maximum Price Regulation
No. 136, Machines, Parts and
Industrial Equipment)

Name of company

Address—number and street

City, and state

NOTE: Before filling in this form, read the accompanying instructions carefully.

SCHEDULE A—SPECIFICATIONS

1	Designate and describe product in which the substantial change in design, specifications, or equipment is made: NOTE: If proposed price and catalog pages are attached which contain the answers to the following you need not fill in the item.			
	Brand name	Model number	Proposed effective date of price list	Type and kind of product
2	Describe and explain in detail the changes in design, specifications, or equipment. (Attach additional sheet if more space is needed.)			

SCHEDULE B—DETERMINATION OF TOTAL DECREASE OR INCREASE IN SHOP COST DUE EXCLUSIVELY TO THE MODIFICATION

Item	Cost before modification		Cost after modification	
	Amount	Date the rate or price used was in effect	Amount	Date the rate or price used was in effect
1 Shop labor	\$		\$	
2 Subcontracted services purchased				
3 Materials (except purchased parts and subassemblies)				
4 Purchased parts and subassemblies				
5 Shop overhead				
6 Other shop costs (specify)				
A				
B				
7 Total estimated shop cost				
8 Total decrease or increase in shop cost due to the change in design, specifications, or equipment				

SCHEDULE C—TABLE OF MAXIMUM PRICES

List price (if any) before modification	Class of customers	Maximum new list price (see instructions)		
		Base date discount (if any)	Maximum price before modification	Maximum price after modification
		%	(\$)	(\$)
1 Jobber				
2 Distributor				
3 Dealer				
4 Consumer				
5 Other (specify)				

I certify that the facts contained in this report are true and correct.

Sign here

(Signature of reporting officer)

(Official title)

(b) Instructions for form—GENERAL INSTRUCTIONS. This form is applicable only to products for which the manufacturer had a published list price or established price in effect on the base date, or for which OPA has approved a list price after the base date. This form may be adapted to the manufacturer's cost-keeping methods.

If a substantial change in design, specifications, or equipment has been made in any such product and a maximum price has not been previously approved by the Office of Price Administration for the product as modified, you should complete this report and send it in duplicate to the Office of Price Administration, Machinery Branch, Washington 25, D. C. The manufacturer may not receive more than 7% of the proposed price, or the maximum price before modification, whichever is the lower, until it has been approved by the Office of Price Administration or until thirty days have elapsed after the receipt of the report (or any additional information that may be requested) without the Office of Price Administration disapproving the proposed price. Final settlement must be made in accordance with the action taken by the Office of Price Administration on the report.

INSTRUCTIONS FOR SCHEDULE B

- Shop Labor: Use current labor rates, not in excess of those approved by the National War Labor Board.
- Subcontracted Services Purchased: Use current prices, not in excess of your supplier's maximum price.
- Materials (except purchased parts and subassemblies in item 4): Use current prices, not in excess of your supplier's maximum price.
- Purchased parts and subassemblies: See instructions for item 3.
- Shop overhead: Shop overhead charges shall be calculated by applying the lower of the following:
 - The actual rate or rates in effect in the manufacturer's plant in the month preceding the base date, or
 - The standard rate or rates, if any consistently used by the manufacturer for price determining purposes in the month which includes the base date. Appendix A

of Revised Maximum Price Regulation 136 lists four base dates for the products covered by the regulation. These are October 1, 1941, October 15, 1941, March 31, 1942, and April 1, 1943. The date that must be used in determining the maximum price of any product depends upon the base date listed in Appendix A for that product.

6a and 6b. Other shop costs (specify): In general, other shop costs may include such shop costs as those for perishable tools, dies, molds, patterns, jigs, and work-holding devices, provided they have not been included in shop overhead. The prices used shall be the actual prices paid, not in excess of the applicable maximum prices. In general, the manufacturer may include only those other shop costs which he used in determining his selling prices on the base date. These costs shall be amortized in accordance with the manufacturer base date practice. If the manufacturer customarily uses machine-hour rates in determining shop costs, he may use such rates for the purpose of determining the maximum prices of modified products. However, the same rates must be used in determining the shop costs of the product, both before and after modification. Machine-hour rates used in such calculation must be based on labor or overhead rates which are not in excess of those specified in items 1 and 5 above.

7. Total factory cost: The sum of items 1 to 6b inclusive.

NOTE: The "date the rate or price used was in effect" must be filled in for each of items 1 to 6b inclusive which you report in computing your total decrease or increase in factory cost due to the change in design, specification or equipment.

(2) Whenever the manufacturer is required to use a price which does not exceed his supplier's maximum price, he may rely on his supplier's written certification, if the manufacturer has no reason to doubt the validity of that certification.

Instructions for Schedule C

To your maximum price to the class of customers to

whom you sell at the lowest net price add (or subtract if the modification of the product results in a lower factory cost) the amount shown in item 8 of Schedule B. This determines your maximum "new price after modification" to the class of customers who buy at the lowest net price.

Items sold on a list price basis:

(a) Compute your new maximum list price. Example: Assume the lowest net price after the modification is \$150.00 and applies to a jobber receiving a discount of 25 percent from the list price. The new list price is \$150.00 divided by (100 percent minus 25 percent) .75. The maximum new list price is therefore \$200.00 in this case.

(b) To your maximum new list price apply your established discounts to determine your maximum net selling prices after the modification to your various other classes of customers. Net selling prices must not exceed your computed new maximum net prices.

Items not sold on a list price basis:

(a) Determine your "new price after modification" to the class of customers who buy at the lowest net price.

(b) To determine the "new price after modification" to any other class of customers multiply the "new price after modification" to that class of customers receiving the lowest net price by the percentage ratio of the corresponding net prices before the modification.

Example: Assume the following:
 Jobber's net price before the modification... \$130.00
 Dealer's net price before the modification... \$147.33
 Jobber's net price after the modification... \$150.00
 The dealer's net price after the modification is \$147.33(34) divided by \$130.00 times \$150.00. The dealer's net price after the modification, therefore, is \$169.95.

NOTE: Since the maximum new prices may be used only for those products in which the modifications are actually made, manufacturers, in invoicing such modified products, are requested to include in such invoices after the model number or description the notation "revised" or any other explanation properly verifying the modification.

APPENDIX C: FORM FOR REPORTING RECOMPUTED MAXIMUM PRICES UNDER SECTION 9

(a) Form.
 OPA Form 694-2166

Budget Bureau No. OS-R1278
 Approval expires Oct. 31, 1945

Company name

Address—Number and street

City and State

NOTE: Before filling in this form read the accompanying instructions carefully.

This form may be reproduced without change
 UNITED STATES OF AMERICA
 OFFICE OF PRICE ADMINISTRATION
 WASHINGTON 25, D. C.
 Report of Recomputed Maximum Price
 (under section 9 of Revised Maximum
 Price Regulation 136, machines, parts
 and Industrial Equipment)

SCHEDULE A—GENERAL

1 Designate and describe product for which price is reported:

Brand name

Model No.

Type and kind of product

Specifications commonly shown on price pages (attach additional sheet if more space is needed)

2 Give the following information about the last sale of this product:

Date of last sale

Price charged

Quantity sold

Name and address of purchaser

3 Give the following information about your prospective sale of this product:

Prospective delivery date

Proposed price

Quantity to be sold

Name and address of prospective purchaser

4 Describe in detail the price determining method which you used for similar products on the base date. This should include the overhead rates, the machine hour rates, if any, rates for general administrative and selling expense, profit mark-up, discounts, and other bases of computation which were in use in your plant on the base date for similar products.

NOTE.—If you have already filed your base date, price-determining method with the Office of Price Administration, you need not fill in this item.

SCHEDULE B—COMPUTATION OF MAXIMUM PRICE

Number of units on which following computation is based.....

Item No.	Description	Amount	Date the rate or price used was in effect
1	Shop labor	\$	
2	Subcontracted services purchased		
3	Materials (except purchased parts and subassemblies covered in item 4)		
4	Purchased parts and subassemblies (covered by RMPR 136, RPS 82, or MPR's 119, 147, 149 or 523)		
5	Shop overhead		
6	Other shop costs (specify)		
	A		
	B		
	C		
	D		
7	Total estimated shop cost (per unit)		
8	General administrative and selling expenses		
9	Other costs (specify)		
	A		
	B		
10	Total estimated cost (per unit)		
11	Profit mark-up		
12			
13			
14	Overtime labor		
15	Computed maximum price (per unit)		

I certify that the facts contained in this report are true and correct

Signature of reporting officer

Official title

(b) *Instructions for form—General Instructions.* This form is applicable only to products for which the manufacturer did not have a published list price or an established price in effect on the base date and for which product he has not established a list price under Section 9 (c) of Revised Maximum Price Regulation 136. If, for any such product, the manufacturer charges a price which is higher than the last price he charged a purchaser of the same class for the same product, he must complete this form and file it in duplicate with the Machinery Branch, Office of Price Administration, Washington 25, D. C. The form may be adapted to the manufacturer's cost-keeping methods. The report must be filed within ten days after entering into a contract at the increased price. The manufacturer may not receive payment for the product at the higher price, until OPA approves the price in writing or until thirty days have elapsed after the receipt of the report (or all additional information that may be requested) without the OPA disapproving of the price.

Base dates

Appendix A of Revised Maximum Price Regulation 136 lists four base dates for the products covered by the regulation. These are October 1, 1941; October 15, 1941; March 31, 1942; and April 1, 1943. The base date that must be used in determining the maximum price of any product depends upon the base date listed in Appendix A for that product.

General instructions for Schedule B

The manufacturer must use the price-determining method which was in use for the same or similar products in his plant on the base date. This means that he must use the overhead rates, machine hour rates, if any, rates for general administrative and selling expense, profit mark-up, discounts, and other bases of computation which were in use in his plant on the base date.

If the manufacturer had no price-determining method for similar products in use in his plant on the base date,

a price-determining method must be established under section 10 (b) of Revised Maximum Price Regulation 136. Whenever the manufacturer is required to use a price which does not exceed his supplier's maximum price, he may rely on his supplier's written certification, if the manufacturer had no reason to doubt the validity of that certification.

Specific instructions for Schedule B

1. *Shop labor.* The manufacturer is required to use the straight-time labor rate that he paid each classification of labor on the base date, and to multiply such rates by the labor time estimated to be required to manufacture the product. The estimate of the number of clock hours required shall be based on previous production experience, if any. If, on the base date, the manufacturer used an average shop labor rate to cover all classifications of labor, he may apply such average rate.

If the manufacturer used machine hour rates on the base date, instead of shop labor rates, he may apply such

machine hour rates. If he uses machine hour rates, he must explain the cost-factors which such rates are designed to cover.

2. *Subcontracted services purchased.* If the manufacturer subcontracts services, he must use the actual prices paid not in excess of his supplier's maximum prices for such subcontracted services.

3. *Materials.* (Except purchased parts and sub-assemblies covered by Revised Maximum Price Regulation 136, Revised Price Schedule 82, or Maximum Price Regulations 119, 147, 149 or 523.)

In computing estimated costs for these materials the manufacturer is required to multiply the estimated quantity of each material to be used (based on previous production experience, if any) by the lower of the following prices:

1. The price which was or would have been paid by him on the base date.

2. The actual price paid by him, not in excess of his supplier's maximum price for such material.

If the manufacturer is unable to determine by reasonable diligence the price that he would have paid for the material on the base date, he shall use the actual price paid by him, not in excess of the applicable maximum price.

4. *Purchased parts and subassemblies.* (Covered by Revised Maximum Price Regulation 136, Revised Price Schedule 82, or Maximum Price Regulations 119, 147, 149 or 523.)

This item applies to purchased parts and subassemblies covered by Revised Maximum Price Regulation 136, and any product covered by Revised Price Schedule 82 (Wire, Cable and Cable Accessories), Maximum Price Regulation 119 (Original Equipment Tires and Tubes), Maximum Price Regulation 147 (Bolts, Nuts, Screws and Rivets), Maximum Price Regulation 149 (Mechanical Rubber Goods), or Maximum Price Regulation 523 (Plastics Products).

The price used for such purchased part or subassembly shall be the price paid, not in excess of the applicable maximum price.

5. *Shop overhead.* Shop overhead charges shall be calculated by using the rate or rates which the manufacturer used in calculating shop overhead on the base date.

6a, b, c, and d. *Other shop costs.* In general, other shop costs may include such shop costs as those for perishable tools, dies, molds, patterns, jigs, and work-holding devices, provided they have not been included in shop overhead. The prices used shall be the actual prices paid or to be paid not in excess of the applicable maximum prices. In general, the manufacturer may include only those other shop costs which he used in determining his selling prices on the base date. These costs should be amortized in accordance with the manufacturer's base date practice.

If the other shop costs include engineering and developmental costs, the manufacturer must determine such costs by using the same methods and the same rates, if any, which he used on the base date.

If on the base date, the manufacturer used machine hour rates in determining prices, he must continue to use such rates.

7. *Total estimated shop cost (per unit).* The sum of items 1 to 6d inclusive.

8. *General administrative and selling expenses.* The manufacturer shall calculate general administrative and selling expenses by using the same methods and the same rates, if any, that he used on the base date.

9a and b—Items 9a and 9b may be used for the recording of any other price-determining factors which were in use by the manufacturer on the base date. If used they must be explained.

10. *Total estimated cost (per unit).* The sum of items 7 to 9b inclusive.

11. *Profit mark-up.* The manufacturer must determine profit mark-up by using the same methods and the same rates, if any, that he used on the base date.

12, 13—Use these items for any factors not included above which you used, on the base date, in determining your selling prices. If such other factors are used they must be explained.

14. *Overtime labor.* If the estimated overtime labor exceeds that provided for in the base date, overhead or machine hour rate, the premium paid for such overtime may be added in computing the maximum price. However, no mark-up, overhead, or profit shall be applied to that premium.

16. *Computed maximum price (per unit).* The sum of items 10 to 14 inclusive.

APPENDIX D: FORM FOR REPORTING MANUFACTURERS' NEW LIST PRICES.

(a) Form.

OPA Form 604-2167

Budget Bureau No. 08-R890.1

This form may be reproduced without change

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
Washington 25, D. C.

REPORT OF MANUFACTURER'S PROPOSED LIST PRICE

(Under section 9 of Revised Maximum Price Regulation 136, Machines, Parts and Industrial Equipment.)

Company Name _____

Address—Number and street _____

City and State _____

NOTE: Before filling in this form read the accompanying instructions carefully.

SCHEDULE A

1. Designate and describe product for which list price is proposed.

NOTE: If proposed price and catalog pages are attached which contain the answers to the following you need not fill in this item.

Brand name	Model No.	Proposed effective date of price list
_____	_____	_____

Type and kind of product _____

Specifications commonly shown on price pages. (Attach additional sheet if more space is needed)

2. Describe in detail the price determining method which you used for similar products on the base date. This should include the overhead rates, the machine hour rates, if any, rates for general administrative and selling expense, profit mark-up, discounts, and other bases of computation which were in use in your plant on the base date, for similar products.

NOTE: If you have already filed your base date, price-determining method with the Office of Price Administration, you need not fill in this item.

SCHEDULE B

NOTE: The manufacturer need not fill in the following information if his proposed prices are net selling prices or if he has attached a price book page(s) which supplies the information asked in this schedule.

Terms of sale _____

1. Trade discounts to be allowed to various classes of purchasers _____

2. Quantity discounts—specify quantities and discounts _____

3. Cash discounts—state amount and condition under which granted _____

4. Terms concerning freight charges _____

5. Charges for special services _____

6. Other terms, if any (specify) _____

SCHEDULE C

COMPUTATION OF MAXIMUM LIST PRICE

Number of units on which following computation is based

Item No.	Description	Amount	Date the rate or price used was in effect
1	Shop labor	\$	
2	Subcontracted services purchased		
3	Materials (Except purchased parts and subassemblies covered in item 4)		
4	Purchased parts and subassemblies (Covered by RMPR 136, RPS 82, or MPRs 119, 147, 149 or 523)		
5	Shop overhead		
6	Other shop costs (specify)		
a			
b			
c			
d			
7	Total estimated shop cost (per unit)		
8	General administrative and selling expenses		
9	Other costs (specify)		
a			
b			
10	Total estimated cost (per unit)		
11	Profit mark-up		
12			
13			
14	Overtime labor		
15	Maximum discount (if any)		
16	Computed maximum list price (per unit)		
17	Proposed list price (per unit)		

I certify that the facts contained in this report are true and correct

Signature of reporting officer _____ Official title _____

(a) *Instructions for form.—General instructions.* This form is applicable only to products for which the manufacturer did not have a published list price or an established price in effect on the base. The term "established price" in effect on the "base date" is defined in section 28 of Revised Maximum Price Regulation 136. If the manufacturer publishes or proposes to publish a list price or if he is required in writing by the Office of Price Administration to establish a list price for any such product, he must complete this report and send it in duplicate to the Machinery Branch, Office of Price Administration, Washington 25, D. C. The form may be adapted to the manufacturer's cost-keeping methods.

No more than 75% of the proposed price may be received until OPA approves the proposed price or until thirty days have elapsed after receipt of the report (or all additional information that may be requested) without OPA disapproving the proposed price. Final settlement must be made in accordance with the action taken by OPA on the report.

Base dates

Appendix A of Revised Maximum Price Regulation 136 lists four base dates for the products covered by the regulation. These are October 1, 1941, October 15, 1941, March 31, 1942, and April 1, 1943. The date that must be used in determining the maximum price of any product depends upon the base date listed in Appendix A for that product.

General instructions for Schedule C

The manufacturer must use the price-determining method which was in use for similar products in his plant on the base date. This means that he must use the overhead rates, machine hour rates, if any, rates for general administrative and selling expense, profit mark-up, discounts, and other bases of computation which were in use in his plant on the base date.

If the manufacturer had no price-determining method for similar products in use in his plant on the base date, a price-determining method must be established under section 10 (b) of Revised Maximum Price Regulation 136.

Whenever the manufacturer is required to use a price which does not exceed his supplier's maximum price, he may rely on his supplier's written certification if the manufacturer had no reason to doubt the validity of that certification.

Specific instructions for Schedule C

1. *Shop labor.* The manufacturer is required to use the straight-time labor rate that he paid each classification of labor on the base date, and to multiply such rates by

the labor time estimated to be required to manufacture the product. The estimate of the number of clock hours required shall be based on previous production experience, if any. If, on the base date, the manufacturer used an average shop labor rate to cover all classifications of labor, he may apply such average rate.

If the manufacturer used machine hour rates on the base date, instead of shop labor rates, he may apply such machine hour rates. If he uses machine hour rates, he must explain the cost-factors which such rates are designed to cover.

2. *Subcontracted services purchased.* If the manufacturer subcontracts services, he must use the actual prices paid, not in excess of his supplier's maximum prices for such subcontracted services.

3. *Materials.* (Except purchased parts and subassemblies covered by Revised Maximum Price Regulation 136, Revised Price Schedule 82, or Maximum Price Regulations 119, 147, 149 or 523.)

In computing estimated costs for these materials the manufacturer is required to multiply the estimated quantity of each material to be used (based on previous production experience, if any) by the lower of the following prices:

1. The price which was or would have been paid by him on the base date.

2. The actual price paid, not in excess of his supplier's price for such material.

If the manufacturer is unable to determine by reasonable diligence the price that he would have paid for the material on the base date, he shall use the actual price paid by him, not in excess of the applicable maximum price.

4. *Purchased parts and subassemblies.* (Covered by Revised Maximum Price Regulation 136, Revised Price Schedule 82, or Maximum Price Regulations 119, 147, 149 or 523.)

This item applies to purchased parts and subassemblies covered by Revised Maximum Price Regulation 136 and any products covered by Revised Price Schedule 82 (Wire, Cable and Cable Accessories), Maximum Price Regulation 119 (Original Equipment Tires and Tubes), Maximum Price Regulation 147 (Bolts, Nuts, Screws and Rivets), Maximum Price Regulation 149 (Mechanical Rubber Goods), or Maximum Price Regulation 523 (Plastics Products).

The price used for such purchased part or subassembly shall be the price paid, not in excess of the applicable maximum price.

5. *Shop overhead.* Shop overhead charges shall be calculated by using the rate or rates which the manufacturer used in calculating shop overhead on the base date.

6a, b, c, and d. *Other shop costs.* In general, other shop costs may include such shop costs as those for perishable tools, dies, molds, patterns, jigs, and work-holding devices, provided they have not been included in shop overhead. The prices used shall be the actual prices paid, not in excess of the applicable maximum prices. In general, the manufacturer may include only those other shop costs which he used in determining his selling prices on the base date.

If the other shop costs include engineering and developmental costs, the manufacturer must determine such costs by using the same methods and the same rates, if any, which he used on the base date.

If, on the base date, the manufacturer used machine hour rates in determining prices, he must continue to use such rates.

7. *Total estimated shop cost (per unit).* The sum of items 1 to 6d inclusive.

8. *General administrative and selling expenses.* The manufacturer shall calculate general administrative and selling expenses by using the same methods and the same rates, if any, that he used on the base date.

9a and b—Items 9a and 9b may be used for the recording of any other price-determining factors which were in use by the manufacturer on the base date. If used they must be explained.

10. *Total estimated cost (per unit).* The sum of items 7 to 9b inclusive.

11. *Profit mark-up.* The manufacturer must determine profit mark-up by using the same methods and the same rates, if any, that he used on the base date.

12, 13—Use these items for any factors not included above which you used, on the base date, in determining your selling prices. If such other factors are used they must be explained.

14. *Overtime labor.* If the estimated overtime labor exceeds that provided for in the base date, overhead or machine hour rate, the premium paid for such overtime may be added in computing maximum list price. However, no mark-up, overhead, or profit shall be applied to that premium.

15. *Maximum discount (if any).* In determining computed maximum list price the manufacturer shall include the maximum discount rate which he applied on the base date in the sale of similar products to any class of purchaser.

16. *Computed maximum list price (per unit).* The sum of items 10 to 15 inclusive.

17. *Proposed new list price (per unit).* The proposed new list price must not exceed the computed maximum list price. (Item 16.)

APPENDIX E: TABLE OF DEPRECIATION RATES FOR DETERMINING MAXIMUM PRICES OF SECOND-HAND PRODUCTS

NOTE: The maximum prices of items not listed in this table may not be figured by the depreciation method.

Product	Depreciation rate per annum, (percent)
Air-conditioning equipment	5
Anchors, earth and rock	5
Appliances, electrical	8
Asphalt mixing plant and attendant plant	20
Attachments, machinery and machine tool	10
Automotive testing and maintenance equipment	10
Backfillers, powered	20
Batcher plants	10
Battery chargers	10
Bins, steel	10
Boilers, industrial, 50 H. P. and less	7½
Boilers, industrial, over 50 H. P.	5
Boilers, marine	7½
Brooms, road, powered	20
Buckets, concrete, clamshell, orange peel, cableway, dragline, elevator, etc.	20
Burners, gas, industrial	7½
Carriers, lumber	10
Cement making machinery	5
Ceramics machinery	7½
Chemical process machinery	7½
Clamps, column	20
Communication equipment, electrical	10
Compressors, portable	10
Compressors, stationary	6
Concrete carts	20
Concrete finishers, floor	15
Concrete finishers, road	10
Concrete mixers, portable and stationary	20
Concrete mixers, pavers	10
Concrete mixers, truck	20
Concrete spreaders, road	10
Control equipment, electrical	6
Conveyors	10
Cotton ginning machinery	5
Cranes, crawler	15
Cranes, locomotive	10
Cranes, overhead	5
Cranes, truck	20
Crushers, stone	10
Dairy machinery	6
Derricks	10
Die-casting machinery	7½
Ditchers	20
Dollies, industrial	15
Dozers, angle, bull and push	10
Dredgers, clamshell and dipper	10
Dredgers, hydraulic	5
Drilling machinery, auger, blast hole, churn and core	15
Drilling machinery, drifter and pneumatic percussion	30
Dust collecting equipment	10
Electrical assemblies not otherwise listed	8
Electroplating and hot dip metal coating equipment	5
Elevators, passenger and freight	5
Engineering reproduction equipment	7½
Engines, diesel, 400 RPM and less	7½
Engines, diesel, over 400 RPM	10
Engines, gas	10
Engines, gasoline and kerosene	10
Engines, steam	5
Escalators	10
Excavators, dragline	15
Excavators, trencher	25
Fans and blowers	10
Floor surfacing and maintenance machinery, industrial	10
Food and beverage machinery	6
Foundry machinery	5
Furnaces, industrial and laboratory	10
Generators, gas	10
Glass making machinery	7½
Governors, engine	10
Governors, hydraulic turbine	5

Product	Depreciation rate per annum, (percent)
Graders, blade towed and elevating	15
Graders, motor patrol	20
Gyroscopes	10
Hat making machinery	5
Heat exchange equipment	10
Heaters, stone, sand, bitumen and concrete	20
Heating, melting, burning and thawing equipment, industrial, portable	10
Hoists, pneumatic, gas, diesel, steam, electric	20
Industrial power operated devices for applying protective coatings, etc.	20
Instruments, electrical measuring, portable	8
Instruments, electrical measuring, stationary	6
Instruments, mechanical, for measuring, testing or recording	12½
Instruments, mechanical, scientific and laboratory	8
Instruments, precision	12½
Instruments, surveying and drafting	8
Laundry, dry cleaning, and clothes pressing machinery	6
Leather working machinery	7½
Loaders, belt or bucket	15
Loaders, front end	20
Lubricating systems and devices	10
Metal working and numbering machines	10
Mining machinery:	
Cars, mine	10
Classifiers	10
Coal cutting machines	10
Converters, copper	10
Conveyors	10
Crushers	10
Elevators, bucket	10
Flotation machines	10
Furnaces	10
Jigs	10
Mills	10
Ovens, electric	10
Presses, filter	10
Scrapers, slip	30
Scrapers, wheel	10
Screens	10
Separators	10
Skips, hoisting	5
Tables, concentrating	10
Thickeners	5
Tipples	5
Motors, generators, alternators, and dynamos, electrical:	
Above 1,000 kw	4
From 50 H. P. to 1,000 kw	5
Below 50 H. P.	6
Neon indicator attachments	10
Oil burners, industrial and marine, burning No. 5 oil or heavier	10
Oil well equipment:	
Blowout preventers	30
Core barrels	30
Crown blocks	20
Derricks	10
Drawworks	20
Drill collars	15
Drill pipe	30
Drilling rigs	20
Elevators	15
Gas lift systems	25
Hooks	10
Hydraulic pumping systems	25
Kellys	15
Meters	15
Oil treating plants	20
Oilwell pumps	25
Packers	30
Power takeoffs	20
Pull rods	20
Pumping jacks	10
Pumping powers	10
Pumping units	10
Rotaries	20
Regulators	15
Rotary fishing tools	20
Separators	15

Product	Depreciation rate per annum, (percent)
Oil well equipment:	
Spudders	20
Submersible elec. pumps	25
Sucker rods	35
Tanks (shop assembled)	15
Tongs	15
Tool joints	30
Traveling blocks	20
Water treating plants	20
Well servicing hoists	20
Ovens	10
Packaging, wrapping, filling and labeling machinery	6
Paint and varnish making machinery	5
Petroleum refining machinery	5
Pharmaceutical machinery	5
Pile drivers, drop	5
Pile drivers, steam hammers	5
Pipe wrapping and coating machinery	10
Plastics molding and fabricating machinery	7½
Plows, snow	10
Pole line hardware and line construction specialties	5
Power cylinders	5
Printing and publishing machinery	9
Pulp, paper and paper products machinery	6
Pumps, portable	10
Pumps, stationary	6
Railroad equipment (all items)	5
Refrigerating equipment	5
Rod, tube and wire-working machinery	5
Rollers, powered, road	10
Rollers, sheepfoot, tamping	10
Rolling mill machinery	5
Rubber and allied products machinery	6
Scales, weighing	10
Scrapers, carry type	15
Screens (construction equipment)	20
Sharpening and filing equipment	10
Shoe manufacturing and repairing machinery	7½
Shovels, powered	15
Siren blowers	5
Soot blowers and cleaners	10
Spreaders, material	20
Spring winding and forming machinery	5
Stackers, portable	10
Steam cleaning and degreasing equipment	10
Stokers, industrial and marine	10
Tanks and vessels, open	3
Tanks, pressure	4
Textile preparatory and finishing machinery	7½
Tiering machines	10
Tobacco working machinery	7½
Tools, hand operated, specially designed for manufacture, repair or maintenance of aircraft, military vehicles, or other predominantly military equipment	10
Tools, pneumatic; drills, jack hammers, rivet hammers, tampers, chippers and paving breakers	30
Tools, power driven, portable	25
Tractors, crawler and non-agricultural wheel	20
Trailers, non-highway, used with industrial tractors	15
Trucks, industrial, except lift, platform and straddle	15
Trucks, lift, platform and straddle	10
Turbines, steam	5
Vibrators	30
Water softening and purifying equipment	10
Welders, A. C., transformer type	6
Welders, D. C., motor and engine driven	8
Welding and cutting equipment, gas	10
Wire, cable and cable accessories, electrical	10
Woodworking and lumber manufacturing machinery	7½

Approval waited by the Budget Bureau

OPA Form 604-2168

This form may be reproduced without change

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
Washington 25, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM
PRICES UNDER REVISED MAXIMUM
PRICE REGULATION 136

Name of company

Address—number and street

City and State

Phone number

Date

APPENDIX F: FORM FOR APPLICATIONS FOR ADJUSTMENT

GENERAL INSTRUCTIONS

This application should be filled out in duplicate. Sheet 1 calls for information of a general nature relating to the company as a whole. Sheet 2 relates to an individual product for which a price increase is requested. In preparing the application please consider that the form is intended to cover a wide variety of products. Therefore, you may find that some of the questions do not apply to your product. Moreover you may find that some point that is important in your case is not covered in the form. Adapt the form if this can be done or state the information on a separate sheet if that will be clearer. If any difficulty is experienced in completing this form, you may take it to the nearest OPA District Office for assistance in its preparation.

NOTE: A manufacturer should not use this form for a product which has been substantially modified since the base date of the regulation, unless he has first obtained approval of a maximum price under section 8 of this regulation.

The following facts are furnished to the Office of Price Administration in support of this application:
I certify that these facts are true and correct.

Sign here _____
(Signature of officer) (Title) (Date)

SCHEDULE A

1. General description of the company's business
2. Designate and describe products for which price increase is requested. (If more space is needed use back of this sheet.)
3. Explain why you are requesting a price increase. (If more space is needed use back of this sheet.)
4. If applicant has filed any other application(s) for price adjustment with the Office of Price Administration within the past year, give OPA docket number(s) of application(s)

SCHEDULE B

Important: If you have submitted any of the following information on Office of Price Administration financial report forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, the financial data should be submitted for the parent corporation.

Submit balance sheets and profit and loss statements for your last fiscal year, your most recent accounting period, and the base date year (1941, 1942, or 1943) established by the regulation for the product(s) for which you are requesting a price increase.
NOTE: Each profit and loss statement must show separately direct labor, direct material, other factory expense, administrative expense, selling expense, and officers' salaries, including the number of officers. In addition, "other factory expense", administrative expense, and selling expense must be further broken down in the manner in which such breakdowns are customarily prepared for your own use.

2. Submit balance sheets and profit and loss statements on OPA form A, annual financial report, or your own prepared statements for the years 1936-1940. The filing of these data is optional, provided reports are available from the Bureau of Internal Revenue. Should the applicant prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue. If your own prepared statements are presented the profit and loss statement should contain as a minimum the following items: Net sales, cost of goods sold broken down into direct labor, direct material, other factory expense, administrative expense, selling expense, net operating profit and net profit before taxes.
3. If this price application is based upon a wage application filed with the War Labor Board, submit an estimate of the monthly dollar increase in direct and indirect labor costs which you anticipate as a result of the proposed wage increase.

Name of company _____

SCHEDULE C

NOTE: The information called for in this schedule relates to an individual product for which a price increase is requested. If more than one product is involved, fill out a separate sheet for each product or for each representative product(s) of a group which reflect the average cost-price relationship of the group.

1 Designation of product and (group of products, if this schedule relates to a representative product).				
2 Is this product (or group of products) being produced under a war contract? (Check one) Yes () No (). If the answer is "Yes", give the percentage of total sales of the product (or group of products) currently being sold under war contract%. If the answer is "No", list names and addresses of principal competitors and their prices (if such prices are available).				
3 Sales data				
a Period	Net sales of product		Dollar sales of group of products (when data refer to representative product)	
	Units sold	Dollar volume of sales		
	Base date year	\$		\$
	Last full fiscal year			
Current year (Months ending 194....)				
b Dollar volume of unfilled orders	\$	Anticipated dollar volume of new orders for the next:		
		3 months	\$	
		6 months		
		12 months		

vation by being completely coated with mineral oil.

(b) *Hot water immersion plus coating with mineral oil; sales to a United States Government agency.* When eggs of wholesale grades Specials or Extras, procurement grades I, II, or III, or consumer grades A or AA have been treated for purposes of preservation by immersion in hot water until the internal temperature of the eggs is raised to between 115 and 120 degrees Fahrenheit, and have afterwards been completely coated with mineral oil, one and one-half cents per dozen may be added to the applicable maximum price.

(c) No additions to maximum prices on account of hot water immersion, oil coating, or other preservative treatment are permitted except as specifically set out in the above paragraphs (a) and (b).

This amendment shall become effective March 24, 1945.

Issued this 24th day of March 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: March 22, 1945.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 45-4780; Filed, Mar. 24, 1945;
4:26 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 45, Amdt. 14]

VENTILATED OUTDOOR WINDOW SHELTERS

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

Supplementary Order No. 45 is amended in the following respect:

Section 1305.59 (a) (3) is amended by removing therefrom the following commodity:

Ventilated outdoor window shelters.

This amendment shall become effective on the 31st day of March 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4815; Filed, Mar. 26, 1945;
11:49 a. m.]

PART 1305—ADMINISTRATION

[2d Rev. SO 76, Amdt. 1]

PERMISSION FOR SERVICE SUPPLIER SUBJECT TO CERTAIN PRICE REGULATIONS TO APPLY PROVISIONS OF ONE PRICE REGULATION TO SERVICES SUPPLIED BY HIM

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.

Supplementary Order 76 is amended in the following respects:

1. In paragraph (a), the phrase "Maximum Price Regulation 581 (Industrial

Services)" is substituted for the phrase "Maximum Price Regulation 136, as amended (Machines and Parts, and Machinery Services)", wherever the latter phrase appears in that paragraph.

2. In paragraphs (b) and (c), the phrase "Maximum Price Regulation 581" is substituted for the phrase "Maximum Price Regulation 136, as amended," wherever the latter phrase appears in those paragraphs.

This amendment shall become effective March 31, 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4816; Filed, Mar. 26, 1945;
11:43 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 525, Amdt. 6]

JOBBER SALES OF STOCK MILLWORK

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 525 is amended in the following respects:

1. Section 2 is hereby amended by adding a new paragraph (e) reading as follows:

(e) *Coverage of odd stock millwork.* Odd stock millwork is stock millwork as defined in section 2 (a) which is not listed as stock in the area stock list or in the individual seller's stock list, but for which prices can be computed by adding the extras published in the price list which the seller used in March 1942 to the price of a designated stock item on such list. If the individual seller had or used no price list in March 1942, then as to him, odd stock millwork shall be the items for which prices can be computed by adding the extras published in the area stock list. All items of odd stock millwork, as so defined, are covered by this regulation when sold in a "jobber's sale of stock millwork."

2. Section 3 (a), subparagraphs (1) and (2) are hereby amended to read as follows:

Sec. 3. *Maximum prices*—(a) *Maximum prices in areas covered in the appendices*—(1) *Items specifically priced.* The maximum prices for stock millwork items (other than odd stock items) in any area covered by the appendices are those specifically fixed in the appendix for the area in which delivery is made; or, if no specific mark-up is fixed for an item in such area appendix, then the price shall be determined as provided in section 3 (a) (2) (ii). If the seller's customary method of pricing is to use a list and discount sheet, he may adjust his discounts to the half point nearest to the maximum price for an item established by this regulation. Unless otherwise specified, the mark-ups given in this

¹ 9 F.R. 3735, 7690, 10424, 11798, 14674; 10 F.R. 117.

regulation are to be added to the manufacturer's largest quantity maximum price.

(2) *Items not specifically priced*—(i) *Items not on area stock list.* Any person whose stock list includes stock millwork items (other than odd stock items) which are not shown on the stock lists specified in the appendix for the particular area in which the delivery is to be made, shall file with the Lumber Branch, Office of Price Administration, Washington 25, D. C., a copy of his stock list, indicating which stock millwork items in it are not included in the stock lists specified for the area, and may thereafter sell these items at the maximum prices, if any, established for that area unless notified to the contrary by the Office of Price Administration within thirty days of the receipt of the filing of the list.

(ii) *Items on area stock list.* In the case of any stock millwork items (other than odd stock items) which are shown on stock lists specified in the appendix for the particular area in which the delivery is to be made, but for which no mark-up is provided in such area appendix, the seller must apply to the Office of Price Administration, Washington 25, D. C., for approval of a mark-up. His application must show the mark-up used prior to March 31, 1942 for the same item. The requested mark-up may not be used by the seller before approval by the Office of Price Administration.

(iii) *Odd stock items.* The maximum prices for any individual seller's odd stock millwork shall be the current maximum prices for his stock millwork plus any extra charges for odd stock items which are published in the price list applicable to his sales of odd stock items, as designated in section 2 (e) above. Before a seller may use such maximum prices, however, he shall file such price list with, or, if such price list is already on file, he shall send written notification of that fact to, the Lumber Branch, Office of Price Administration, Washington 25, D. C., and he may not quote or charge such prices until he has received a written acknowledgment of the filing of such list or notice.

This amendment shall become effective March 31, 1945.

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

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4811; Filed, Mar. 26, 1945;
11:48 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 43]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment

¹ 10 F.R. 824, 2246.

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

Section 11.7 is amended to read as follows:

Sec. 11.7 *Lard flakes.* (a) Where a processor sells lard flakes to be used in the manufacture of war lard and the maximum price for lard flakes at the city where the lard flakes are manufactured is greater than the maximum price for lard flakes at the city where the processor who makes the war lard is located, the maximum price which the selling processor may charge for his lard flakes shall be the price established for lard flakes at the city where the lard flakes are manufactured plus the actual cost of freight from the seller's plant to the buyer's plant.

(b) Where the maximum price for lard flakes is computed under this section 11.7 the processor's maximum selling price for war lard in whose manufacture such lard flakes are used shall be the price of war lard established under the other applicable provisions of this Article plus 10% of the difference in the maximum price for lard flakes computed under section 11.7 (a) above over the maximum price for lard flakes (at the war lard processor's plant) computed under the other applicable provisions of Article XI.

This amendment shall become effective March 31, 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4813; Filed, Mar. 26, 1945; 11:49 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3, Amdt. 12]

SUGAR

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

Section 2.7a is added to read as follows:

SEC. 2.7a *Sugarcane and sugar beet growers in 1945 may get sugar without giving up evidences.* (a) A consumer who produces sugarcane or sugar beets and delivers them to a primary distributor for processing into sugar may, without giving up ration evidences, acquire from the primary distributor an amount of sugar not in excess of the smaller of the following:

(1) 25 pounds for each member of his family unit and 25 pounds for each employee who works more than six months a year on the farm where the sugarcane or sugar beets were produced and for whom he regularly provides meals; or

(2) 25 pounds for each acre of sugarcane or sugar beets grown on a farm where he resides or works more than

¹ 9 F.R. 1233, 13992, 14642, 15048; 10 F.R. 201, 412, 1537, 1143.

six months a year and harvested from the "1945 crop". However, if, at the time of harvest, more than one consumer eligible under this section is entitled to a share of that crop, the per acre allowance for such consumer may be no greater than the proportion of 25 pounds that his share of the crop bears to the total shares of all eligible consumers. (For example, if two share-cropping tenants, both living on a farm on which sugar beets are produced from the "1945 crop" entitled to 40 percent and 60 percent respectively of the crop, their per acre allowances would be 10 and 15 pounds respectively.)

(b) For a consumer to be eligible to get such sugar, the following conditions must be met:

(1) The sugar must be sugar manufactured tax free under section 402 (d) of the Sugar Act of 1937;

(2) The sugarcane or sugar beets must have been produced on a farm where he resides or works more than six months a year;

(3) The sugarcane or sugar beets must have been harvested from the 1945 crop grown on that farm. (As used in this section, the "1945 crop" of sugarcane means sugarcane harvested between October 1, 1945, and September 30, 1946, inclusive, and the "1945 crop" of sugar beets means sugar beets planted for harvest in the calendar year 1945, except that with respect to sugar beets grown in Yuma County, Arizona, in Imperial County, California, and in those parts of the Imperial and Coachella Valleys which are included in Riverside County, California, the "1945 crop" of sugar beets does not include sugar beets planted for harvest in the calendar year 1946.)

(c) A primary distributor may deliver an amount of sugar, not in excess of the amount permitted under paragraph (a) of this section, to an eligible consumer in exchange for a statement signed by him showing:

(1) His name and address and the date;

(2) Facts indicating that he is eligible under paragraph (b) of this section;

(3) The number of acres of sugarcane or sugar beets harvested from the 1945 crop grown on a farm where he resides or works more than six months a year; (if, at the time of harvest, more than one consumer, eligible under this section, is entitled to a share of that crop, the applicant must state the proportion that his share bears to the total shares of all such consumers);

(4) The number of persons in his family unit (including himself) and the number of employees who work more than six months a year on the farm where the sugarcane or sugar beets were produced and for whom he regularly provides meals;

(5) The amount, if any, he or any member of his family unit has previously obtained under this section. (This amount when added to the amount stated under (6), must not exceed the total amount which the consumer may obtain under paragraph (a));

(6) The total amount of sugar he wishes to obtain. The representations made in this statement constitute representations made to the Office of Price Administration.

(d) The primary distributor shall note on the statement delivered to him under paragraph (c) the amount of sugar delivered against the statement and shall retain all such statements at his principal business office until further order by the Office of Price Administration.

(e) Sugar may be obtained under this section only for the personal use of the consumer who obtains it or for the personal use of the members of his family unit or for use in the service of meals to his employees. The consumer or the members of his family unit may not sell, transfer, or deliver such sugar to any other person.

This amendment shall become effective March 30, 1945.

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

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4817; Filed, Mar. 26, 1945; 11:45 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13, Amdt. 52 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (14) is added to read as follows:

(14) T2, U2, V2, W2, X2 _____ From April 1, 1945, to July 31, 1945, inclusive.

This amendment shall become effective April 1, 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4819; Filed, Mar. 26, 1945; 11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16, Amdt. 36 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) (18) is added to read as follows:

(17) K2, L2, M2, N2, P2 _____ From April 1, 1945, to July 31, 1945, inclusive.

This amendment shall become effective April 1, 1945.

¹ 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4883, 5956, 6103, 6151, 6450, 7344, 7423, 7433, 9169, 9170, 9266, 9278, 9896, 10264, 10877, 10876, 11273, 11513, 11906, 11961, 12813, 12867, 14061, 14643, 15002, 15054; 10 F.R. 48, 776, 924.

² 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278, 9785, 9896, 10425, 10875, 10876, 10777, 11426, 11513, 11906, 11955, 11961, 12814, 12867, 14287, 14645, 15056; 10 F.R. 48, 521, 857, 293, 294.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4818; Filed, Mar. 26, 1945;
11:48 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[Restriction Order 10; Amdt. 3]

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. The title is amended by deleting the comma and the words "soap flakes and soap powder".

2. Sections 1.1 (a) and 1.1 (b) are amended by deleting the phrase "or soap flakes or soap powder in excess of $\frac{2}{3}$ (66 $\frac{2}{3}$ %) wherever it appears.

3. Sections 1.1 (a), 1.2 (a), 1.2 (b), 1.2 (c), 1.2 (d), 1.2 (e), 1.2 (f), 1.2 (g), 2.2, 3.1, 3.2, 4.1, 5.2, 6.1 (a), 6.1 (c), 6.1 (e), 6.1 (k), 6.1 (l), and 6.1 (m) are amended by deleting the phrase "soap flakes or soap powder" wherever it appears.

4. Sections 6.1 (h) and 6.1 (i) are hereby revoked.

This amendment shall become effective as of March 17, 1945.

Issued this 26th day of March 1945.

SAM GILSTRAP,
Territorial Director,
Puerto Rico.

Approved:

M. S. BURCHARD,
Acting Regional Administrator,
Region IX.

[F. R. Doc. 45-4820; Filed, Mar. 26, 1945;
11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES
[RMPR 165, Supp. Service Reg. 50]

DELEGATION OF AUTHORITY TO ISSUE AREA
ORDERS AFFECTING CERTAIN SERVICES

§ 1499.648 *Delegation of authority to issue area pricing orders covering certain services*—(a) *Delegation*. Any Regional Administrator and any District Director who has been authorized to act by the Regional Administrator having jurisdiction over his District may, except as otherwise provided in paragraph (c) of this regulation, issue general area orders establishing maximum prices for those services listed in paragraph (c) of this regulation.

(b) *Additional provisions*. An order issued in accordance with this delegation may, at the discretion of the Regional Administrator or District Director as the case may be, contain provisions requiring sellers covered by the order to post their prices, to give sales slips or receipts, or both.

(c) *Services covered by this delegation*. The following services are covered by this delegation:

(1) Cesspools and septic tanks; cleaning and repairing thereof.

This supplementary service regulation shall become effective March 31, 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4814; Filed, Mar. 26, 1945;
11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 188, Amdt. 52]

CORRECTIVE EYEGLASS LENSES

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

Maximum Price Regulation No. 188 is amended in the following respect:

Section 1499.167, Appendix B, is amended by adding the following article to the list of commodities:

Corrective eyeglass lenses.

This amendment shall become effective on the 31st day of March 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4812; Filed, Mar. 26, 1945;
11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES
[RMPR 539]

CUSTOM MILLING AND KILN DRYING OF
WESTERN SOFTWOODS

Maximum Price Regulation 539 is redesignated Revised Maximum Price Regulation 539 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry affected.

Sec.

1. Higher than maximum prices prohibited.
2. What lumber is covered.
3. What services are covered.
4. What is a custom mill.
5. Maximum prices for custom milling services by other than a custom mill.
6. Invoicing and records.
7. Maximum prices for services not specifically priced.
8. No quantity limitations.
9. Service charges.
10. Enforcement.
11. Licensing.
12. Maximum prices.

AUTHORITY: § 1499.2260 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales of custom milling or custom kiln drying services on western softwood lumber at higher than maximum prices prohibited*. (a) On and after March 31, 1945, no person shall sell or provide, and no person shall buy or receive in the course of trade or business, any "custom milling services", defined in section 3 below, on western softwood lumber, at prices higher than the maximum prices set by this regulation and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What lumber is covered*. (a) "Western softwood lumber" under this regulation means any lumber which on sales by the sawmill is subject to RMPR 26 (Douglas Fir and Other West Coast Lumber), MPR 94 (Western Pine and Associated Species of Lumber), MPR 253 (Redwood Lumber), MPR 290 (Sitka Spruce Lumber), or MPR 402 (Western Red Cedar Lumber).

(b) This regulation covers custom milling and kiln drying of all Western softwood lumber when custom milling or kiln drying is performed in the area defined in section 3 (a).

SEC. 3. *What services are covered*. (a) This regulation covers "custom milling and kiln drying services" on all Western softwoods when performed within the geographical limits of the United States except in the following states: North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

(b) "Custom milling services," as used in this regulation, means all operations upon lumber, as distinguished from logs, which are customarily performed by a sawmill, or operations upon lumber for which maximum prices are fixed in the basic mill regulation covering direct-mill sales of the various species of lumber.

(c) The following are not "custom milling services" even though performed by a "custom mill" as defined in section 4 below:

(1) Milling and/or kiln drying services performed by a mill upon lumber produced or sold by it, or in which it has any financial interest;

(2) Milling and/or kiln drying services performed on lumber in transit which the seller arranges to have so milled and which he sells and ships from point of origin in any manner other than as an f. o. b. mill sale under the appropriate mill regulation.

In either of such cases, the maximum prices which the seller may charge the purchaser for both the lumber and for milling or kiln drying are the ceiling prices fixed in the appropriate mill regulation for the end product reaching the purchaser after milling and/or kiln drying. In either of such cases, the person performing the milling or kiln drying of the lumber may not invoice the purchaser for custom milling at the maximum prices fixed in this regulation. Nothing in this section, however, shall prevent the person performing the milling and/or kiln drying services from charging the maximum prices in this

regulation to any wholesaler or mill which ships lumber to be custom milled in the manner described in subparagraph (2) above: *Provided*, That the shipper agrees to bear the custom milling charges when the same are not permitted to be passed on to the purchaser under this section.

SEC. 4. What is a custom mill. A custom mill is an establishment which performs custom milling services or kiln drying upon softwood lumber in which it has no financial interest, and which either:

(a) Meets both of the following tests:

(1) It does not operate a mill as defined in any regulation covering prices at the mill level; and

(2) It does not own or control, and is not owned or controlled by, and is not under common control with a mill which produces and sells lumber, or a wholesaler. The term control as used here includes any financial interest; or

(b) Obtains authority to operate as a custom mill under the following rules:

(1) Application must be filed with the Regional Office of the Office of Price Administration for the region in which the applicant's mill is located, specifying:

(i) The location of the plant, with a description of the physical layout of operations in relation to any other activities relating to lumber carried on by the applicant, wherever located.

(ii) The extent of ownership or control or financial interest in or by any other operations relating to lumber, or of common ownership, control or financial interest giving name, location, and nature of the operations.

(iii) Applicant's milling facilities and the capacity thereof in M³BM per day, together with a statement of total footage in rough boards, and rough or surfaced dimension, plank and timbers, and of green or partially dry lumber in these sizes sold during the 30-day period preceding date of application.

(iv) Any other information the applicant may wish to submit.

(2) Special written authorization under this paragraph (b) will be granted only where the application enables the Regional Office to make findings that the authorization:

(i) Will result in a greater production of surfaced boards, or kiln dried lumber.

(ii) Will not encourage producing sawmills having remanufacturing and kiln drying facilities to ship their lumber, green, partially dry, rough, or in thicknesses over 1".

(iii) Will provide necessary milling services which cannot reasonably be supplied by producing mills, or by custom mills qualifying under paragraph (a).

(iv) Will not result in unnecessarily increasing the cost of finished lumber to the ultimate consumer.

In granting such authority, the Regional Office may make such limitations and conditions as to its duration and extent as may be appropriate and consistent with the above findings.

SEC. 5. Maximum prices for custom milling services by other than a custom mill. Unless the operation qualifies or

is specially authorized as a "custom mill" under Section 4 above, its maximum prices for custom milling or kiln drying of softwood lumber are the charges set forth as additions for workings in the basic mill regulation covering the species milled or kiln dried.

SEC. 6. Invoicing and records. Invoices must show the species, size, condition and workings of the lumber before and after milling, with a detailed description of all services performed thereon for which a charge is made. Copies of invoices, or similar records must be kept at the place where the custom milling is performed, available for examination by the Office of Price Administration. These records must be kept for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 7. Maximum prices for services not specifically priced. If a custom mill wishes to perform any custom milling service covered by this regulation which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply in writing to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for a maximum price.

The seller's application may be (a) for specific approval in reference to a particular order; or (b) for general approval in reference to a price or price list which he seeks to set up for general use in the future for non-standard custom milling services.

(a) Where the application is for specific approval in reference to a particular order, it shall be made prior to any shipment, or within five days after acceptance of order, whichever be the earlier date. The following information shall be set forth:

(1) The requested price.

(2) A complete description of the service to be priced.

(3) The requested price differential between it and the most comparable service in the price tables with a detailed statement of comparative cost of performing the services.

(4) The name and location of producing mill.

(5) The purchaser's name, and address to which delivery is to be made.

If the application is for specific approval in reference to a particular order calling for custom milling services identical with an order upon which specific approval has previously been granted by the Office of Price Administration, it is sufficient for the seller to identify by reference, such previous application and approval. In such case, the only additional information required is the information requested in (4) and (5) above.

A seller using this pricing method may quote and make sales and deliveries prior to receipt of official approval. He also may collect the price he has requested: *Provided*, That he has first received a written acknowledgement of his application from the Office of Price Administration and has so informed the purchaser, in writing. The requested price is sub-

ject to revision within 30 days after the date of the acknowledgement, and, if the price is ordered to be reduced, the seller must refund any excess collected over the price which is officially approved. If a requested price is not disapproved within 30 days of the date of the acknowledgement, it is approved. Where, after receipt of an application for specific approval, the Office of Price Administration requests additional information from the seller upon which to base its approval of a ceiling price, the time within which the requested price may be revised is automatically extended to 30 days after acknowledgment of the requested information. An officially approved price shall be subject to further adjustment at any time, even after the 30 day period, as to all shipments made after the date of such further adjustment.

An authorization number will be assigned in every case where a special price is approved. Within 10 days after receipt of such number the seller must notify the purchaser in writing of the price which has been officially approved and the authorization number assigned; and the authorization number must appear on all invoices covering shipments made after the date the number was received by the seller.

(b) Where the seller's application is for general approval in reference to a price list which he seeks to set up for general use in the future for non-standard custom milling services he shall set forth the information required for specific approvals by (1), (2), and (3) in paragraph (a) above, and, in addition, a statement showing the need for such non-standard custom milling service in his area.

Quotations may not be made, orders taken, or shipments commenced until a maximum price has been officially approved.

An authorization number will be assigned in every instance where a special price or price list is approved; and this number must appear on all orders accepted and sales made, as well as on all invoices covering shipments. A file of all general approvals under this section will be open for inspection at the Office of Price Administration Regional Office at San Francisco, California, as well as at the National Office, Lumber Branch, Washington, D. C.

The approval of a maximum price under this section shall not prevent a further adjustment in ceiling prices from being made, as the result of, or without, further application by the seller; and such further adjustment may be made to apply to all sales or shipments after the date the adjustment is issued.

SEC. 8. No quantity limitations. Except as specified below, the maximum prices set forth in this regulation shall apply to all transactions regardless of the quantity of lumber involved.

For milling quantities of less than 1,000 feet board measure of any size or operation, the charge for 1,000 feet may be made. Where such lot is a part of a larger order, this minimum charge may be used only where a change of heads involving a change in patterns is required but may not be made for handling.

TABLE 2—CUSTOM MILLING—WESTERN SOFTWOODS, ALL SPECIES, ALL GRADES—GREEN OR DRY

	2 x 2	2 x 3	2 x 4	2 x 6	2 x 8	2 x 10	2 x 12	Random widths
S1E, S2E, S1S or S2S	\$5.00	\$4.00	\$3.00	\$2.50	\$2.00	\$2.00	\$2.00	\$2.25
S1S1E, S1S2E, S2S1E, S4S or S1L	5.00	4.00	3.00	2.50	2.00	2.00	2.00	2.25
D & M rustic and siding (all patterns) add to S1S	.50	.50	.50	.50	.50	.50	.50	.50
Graded for splines—add to S4S	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Bundling—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Resawing—each additional line—add	5.00	4.00	3.00	2.50	2.00	2.00	2.00	2.25
Ripping—each additional line—add	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Grading, marking and tallying after remilling (applicable only when all 3 services performed)—add	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Unloading, handling and reloading open cars or trucks	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
For closed type cars add to open car charge	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
For closed type cars add to open car charge	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

1. May not be added more than once on any order.

TABLE 3—CUSTOM MILLING—WESTERN SOFTWOODS, ALL SPECIES, ALL GRADES—GREEN OR DRY

	3 x 4	3 x 6	3 x 8	3 x 10	3 x 12	3" and 4" R. W.	6 x 6	6 x 8 and larger
S1E, S2E, S1S or S2S	\$3.00	\$3.00	\$2.50	\$2.50	\$2.50	\$2.75	\$2.50	\$2.00
S1S1E, S1S2E, S2S1E or S4S	3.00	3.00	2.50	2.50	2.50	2.75	2.50	2.00
D and M or S/L add to S4S	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Graded for splines, add to S4S	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Resawing—1 line	3.00	3.00	2.50	2.50	2.50	2.75	2.50	2.00
Resawing—each additional line—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ripping—1 line	3.00	3.00	2.50	2.50	2.50	2.75	2.50	2.00
Ripping—each additional line—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Grading, marking, and tallying after remilling (applicable only when all three services performed)—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading, open cars or trucks	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
For closed type cars add to open car charge	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

1. May not be added more than once on any order.

TABLE 4—CUSTOM KILN DRYING—WESTERN SOFTWOODS, ALL GRADES—ALL SPECIES

Kiln drying standard grades to ordinary commercial standards, but not less than 10-12% M. C., including all handling (unloading from cars or trucks, handling through kilns, and reloading cars or trucks, etc.).

Per M'BM
 Thinner than 1" ----- \$10
 1" and 1 1/2" inc. ----- 12

GENERAL NOTES

1. Charges for additional lines of resawing and/or ripping are based on original size of piece ripped or resawn.
2. Where surfacing is done following resawing and/or ripping, surfacing charges shall be based on size or sizes of stock resulting from the resawing and/or ripping operation. Where stock thinner than 1" is surfaced, resawn, or ripped, charges may be computed on surface measure. Where the first line of resawing reduces thickness of the remaining piece to less than 1", additional lines, where required, may be figured on surface measure, instead of original size as provided in Note 1.

milling or kiln drying permitted by this regulation.

Sec. 10. *Computing prices on most economical basis.* Except where the specific pricing provisions in the tables or in the footnotes to the tables require otherwise, prices on combination milling, such as ripping and resawing, must be computed on the cheapest possible method of producing the end product, regardless of how the custom mill actually produces the end product.

Sec. 11. *Enforcement.* Persons violating any provision of the regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damage, and proceedings for suspension of license provided by the Emergency Price Control Act of 1942, as amended, and regulations or orders issued thereunder.

Sec. 12. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations.

Sec. 13. *Maximum prices.* The maximum prices per one thousand feet board measure for custom milling services and custom kiln drying of lumber, when performed by a custom mill in the area covered by this regulation are as follows:

TABLE 1—CUSTOM MILLING—WESTERN SOFTWOODS, ALL SPECIES, ALL GRADES—GREEN OR DRY

	1 x 2	1 x 3	1 x 4	1 x 6	1 x 8	1 x 10	1 x 12	R/W 12 inches and narrower	R/W when wider than 12 inches included
S1E, S2E, S1S or S2S	\$7.50	\$6.50	\$5.00	\$4.00	\$3.00	\$3.00	\$2.50	\$3.00	\$2.50
S1S1E, S1S2E, S2S1E, S4S or S/L	10.50	9.50	6.50	4.00	3.00	3.00	2.50	3.00	2.50
D & M rustic and siding (all patterns) add to S4S	.50	.50	.50	.50	.50	.50	.50	.50	.50
Graded for splines, add to S4S	7.50	6.50	5.00	4.00	3.00	3.00	2.50	3.00	2.50
Resawing—1 line	2.00	2.00	1.50	1.50	1.50	1.50	1.00	1.00	1.00
Resawing—each additional line—add	7.50	6.50	5.00	4.00	3.00	3.00	2.50	3.00	2.50
Ripping—1 line	2.00	2.00	1.50	1.50	1.50	1.50	1.00	1.00	1.00
Ripping—each additional line—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Bundling—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Grading, marking and tallying after remilling (applicable only when all 3 services performed)—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading open cars or trucks	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
For closed type cars add to open car charge	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

1. May not be added more than once on any order.

Sec. 9. *No service charges.* (a) No service charges may be made by a custom mill for any services unless they are specifically priced in this regulation or expressly approved upon application under section 7.

(b) No service charge may be made by a custom mill for the arrangement of transportation of lumber or advancement of freight charges thereon.

(c) No service charge, commission, rebate or any other form of compensation, however termed, may be paid by a custom mill to, or collected from a custom mill by, any person who has or has had at any time, any financial interest in lumber being custom milled or kiln dried, for services in locating the custom mill, directing to it a shipment of lumber, or advancing custom milling or other charges.

As a service to its customer, a producing mill or wholesaler may perform any or all of these services without compensation. Where payment for custom milling, kiln drying or other charges is advanced for the account of customer it may bill the customer for the actual amount of such advances but must include with its invoice for the sale of the lumber, a true copy of the invoice from the custom mill, with no additional charges. In no case may the charges for custom milling services performed exceed the maximum prices for custom

3. Fractional and odd thicknesses. For 6/4" and thinner use price of 1" and compute footage on actual rough measure. For thicker than 6/4" and less than 8/4 use 2" prices and compute footage on actual rough measure. For odd or fractional thicknesses thicker than 2" use price of next thinner listed size and compute footage on actual rough measure.

4. Where stock is of fractional or odd width not specified in table, use price of next listed width, either wider or narrower, whichever is lower. Compute on actual board measure.

5. Where stock is both kiln dried and milled, a handling charge of \$2.00 per M'BM may be added for handling between dry kilns and mill. Handling charge provided in milling tables may not be added.

6. If customer does not furnish a reasonably accurate inbound piece tally, the custom mill may add 50¢ per M'BM for tallying.

7. Where 50% or more of the lumber in any car is to be custom milled or kiln dried and the balance of the lumber in such car is required to be handled from car to car without processing, a flat handling charge of \$3.00 per M'BM may be made on such balance.

8. Random width prices may be used only on random width shipments containing at least 4 widths when such widths fall under 2 or more specified width price brackets in tables. Shipments containing mixed widths if piece tallied and segregated in the car are not random widths. Subject to above conditions the use of random width prices or specific width prices is optional with Custom Mill.

This regulation shall become effective March 31, 1945.

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

Issued this 26th day of March 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-4810; Filed, Mar. 26, 1945;
11:48 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 539B]

CUSTOM MILLING AND KILN DRYING OF SOFTWOODS AND HARDWOODS IN SOUTHERN AREA

In the judgment of the Price Administrator, the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry affected.

Sec.

1. Higher than maximum prices prohibited.
2. What lumber is covered.
3. What services are covered.
4. What is a custom mill.
5. Maximum prices for custom milling services by other than a custom mill.
6. Invoicing and records.
7. Maximum prices for services not specifically priced.
8. No quantity limitations.
9. Service charges.
10. Enforcement.
11. Licensing.
12. Maximum prices.

AUTHORITY: § 1499.2277 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales of custom milling or custom kiln drying services on hardwood or softwood lumber at higher than maximum prices prohibited.* (a) On and after March 31, 1945, no person shall sell or provide, and no person shall buy or receive in the course of trade or business, any "custom milling services," defined in section 3 below, on hardwood or softwood lumber covered by this regulation at prices higher than the maximum prices set by this regulation; and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What lumber is covered.* This regulation covers custom milling and kiln

drying of all softwood lumber (except Western softwoods which are defined in and covered by RMPR 539) and all hardwood lumber regardless of the area in which it is produced, when custom milling or kiln drying is performed in the area defined in section 3 (a).

SEC. 3. *What services are covered.* (a) This regulation covers "custom milling and kiln drying services" on all woods other than Western softwoods when performed in the States of Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and Florida.

(b) "Custom milling services," as used in this regulation, means all operations upon lumber, as distinguished from logs, which are customarily performed by a sawmill, or operations upon lumber for which maximum prices are fixed in the basic mill regulation covering direct-mill sales of the various species of lumber.

(c) The following are not "custom milling services" even though performed by a "custom mill" as defined in section 4 below:

(1) Milling and/or kiln drying services performed by a mill upon lumber produced or sold by it, or in which it has any financial interest.

(2) Milling and/or kiln drying services performed on lumber in transit which the seller arranges to have so milled and which he sells and ships from point of origin in any manner other than as an f. o. b. mill sale under the appropriate mill regulation.

In either of such cases, the maximum prices which the seller may charge the purchaser for both the lumber and for milling or kiln drying are the ceiling prices fixed in the appropriate mill regulation for the end product reaching the purchaser after milling and/or kiln drying. In either of such cases, the person performing the milling or kiln drying of the lumber may not invoice the purchaser for custom milling at the maximum prices fixed in this regulation. Nothing in this section, however, shall prevent the person performing the milling and/or kiln drying services from charging the maximum prices in this regulation to any wholesaler or mill which ships lumber to be custom milled in the manner described in subparagraph (2) above: *Provided*, That the shipper agrees to bear the custom milling charges when the same are not permitted to be passed on to the purchaser under this section.

SEC. 4. *What is a custom mill.* A custom mill is an establishment which performs custom milling services or kiln drying upon softwood or hardwood lumber in which it has no financial interest, and which either:

(a) Meets both of the following tests:

(1) It does not operate a mill as defined in any regulation covering prices at mill level; and

(2) It does not own or control, and is not under common control with a mill which produces and sells lumber, or a wholesaler. The term control as used here includes any financial interest; or

(b) Obtains authority to operate as a custom mill under the following rules:

(1) Application must be filed with the Regional Office of the Office of Price Administration for the region in which the applicant's mill is located, specifying:

(i) The location of the plant, with a description of the physical layout of operations in relation to any other activities relating to lumber carried on by the applicant, wherever located.

(ii) The extent of ownership or control or financial interest in or by any other operations relating to lumber, or of common ownership, control or financial interest, giving name, location, and nature of the operations.

(iii) Applicant's milling facilities and the capacity thereof in M'BM per day, together with a statement of total footage in rough boards, and rough or surfaced dimension, plank and timbers, and of green or partially dry lumber in these sizes sold during the 30 day period preceding date of application.

(iv) Any other information the applicant may wish to submit.

(2) Special written authorization under this paragraph (b) will be granted only where the application enables the Regional Office to make findings that the authorization:

(i) Will result in a greater production of surfaced boards or kiln dried lumber.

(ii) Will not encourage producing sawmills having remanufacturing and kiln drying facilities to ship their lumber green, partially dry, rough, or in thicknesses over 1".

(iii) Will provide necessary milling services which cannot reasonably be supplied by producing mills, or by custom mills qualifying under paragraph (a).

(iv) Will not result in unnecessarily increasing the cost of finished lumber to the ultimate consumer.

In granting such authority, the Regional Office may make such limitations and conditions as to its duration and extent as may be appropriate and consistent with the above findings.

SEC. 5. *Maximum prices for custom milling services by other than a custom mill.* Unless the operation qualifies or is specially authorized as a "custom mill" under Section 4 above, its maximum prices for custom milling or kiln drying of softwood or hardwood lumber are the charges set forth as additions for workings in the basic mill regulation covering the species milled or kiln dried.

SEC. 6. *Invoicing and records.* Invoices must show the species, size, condition and workings of the lumber before and after milling, with a detailed description of all services performed thereon for which a charge is made. Copies of invoices, or similar records must be kept at the place where the custom milling is performed, available for examination by the Office of Price Administration. The records must be kept for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 7. *Maximum prices for services not specifically priced.* If a custom mill wishes to perform any custom milling service covered by this regulation which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are

not specifically permitted, he must apply in writing to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for a maximum price.

The seller's application may be (a) for specific approval in reference to a particular order; or (b) for general approval in reference to a price or price list which he seeks to set up for general use in the future for non-standard custom milling services.

(a) Where the application is for specific approval in reference to a particular order, it shall be made prior to any shipment, or within five days after acceptance of order, whichever be the earlier date. The following information shall be set forth:

- (1) The requested price.
- (2) A complete description of the service to be priced.
- (3) The requested price differential between it and the most comparable service in the price tables with a detailed statement of comparative cost of performing the services.
- (4) The name and location of producing mill.
- (5) The purchaser's name, and address to which delivery is to be made.

If the application is for specific approval in reference to a particular order calling for custom milling services identical with an order upon which specific approval has previously been granted by the Office of Price Administration, it is sufficient for the seller to identify by reference, such previous application and approval. In such case, the only additional information required is the information requested in (4) and (5) above.

A seller using this pricing method may quote and make sales and deliveries prior to receipt of official approval. He also may collect the price he has requested: *Provided*, That he has first received a written acknowledgment of his application from the Office of Price Administration and has so informed the purchaser, in writing. The requested price is subject to revision within 30 days after the date of the acknowledgment and, if the price is ordered to be reduced, the seller must refund any excess collected over the price which is officially approved. If a requested price is not disapproved within 30 days of the date of the acknowledgment, it is approved. Where, after receipt of an application for specific approval, the Office of Price Administration requests additional information from the seller upon which to base its approval of a ceiling price, the time within which the requested price may be revised is automatically extended to 30 days after acknowledgment of the requested information. An officially approved price shall be subject to further adjustment at any time, even after the 30 day period, as to all shipments made after the date of such further adjustment.

An authorization number will be assigned in every case where a special price is approved. Within 10 days after receipt of such number the seller must notify the purchaser in writing of the price which has been officially approved and the authorization number assigned; and the authorization number must appear on all invoices covering shipments

made after the date the number was received by the seller.

(b) Where the seller's application is for general approval in reference to a price list which he seeks to set up for general use in the future for non-standard custom milling services he shall set forth the information required for specific approvals by (1), (2), and (3) in paragraph (a) above, and, in addition, a statement showing the need for such non-standard custom milling services in his area.

Quotations may not be made, orders taken, or shipments commenced until a maximum price has been officially approved.

An authorization number will be assigned in every instance where a special price or price list is approved; and this number must appear on all orders accepted and sales made, as well as on all invoices covering shipments. A file of all general approvals under this section will be open for inspection at the Office of Price Administration Regional Office at Atlanta, Georgia, as well as at the National Office, Lumber Branch, Washington, D. C.

The approval of a maximum price under this section shall not prevent a further adjustment in ceiling prices from being made, as the result of, or without, further application by the seller; and such further adjustment may be made to apply to all sales or shipments after the date the adjustment is issued.

Sec. 8. No quantity limitations. Except as specified below, the maximum prices set forth in this regulation shall apply to all transactions regardless of the quantity of lumber involved:

For milling quantities of less than 1,000 feet board measure of any size or operation, the charge for 1,000 feet may be made. Where such lot is a part of a larger order, this minimum charge may be used only where a change of heads involving a change in patterns is required, but may not be made for handling. For milling lots of not more than 5,000 feet where not part of a larger order, a charge of 50¢ per M feet may be made.

Sec. 9. No service charges. (a) No service charges may be made by a custom mill for any services unless they are specifically priced in this regulation or expressly approved upon application under section 7.

(b) No service charge may be made by a custom mill for the arrangement of transportation of lumber or advancement of freight charges thereon.

(c) No service charge, commission, rebate or any other form of compensation, however termed, may be paid by a custom mill to, or collected from a custom mill by, any person who has or has had at any time, any financial interest in lumber being custom milled or kiln dried, for services in locating the custom mill, directing to it a shipment of lumber, or advancing custom milling or other charges.

As a service to its customer, a producing mill or wholesaler may perform any or all of these services without compensation. Where payment for custom milling, kiln drying or other charges is advanced for the account of customer it may bill the customer for the actual amount of such advances but must include with its invoice for the sale of the lumber, a true copy of the invoice from the custom mill, with no additional charges. In no case may the charges for custom milling services performed exceed the maximum prices for custom milling or kiln drying permitted by this regulation.

SEC. 10. Computing prices on most economical basis. Except where the specific pricing provision in the tables or in the footnotes to the tables require otherwise, prices on combination milling, such as ripping and resawing, must be computed on the cheapest possible method of producing the end product from the particular size remanufactured, regardless of how the custom mill actually produces the end product.

SEC. 11. Enforcement. Persons violating any provision of the regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damage, and proceedings for suspension of license provided by the Emergency Price Control Act of 1942, as amended, and regulations or orders issued thereunder.

SEC. 12. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations.

SEC. 13. Maximum prices. The maximum prices per one thousand feet board measure for custom milling services and custom kiln drying of lumber, when performed by a custom mill in the area covered by this regulation are as follows:

TABLE 1—CUSTOM MILLING, SOFTWOODS (INCLUDING CYPRESS)—ALL GRADES, ALL SPECIES GREEN OR DRY

	1 x 3	1 x 4	1 x 5	1 x 6	1 x 8	1 x 10	1 x 12	1 x R. W.
S1S-S1E-S2S-S2E	\$4.00	\$3.50	\$3.00	\$2.50	\$2.00	\$2.00	\$2.00	\$2.25
S1S1E-S1S2E-S2S1E-S4S or S/L	5.00	4.50	4.00	3.50	3.00	3.00	3.00	3.25
D&M or siding (patterns 105-106-116-117) add to S4S	.50	.50	.50	.50	.50	.50	.50	.50
Resawing—1 line	4.50	4.00	3.50	3.00	2.50	2.50	2.50	2.75
Resawing—each additional line—add	2.00	2.00	1.75	1.50	1.50	1.50	1.50	1.75
Ripping—1 line	4.50	4.00	3.50	3.00	2.50	2.50	2.50	2.75
Ripping—each additional line—add	2.00	2.00	1.75	1.50	1.50	1.50	1.50	1.75
Bundling—add	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Grading, marking and tallying after remilling (applicable only when all three services performed) add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling, and reloading, open or closed cars, truck to truck, truck to car or car to truck ¹	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50

¹ May not be used more than once on any order.

TABLE 2—CUSTOM MILLING, SOFTWOODS (INCLUDING CYPRESS)—ALL GRADES, ALL SPECIES, GREEN OR DRY

	2x3	2x4	2x6	2x8	2x10	2x12	2xR. W.
S1S-S1E-S2S-S2E	\$3.50	\$3.00	\$2.50	\$2.00	\$2.00	\$2.00	\$2.25
S1S2E-S2S1E-S4S or S/L	4.50	4.00	3.50	3.00	3.00	3.00	3.25
D&M—add to surfacing	.50	.50	.50	.50	.50	.50	.50
Beading 1 side, add to surfacing	.50	.50	.50	.50	.50	.50	.50
Grooved for splines—add to S4S	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Resawing—1 line	4.00	3.00	2.50	2.00	2.00	2.00	2.25
Resawing—additional lines—add	2.00	2.00	1.75	1.50	1.50	1.50	1.75
Ripping—1 line	4.00	3.00	2.50	2.00	2.00	2.00	2.25
Ripping—additional lines—add	2.00	2.00	1.75	1.50	1.50	1.50	1.75
Grading, marking and tallying after remilling (applicable only when all three services performed) add	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading, open or closed cars, truck to truck, truck to car or car to truck ¹	2.50	2.50	2.50	2.50	2.50	2.50	2.50

¹ May not be used more than once on any order.

TABLE 3—CUSTOM MILLING, SOFTWOODS (INCLUDING CYPRESS)—ALL GRADES—ALL SPECIES GREEN OR DRY

3 inches and thicker x	3 inches	4 inches	6 inches	8 inches	10 inches	12 inches	R. W.	6 x 8 and larger
S1S-S1E-S2S-S2E	\$3.50	\$3.00	\$2.50	\$2.00	\$2.00	\$2.00	\$2.25	\$2.00
S1S1E-S1S2E-S2S1E-S4S	4.50	4.00	3.50	3.00	3.00	3.00	3.25	3.00
Resawing—1 line	3.50	3.00	2.50	2.00	2.00	2.00	2.25	2.00
Resawing—each additional line—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	.50
Ripping—1 line	3.50	3.00	2.50	2.00	2.00	2.00	2.25	2.00
Ripping—each additional line—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	.50
Grooved for splines—add to S4S	1.00	1.00	1.00	1.00	2.00	2.00		
Grading, marking and tallying after remilling (applicable only when all three services performed) add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading, open or closed cars, truck to truck, truck to car or car to truck ¹	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50

¹ May not be used more than once on any order.

TABLE 4—CUSTOM MILLING, HARDWOODS—ALL GRADES, ALL SPECIES (EXCEPT CYPRESS)—GREEN OR DRY

	4/4 and 5/4 x R. W.	6/4 x R. W.	8/4 and thicker x R. W.		4/4 and 5/4 x R. W.	6/4 x R. W.	8/4 and thicker x R. W.
S1S-S2S-S1E-S2E	\$3.00	\$3.00	\$2.50	Ripping—1 line	\$3.00	\$3.00	\$2.50
S1S1E-S1S2E or S4S (including D&M)	4.00	4.00	3.50	Ripping—additional lines	2.00	2.00	2.00
Resawing—1 line	3.00	3.00	2.50	Unloading, handling and reloading, open or closed type cars or trucks, add ¹	2.50	2.50	2.50
Resawing—additional lines	2.00	2.00	2.00				

¹ May not be added more than once on any order.

TABLE 5—CUSTOM KILN DRYING—SOFTWOODS, ALL SPECIES (INCLUDING CYPRESS)

Kiln drying standard grades to ordinary commercial standards, but not less than 10-12% M. C., including all handling (unloading from cars or trucks, handling through kilns, and reloading cars or trucks, etc.).

Thinner than 10/4	\$8
10/4 & 12/4 inc.	10

TABLE 6—CUSTOM KILN DRYING—HARDWOODS

Kiln drying standard grades to not less than 10-12% M. C., including all handling (unloading from cars or trucks, handling through kilns, and reloading cars or trucks, etc.).

[Per M feet]

	5/8	3/4	4/4	5/4	6/4	8/4	10/4	12/4	16/4
Cottonwood, elm, locust, magnolia, poplar, soft maple, willow	\$5.00	\$5.50	\$6.00	\$7.00	\$7.50	\$8.50	\$10.00	\$12.00	\$15.00
Ash, basswood, beech, birch, quartered black gum, butternut, cherry, chestnut, hackberry, plain sap gum, sycamore, and tupelo	5.50	6.00	7.00	8.00	9.00	10.00	12.00	14.00	16.00
Mahogany and red gum	6.50	7.00	7.50	8.50	10.00	11.00	15.00	17.00	19.00
Cedar, hickory, hard maple, plain oak, walnut, pecan	6.00	7.00	8.00	9.00	11.00	13.00	17.00	21.00	
Quartered oak	7.00	8.00	8.50	10.00	12.00	16.00	21.00	26.00	

The above prices are for stock not over 30% moisture content. Stock 30% to 40% moisture content add 1/4; over 40% moisture content, add 1/2 to price.

GENERAL NOTES

- Charges for additional lines of resawing and/or ripping are based on original size of piece ripped or resawn.
- Where surfacing is done following resawing and/or ripping, surfacing charges shall be based on size or sizes of stock resulting from the resawing and/or ripping operation.
- Where stock thinner than 1" is surfaced, resawn, or ripped, charges may be computed

- on surface measure. Where the first line of resawing reduces thickness of the remaining piece to less than 1", additional lines, where required, may be figured on surface measure, instead of original size as provided in Note 1.
- Fractional and odd thicknesses. For 6/4" and thinner use price of 1" and compute footage on actual rough measure. For thicker than 6/4" and less than 8/4 use 2" prices and compute footage on actual rough measure. For odd or fractional thicknesses thicker than 2" use price of next thinner

listed size and compute footage on actual rough measure.

5. Where stock is of fractional or odd width not specified in table, use price of next listed width, either wider or narrower, whichever is lower. Compute on actual board measure.

6. Where stock is both kiln dried and milled, a handling charge of \$2.00 per M'BM may be added for handling between drying kilns and mill. Handling charge provided in milling tables may not be added.

7. If customer does not furnish reasonably accurate inbound piece tally, the custom mill may add 5¢ per MBM for tallying.

8. Where 50% or more of the lumber in any car is to be custom milled or kiln dried, and the balance of the lumber in such car is required to be handled from car to car without processing, a flat handling charge of \$2.50 per MBM may be made on such balance.

9. Random width prices may be used only on random width shipments containing at least 4 widths when such widths fall under 2 or more specified width price brackets in tables. Shipment containing mixed widths if piece tallied and segregated in the car are not random widths. Subject to above conditions the use of random width prices or specific width prices is optional with Custom Mill.

10. Lengths less than 6' when mixed with longer lengths are covered by table prices. Straight lots of less than 6' are not covered by tables, and Section 7 applies.

This regulation shall become effective March 31, 1945.

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

Issued this 26th day of March 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-4805; Filed, Mar. 26, 1945; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 539C]

CUSTOM MILLING AND KILN DRYING OF SOFTWOODS AND HARDWOODS IN MIDWEST AND GREAT LAKE STATES

In the judgment of the Price Administrator, the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register. Such specifications and standards as are used in this regulation were, prior to such use in general use in the industry affected.

Sec.

- Higher than maximum prices prohibited.
- What lumber is covered.
- What services are covered.
- What is a custom mill.
- Maximum prices for custom milling services by other than a custom mill.
- Invoicing and records.
- Maximum prices for services not specifically priced.
- No quantity limitations.
- Service charges.
- Enforcement.
- Licensing.
- Maximum prices.

AUTHORITY: § 1499.2278 issued under 53 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th

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

SECTION 1. Sales of custom milling or custom kiln drying services on hardwood or softwood lumber at higher than maximum prices prohibited. (a) On and after March 31, 1945, no person shall sell or provide, and no person shall buy or receive in the course of trade or business, any "custom milling services", defined in section 3 below, on hardwood or softwood lumber, at prices higher than the maximum prices set by this regulation; and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. What lumber is covered. This regulation covers custom milling and kiln drying of all softwood and all hardwood lumber regardless of the area in which it is produced, when custom milling or kiln drying is performed in the area defined in section 3 (a).

SEC. 3. What services are covered. (a) This regulation covers "custom milling and kiln drying services" when performed in the states of North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

(b) "Custom milling services," as used in this regulation, means all operations upon lumber, as distinguished from logs, which are customarily performed by a sawmill, or operations upon lumber for which maximum prices are fixed in the basic mill regulation covering direct-mill sales of the various species of lumber.

(c) The following are not "custom milling services" even though performed by a "custom mill" as defined in section 4 below:

(1) Milling and/or kiln drying services performed by a mill upon lumber produced or sold by it, or in which it has any financial interest;

(2) Milling and/or kiln drying services performed on lumber in transit which the seller arranges to have so milled and which he sells and ships from point of origin in any manner other than as an f. o. b. mill sale under the appropriate mill regulation.

In either of such cases, the maximum prices which the seller may charge the purchaser for both the lumber and for milling or kiln drying are the ceiling prices fixed in the appropriate mill regulation for the end product reaching the purchaser after milling and/or kiln drying. In either of such cases, the person performing the milling or kiln drying of the lumber may not invoice the purchaser for custom milling at the maximum prices fixed in this regulation. Nothing in this section, however, shall prevent the person performing the milling and/or kiln drying services from charging the maximum prices in this regulation to any wholesaler or mill which ships lumber to be custom milled in the manner described in subparagraph (2) above, *Provided*, That the shipper agrees to bear the custom milling

charges when the same are not permitted to be passed on to the purchaser under this section.

SEC. 4. What is a custom mill. A custom mill is an establishment which performs custom milling services or kiln drying upon softwood or hardwood lumber in which it has no financial interest, and which either:

(a) Meets both of the following tests:
(1) It does not operate a mill as defined in any regulation covering prices at the mill level; and

(2) It does not own or control, and is not owned or controlled by, and is not under common control with a mill which produces and sells lumber, or a wholesaler. The term control as used here includes any financial interest; or

(b) Obtains authority to operate as a custom mill under the following rules:

(1) Application must be filed with the Regional Office of the Office of Price Administration for the region in which the applicant's mill is located, specifying

(i) The location of the plant, with a description of the layout of operations in relation to any other activities relating to lumber carried on by the applicant, wherever located.

(ii) The extent of ownership or control or financial interest in or by any other operations relating to lumber, or of common ownership, control or financial interest, giving name, location, and nature of the operation.

(iii) Applicant's milling facilities and the capacity thereof in M'BM per day, together with a statement of total footage in rough boards, and rough or surfaced dimension, plank and timbers, and of green or partially dry lumber in these sizes sold during the 30-day period preceding date of application.

(iv) Any other information the applicant may wish to submit.

(2) Special written authorization under this paragraph (b) will be granted only where the application enables the Regional Office to make findings that the authorization:

(i) Will result in a greater production of surfaced boards or kiln dried lumber.

(ii) Will not encourage producing sawmills having remanufacturing and kiln drying facilities to ship their lumber green, partially dry, rough, or in thicknesses over 1".

(iii) Will provide necessary milling services which cannot reasonably be supplied by producing mills, or by custom mills qualifying under paragraph (a).

(iv) Will not result in unnecessarily increasing the cost of finished lumber to the ultimate consumer.

In granting such authority, the Regional Office may make such limitations and conditions as to its duration and extent as may be appropriate and consistent with the above findings.

SEC. 5. Maximum prices for custom milling services by other than a custom mill. Unless the operation qualifies or is specially authorized as a "custom mill" under section 4 above, its maximum prices for custom milling or kiln drying of softwood or hardwood lumber are the charges set forth as additions for work-

ings in the basic mill regulation covering the species milled or kiln dried.

SEC. 6. Invoicing and records. Invoices must show the species, size, condition and workings of the lumber before and after milling, with a detailed description of all services performed thereon for which a charge is made. Copies of invoices, or similar records must be kept at the place where the custom milling is performed, available for examination by the Office of Price Administration. These records must be kept for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 7. Maximum prices for services not specifically priced. If a custom mill wishes to perform any custom milling service covered by this regulation which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply in writing to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for a maximum price.

The seller's application may be (a) for a specific approval in reference to a particular order; or (b) for general approval in reference to a price or price list which he seeks to set up for general use in the future for non-standard custom milling services.

(a) Where the application is for specific approval in reference to a particular order, it shall be made prior to any shipment, or within five days after acceptance of order, whichever be the earlier date. The following information shall be set forth:

(1) The requested price.
(2) A complete description of the service to be priced.

(3) The requested price differential between it and the most comparable service in the price tables with a detailed statement of comparative cost of performing the services.

(4) The name and location of producing mill.

(5) The purchaser's name, and address to which delivery is to be made.

If the application is for specific approval in reference to a particular order calling for custom milling services identical with an order upon which specific approval has previously been granted by the Office of Price Administration, it is sufficient for the seller to identify by reference, such previous application and approval. In such case, the only additional information required is the information requested in (4) and (5) above.

A seller using this pricing method may quote and make sales and deliveries prior to receipt of official approval. He also may collect the price he has requested, *Provided*, That he has first received a written acknowledgment of his application from the Office of Price Administration and has so informed the purchaser, in writing. The requested price is subject to revision within 30 days after the date of the acknowledgment, and, if the price is ordered to be reduced, the seller must refund any excess collected over the price which is officially approved. If a

requested price is not disapproved within 30 days of the date of the acknowledgment, it is approved. Where, after receipt of an application for specific approval, the Office of Price Administration requests additional information from the seller upon which to base its approval of a ceiling price, the time within which the requested price may be revised is automatically extended to 30 days after acknowledgment of the requested information. An officially approved price shall be subject to further adjustment at any time, even after the 30 day period, as to all shipments made after the date of such further adjustment.

An authorization number will be assigned in every case where a special price is approved. Within 10 days after receipt of such number the seller must notify the purchaser in writing of the price which has been officially approved and the authorization number assigned; and the authorization number must appear on all invoices covering shipments made after the date the number was received by the seller.

(b) Where the seller's application is for general approval in reference to a price list which he seeks to set up for general use in the future for non-standard custom milling services he shall set forth the information required for specific approvals by (1), (2), and (3) in paragraph (a) above, and, in addition, a statement showing the need for such non-standard custom milling services in his area.

Quotations may not be made, orders taken, or shipments commenced until a maximum price has been officially approved.

An authorization number will be assigned in every instance where a special price or price list is approved; and this number must appear on all orders accepted and sales made, as well as on all invoices covering shipments. A file of all general approvals under this section will be open for inspection at the Office of Price Administration Regional Office at Chicago, Illinois, as well as at the National Office, Lumber Branch, Washington, D. C.

The approval of a maximum price under this section shall not prevent a further adjustment in ceiling prices from being made, as the result of, or without, further application by the seller; and such further adjustment may be made to apply to all sales or shipments after the date the adjustment is issued.

Sec. 8. No quantity limitations. Except as specified below, the maximum prices set forth in this regulation shall apply to all transactions regardless of the quantity of lumber involved:

For milling quantities of less than 1,000 feet board measure of any size or operation, the charge for 1,000 feet may be made. Where such lot is a part of a larger order, this minimum charge may be used only where a change of heads involving a change in patterns is required but may not be made for handling. For milling lots of not more than 5,000 feet where not part of a larger

order, a charge of 50¢ per M feet may be made.

Sec. 9. No service charges. (a) No service charges may be made by a custom mill for any services unless they are specifically priced in this regulation or expressly approved upon application under section 7.

(b) No service charge may be made by a custom mill for the arrangement of transportation of lumber or advancement of freight charges thereon.

(c) No service charge, commission, rebate or any other form of compensation, however termed, may be paid by a custom mill to, or collected from a custom mill by, any person who has or has had at any time, any financial interest in lumber being custom milled or kiln dried, for services in locating the custom mill, directing to it a shipment of lumber, or advancing custom milling or other charges.

As a service to its customer, a producing mill or wholesaler may perform any or all of these services without compensation. Where payment for custom milling, kiln drying or other charges is advanced for the account of customer it may bill the customer for the actual amount of such advances but must include with its invoice for the sale of the lumber, a true copy of the invoice from the custom mill, with no additional charges. In no case may the charges for custom milling services performed exceed the maximum prices for custom

milling or kiln drying permitted by this regulation.

Sec. 10. Computing prices on most economical basis. Except where the specific pricing provisions in the tables or in the footnotes to the tables require otherwise, prices on combination milling, such as ripping and resawing, must be computed on the cheapest possible method of producing the end product from the particular size remanufactured, regardless of how the custom mill actually produces the end product.

Sec. 11. Enforcement. Persons violating any provision of the regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damage, and proceedings for suspension of license provided by the Emergency Price Control Act of 1942, as amended, and regulations or orders issued thereunder.

Sec. 12. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations.

Sec. 13. Maximum prices. The maximum prices per one thousand feet board measure for custom milling services and custom kiln drying of lumber, when performed by a custom mill in the area covered by this regulation are as follows:

TABLE 1—CUSTOM MILLING, SOFTWOODS—ALL SPECIES (INCLUDING BALM OF GILEAD AND ASPEN OR POPPLE) ALL GRADES, GREEN OR DRY

	1 x 3	1 x 4	1 x 5	1 x 6	1 x 8	1 x 10	1 x 12	12 inches and narrower	R. W. when wider than 12 inches included
S1S or S2S-S1E-S2E	\$6.50	\$5.00	\$4.50	\$4.00	\$3.00	\$3.00	\$2.50	\$3.00	\$2.50
S1S1E-S1S2E-S2S1E-S4S or S/L	9.50	6.50	4.50	4.00	3.00	3.00	2.50	3.00	2.50
D & M, Rustic & Siding (All Patterns) Add to S4S	.50	.50	.50	.50	.50	.50	.50		
Resawing—1 line	6.50	5.00	4.50	4.00	3.00	3.00	2.50	3.00	2.50
Resawing—Additional line									
Add	2.00	1.50	1.50	1.50	1.50	1.50	1.00	1.50	1.00
Ripping—1 line	6.50	5.00	4.50	4.00	3.00	3.00	2.50	3.00	2.50
Ripping—additional line—add	2.00	1.50	1.50	1.50	1.50	1.50	1.00	1.50	1.00
Bundling—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Grading, marking, and tallying after remilling (applicable only when all three services performed)—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Unloading, handling, and reloading, open cars or trucks ¹	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	
For closed type cars add to open car charge ¹	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	

¹ May not be added more than once on any order.

TABLE 2—CUSTOM MILLING, SOFTWOODS—ALL SPECIES (INCLUDING BALM OF GILEAD AND ASPEN OR (POPPLE) ALL GRADES, GREEN OR DRY

	2 x 2	2 x 3	2 x 4	2 x 6	2 x 8	2 x 10	2 x 12	R/W
S1S or S2S-S1E or S2E	\$5.00	\$4.00	\$3.00	\$2.50	\$2.00	\$2.00	\$2.00	\$2.25
S1S1E-S1S2E-S2S1E-S4S or S/L	5.00	4.00	3.00	2.50	2.00	2.00	2.00	2.25
D & M, add to S4S	.50	.50	.50	.50	.50	.50	.50	.50
Grooved for splines, add to S4S	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Resawing—1 line	5.00	4.00	3.00	2.50	2.00	2.00	2.00	2.25
Resawing—additional lines—add	1.50	1.50	1.50	1.50	1.00	1.00	1.00	1.00
Ripping—1 line	5.00	4.00	3.00	2.50	2.00	2.00	2.00	2.25
Ripping—additional lines—add	1.50	1.50	1.50	1.50	1.00	1.00	1.00	1.00
Bundling—add	1.00	1.00						
Grading, marking, tallying after remilling (applicable only when all three services performed)—add	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading, open cars or trucks ¹	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
For closed type cars add to open car charge ¹	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

¹ May not be added more than once on any order.

TABLE 3—CUSTOM MILLING, SOFTWOODS—ALL SPECIES (INCLUDING BALM OF GILEAD AND ASPEN (OR POPLLE))—ALL GRADES, GREEN OR DRY

	3 x 4 4 x 4	3 x 6 4 x 6	3 x 8 4 x 8	3 x 10 4 x 10	3 x 12 4 x 12	3 and 4 inch R. W.	6 x 6	6 x 8 and larger
S1S or S2S—S1E or S2E.....	\$3.00	\$3.00	\$2.50	\$2.50	\$2.50	\$2.75	\$2.50	\$2.00
S1S1E—S1S2E—S2S1E or S4S.....	3.00	3.00	2.50	2.50	2.50	2.75	2.50	2.00
D&M or S/L—add to S4S.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Grooved for splines—add to S4S.....	1.00	1.00	2.00	2.00	2.00			
Resawing—1 line.....	3.00	3.00	2.50	2.50	2.50	2.75	2.50	2.00
Resawing—additional lines—add.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00	.50
Ripping—1 line.....	3.00	3.00	2.50	2.50	2.50	2.75	2.50	2.00
Ripping—additional lines—add.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00	.50
Grading, marking and tallying (applicable only when all three services performed) add.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading, open cars or trucks.....	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
For closed type cars add to open car charge.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

¹ May not be added more than once on any order.

TABLE 4—CUSTOM MILLING, HARDWOODS—ALL SPECIES EXCEPT BALM OF GILEAD AND ASPEN (OR POPLLE)—ALL GRADES, GREEN OR DRY, RANDOM WIDTHS

	4/4, 5/4 and 6/4	8/4 and thicker		4/4, 5/4 and 6/4	8/4 and thicker
S1S—S1E—S2S—S2E—R. W.....	\$4.00	\$3.50	Ripping—additional lines.....	3.00	3.00
S. S. E.—S. S2E—S2S1E—S4S—R. W.....	7.50	6.00	Unloading, handling and reloading, truck to truck, truck to car, car to truck, car to car, either open or closed type cars.....	4.00	4.00
Resawing—1 line.....	5.00	4.50			
Resawing—additional lines.....	4.00	3.50			
Ripping—1 line.....	4.00	4.00			

¹ May not be used more than once on any order.

TABLE 5—CUSTOM KILN DRYING—SOFTWOODS, ALL GRADES—ALL SPECIES (INCLUDING BALM OF GILEAD AND ASPEN (OR POPLLE))

Kiln drying standard grades to ordinary commercial standards, but not less than 10-12% M. C., including all handling (unloading from cars or trucks, handling through kilns, and reloading cars or trucks, etc.)

Thickness	Dollars per M'BM						
	4/4"	5/4"	6/4"	7/4"	8/4"	10/4"	12/4"
All Widths.....	\$8.50	\$9.50	\$10.50	\$11	\$11.75	\$14	\$14

For lumber containing more than 30% moisture content, add \$2.

TABLE 6—CUSTOM KILN DRYING—HARDWOODS—ALL GRADES—ALL SPECIES (EXCEPT BALM OF GILEAD AND ASPEN (OR POPLLE))

Kiln drying standard grades to not less than 6-8% M. C., including all handling (unloading from cars or trucks, handling through kilns, and reloading cars or trucks, etc.)

Thickness	Dollars per M'BM								
	5/8"	3/4"	4/4"	5/4"	6/4"	8/4"	10/4"	12/4"	16/4"
Basswood, buckeye, butternut, cottonwood, hackberry, poplar, soft maple, willow, locust.....	\$7.00	\$7.50	\$8	\$9	\$10	\$11	\$13	\$15	\$18
Ash, beech, cherry, chestnut, magnolia, sap gum, soft elm, sycamore, tupelo, cypress.....	7.50	8.00	9	10	11	12	14	17	22
Mahogany, birch, black and red gum, hard maple, hickory, pecan, plain white and red oak, rock elm, walnut.....	8.00	9.00	10	11	13	15	18	23	27
Quarter sawn oak, red and white.....	9.00	10.00	11	12	14	18	23	27	29

The above prices are for stock not over 30% moisture content. Stock 30% to 40% moisture content add 1/4, over 40% moisture content, add 1/2 to price.

GENERAL NOTES

- Charges for additional lines of resawing and/or ripping are based on original size of piece ripped or resawn.
- Where surfacing is done following resawing and/or ripping, surfacing charges shall be based on size or sizes of stock resulting from the resawing and/or ripping operation.
- Where stock thinner than 1" is surfaced, resawn, or ripped, charges may be computed on surface measure. Where the first line of resawing reduces thickness of the remaining piece to less than 1", additional lines, where required, may be figured on surface measure, instead of original size as provided in Note 1.
- Fractional and odd thicknesses. For 6/4" and thinner use price of 1" and compute footage on actual rough measure. For thicker than 6/4" and less than 8/4 use 2" prices and compute footage on actual rough

- measure. For odd or fractional thickness thicker than 2" use price of next thinner listed size and compute footage on actual rough measure.
- Where stock is of fractional or odd width not specified in table, use price of next listed width, either wider or narrower, whichever is lower. Compute on actual board measure.
 - Where stock is both kiln dried and milled, a handling charge of \$2.00 per M'BM may be added for handling between drying kilns and mill. Handling charge provided in milling tables may not be added.
 - If customer does not furnish a reasonably accurate inbound piece tally, the custom mill may add 50¢ per M'BM for tallying.
 - Where 50% or more of the lumber in any car is to be custom milled or kiln dried, and the balance of the lumber in such car is required to be handled from car to car

without processing, a flat handling charge of \$3.00 per M'BM may be made on such balance.

9. Random width prices may be used only on random width shipments containing at least 4 widths when such widths fall under 2 or more specified width price brackets in tables. Shipments containing mixed widths if piece tallied and segregated in the car are not random widths. Subject to above conditions the use of random width prices or specific width prices is optional with Custom Mill.

This regulation shall become effective March 31, 1945.

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

Issued this 26th day of March 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-4806; Filed, Mar. 26, 1945; 11:46 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 581]

INDUSTRIAL SERVICES

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Sec.

- Services covered.
 - Prohibitions.
 - Prices previously established.
 - General pricing provisions.
 - Additional charges.
 - Services which cannot be priced under section 4.
 - Transfer of business.
 - Taxes.
 - Invoices.
 - Records; filing of statements.
 - Violation.
 - Adjustments.
 - Petitions for amendment.
 - Adjustable pricing.
 - Pricing your sales of commodities under this regulation.
 - Evasion.
 - Definitions and explanations.
 - Delegation of authority.
- Appendix A: Form for applications for adjustment.

AUTHORITY: § 1499.683 issued under 56 Stat. 23,765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Services covered*—(a) *In general.* This regulation covers the prices charged for the following services performed on material or products owned by another:

(1) All jobbing shop operations customarily performed in the fabrication of metals or metal products. These operations include abrading, adjusting, assembling, cutting, forming, grinding, machining, shaping and welding or otherwise joining. However, this regulation does not cover the forging of metals by

the use of power-actuated hammers, pressing or forging machines. The forging of ferrous metals is covered by Maximum Price Regulation 351—Ferrous Forgings (MPR 351); while the forging of non-ferrous metals is covered by Revised Maximum Price Regulation 165—Services (RMPR 165).

(2) All jobbing shop operations customarily performed in the treatment, coating, or finishing of metals or metal products. These operations include annealing, anodizing, bonderizing, blasting, carbonizing, carburizing, case-hardening, cleaning, caronizing, deoxidizing, enameling, galvanizing, heat treating, heresiting, jappanning, lacquering, lead coating, metallizing, nitriding, normalizing, painting, pickling, phosphate coating, plating, polishing, sherardizing, shot peening, tempering and tinning.

(3) Plating on plastics and other non-metallic materials.

(4) Repair and maintenance services rendered on products covered by Maximum Price Regulation 1—Second-Hand Machine Tools, Revised Maximum Price Regulation 136—Machines, Parts and Industrial Equipment (RMPR 136), Maximum Price Regulation 375—Sales of Used Industrial Sewing Machines and Rental Rates for New and Used Industrial Sewing Machines, or Maximum Price Regulation 465—Used Pressure Vessels and Used Enclosed Atmospheric Pressure Vessels. Note the exclusions in the next paragraph (b).

(b) *Exclusions*—(1) *Automotive, construction, road maintenance and farm equipment repairs.* This regulation does not cover services rendered in connection with the repair or maintenance of automotive, construction, road maintenance or farm equipment. Repair and maintenance services on automotive and farm equipment are covered by RMPR 165, while repair and maintenance services on construction and road maintenance equipment are covered by Maximum Price Regulation 134—Construction and Road Maintenance Equipment Rental Prices and Charges for Operating and Maintenance or Repair and Rebuilding Services.

(2) *Repair and maintenance services covered by Revised Maximum Price Regulation 251.*¹ This regulation does not cover repair and maintenance services covered by Revised Maximum Price Regulation 251—Construction Services and Sales of Installed Building Materials.

(3) *Secret contracts.* This regulation does not apply to services sold by you under a contract or subcontract that is certified in writing to the OPA as being "secret" by any agency of the United States or any agency of a country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act. This certification must set forth the date of the secret contract or subcontract and its number or other designation. The certifying government agency shall notify the seller and the OPA whenever such contract or subcontract ceases to be secret. This exemption shall not apply after you

receive such notification from the certifying government agency.

(4) *Developmental contracts*—(i) *Exclusion.* This regulation does not apply to services sold by you under a contract or subcontract that is certified in writing to the OPA as being "developmental" by any agency of the United States or any agency of a country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act. A contract is "developmental" during the period required for you to obtain sufficient experience to permit a fair estimate of your shop costs. If the OPA determines, after consultation with you and the appropriate government agency, that the period necessary for development has expired, and in writing so notifies you and such agency, this regulation shall apply to all subsequent sales of the service.

(ii) *Report.* You shall file a report with the Machinery Branch, Office of Price Administration, Washington 25, D. C., within ten days after you enter into a developmental contract or subcontract. This report must set forth a description of the services under the contract, a summary of the terms of the contract, and an estimate of the length of time that the work will be developmental. If you were operating under a developmental contract on March 31, 1945 (the effective date of this regulation), this report must be filed before April 30, 1945. You need not file a report if the developmental contract or subcontract is also certified as "confidential" or "restricted" by the certifying government agency.

(c) *Applicability.* This regulation applies in the forty-eight states of the United States and in the District of Columbia, but not in the territories and possessions of the United States.

SEC. 2. Prohibitions. On and after March 31, 1945, regardless of any contract or other obligation:

(a) You may not sell any service covered by this regulation at a price higher than your maximum price.

(b) No person in the course of trade or business may buy any service covered by this regulation at a price higher than the maximum price.

(c) However, you may complete any contract entered into before March 31, 1945 (the effective date of this regulation), if the price stated in that contract was permissible under the price schedule or regulation which was applicable to the transaction at the time the contract was made.

Of course, you may charge lower prices than your maximum prices at any time.

SEC. 3. Prices previously established. This regulation supersedes Revised Maximum Price Regulation 165—Services (RMPR 165) and Maximum Price Regulation 136, as amended—Machines and Parts, and Machinery Services (MPR 136), in so far as services covered by this regulation are concerned. However, all prices approved in writing by the OPA under MPR 136 remain in effect under this regulation. See section 10 for filing requirements.

SEC. 4. General pricing provisions. In determining your maximum price, use the first of the following provisions which applies to you. Your maximum price shall be:

(a) *List price.* The price or rate for the same service stated in the published price list which you had in effect on March 31, 1942. This price or rate must be adjusted in order to reflect the price differential that you had in effect to a purchaser of the same class on March 31, 1942. Be sure to read the definition of "purchaser of the same class" in section 16 (e). See the next section 5 for additional charges that may be made under certain conditions.

(b) *Prices or rates charged January 1 to March 31, 1942.* The highest price or highest rate at which you sold a service which you performed more than once during the period January 1 to March 31, 1942, inclusive. This price or rate must be adjusted in order to reflect the price differential that you had in effect to a purchaser of the same class on March 31, 1942. Be sure to read the definition of "purchaser of the same class" in section 17 (e). See the next section 5 for additional charges that may be added under certain conditions.

(c) *Pricing method.* The price determined by the same method of computation and the same labor rates or costs, material prices, machine or equipment rates, if any, and overhead and profit rate, which were in effect in your shop on March 31, 1942, for determining the selling prices of services of the same type to a purchaser of the same class (as defined in section 17 (e)). When you take work of a new nature, you may quote a tentative price and determine your maximum price (in accordance with this paragraph) on the basis of your actual experience in a trial run. The maximum price so established shall apply to the entire contract, including the trial run.

You must keep records of the maximum prices determined under this paragraph (c) for every job of \$100 or more, an estimate record for each such job showing the method by which you determined these maximum prices, and the services to which those maximum prices apply, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

See the next section 5 for additional charges that may be added under certain conditions.

SEC. 5. Additional charges—(a) *Overtime and shift premium.* If on March 31, 1942, you had overtime or shift premium rates in effect to your customers, your maximum prices for overtime or shift premium work must be determined by using these rates. If you had no overtime or shift premium rates in effect on March 31, 1942, you may add the actual amount of premium paid to labor, or the estimated amount, if necessary, to the maximum price. The amount of this charge must be determined by using current labor rates. If you wish, you may prorate the overtime or shift premium paid by you over your standard work week. Where you do not so prorate the overtime or shift premium charged by you, the extra charge for premium work must be stated separately on the invoice.

¹ 9 F.R. 10200.

In any case, the overtime or shift premium charged by you for overtime or shift premium work in excess of such standard work week must be stated separately on the invoice.

(b) *Materials furnished incidental to the service.* Your maximum price for a service under this regulation includes any materials furnished incidental to the service. If on March 31, 1942, you made a separate charge for material furnished incidental to the service, you may continue this practice. This separate charge may not be greater than your cost for the material (not to exceed the applicable maximum price), plus the same markup you applied on March 31, 1942. If you did not furnish material incidental to the service on March 31, 1942, your charge for such material must be determined under section 6.

(c) *Other additional charges.* You may not make any charge for any incident of a service if it was not your practice to do so on March 31, 1942. You may not require a purchaser to pay a larger proportion of the transportation costs incurred in the supply of any service than you required a purchaser of the same class to pay on March 31, 1942, for the same or a similar type of service. If on March 31, 1942, you made a separate charge for packaging in connection with the supply of the same or a similar type of service, the amount of this separate charge shall be determined by using current costs (not to exceed the applicable maximum price) and the method of determining this charge that you used on March 31, 1942. See Supplementary Order 34 (Packing Expenses on Sales to War Agencies) for special packing expenses which you may add to your maximum price on deliveries to war procurement agencies. If you were not supplying services of the same type on March 31, 1942, your additional charges, if any, must be determined under section 6.

SEC. 6. Services which cannot be priced under section 4. (a) If you cannot determine a maximum price or rate under section 4, you must apply in writing to the OPA for approval of a rate or pricing method. This rate or method must result in maximum prices which are in line with maximum prices established by this regulation for shops in your area doing similar work. Also, this rate or method must be based on labor rates in effect in your area on March 31, 1942. A rate or pricing method approved under this section may apply to your entire business or to any portion of your business.

(b) If you did not sell any services during 1944, or if your sales of all services during 1944 amounted to less than \$75,000, the application required under this section must be filed with the appropriate OPA district office. Otherwise, the application must be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C. The application must contain a description of the type of service, the proposed rate or pricing method, and an example showing how prices are determined in accordance with this rate or method. It must also contain a full explanation of the reasons why you cannot price this type of service under section 4.

(c) In the case of a service for which approval of a rate or pricing method is requested under this section, you may not accept payment in excess of 75% of the price determined in accordance with your proposed rate or pricing method until it has been approved by the OPA, but the proposed rate or pricing method shall be considered approved thirty days after receipt by the OPA of the application (or any verification of the facts stated in the application which may have been requested), unless, within that time, OPA notifies you that your proposed rate or pricing method has been disapproved. Final settlement must be made in accordance with the action taken by the OPA on your proposed rate or pricing method, and where required refunds shall be made.

(d) OPA may at any time disapprove or revise a pricing method or rate established under this section so as to bring it into line with maximum prices established by this regulation in your area.

(e) When you take work of a new nature, you may quote a tentative price and determine your maximum price on the basis of your actual experience in a trial run. The maximum price so established shall apply to the entire contract, including the trial run. Of course, in determining maximum prices under this paragraph, you must comply with the other provisions of this section.

(f) You must keep records of the maximum prices determined under this section for every job of \$100 or more, an estimate record for each such job showing the method by which you determined those maximum prices, and the services to which those maximum prices apply, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 7. Transfer of business. If you acquire the business, assets or stock in trade of any business after March 31, 1942, and you carry on the business, or continue to supply the same type of services, in an establishment separate from any other establishment previously owned or operated by you, your maximum rates or prices shall be the same as those to which your transferor would have been subject if no such transfer had taken place, and your obligation to keep records sufficient to verify such rates or prices shall be the same. You must further prepare and file, (if your transferor has not already done so) and keep up to date, the statement required under section 10. Your transferor shall preserve and turn over to you all records of transactions prior to the transfer which are necessary to enable you to comply with the provisions of this regulation.

SEC. 8. Taxes. If a tax or tax increase is imposed on a service covered by this regulation, and the tax law does not forbid you to pass the tax on to your customers, you may add the tax or tax increase to your maximum price, if you separately state it. However, if the tax was in effect on March 31, 1942, and it was not your custom to charge extra for the tax on that date, you may not do so now.

SEC. 9. Invoices. You must give the purchaser an invoice stating your name and address, the name and address of the purchaser, the service rendered, the price charged and any statements of separate charges otherwise required by this regulation. This invoice must also contain the following statement: "Prices in this invoice are not higher than the maximum established by Maximum Price Regulation 581 (Industrial Services)". You must keep a copy of each such invoice for examination by the OPA, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 10. Records; filings of statements. You must comply with the following provisions for keeping price records and for filing statements of your maximum prices:

(a) *Records.* Preserve for examination by the OPA, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all records regarding your prices, rates or pricing methods for services supplied or offered for supply by you during the period January 1, to March 31, 1942, inclusive, which you had in your possession on the effective date of this regulation.

(b) *Filing of statements.* (1) Prepare and keep for examination by the OPA, a statement of your maximum list prices or rates and pricing methods for purchasers of each class, together with an adequate description of each service to which they apply. If any of those prices, rates, or pricing methods are different from those you had in effect on March 31, 1942, the statement must contain an explanation of such differences. If your maximum prices are based upon a flat rate manual or similar pricing manual or parts catalog or list, you may (instead of appending it to the statement) clearly identify on the statement such manual, parts catalog or list by name, edition, number and date, indicating the instances in which it was not your practice on March 31, 1942, to follow it.

(2) If your sales of all services during 1944 were less than \$75,000, file a duplicate of your statement with the appropriate OPA district office. If your sales of all services during 1944 were \$75,000, or more, file a duplicate of your statement with the Machinery Branch, Office of Price Administration, Washington 25, D. C., as well as with the appropriate OPA district office. This statement shall be filed before April 30, 1945.

(3) You must prepare and file a supplement to the statement within thirty days of the date that your maximum price for a new kind of service is first established by this regulation. You must also prepare and file an appropriate supplement to the statement within ten days after any change in your maximum price is authorized by the OPA. These statements must be filed in accordance with (2) above.

(4) The statement and all supplements thereto must be signed by you or your authorized agent.

(5) If you can show that the foregoing requirements subject you to unusual hardship, you may apply to the Machinery Branch, Office of Price Adminis-

tration, Washington 25, D. C., for written authorization to depart from these requirements. Such authorization will be given only if it will not be inconsistent with the purposes of this regulation.

Sec. 11. Violation—(a) License suspension. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, apply to you. Your license may be suspended for violations of the license or of any price regulations applicable to licensed sales. If your license is suspended, you may not, during the period of suspension make any sale for which your license has been suspended.

(b) Civil and criminal action. If you violate any provisions of this regulation, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(c) Record-keeping and filing violations; failure to establish maximum price. If you fail to keep the records or file the statements as required by sections 4 (c), 6 or 10, or if you fail to establish a maximum price under section 6, if you are required to do so, OPA may issue an order establishing maximum prices for the services you sell in line with prices established by this regulation. The maximum prices so established may apply to all or some of the services supplied by you after March 31, 1945. This will not relieve you of your obligation to comply with the requirements of sections 4 (c), 6 or 10, or of the various penalties for any failure to do so.

Sec. 12. Adjustments—(a) Adjustment based on hardship. The OPA may adjust any maximum price established under this regulation upon a demonstration of substantial financial hardship threatening your ability to continue to supply a service, subject to the following limitations:

(1) No adjustment will increase your maximum prices above the levels which the OPA considers necessary to permit you to continue the sale of your services. In judging whether a maximum price will prevent you from continuing to sell a service, the OPA will take into account such pertinent factors as the nature of your business, your current costs of supplying the service and the over-all earnings of your business.

(2) No adjustment will increase your maximum prices above the prices at which your customers are able to obtain the same or a fairly equivalent service from other suppliers.

However, if, in the judgment of OPA, the loss of your services would be detrimental to the effective prosecution of the war, or would impair the maintenance of an adequate wartime standard of living, the OPA may apply only the first of the above limitations.

(b) Adjustment based on a decrease of other prices. The OPA may adjust any maximum price established under this regulation if you agree to make and (simultaneously with any increase in your maximum price that may be authorized under this paragraph (b)) actually do make a reduction in your selling prices which will equal or exceed the to-

tal dollar amount of the adjustment granted you under this paragraph. An adjustment will not be granted you under this paragraph, if your increases in price are to be made to civilian purchasers and your decreases in price are to be made to governmental purchasers.

An application for price adjustment under this paragraph (b) must show that your sales of the services affected by the adjustment will not be greater than it would have been in the absence of the adjustment. Whenever the OPA grants such an adjustment, it may require appropriate reports relating to the services affected.

(c) Procedure. An application for adjustment under paragraph (a) must be made on a copy of Form OPA 694-2169, set out in Appendix A. All applications for adjustment must be filed in accordance with Revised Procedural Regulation No. 1.

If your sales of all services during the previous year were less than \$75,000, you must file your application with the appropriate OPA district office. Otherwise, file your application with the Office of Price Administration, Washington 25, D. C. Supplementary Order 28 sets forth additional rules which must be followed when your application is based on a pending wage or salary increase requiring approval of the National War Labor Board.

(d) Price for deliveries pending disposition of the application. After you have filed an application under this section 12, you may contract or agree that deliveries made during the pendency of the application shall be at the price requested in your application. However, you may not receive payment in excess of the maximum price until your application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the OPA.

If you wish to enter into such an arrangement, you must state the following to the buyer:

(1) The maximum price for the service;

(2) The fact that an appropriate application for an adjustment of that maximum price has been filed with the OPA; and

(3) The fact that the specific price quoted by you is subject to approval by the OPA.

Sec. 13. Petitions for amendment. If you seek a change in any provision of this regulation affecting sellers of a service generally, you may file a petition for amendment in accordance with Revised Procedural Regulation No. 1.

Sec. 14. Adjustable pricing. You may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. However, except as provided in section 12 (Adjustments), you may not, unless authorized by the OPA, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the OPA 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 OPA having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order.

Sec. 15. Pricing your sales of commodities under this regulation. If your principal business is the supplying of services subject to this regulation and you occasionally sell commodities (where you supply all the materials and furnish the services) made to a user's specifications, OPA may, by order, require you to price such sales under this regulation. Such an order will supersede the provisions of the applicable commodity regulation.

If you wish OPA to issue such an order, apply to the appropriate OPA district office if your sales of all services during 1944 were less than \$75,000, and to the Machinery Branch, Office of Price Administration, Washington 25, D. C., if your sales of all services during 1944 were \$75,000 or more.

Sec. 16. Evasion. This regulation shall not be evaded directly or indirectly by any reduction of your customary allowances, discounts, or other price differentials, or by tying agreements, or by deterioration of services, or otherwise.

Sec. 17. Definitions and explanations. When used in this regulation:

(a) "Appropriate OPA district office" means the district office of the Office of Price Administration for the district where your place of business is located.

(b) "OPA" means the Office of Price Administration.

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

(d) "Pricing method" is a method of determining a price for a service by relation to its actual or estimated costs.

(e) "Purchaser of the same class" means a purchaser belonging to the same price class, that is, a group of purchasers to whom it was your established practice during the period January 1, to March 31, 1942, inclusive, to supply the same service at a particular price. If, during that period, you customarily supplied or offered to supply the same service to any purchaser at a price different from the price or prices at which you supplied or offered to supply the same service to all other purchasers, that purchaser is in a purchaser price class by himself.

If during the period January 1, to March 31, 1942, inclusive, you had an established practice of charging the same price to certain customers on the basis of standards (such as, the nature of the buyer—manufacturer, wholesaler, retailer, etc., or the nature of the sale—large, small, cash, credit, etc.), you must place a new purchaser of the same service in the proper purchaser price class in accordance with such standards. If you had no such standards, you must

establish a price for the new purchaser under section 6 of this regulation. For the purposes of this definition, a "new purchaser" means a purchaser to whom you did not supply or offer to supply the same type of service during the period January 1, to March 31, 1942, inclusive.

(f) "Rate" is a fixed charge per unit of time, weight, or price.

(g) "Records" include books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and any other papers and documents relating to your prices.

(h) "Sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", and "purchase", shall be construed accordingly.

(i) "You" refers to any seller subject to this regulation. If you supply services through more than one place of business, each such place of business shall, for the purpose of this regulation, be considered a separate seller.

Sec. 18. *Delegation of authority.* The Price Administrator, any Regional Administrator and any District Director who has been authorized to act by the Regional Administrator having jurisdiction over his district, may establish, approve, disapprove, correct or adjust maximum prices under sections 4, 6, 11, 12 and 15 of this regulation.

APPENDIX A: FORM FOR APPLICATIONS FOR ADJUSTMENT

Form OPA 694-2169
Approval waived by the Budget Bureau
United States of America
Office of Price Administration
Washington, D. C.

Application for adjustment of Maximum Prices for Industrial Services Under Maximum Price Regulation 581.

Company Name _____
Address _____
(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this application:

1. General description of company's business.
2. Type of service for which price increase is requested.
3. Describe war or civilian need of the service.
4. Explain on a separate sheet why you are making a request for a price increase.
5. State the names and addresses of competitors in your region rendering the same services and state the prices or rates charged by each.
6. File the following information for the service described in Item 2 above.

(a) Price or rate March 31, 1942... \$-----
Present price or rate... \$-----
Requested price or rate... \$-----
per

Service unit (machine hour, man hour, etc.)

(b)
Total number of service units billed:
Year ended... 194-----
Year ended... 194-----
months ending... 194-----
Corresponding dollar amount of service billings (net):
Year ended... 194-----
Year ended... 194-----
months ending... 194-----

NOTE: This information as to sales of the service, for which you are requesting a price increase, must be submitted for the last two years and for the most recent accounting period in the current year.

7. Costs per service.

	Celling date March 31, 1942	Current date ----- (month) 194..	Basis of allocation (specify below)
Direct labor.....			xxx
Shop overhead.....			
Administrative expense.....			
Selling expense.....			
Other expense (specify).....			
Total cost per service unit.....			xxx
Average hourly wage rate, exclusive of overtime, for direct labor engaged in this service.....			xxx
Average number of hours worked per man per week (direct labor only).....			xxx

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have reported the same on a previous application for adjustment of a maximum price, you may omit these periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, the financial data should be submitted for the parent corporation.

8. Submit balance sheets and profit and loss statements for the past three years and for the most recent accounting period in the current year. NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expenses, selling expenses, and officers' salaries including the number of officers.

9. Submit balance sheets and profit and loss statements on OPA Form A, Annual Financial Report, or your own prepared statements for the years 1936-1940. The filing of these data is optional, provided reports are available from the Bureau of Internal Revenue. Should the applicant prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue.

10. Are the salaries and wages of all your employees in compliance with the maximum established by the Office of Economic Stabilization?

Yes or No

If "No", state exceptions: _____

(Applicant)

By _____

(Title)

I certify that the facts contained in the above application are true and correct.

(Signature)

Effective date: This regulation shall become effective March 31, 1945.

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

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4804; Filed, Mar. 26, 1945; 11:46 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Rev. SR 1, Amdt. 96]

EXCEPTIONS OF COMMODITY TRANSACTIONS FROM THE GENERAL MAXIMUM PRICE REGULATION

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

Section 2.8 (a) is amended to read as follows:

(a) Products excluded from Revised Maximum Price Regulation 136 by Section 2, paragraphs (f) and (h).

This amendment shall become effective March 31, 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4808; Filed, Mar. 26, 1945; 11:43 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Rev. SR 11, Amdt. 57]

EXCEPTIONS FOR MACHINERY SERVICES

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.

Paragraph (b) (116) is amended to read as follows:

(116) Any lease by Defense Plant Corporation which is excluded from the provisions of Maximum Price Regulation 67 (New Machine Tools) or Revised Maximum Price Regulation 136 (Machines, Parts and Industrial Equipment).

This amendment shall become effective March 31, 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4807; Filed, Mar. 26, 1945; 11:43 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1601, 1602, 1604, 1607 and 1608 set forth below are also contained in Revision 17 of the Renegotiation Regulations dated March 16, 1945.

J. S. FEIGHT,
Secretary.

PART 1601—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION

SUBPART C—ORGANIZATION AND FUNCTIONS OF THE PRICE ADJUSTMENT BOARDS AND SECTIONS

Section 1601.133-2 is amended to read as follows:

§ 1601.133-2 *Services and Sales Renegotiation Section.* In the Navy Department, there is established a Services and Sales Renegotiation Section which spe-

cializes in the renegotiation of sales agents and brokers. This section has its headquarters in Washington and divisional offices in Washington, New York, Chicago and Los Angeles. [RR 133.2]

PART 1602—PROCEDURE FOR RENEGOTIATION

SUBPART B—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

The first sentence of § 1602.223-2 is amended to read as follows:

§ 1602.223-2 Assigned contractors. The Departments and Services may send to contractors who have been assigned to them for renegotiation the "Letter of Preliminary Inquiry" (see § 1607.702-2) and the appropriate Standard Form of Contractor's Report. * * *

PART 1604—DETERMINATION AND ELIMINATION OF EXCESSIVE PROFITS

SUBPART B—RECOVERY OF EXCESSIVE PROFITS ALREADY REALIZED

Paragraphs (b) and (c) of § 1604.422-2 are amended as follows:

§ 1604.422-2 Time of repayment; general rule. * * *

(b) If, in the opinion of the Department conducting the renegotiation, the application of the policy stated in § 1604.422-2 (a) will result in undue hardship to a contractor, then the renegotiation agreement may provide for payment within such period as may be approved by such Department. If, however, any such period extends beyond two years after the close of the fiscal year to which the renegotiation relates, such extension shall be approved by the Chairman of the Departmental Board concerned and a report thereof shall be made to the War Contracts Board. Such report may be made subsequent to the closing of the agreement and shall be sent to the Secretary of the War Contracts Board at the address specified in § 1607.791-5.

(c) In any case, installments must be arranged so that there is no contravention of the principle stated in § 1604.422-3 with respect to income tax payments. [RR 422.2]

PART 1607—FORMS FOR RENEGOTIATION

SUBPART A—FORMS RELATING TO IDENTIFICATION, ASSIGNMENT AND CANCELLATION OF CASES

1. Section 1607.703-3 is amended to read as follows:

§ 1607.703-3 Form No. 12 (suggestion for reassignment).

To Be Submitted in Quadruplicate (NAME OF DEPARTMENT OR SERVICE) Date To: Assignments and Statistics Branch War Contracts Price Adjustment Board Room 3D 573, The Pentagon Washington 25, D. C. Subject: Contractor Assignment No.

1. Reassignment of the subject contractor for its fiscal year ended day month year

is suggested for the following reason(s):

Principal war product. Substantial predominance of interest in receipts or accruals for such fiscal year is held by (State % of interest of each Department or Service, so far as possible)

Special reason (e. g., subsidiary, affiliate, etc.)

2 The following contracts have been made with the subject contractor:

LPI was sent (date) Contractor's Tentative Report was received (date)

Contractor's Standard Form of Report was received (date) Financial Statements were received (date)

Registered Mail notice of conference was sent (date)

Conference(s) have been held with contractor. Specify date(s):

3. The subject contractor (has) (has not) been consulted with respect to proposed reassignment and (has) (has not) indicated approval.

4. Renegotiation with subject contractor for preceding fiscal year (has) (has not) been concluded. This (is) (is not) an impasse case with respect to preceding fiscal year.

5. Files will be forwarded to assignee promptly upon approval of reassignment.

6. Special remarks

(NAME OF DEPARTMENT OR SERVICE)

(1st Ind.)

To: (Department or Service)

The subject contractor is hereby reassigned to

It is deemed inappropriate to reassign the subject contractor.

For the War Contracts Price Adjustment Board:

for MYRON F. RATCLIFFE, Major, A. U. S., Chief, Assignments and Statistics Branch. WCPAB No. 12 2/16/45

[RR 703.3]

2. Section 1607.704-3 is amended to read as follows:

§ 1607.704-3 Form No. 13 (request for cancellation).

To Be Submitted in Triplicate (NAME OF DEPARTMENT OR SERVICE)

Date

To: Assignments and Statistics Branch War Contracts Price Adjustment Board Room 3D 573, The Pentagon Washington 25, D. C.

Subject: Cancellation of assignment No.

Contract Address

Fiscal year ended or period from to

Action taken on assignment of prior year

It is recommended and requested that the above assignment for renegotiation be can-

celled for the reason(s) hereinafter set forth. Excessive profits within the sense of the Renegotiation Act and the principles applicable thereto have not been realized by the contractor during the said period. Data in support of this recommendation are attached hereto pursuant to provisions of RR 206.4.

Aggregate receipts or accruals of the contractor and of all persons under the control of or controlling or under common control with the contractor, under contracts with the Departments (as defined in the Renegotiation Act) and subcontracts thereunder, did not exceed the statutory minimum.

Statement by Contractor of Non-Applicability is attached.

Supporting Financial Data furnished by Contractor is attached.

The foregoing information has been obtained from the subject contractor. It has been considered and it is believed by this office to be substantially representative of the operations of the contractor for the fiscal period referred to.

Aggregate receipts or accruals of the contractor and of all persons under the control of or controlling or under common control with the contractor, under contracts with the Departments (as defined in the Renegotiation Act) and subcontracts thereunder, did not exceed the statutory minimum. This statement is submitted by this office on its own responsibility.

Contractor has not filed a mandatory financial statement in conformity with subsection (c) (5) (A) of the 1943 Act. The requirements of subsection (c) (5) (A) were called to the attention of the contractor preceding the application for cancellation. This office has no reason to believe that the contractor had renegotiable receipts or accruals in excess of the statutory minimum.

(Other reasons)

The foregoing information has been considered and is believed by this office to be substantially correct.

(NAME OF DEPARTMENT OR SERVICE)

(1st Ind.)

To: (Department or Service)

Cancellation of the assignment of the subject contractor is hereby approved.

It is deemed inappropriate to cancel the subject assignment for the following reasons: For the War Contracts Price Adjustment Board:

for MYRON F. RATCLIFFE, Major, A. U. S., Chief, Assignments and Statistics Branch. WCPAB No. 13 2/16/45

[RR 704.3]

SUBPART I—ADDRESSES

1. In § 1607.791-2 the first, third and fifth paragraphs are amended to read as follows:

§ 1607.791-2 Members.

Colonel Maurice Hirsch, Chairman, (War Department), Room 3D 634, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 74427.

Mr. John R. Paull, (Maritime Commission), Room 512, Electrical Workers Building, 1200-15th Street, NW., Washington 5, D. C., Tel. Executive 3340, Ext. 608.

Mr. Gladding B. Coit, (Reconstruction Finance Corporation), 811 Vermont Ave., NW., Washington 25, D. C., Tel. Executive 3111, Ext. 283.

2. Section 1607.791-4 is amended to read as follows:

§ 1607.791-4 *Assignment Office.*

Assignments and Statistics Branch, Renegotiation Division, Room 3D 573, The Pentagon, Washington 25, D. C., Tel. Republic 6700, Ext. 73678.

[RR 791.4]

3. In § 1607.793-1, the fourth paragraph is amended to read as follows:

§ 1607.793-1 *Headquarters.* * * *

The Chief of Engineers, Attention: Lt. Col. John B. Heroman, Jr., Price Adjustment Section, Room 5160, New War Department Building, Washington 25, D. C., Tel. Republic 6700, Ext. 76225.

4. Paragraph (a) of § 1607.793-2 is amended to read as follows:

§ 1607.793-2 *Field Offices of Price Adjustment sections.*

(a) *Army Air Forces.* 39 South La Salle Street, Chicago 3, Illinois, Tel. Randolph 9720; Enquirer Building, 617 Vine Street, Cincinnati, Ohio, Tel. Cherry 8320; 4614 Prospect Avenue, Cleveland 3, Ohio, Tel. Endicott 7200; 8505 West Warren Avenue, Detroit 32, Michigan, Tel. Hogarth 8730; 3636 Beverly Boulevard, Los Angeles 54, California, Tel. Drexel 7081; 87 Broad Street, New York 4, New York, Tel. Whitehall 4-1600; Municipal Airport, Wichita 1, Kansas, Tel. Wichita 5-4621.

5. Section 1607.794-2 is amended to read as follows:

§ 1607.794-2 *Services and Sales Renegotiation Section.*

(a) Services and Sales Renegotiation Section, Navy Department, Washington Divisional Office, Washington 25, D. C., Tel. Republic 7400, Ext. 61263.

(b) Services and Sales Renegotiation Section, Navy Department, New York Divisional Office, Room 310, 630 Fifth Avenue, New York 20, New York, Tel. Columbus 53851.

(c) Services and Sales Renegotiation Section, Navy Department, Chicago Divisional Office, Room 803-811, U. S. Custom House, 610 South Canal Street, Chicago 7, Illinois, Tel. Wabash 3860.

(d) Services and Sales Renegotiation Section, Navy Department, Los Angeles Divisional Office, Room 907, Van Nuys Building, Seventh and Spring Streets, Los Angeles 14, California, Tel. Tucker 1351.

[RR 794.2]

6. Section 1607.798-1 is amended as follows:

§ 1607.798-1 *Headquarters.*

Utilities Price Adjustment Section, Office, Chief of Engineers, Attention: Major George P. Steinmetz, Chief, 5256 New War Department Building, Washington 25, D. C., Tel. Republic 6700, Ext. 79994 or 76210.

[RR 798.1]

PART 1608—TEXT OF STATUTES, ORDERS
JOINT REGULATIONS AND DIRECTIVES

SUBPART D—EXEMPTIONS

1. In § 1608.842-4 paragraph (a) is amended to read as follows:

§ 1608.842-4 *Public Utilities; communications.* * * *

(a) Contracts and subcontracts with telephone, telegraph, cable and radio companies to furnish the service of transmitting messages, other communications services or communications facilities, when made at published rates or charges, fixed, approved or subject to regulation

as to the reasonableness thereof by a public regulatory body, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for services or facilities of a comparable character.

2. Section 1608.842-5 is amended to read as follows:

§ 1608.842-5 *Public utilities; furnishing of water, steam or removal of sewage.* (a) Pursuant to subsection (i) (4) of the Renegotiation Act of 1943 (including subsection (i) (4) (B) and (i) (4) (F)) the following classes and types of contracts and subcontracts are exempt to the extent provided in this paragraph from all of the provisions of the Renegotiation Act of 1943:

(1) Any contract or subcontract with a public utility for the furnishing of water, steam or the removal of sewage, except that if the amounts received or accrued under any such contract or subcontract during any particular fiscal year were \$10,000 or more, amounts received or accrued under such contract or subcontract for such fiscal year shall not be exempt from renegotiation by reason of this subparagraph (1). (If such fiscal year is a fractional part of twelve months the \$10,000 amount shall be reduced to the same fractional part thereof for the purposes of this subparagraph (1)).

(2) Any subcontract with a public utility for the furnishing of water, steam or the removal of sewage without regard to the amounts received or accrued thereunder during any fiscal year, except that:

(i) If such subcontract for water, steam or the removal of sewage is with a contractor having a contract with a Department providing for the reimbursement by a Department of substantially all costs of the contractor incurred under such subcontract for water, steam or the removal of sewage, or

(ii) If a Department has contracted to pay or guarantee payment of substantially all amounts payable under such subcontract for water, steam or the removal of sewage,

then in either such case such subcontract for water, steam or the removal of sewage shall not be exempt from renegotiation by reason of this subparagraph (2).

[RR 842.5]

3. In § 1608.844 (a) "cocoa bean" is added to the list as follows:

Agricultural Commodity:

Last form or state
at which exemption
is to apply

* * * * *
Cocoa bean ----- Fermented and dried.

4. The text § 1608.845 is redesignated as § 1608.845-1 as follows:

§ 1608.845-1 *Fiscal years ending after June 30, 1943 and prior to July 1, 1944.*

(a) Pursuant to the authority given to the War Contracts Price Adjustment Board by subsection (i) (4) of the Renegotiation Act of 1943, the Board, under the provisions of subsection (i) (4) (D) of the 1943 Act, has exempted from renegotiation amounts received or accrued

during fiscal years ending after June 30, 1943 and prior to July 1, 1944 under contracts or subcontracts for the making or furnishing of the following articles:

(a) Iron scrap and steel scrap; non-ferrous metal scrap; woolen waste, including woolen rags and clips, new and old; scrap rubber; waste paper; cotton or linen rags, including old bagging and old rope; and textile waste; sold by dealers or brokers.

(Comment: The exemption of these articles as standard commercial articles applies only to dealers and brokers in these articles and is not to be construed as affecting, in any way, users of these articles (in particular, manufacturers who use these articles), nor does it affect manufacturers who may produce and sell these articles as a by-product in the course of their operation. Neither does the exemption cover sales of these articles in any form other than as scrap or waste.)

(b) Refined sugar (cane or beet);

(c) Textile bags (made of burlap or cotton);

(d) Leather transmission belting, mechanical and textile leathers and mechanical leather packings.

(e) Paper of the following types and grades, sold by paper mills: Groundwood and free sheet uncoated and coated book papers (including but not limited to free sheet and groundwood offset, envelope and tablet papers); Mimeograph and duplicating (both groundwood and free sheet); Bond, writing and ledger, including opaque circular; Manifold and onion skin; Cover and text; Index and Bristol; Map paper; Post card paper; Blue print base stock.

(f) Paper and paper products sold by merchants.

(Comment: This exemption does not apply to sales of paper or paper products which have been manufactured, converted or processed by the seller or by any person under the control of or controlling or under common control with the seller.)

(g) Ready mixed concrete.

(h) Portland cement.

(i) Wheat flour.

(Comment: This exemption applies only to sales by the person milling the flour. Wheat flour includes granular flour and farina; whole wheat flour; products of the milling of durum wheat including whole durum flour and semolina; and blends of the foregoing. Bleached, bromated, enriched, phosphated and self-raising wheat flour are considered flour for purposes of this exemption.)

(j) Quick and hydrated lime.

(k) Dead-burned dolomite.

(l) Dead-burned magnesite made from dolomite stone, seawater or brine.

[RR 845.1]

5. Section 1608.845-2 is added as follows:

§ 1608.845-2 *Fiscal years ending after June 30, 1944 and prior to July 1, 1945.*

(a) Pursuant to the authority given to the War Contracts Price Adjustment Board by subsection (i) (4) of the Renegotiation Act of 1943, the Board, under the provisions of subsection (i) (4) (D) of the 1943 Act, has exempted from renegotiation amounts received or accrued during fiscal years ending after June 30, 1944 and prior to July 1, 1945 under contracts or subcontracts for the making or furnishing of the following articles:

(a) Iron scrap and steel scrap; non-ferrous metal scrap; woolen waste, including woolen rags and clips, new and old; scrap rubber; waste paper; cotton or linen rags, including old bagging and old rope; and textile waste; sold by dealers or brokers.

(Comment: The exemption of these articles as standard commercial articles applies only to dealers and brokers in these articles and is not to be construed as affecting, in any way, users of these articles (in particular, manufacturers who use these articles), nor does it affect manufacturers who may produce and sell these articles as a by-product in the course of their operation. Neither does the exemption cover sales of these articles in any form other than as scrap or waste.)

- (b) Reserved.
- (c) Reserved.
- (d) Reserved.
- (e) Paper of the following types and grades, sold by paper mills; Groundwood and free sheet uncoated and coated book papers (including but not limited to free sheet and groundwood offset, envelope and tablet papers); Mimeographed and duplicating (both groundwood and free sheet); Bond, writing and ledger, including opaque circular; Manifold and onion skin; Cover and text; Index and Bristol; Map paper (except wet-strength map paper); Post card paper; Blue print base stock.
- (f) Paper and paper products sold by merchants.

(Comment: This exemption does not apply to sales of paper or paper products which have been manufactured, converted or processed by the seller or by any person under the control of or controlling or under common control with the seller.)

- (g) Ready mixed concrete.
- (h) Portland cement.
- (i) Wheat flour.

(Comment: The exemption applies only to sales by the person milling the flour. Wheat flour includes granular flour and farina; whole wheat flour; products of the milling of durum wheat including whole durum flour and semolina; and blends of the foregoing. Bleached, bromated, enriched, phosphated and self-rising flour are considered flour for purposes of this exemption.)

- (j) Quick and hydrated lime.
- (k) Dead-burned dolomite.
- (l) Dead-burned magnesite made from dolomite stone, seawater or brine.

The Board had previously exempted these same articles from renegotiation for fiscal years ending after June 30, 1943 and prior to July 1, 1944. However, the exemption of "paper of the following types and grades, sold by paper mills . . ." for the fiscal years ending 1944-1945 now includes a parenthetical limitation on map paper reading ". . . (except wet-strength map paper) . . ." which limitation was not in effect for the preceding fiscal years ending 1943-1944. [RR 845.2]

[F. R. Doc. 45-4787; Filed, Mar. 26, 1945; 9:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 263, Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON TANK CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of March, A. D. 1945.

Upon further consideration of Revised Service Order No. 263 (10 F.R. 582) of January 12, 1945, as amended (10 F.R. 1794), and good cause appearing therefor; *It is ordered*, That:

Revised Service Order No. 263 (10 F.R. 582) of January 12, 1945, as amended, be, and it is hereby, further amended by substituting the following paragraph for paragraph (p).

(p) *Expiration date.* This order shall expire at 7:00 a. m., June 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 shall become effective 7:00 a. m., April 1, 1945; that copies of this order and direction shall be served upon the State railroad regulatory bodies of all States and the District of Columbia and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-4743; Filed, Mar. 24, 1945; 11:39 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. IT-5743]

SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF APPLICATION FOR MODIFICATION OF AUTHORIZATION TO EXPORT ELECTRIC ENERGY.

MARCH 23, 1945.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U.S.C. 791-825r), San Diego Gas & Electric Company, of San Diego, California, has filed an application for modification of the authorization previously granted by the Commission under said act to increase the amount of electric energy exported to Mexico from a point on the international boundary line, United States and Mexico, near Tijuana, Baja California, Mexico, to 20,000,000 kilowatt-hours per year, at a rate not to exceed 4,000 kilowatts. The present exportation is limited to 8,640,000 kilowatt-hours per year, at a rate not to exceed 2,000 kilowatts.

Any person desiring to be heard or to make any protest with reference to said proposed modification should, on or before the 7th day of April, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations (under the Federal Power Act).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-4731; Filed, Mar. 24, 1945; 9:53 a. m.]

[Docket G-580]

**NATURAL GAS INVESTIGATION
ORDER POSTPONING HEARINGS**

MARCH 24, 1945.

The Commission has been advised by several of the State Conservation authorities which have been preparing statistical and other data with reference to the natural gas reserves, conservation practices, gas utilization and other related matters for presentation at the series of public hearings originally scheduled to begin in Kansas City, Missouri, on May 1, 1945, that it will be difficult, if not impossible, to complete the compilation and analysis of such evidence within such time limits.

These basic facts, of which these State Authorities are the official custodians, are essential to the orderly development of the investigation provided for in the Commission's order of September 22, 1944.

The Commission has been further advised that these Authorities will have completed their compilations and will be prepared to present such information at the Commission's public hearings by late summer or early autumn.

The Commission therefore orders that the series of hearings in principal natural gas producing regions scheduled to begin at Kansas City, Missouri, on May 1, 1945, be and they are hereby postponed to such dates during the late summer or early autumn as may hereafter be fixed by order of the Commission.

Copies of this order shall be sent to the Governors and official authorities of the several States and to all other parties in these proceedings.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-4785; Filed, Mar. 26, 1945; 9:46 a. m.]

[Docket G-622]

**UNITED GAS PIPE LINE CO.
ORDER POSTPONING HEARING**

MARCH 23, 1945.

It appearing to the Commission that:
(a) On March 2, 1945, the Commission ordered that a public hearing be held in the above-entitled matter, commencing on March 26, 1945, at 10:00 a. m. (e. w. t.) in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) Good cause exists for postponing the hearing in this proceeding as hereinafter provided;

The Commission orders that:
The public hearing in this proceeding is hereby postponed to April 9, 1945, at 10:00 a. m. (e. w. t.) in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-4786; Filed, Mar. 26, 1945; 9:46 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5143]

PURE CARBONIC, INC., ET AL.

NOTICE OF HEARING

In the matter of Pure Carbonic, Inc., a corporation, Air Reduction Company, Inc., a corporation, Liquid Carbonic Corporation, a corporation, Mathieson Alkali Works, Inc., a corporation, and Michigan Alkali Company, a corporation.

Amended complaint: Count 1. Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Pure Carbonic, Inc., Air Reduction Company, Inc., Liquid Carbonic Corporation, Mathieson Alkali Works, Inc., and Michigan Alkali Company, hereinafter referred to as respondents, have violated the provisions of section 5 of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its amended complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Air Reduction Company, Inc., is a corporation organized under the laws of the State of New York in 1914 and is engaged, through subsidiary corporations, in the manufacture, among other products, of liquid carbon dioxide and solid carbon dioxide or dry ice, and in the sale of said products to soft drink manufacturers and to soda fountains and to ice cream manufacturers and purveyors of perishable foods for use in preserving and transporting ice cream and other perishable products.

In 1935, respondent Air Reduction Company, Inc., acquired control of respondent Pure Carbonic, Inc., and has since operated said corporation as a subsidiary.

PAR. 2. Respondents Pure Carbonic, Inc., is a Delaware corporation, organized in September 1929, and is engaged in the manufacture, purchase, sale and distribution of liquid carbon dioxide and solid carbon dioxide or dry ice. Since organization said respondent has acquired the assets of the following corporations engaged in the manufacture, sale and distribution of either liquid carbon dioxide or solid carbon dioxide: Dri Ice, Inc., Carbonic Gas, Incorporated, of Cincinnati, Cincinnati, Ohio; Carbonic Gas, Incorporated (Michigan), Detroit, Michigan; Natural Carbonic Gas Co. and Natural Carbonic Ice Company, Newark, New Jersey; Carbo-Frost, Inc., Brooklyn, New York; American Dryice Corporation, New York, New York; Nu-Ice Company, Los Angeles, California; Crystal Carbonic Laboratory and Crystal Carbonic Laboratory, Inc., Atlanta, Georgia; Alabama Carbon Dioxide Ice, Inc., Alabaster, Alabama; New York Carbonic Company (Herman Hegt, Proprietor), New York, New York; Braunstein Bros. Carbonic Sales Corporation, New York, New York; Harry H. Purvis and Charles L. Gulick, Brooklyn, New York.

Said respondent has since 1935, operated manufacturing plants owned either

by it or its parent corporation, respondent Air Reduction Company, Inc., or other subsidiary corporations located in numerous cities in several States at which it operates equipment for the manufacture of solid carbon dioxide or for the conversion of solid carbon dioxide into liquid carbon dioxide, sometimes referred to as liquid carbonic gas. Some of these manufacturing plants were formerly operated by the corporations whose assets were acquired by either the respondent Air Reduction Company, Inc., or respondent Pure Carbonic, Inc., and are located in the following places: Alabaster, Alabama; Berkeley, California; Birmingham, Alabama (discontinued May 1939); Charlotte, North Carolina; Chicago, Illinois; Dallas, Texas; Deepwater, New Jersey; Jacksonville, Florida; Memphis, Tennessee; Buffalo, New York; Cincinnati, Ohio; Everett, Massachusetts; Harrisburg, Pennsylvania; Indianapolis, Indiana; Kansas City, Missouri; Louisville, Kentucky; Milwaukee, Wisconsin; Minneapolis, Minnesota; Newark, New Jersey; New Orleans, Louisiana; St. Louis, Missouri, and Wilkes-Barre, Pennsylvania.

Respondent Pure Carbonic, Inc., also purchases solid carbon dioxide or liquid carbon dioxide under agreement or contract from the following manufacturers: American Distilling Company, San Francisco, California; Carbonic Company, Los Angeles, California; Carbide and Carbon Chemical Corporation, New York, New York; Carbo Chemical Company, Salt Lake City, Utah; Commercial Solvents Company, New York, New York; Gas Ice Corporation, Portland, Oregon; Michigan Alkali Company, Wyandotte, Michigan; Pennsylvania Alcohol Corporation, Philadelphia, Pennsylvania; U. S. Industrial Chemicals, Inc., New York, New York.

Said respondent Pure Carbonic, Inc., sells liquid carbon dioxide in high pressure steel cylinders of either 20 or 50 pound capacity, loaned to the customer for that purpose, at both wholesale and retail to soft drink manufacturers, drug stores and other retail purveyors of soft drinks located throughout the several States of the United States, such sales being made f. o. b. respondent's warehouse, customer paying freight on full cylinders but respondent paying return freight on empty cylinders.

Said respondent also sells solid carbon dioxide or dry ice in wholesale and retail quantities to ice cream manufacturers, frosted food manufacturers and other corporations, partnerships and individuals engaged in the manufacturing and distributing of perishable foods as well as to retail stores engaged in purveying perishable foods at retail. Said solid carbon dioxide is distributed in cakes measuring approximately ten inches by ten inches by ten inches, weighing approximately 50 pounds and wrapped in paper. Many bottlers as well as large retail distributors of soft drinks and other beverages maintain and operate equipment in their establishments known as converters which convert or liquefy solid carbon dioxide on the premises. For many years the American Dry Ice Corporation prior to the time its assets

and business were purchased by respondents Pure Carbonic, Inc., and Air Reduction Company, Inc., manufactured and sold converters to soft drink bottlers and other beverage bottlers and distributors, and sold to the owners thereof solid carbon dioxide for use therein. Respondent Pure Carbonic, Inc., after it began to operate the business formerly conducted by American Dry Ice Corporation, continued to sell solid carbon dioxide to any owner of a converter which conformed to specifications of the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers except in those instances wherein it follows the policy of selling solid carbon dioxide for use in converters on what is known as the "full service" basis.

Said respondent Pure Carbonic, Inc., in the course and conduct of its said business, for more than three years last past has been and now is engaged in interstate commerce inasmuch as it ships, either by private truck or common carrier, liquid and solid carbon dioxide from various places of manufacture and distribution located throughout the several States to purchasers thereof located in States other than place of manufacture and shipment and there has been and now is a constant recurring course of commerce in said products between and among the several States of the United States.

PAR. 3. Respondent Liquid Carbonic Corporation is a Delaware corporation organized in 1926 to acquire the assets and business of Liquid Carbonic Company, an Illinois corporation organized in 1888. Since 1926 said respondent has acquired the business of numerous manufacturers of liquid and solid carbon dioxide, including the Bauer Carbonic Co., St. Louis, Missouri; General Carbonic Company, Buffalo, New York; Keystone Carbonic Gas Co., Philadelphia, Pennsylvania; Bishop and Babcock Co., Cleveland, Ohio; Saxet Carbonic Company, Houston, Texas; National Carbonic Company, San Antonio, Texas; Washington-Liquid Gas Company, Inc., Seattle, Washington, and J. E. Crosbie, Inc., Tulsa, Oklahoma. In 1931 said respondent Liquid Carbonic Corporation began the manufacture and sale of solid carbon dioxide or dry ice, and in 1938 it began the manufacture and sale of ice cream cabinets for use in preserving ice cream and other perishable food products by the use of solid carbon dioxide or dry ice.

For more than one year last past, respondent Liquid Carbonic Corporation has maintained and operated factories and other equipment for the production of liquid and solid carbon dioxide in numerous places throughout the several States of the United States, including the following: Albany, New York; Atlanta, Georgia; Boston, Massachusetts; Buffalo, New York; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Texas; Denver, Colorado; Detroit, Michigan; Houston, Texas; Indianapolis, Indiana; Jacksonville, Florida; Kansas City, Missouri; Los Angeles, California; Memphis, Tennessee; Minneapolis, Minnesota; New Orleans, Louisiana; New York, New York; Norfolk, Virginia; Peoria, Illinois; Philadelphia, Pennsylv-

vania; Pittsburgh, Pennsylvania; San Antonio, Texas; San Francisco, California; Seattle, Washington; St. Louis, Missouri; St. Paul, Minnesota.

Respondent Liquid Carbonic Corporation during and since the year 1940 has purchased liquid or solid carbon dioxide under agreement or contract from the following organizations: J. E. Crosbie, Inc., Tulsa, Oklahoma; Speas Manufacturing Company, Kansas City, Missouri; Crystal Carbonic Laboratory, Atlanta, Georgia; Michigan Alkali Company, Wyandotte, Michigan; Ideal Dri Ice Manufacturing Company, Ada, Oklahoma; Carbo Chemical Company, Salt Lake City, Utah; Witt Ice & Gas Company, Los Angeles, California; Pacific Silicate Company, Ltd., San Francisco, California; Washington Liquid Gas Company, Inc., Seattle, Washington; Commercial Solvents Corporation, San Francisco, California; Pure Carbonic, Inc., New York, New York. Said respondent Liquid Carbonic Corporation in the course and conduct of its said business for more than three years last past has been and now is engaged in interstate commerce, inasmuch as it ships or causes to be shipped, either by private truck or common carrier, liquid and solid carbon dioxide from its various places of manufacture and distribution herein mentioned located throughout the several States to the purchasers thereof located in States other than place of manufacture and shipment, and there has been and now is a constant recurring course of commerce in said products between and among the several States of the United States.

PAR. 4. Respondent Michigan Alkali Company is a corporation organized under the laws of the State of Michigan with its principal office and place of business located in the city of Wyandotte, State of Michigan, and for more than three years last past has been and now is engaged in the manufacture, purchase, sale and distribution of liquid carbon dioxide and solid carbon dioxide or dry ice to wholesale distributors of said products located in States other than the State of Michigan. Said respondent causes said products, when sold, to be shipped from its plant in Michigan to the purchasers thereof located in States other than the State of Michigan. Prior to October 1939, said respondent Michigan Alkali Company sold liquid and solid carbon dioxide to its customers located in the States of New York and New Jersey through a distributor, Irving H. Taylor, located in the city of Philadelphia, State of Pennsylvania, in the States of Delaware and Pennsylvania through the Merchants' Chemical Company, a Pennsylvania corporation; and in the New England States through other distributors who sold at retail to distributors and at wholesale to jobbers who purchase in less than carload lots.

PAR. 5. Respondent Mathieson Alkali Works, Inc., is a corporation organized under the laws of the State of Virginia, with its principal office and place of business located at 60 East 42nd Street, New York, New York. It is engaged in the manufacture of numerous chemical products and by-products including,

among others, liquid and solid carbon dioxide, at its manufacturing plant located at Saltville, Virginia, and in the sale and distribution of said products for more than three years last past to consumers thereof located in States other than the State of Virginia. It causes said products, when sold, to be transported from its manufacturing plant in the State of Virginia to the purchasers thereof located in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Maryland, and in the District of Columbia.

PAR. 6. Said respondents occupy a dominant position in the sale and distribution of solid and liquid carbon dioxide for commercial use, the aggregate sales of said respondents being more than 90% of the total sale of solid and liquid carbon dioxide for commercial use in the United States. Said respondents were, at divers times prior to January 1, 1933, either directly or through distributing agents, in substantial competition one with another, or with their predecessors, in the sale and distribution of solid and liquid carbon dioxide in commerce between and among the various states of the United States and, but for the unlawful agreements, understandings, combinations and conspiracies hereinafter set forth, respondents would be now in substantial competition.

PAR. 7. On or about January 1, 1933, and thereafter from time to time, respondents entered into and carried out various planned or agreed common courses of action, understandings, agreements, combinations and conspiracies for the purpose and with the effect of suppressing and eliminating competition in price and otherwise among and between themselves, and of monopolizing for themselves the production, sale and distribution of liquid and solid carbon dioxide for commercial uses. Pursuant to and in order to effectuate and carry out said purposes and objectives, the respondents, from time to time, have cooperatively and concertedly performed one or more of the following acts and things:

1. Fixed and maintained the prices at which they would sell solid and liquid carbon dioxide to wholesale and retail customers and also the charges for performing various services in connection with the sale and delivery thereof.

2. Refrained from competing in price with each other in submitting bids on requirements of solid and liquid carbon dioxide and in selling said products to Federal, State and Municipal departments or agencies.

3. Refrained from selling solid carbon dioxide to bottlers of beverages or owners of converters or liquefiers who used converters or liquefiers other than those sold, leased, maintained or approved by said respondents.

4. Refrained from selling solid carbon dioxide to bottlers of beverages or other owners or lessees of converters or liquefiers who converted the said solid carbon dioxide into liquid carbon dioxide for

PAR. 6. In the course of their said

5. Discriminated in price in the sale of solid carbon dioxide to bottlers of

beverages and other owners or lessees of converters or liquefiers who converted said solid carbon dioxide into liquid carbon dioxide for carbonating beverages, by charging said customers more than they charged their customers who used the said solid carbon dioxide for refrigeration or other industrial purposes.

6. Discriminated in price in the sale of solid carbon dioxide to wholesale and retail customers by charging the customers who convert said solid carbon dioxide into liquid carbon dioxide in or by means of converters or liquefiers not sold, leased, maintained or approved by said respondents, more than they charged the customers who utilize converters or liquefiers sold, leased, maintained or approved by said respondents.

7. Refrained from competing in certain territories in the sale of carbon dioxide; for example, respondent Michigan Alkali Company, since on or about October 1, 1939, pursuant to agreement with respondent Pure Carbonic, Inc., discontinued sale and distribution of solid carbon dioxide through distributors other than respondent Pure Carbonic, Inc., to consumers located in the New England States and portions of the States of New York and Pennsylvania, and thereafter restricted its sales in said territory to the said Pure Carbonic, Inc..

8. Caused the organization and obtained control of a patent holding corporation to acquire, own and control certain important process patents covering the manufacture of solid carbon dioxide; and directly or through the said patent holding corporation hindered and prevented competing manufacturers of solid carbon dioxide from entering or continuing in the manufacture and sale of said product by:

(a) Threatening the manufacturers of machinery and equipment used in the manufacture of solid carbon dioxide, with patent infringement suits not in good faith, but for the purpose or with the effect of harassing or intimidating said manufacturers who sold or attempted to sell their machinery and equipment to manufacturers of carbon dioxide;

(b) Charging or threatening to charge competing manufacturers of solid carbon dioxide exorbitant license and royalty fees for use of said patents unless said manufacturers would sell all or a substantial portion of their output to said respondents or one or more of them; and threatening said competing manufacturers with patent infringement suits not in good faith, thereby causing said competing manufacturers to either refrain from engaging in the manufacture of said carbon dioxide or to sell their plants and equipment or output to the said respondents or one or more of them.

9. Adopted and pursued the policy of cutting prices of liquid and solid carbon dioxide to wholesale and retail customers of competitors in certain areas below prices charged in other areas where there is less competition, for the purpose and with the effect of taking business away from said competitors and driving said competitors out of business in certain market areas.

10. Adopted and pursued the policy of harassing, hindering and interfering with jobbers and wholesalers of solid car-

bon dioxide in the sale of said product to bottlers and others who converted the same into liquid carbon dioxide for carbonating beverages, by divers means and methods, including the purchase of plant and equipment or output of manufacturers supplying such jobbers and wholesalers, cutting prices on liquid gas to the customers of said wholesalers and retailers below the prices usually charged such customers, and by operating "bogus" independent jobbers and wholesalers in the sale of liquid carbonic gas to such customers at extremely low prices.

11. Adopted and pursued the policy of threatening bottlers of beverages and other owners or lessees of converters or liquefiers used to convert solid carbon dioxide to liquid carbon dioxide for carbonating beverages with patent infringement suits not in good faith but for the purpose of harassing or intimidating said consumers of solid carbon dioxide to discontinue the use of converters or liquefiers and to purchase liquid carbon dioxide from respondents.

12. Adopted and pursued the policy of entering into and carrying out long term agreements of one year or more with independent manufacturers of carbonic gas in solid and liquid form wherein it is provided that said manufacturers, respectively, will not sell to competitors of respondents, respectively, solid carbon dioxide or liquid carbon dioxide for the purpose of manufacturing solid carbon dioxide, and whereby the respondents, respectively, agreed to purchase from the said manufacturers, respectively, either their respective requirements in certain plants or a fixed minimum quantity approximately equal to said requirements.

13. Engaged in other unfair, coercive and oppressive practices for the purpose or with the effect of suppressing competition or restraining trade in the sale or distribution of solid or liquid carbon dioxide.

PAR. 8. The acts and practices of said respondents, as herein alleged, are all to the prejudice of the public and have a tendency to and have actually hindered and prevented price competition between and among respondents in the sale of solid and liquid carbon dioxide in commerce within the intent and meaning of the Federal Trade Commission Act; have placed in respondents power to control and enhance prices of said products; have from time to time increased the prices of said products paid by some of the purchasers thereof; have caused a shortage and scarcity in the quantity of solid and liquid carbon dioxide produced in the United States and have tended to create in the respondents a monopoly in the sale of solid and liquid carbon dioxide in such commerce; have unreasonably restricted competition in such commerce in said products and constitute unfair methods of competition in commerce within the intent and meaning of section 5 of the Federal Trade Commission act.

Count II. The Federal Trade Commission, having reason to believe that Pure Carbonic Inc., Air Reduction Company, Inc., Liquid Carbonic Corporation, Mathieson Alkali Works, Inc., and Michigan Alkali Company, corporations, herein-

after called respondents, have violated and are now violating the provisions of section 2 of the act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, sec. 13), hereby issues its amended complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. For its charges under this paragraph of this count said Commission relies upon the matter and things set out in paragraph 1 of Count I of this amended complaint to the same extent and as though the allegations of said paragraph 1 of said Count I were set out in full herein, and said paragraph 1 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 2. For its charges under this paragraph of this count said Commission relies upon the matter and things set out in paragraph 2 of Count I of this amended complaint to the same extent and as though the allegations of said paragraph 2 of said Count I were set out in full herein, and said paragraph 2 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 3. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in paragraph 3 of Count I of this amended complaint to the same extent and as though the allegations of said paragraph 3 of said Count I were set out in full herein, and said paragraph 3 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 4. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in paragraph 4 of Count I of this amended complaint to the same extent and as though the allegations of said paragraph 4 of said Count I were set out in full herein, and said paragraph 4 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

PAR. 5. For its charges under this paragraph of this count said Commission relies upon the matters and things set out in paragraph 5 of Count I of this amended complaint to the same extent and as though the allegations of said paragraph 5 of said Count I were set out in full herein, and said paragraph 5 of said Count I is incorporated herein by reference and made a part of the allegations of this count.

carbonating beverages. respective businesses described in paragraphs 1 to 5, both inclusive of Count I of this amended complaint, said respondents have been for more than three years last past and are now discriminating in price between different purchasers buying liquid and solid carbon dioxide for resale or consumption, by selling their said products to some of their customers at lower prices than they sell said products of like grade and quality to others of their customers, many of which

customers are competitively engaged one with another in the resale of said products within the United States. The said respondents during said period of time have engaged in one or more of the following discriminatory practices and methods of determining the prices at which they sell their said products to their said customers:

1. In the sale of solid carbon dioxide respondents charge customers who convert said solid carbon dioxide into liquid carbon dioxide for carbonating beverages, substantially more than they charge customers who use the said solid carbon dioxide for refrigeration purposes or who convert said solid carbon dioxide into liquid carbon dioxide for other industrial purposes.

1 (a). In the sale of solid carbon dioxide respondents charge customers who convert solid carbon dioxide into liquid carbon dioxide for beverage purposes in or by means of converters or liquefiers which are not sold, leased, maintained or approved by said respondents, substantially more than they charge customers who utilize converters or liquefiers sold, leased, maintained or approved by said respondents.

2. Respondents classify their customers according to the quantity purchased over a given period of time, usually one year, and sell to the customers purchasing the larger quantities at varying discriminatory prices, the most favored customers being sold at discriminatory price ranging respectively from approximately 20% to as high as 60% less than the highest price charged any customer in the same location.

3. Respondents arbitrarily charge some customers substantially less than others in the same or different trade territory for the purpose and with the effect of taking business away from competitors and driving said competitors out of business in certain trade territories.

PAR. 7. Said respondents occupy a dominant position in the sale and distribution of liquid and solid carbon dioxide for commercial uses, the aggregate sales of respondents Pure Carbonic, Inc., and Liquid Carbonic Corporation being more than 50% of the total sales of liquid and solid carbon dioxide for commercial uses in the United States. Said respondents have been and now are in substantial competition with other small manufacturers and distributors of liquid and solid carbon dioxide located throughout the several States of the United States.

PAR. 8. The effect of the said discriminations in price hereinbefore mentioned has been or may be substantially to lessen competition in the line of commerce in which said respondents are engaged and to injure, destroy and prevent competition between the respondents and their competitors, and to injure, destroy and prevent competition between the customers of said respondents in the sale or resale and distribution of liquid and solid carbon dioxide, and has been and may be to tend to create a monopoly in said line of commerce in the various trade areas of the United States in which the said respondents and their competitors are engaged in the sale and distribution of said products.

PAR. 9. The foregoing acts and practices of respondents are in violation of subsection 2 (a) of section 1, of the said act of Congress approved June 19, 1936, entitled "An act to amend section 2 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended (U.S.C. Title 15, sec. 13), and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 17th day of March A. D. 1945, issues its amended complaint against said respondents.

Notice. Notice is hereby given you, Pure Carbonic, Inc., a corporation, Air Reduction Company, Inc., a corporation, Liquid Carbonic Corporation, a corporation, Mathieson Alkali Works, Inc., a corporation, and Michigan Alkali Company, a corporation, respondents herein, that the 20th day of April, A. D., 1945, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this amended complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the amended complaint.

You are notified and required, on or before the twentieth day after service upon you of this amended complaint, to file with the Commission an answer to the amended complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the amended complaint, file with the Commission an answer to the amended complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the amended complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the amended complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the amended complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the amended complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said amended complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the amended complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its amended complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 17th day of March A. D., 1945.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-4827; Filed, Mar. 26, 1945;
11:52 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 938]

RECONSIGNMENT OF SEED POTATOES AT HONEYVILLE, 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 Honeyville, Utah, March 21, 1945, by Sterling H. Nelson Company, of car MDT 7172, seed potatoes, now on the Union Pacific Railroad, to Glove Seed Company, Boise, Idaho. (U. P.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-4746; Filed, Mar. 24, 1945;
11:39 a. m.]

[S. O. 70-A, Special Permit 939]

RECONSIGNMENT OF POTATOES AT OMAHA, NEBR.

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 Omaha, Nebraska, March 21, 1945, by Michael-Swanson-Brady Produce Company, of car WRX 9300, potatoes, now on the Burlington Lines, to Michael-Swanson-Brady Produce Co., Kansas City, Missouri (Burlington).

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 March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-4747; Filed, Mar. 24, 1945;
11:39 a. m.]

[S. O. 70-A, Special Permit 940]

RECONSIGNMENT OF CARROTS AT ENOLA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Enola, Pennsylvania, March 21, 1945, by H. Rothstein & Sons, of car NWX 8570, carrots, now on the Pennsylvania Railroad, to District Grocery Stores, Washington, D. C. (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 March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-4748; Filed, Mar. 24, 1945;
11:39 a. m.]

[S. O. 70-A, Special Permit 941]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering

paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, March 21, 1945, by Yeckes Eichenbaum, of car PFE 97492, lettuce, now on the CRI&P, to Yeckes Eichenbaum, Chicago, Illinois (CRI&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-4749; Filed, Mar. 24, 1945;
11:39 a. m.]

[S. O. 70-A, Special Permit 942]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, March 21 or 22, 1945, by Sterling Huxtable, of car TMX 1023, potatoes, now on the Wood Street Terminal (C&NW), to Kentucky Food Stores, Lexington, Kentucky (C&E1-L&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 March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-4750; Filed, Mar. 24, 1945;
11:39 a. m.]

[S. O. 296]

UNLOADING OF COAL AT HOBOKEN, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of March, A. D. 1945.

It appearing, that cars B&LE 75554, 69409 and 66911, containing coal, at Hoboken, New Jersey, New York Lighterage Station, on The Delaware, Lackawanna and Western Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

Coal at Hoboken, New Jersey, be unloaded. (a) The Delaware, Lackawanna and Western Railroad Company, its agents or employees, shall unload forthwith cars B&LE 75554, 69409 and 66911, containing coal at Hoboken, New Jersey, New York Lighterage Station shipped from Curtisville, Pa., by Hale & McGrew consigned to Old Colony Coal Company.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads of coal have been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Delaware, Lackawanna and Western Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-4744; Filed, Mar. 24, 1945;
11:39 a. m.]

[S. O. 297]

UNLOADING OF COAL AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of March, A. D. 1945.

It appearing, that cars RDG 89347 and B&O 225753 containing coal at Pier 18, Jersey City, New Jersey, on the Central Railroad Company of New Jersey, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

Coal at Pier 18, Jersey City, New Jersey, be unloaded. (a) The Central Railroad Company of New Jersey, its agents or employees, shall unload forthwith cars RDG 89347 and B&O 225753, containing coal at Pier 18, Jersey City, New Jersey, consigned to Supro Coal Company, Flushing, Long Island.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads of coal have been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Central Railroad Company of New Jersey, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-4745; Filed, Mar. 24, 1945;
11:39 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order CE 1]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

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:

Having found that each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or enemy-occupied territory appearing opposite such person's respective name in Column 2 of said Exhibit A;

Having determined that it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A, and having taken such measures;

Finding that as a result of such action or proceeding each of said persons obtained or was determined to have an interest in property, which interest is particularly described in Column 4 of said Exhibit A;

Finding that such property is in the possession, custody or control of the person described in Column 5 of said Exhibit A; and

Finding that the Alien Property Custodian has incurred, in each of such court or administrative actions or proceedings, costs and expenses in the amount stated in Column 6 of said Exhibit A,

hereby vests in the Alien Property Custodian, to be used or otherwise dealt with in the interest, and for the benefit, of the United States, from the property in the possession, custody, or control of the persons described in said Column 5 of said Exhibit A, the sums stated in said Column 6 of said Exhibit A, such sums being the amounts of such property equal to the costs and expenses incurred by the Alien Property Custodian in such actions or proceedings.

This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property if and when

it should be determined that such return should be made.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 19, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Interest	Column 5 Depository	Column 6 Sum vested
Jean Mutuberría	France	<i>Item 1</i> Estate of Jean Pierre Mutuberría, aka. J. P. Mutuberría, aka Jean P. Mutuberría, deceased, Superior Court, San Bernardino County, Calif., No. 14242.	\$3,709.50	Bank of America National Trust & Savings Association, Chino Branch, Chino, Calif., account in the name of Jean Mutuberría	\$58.38
Marianne Mutuberría	do	<i>Item 2</i> Same	3,709.50	Bank of America National Trust & Savings Association, Chino Branch, Chino, Calif., account in the name of Marianne Mutuberría	68.38
Gee Shee	China	<i>Item 3</i> Estate of Jew Hung, deceased, Superior Court, San Francisco County, Calif., No. 93380 Dept. No. 9.	2,755.24	Bank of America, National Trust & Savings Association, Market and New Montgomery Branch, San Francisco, Calif., account in the name of Gee Shee.	181.83
Marthe Muiyard	France	<i>Item 4</i> Estate of Edmond Mermet, deceased, Superior Court, San Bernardino County, Calif., probate No. 15359.	1,564.55	Bank of America National Trust & Savings Association, El Centro Branch, San Bernardino, Calif., savings account No. 111.	128.92
Louis Muiyard	do	<i>Item 5</i> Same	1,564.56	Bank of America, National Trust & Savings Association, El Centro Branch, San Bernardino, Calif., savings account No. 112.	128.91
Lea Shapiro	Lithuania	<i>Item 6</i> Estate of Samuel Silberman, deceased, Superior Court, County of Los Angeles, Calif., No. 200,441.	587.57	Bank of America National Trust & Savings Association, Los Angeles, Calif., account in the name of Lea Shapiro.	37.77
Veronica Tordilla	Philippine Islands	<i>Item 7</i> Estate of Samuel Silberman, deceased, Superior Court, County of Los Angeles, Calif., No. 200,441.	276.24	Bank of America National Trust & Savings Association, Los Angeles, Calif., account in the name of Veronica Tordilla.	18.72

[F. R. Doc. 45-4687; Filed, Mar. 23, 1945; 11:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.
[MPR 188, Order 3508]

PHENIX MANUFACTURING CO., INC.
AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and No. 61—10

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 net prices, f. o. b. point of manufacture, for sales by the Phenix Manufacturing Company, Inc., of

the following commodity as described in its application of December 23, 1944, shall be:

No. 600 Overhead Garage Door Hardware Set:	Per set
On sales to jobbers.....	\$20.00
On sales to mail order houses.....	20.00
On sales to wholesale distributors.....	22.25
On sales to retail dealers (including lumber yards).....	26.75
On sales to consumers.....	35.00

(b) The maximum net prices for sales by jobbers f. o. b. point of shipment of the following commodity manufactured by the Phenix Manufacturing Company shall be:

No. 600 Overhead Garage Door Hardware Set:	Per set
On sales to wholesale distributors.....	\$22.25
On sales to retail dealers (including lumber yards).....	26.75
On sales to consumers.....	35.00

(c) The maximum net prices for sales by wholesale distributors f. o. b. shipment of the following commodity manufactured by the Phenix Manufacturing Company, Inc., shall be:

No. 600 Overhead Garage Door Hardware Set:	Per set
On sales to retail dealers (including lumber yards).....	\$26.75
On sales to consumers.....	35.00

(d) The maximum net price for sales by retail dealers (including lumber yards) of the following commodity manufactured by the Phenix Manufacturing Company, Inc., shall be:

No. 600 Overhead Garage Door Hardware Set:	Per Set
On sales to consumers.....	\$35.00

(e) The maximum net prices established by this order shall be subject to discounts and allowances, including transportation allowances, and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) Every person selling the commodity covered by this order, except retail dealers, shall notify each of its purchasers, in writing, at or before the issuance of the first invoice, of the maximum prices established by the order for such seller as well as the maximum price established for each purchaser upon resale.

(g) The Phenix Manufacturing Company, Inc., shall attach a tag to the No. 600 Overhead Garage Door Set, or shall print in a conspicuous place on the box containing said set, the following:

Maximum Retail Price \$35.00 per set

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 27, 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4822; Filed, Mar. 26, 1945; 11:42 a. m.]

[MPR 188, Order 3459]

MONTICELLO DISPLAYS

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 Maxi-

Article	Model	Maximum prices for manufacturers to--		Maximum prices for sellers other than the manufacturer to--	
		Jobber	Retailer	Retailer	Consumer
Portable incinerator.....	100.....	\$96.39 C.....	\$128.54 C.....	\$128.54 C.....	\$2.15 each,

These maximum prices are for the articles described in the manufacturer's application dated January 5, 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. factory and subject to a cash discount of 2% for payment in 10 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. Those 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..... \$2.15
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4697; Filed, Mar. 23, 1945; 1:40 p. m.]

imum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Monticello Displays, Elwood, Indiana.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

[MPR 188, Order 3460]

GENERAL BROOM SUPPLY 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the General Broom Supply Company, 416 Whitton Street, Jersey City, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturers to--			Maximum prices for sellers other than the manufacturer to--
		Jobber	Retailer	Retailer	Industrial user
Broom #26.....	8	Doz. \$7.00	Doz. \$7.78	Doz. \$7.78	
Broom #40.....	10	Doz. 9.88	Doz. 10.97	Doz. 10.97	\$12.18
Broom #28.....	8	Doz. 9.50	Doz. 10.56	Doz. 10.56	11.73

To these prices may be added 10% as allowed in Order 216 and 3¢ per lb. for brown corn as allowed in Order 777.

These maximum prices are for the articles described in the manufacturer's application dated December 14, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 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. Those 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 with the retail prices properly filled in:

OPA Retail Ceiling Price..... \$.....
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 24th day of March, 1945.

Issued this 23d day of March, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4698; Filed, Mar. 23, 1945; 1:41 p. m.]

[MPR 188, Order 3161]

W. H. LUCK

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 W. H. Luck, East Pine Street, Minden, La.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for manufacturer to--			Maximum prices for sellers other than the manufacturer to--
		Jobber	Retailer	Retailer	User
Galvanized tub.....	2 1/2	Doz. \$12.30	Doz. 15.38	Doz. 15.38	Each \$1.95

These maximum prices are for the articles described in the manufacturer's application dated January 22, 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. factory and subject to a cash discount of 2% for payment in 10 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. Those 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.....\$1.95
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4699; Filed, Mar. 23, 1945; 1:48 p. m.]

[MPR 188, Order 3462]

M. WEITZMAN & SONS 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by M. Weitzman & Sons Co., 59-71 Hampden Street, Boston 19, Mass.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturers to—		Maximum prices for sellers other than the manufacturer to—	
		Jobbers	Retailers	Retailers	Users
Bath mat.....	12" x 20".....	Each 0.3825	Each 0.45	Each 0.45	Each 0.70
Utility mat.....	14" x 9".....	.16	.20	.20	.30

These maximum prices are for the articles described in the manufacturer's application dated January 26, 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 for the articles described in this application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 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. Those 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, with the retail prices properly filled in:

OPA Retail Ceiling Price.....\$.....
Do Not Detach

Article	Model No.	Maximum prices for manufacturers to—		Maximum prices for sellers other than the manufacturer to—	
		Jobbers	Retailers	Retailers	Users
Water bottle cap.....	51MM.....	None.....	\$6.00 C.....	\$6.00 C.....	10c each.

These maximum prices are for the articles described in the manufacturer's application dated December 12, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 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. Those 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.

(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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4700; Filed, Mar. 23, 1945; 1:47 p. m.]

[MPR 188, Order 3463]

GUS L. HEYMAN

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 Gus L. Heyman, 201 Realty Bldg., Louisville, Ky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

ized 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..... 10c 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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4701; Filed, Mar. 23, 1945; 1:46 p. m.]

[MPR 188, Order 3464]

ART-IN-WOOD MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 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 the Art-In-Wood Manufacturing Company, 1938 Ulysses St. NE., Minneapolis 13, Minn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Jobber	Retailer	Retailers	Users
Step stool.....	None.....	Each \$1.87	Each \$2.34	Each \$2.34	Each \$3.60

These maximum prices are for the articles described in the manufacturer's application dated February 3, 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. factory and subject to a cash discount of 2% for payment in 10 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. Those 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..... \$3.60
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4702; Filed, Mar. 23, 1945; 1:45 p. m.]

[MPR 188, Order 3465]

AMERICAN STEEL 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by American Steel Products Co., 2808 Lyndale Ave. South, Minneapolis, Minn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Jobbers	Retailers	Retailers	Users
Step stool, wood.	13" x 13" x 23"	Each \$1.60	Each \$2	Each \$2	Each \$3

These maximum prices are for the articles described in the manufacturer's application dated February 10, 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 for the article described in this application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 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. Those 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.....\$3.00 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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4703; Filed, Mar. 23, 1945; 1:45 p. m.]

[MPR 188, Order 3466]

ROYAL CHAMOIS & SUPPLY 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Royal Chamois & Supply Company, 4973 West Adams Street, Los Angeles 16, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Jobber	Retailer	Retailer	User
Two-faced wool polish mit.....	100	Each \$ 75	Each \$0.90	Each \$0.90	Each \$1.50
Polishing bonnet.....	2080	1.25	1.50	1.50	2.50
Single-faced woolmit.....	600	.45	.54	.54	.90

These maximum prices are for the articles described in the manufacturer's application dated February 1, 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. factory and subject to a cash discount of 2% for payment within 10 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. Those 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 with the retail prices properly filled in:

OPA Retail Ceiling Price..... \$-----
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 24th day of March 1945.

Issued this 23d day of March 1945,

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4704; Filed, Mar. 23, 1945;
1:45 p. m.]

[MPR 188, Order 3467]

SECURITY MANUFACTURING CO.
APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 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 the Security Manufacturing Co., 6309 S. W. Capitol Highway, Portland 1, Oreg.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Jobber	Retailer	Retailer	User
Ironing board.	FR54 14" x 54".	Each \$1.87	Each \$2.34	Each \$2.34	Each \$3.60

These maximum prices are for the articles described in the manufacturer's application dated January 11, 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. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices ap-

ply to all sales and deliveries after the effective date of this order. Those 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..... \$3.60
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4705; Filed, Mar. 23, 1945;
1:43 p. m.]

[MPR 188, Order 3468]

NEW CUTLERY 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by New Cutlery Company, 838 Folsom Street, San Francisco, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Jobbers	Retailers	Retailers	Users
Fisherman knife.	11 3/4" over-all, 7" blade.	Each \$2.40	Each \$3	Each \$3	Each \$5

These maximum prices are for the articles described in the manufacturer's application dated January 26, 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 for the article described in this application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 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. Those 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..... \$5 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 24th day of March, 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4706; Filed, Mar. 23, 1945;
1:45 p. m.]

[MPR 188, Order 3469]

AMERICAN EXCEL-DISTIL FILTER 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the American Excel-Distil Filter Corporation, 463-467 Broadway, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Jobber	Retailer	Retailer	User
Water purifier.	XL 3 in 1..	Each \$.24	Each \$.30	Each \$.30	Each \$.50

These maximum prices are for the articles described in the manufacturer's application dated November 22, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.50 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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4707; Filed, Mar. 23, 1945; 1:39 p. m.]

[MPR 188, Order 3470]

PHILADELPHIA WOODWORK 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Philadelphia Woodwork Company, 312 Columbia Avenue, Philadelphia 22, Pennsylvania.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

ARTICLE—CONVECTION TYPE SPACE HEATER
BERNARD SAFETY TYPE A

Maximum selling prices for sales by manufacturer to:	Each
Wholesaler.....	\$7.00
Retailer (units of 3 or more).....	8.26
Retailer (units of less than 3).....	8.90
Maximum selling prices for sellers other than the manufacturer to:	
Retailer (units of 3 or more).....	8.26
Retailer (units of less than 3).....	8.90
Consumer.....	13.35

These maximum prices are for the articles described in the manufacturer's application dated February 26, 1945. They include the Federal Excise Tax.

(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. They are f. o. b. factory, 2% for payment within 10 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. Those 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..... \$13.35
Do Not Detach

This price includes the Federal Excise Tax

(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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4708; Filed, Mar. 23, 1945; 1:43 p. m.]

[MPR 188, Order 3471]

JACK FROST FREEZER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum net price, f. o. b. Tacoma, Washington, for sales by the Jack Frost Freezer Company of the following farm and home freezer shall be:

Item	Size	On sales to distributors	On sales to dealers	On sales to consumers
Model No. C-22	22 cu. ft. with 1/4 HP condensing unit.	\$330	\$396	\$600

(b) The maximum net price established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: \$6.00.

(c) The maximum net price for sales by distributors of the following farm and home freezer manufactured by the Jack Frost Freezer Company shall be:

Item	Size	On sales to dealers	On sales to consumers
Model No. C-22...	22 cu. ft. with 1/4 HP condensing unit.	\$396	\$600

(d) The maximum net price for sales by dealers to consumers of the following farm and home freezer manufactured by the Jack Frost Freezer Company shall be:

Item	Size	On sales to consumers
Model No. C-22...	22 cu. ft. with 1/4 HP condensing unit.	\$600

(e) The maximum net price established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) A distributor or dealer may add the following charges to the maximum price established in (c) and (d) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: \$6.00.

(g) Each seller of a commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order of the maximum price established by this order for each such seller as well as the maximum price established for pur-

chasers upon resale, including allowable transportation and crating charges.

(h) The Jack Frost Freezer Company shall stencil on the inside of the lid or cover of each farm and home freezer covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price..... \$660

Plus freight and crating as provided in Order No. 3471 under Maximum Price Regulation No. 188.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 24, 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4709; Filed, Mar. 23, 1945; 1:42 p. m.]

[MPR 188, Order 3472]

BEHRENFELD MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons 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 net prices, f. o. b. Ghent, Minnesota, for sales by the Behrenfeld Manufacturing Company of the following farm and home freezer shall be:

Item	Size	On sales to distributors	On sales to dealers	On sales to consumers
Model No. 15....	12 cu. ft. with 1/4 HP condensing unit.	\$190	\$228	\$380

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: \$6.00.

(c) The maximum net prices for sales by distributors of the following farm and home freezer manufactured by the Behrenfeld Manufacturing Company shall be:

Item	Size	On sales to dealers	On sales to consumers
Model No. 15.....	12 cu. ft. with 1/4 HP condensing unit.	\$228	\$380

(d) The maximum net price for sales by dealers to consumers of the following farm and home freezer manufactured by the Behrenfeld Manufacturing Company shall be:

Item	Size	On sales to consumers
Model No. 15.....	12 cu. ft. with 1/4 HP condensing unit.	\$380

(e) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) A distributor or dealer may add the following charges to the maximum prices established in (c) and (d) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: \$6.00.

(g) Each seller of a commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum price established by this order for each such seller as well as the maximum price established for purchasers upon resale, including allowable transportation and crating charges.

(h) The Behrenfeld Manufacturing Company shall stencil on the inside of the lid or cover of each farm and home freezer covered by this order, the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price..... \$380

Plus freight and crating as provided in Order No. 3472 under Maximum Price Regulation No. 188.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 24, 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4710; Filed, Mar. 23, 1945; 1:43 p. m.]

[MPR 188, Order 3473]

GEORGE F. N. DAILEY

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 George F. N. Dailey, 916 Second Avenue, Council Bluffs, Iowa.

(1) For all sales and deliveries to the following classes of purchasers by the

sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturer to retailer	Maximum prices for sellers other than the manufacturer to—	
			Re-tailer	User
Pancake turner.....	7 x 2 1/2 x 4 1/2	Each \$0.06	Each \$0.06	Each \$0.10
Mail box wood.....	11 3/4 x 7 3/4 x 4 3/4	.33	.33	.50
Towel holder.....	20 x 6	.44	.44	.75
Knife and fork.....	10 1/2 x 8 1/2 x 1 1/2	Dozen 1.60	Dozen 1.60	.25

These maximum prices are for the articles described in the manufacturer's application dated November 12, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 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. Those 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 with the retail prices properly filled in:

OPA Retail Ceiling Price..... \$.....
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4711; Filed, Mar. 23, 1945; 1:42 p. m.]

[MPR 188, Order 3474]

WARREN SCREW 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Warren Screw Products Co., of 7860 N. Dixie Hwy., Newport, Mich.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturers to—	
	Wholesale-salers (jobbers)	Retailers	Retailers	Consumers
Tire pump.....	Each \$0.68	Each \$0.95	Each \$0.95	Each \$1.36

These maximum prices are for the articles described in the manufacturer's application dated November 6, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$1.36
Do Not Detach
Do Not Remove or Obliterate

(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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4712; Filed, Mar. 23, 1945; 1:46 p. m.]

[MPR 188, Order 3475]

MISSOURI FORGED TOOL 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Missouri Forged Tool Company, of 1610 Landreth Building, 320 North Fourth Street, St. Louis 2, Missouri.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesale-salers (jobbers) (per dozen)	Retailers (per dozen)	Retailers (per dozen)	Consumers (each)
5 1/4 inch chain nose pliers.....	\$3.60	\$4.80	\$4.80	\$0.60

These maximum prices are for the articles described in the manufacturer's application dated October 20, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.60
Do Not Remove or Obliterate

(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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4713; Filed, Mar. 23, 1945; 1:46 p. m.]

[MPR 188, Order 3476]

BAY MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 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 the Bay Manufacturing Corporation, 178 Cook Street, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturer to—		Maximum prices for sellers other than manufacturer to—	
		Jobber	Retailer	Retailer	User
		Mop. Janitor large #1.	Gross \$22.80	Gross \$28.50	Gross \$28.50
Mop. Household small #2.	13.00	15.00	15.00	.15	

These maximum prices are for the articles described in the manufacturer's application dated December 23, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. Those prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 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. Those 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 with the retail prices properly filled in:

OPA Retail Ceiling Price..... \$.....
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4715; Filed, Mar. 23, 1945;
1:40 p. m.]

[MPR 188, Order 3477]

PINELLAS MACHINE CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of Victory Garden Sprinklers manufactured by Pinellas Machine Company of 832-846 Third Street, South, St. Petersburg, Florida.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

For sales to distributors..... \$0.88 per dozen.
For sales to jobbers..... \$1.20 per dozen.
For sales to retailers..... \$1.60 per dozen.
For sales to ultimate consumers..... \$0.20 each.

These maximum prices are for the articles described in the manufacturer's application dated January 10, 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. St. Petersburg, Florida, with actual freight allowed, not to exceed \$2.00 per 100 pounds, on freight shipments of 125 pounds or more, to any railroad destination in the United States.

(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. In the case of sales by distributors and jobbers, they are f. o. b. seller's city.

(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..... \$0.20
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

Article	Model No.	Maximum prices for manufacturers to—		Maximum prices for sellers other than the manufacturer to—	
		Jobbers	Retailers	Retailers	Users
Towel bar.....	24" 3/4-16 ga chrome plated tubing.....	Each \$0.63	Each \$0.84	Each \$0.84	Each \$1.40
Towel bar.....	24" 3/4-18 ga chrome plated tubing, Wooden Knob ends.	.25	.31	.31	.50
Sock dryer.....45	.60	.60	1.00

These maximum prices are for the articles described in the manufacturer's application dated January 5, 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 for the articles described in this application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 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. Those 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

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 March 24, 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4714; Filed, Mar. 23, 1945;
1:47 p. m.]

[MPR 188, Order 3478]

DAVIS ELKINS 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Davis Elkins Company, 3716 West Washington Boulevard, Los Angeles 16, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

is established by this order. That tag or label shall contain the following statement, with the retail prices properly filled in:

OPA Retail Ceiling Price..... \$.....
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4716; Filed, Mar. 23, 1945;
1:48 p. m.]

[MPR 188, Order 3479]

MILTON H. HAIT

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 Milton H. Hait, of Rt. 2, Box 873, Escondido, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers)	Retailers	Retailers	Consumers
Garden weeder.....	Each \$1.28	Each \$1.71	Each \$1.71	Each \$2.53

These maximum prices are for the articles described in the manufacturer's application dated February 17, 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. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$2.56
Do Not Remove or Obliterate

(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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4717; Filed, Mar. 23, 1945; 1:48 p. m.]

[MPR 188, Order 3480]

ALUMINUM BRASS & CASTING 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Aluminum Brass & Casting Company, 1231 30th Street, Oakland 8, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Jobber	Retailer	Retailer	User
		Aluminum griddle.	20" x 10 1/2" x 5/8"	Each \$1.38	Each \$1.65

These maximum prices are for the articles described in the manufacturer's application dated January 18, 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. factory and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$2.75
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4718; Filed, Mar. 23, 1945; 1:49 p. m.]

[MPR 188, Order 3481]

MONTICELLO MANUFACTURING 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Monticello Manufacturing Corporation, of Elwood, Indiana.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers)	Retailers	Consumers	Retailers
Steel broom rakes....	Each \$0.38	Each \$0.50	Each \$0.50	Each \$0.75

These maximum prices are for the articles described in the manufacturer's application dated January 5, 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. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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. The tag or label shall contain the following statement:

OPA Retail Ceiling Price..... \$0.75
Do Not Remove or Obliterate

(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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4719; Filed, Mar. 23, 1945; 1:49 p. m.]

[MPR 188, Order 3482]

A. H. REIMER

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 the Diamond Mesh Leaf Rakes manufactured by A. H. Reimer of 1235 L Street, Reedly, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

	<i>Each</i>
For sales to jobbers.....	\$0.17
For sales to retailers.....	.22½
For sales to ultimate consumers.....	.34

These maximum prices are for the articles described in the manufacturer's application dated December 14, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. Reedly, California, and they are subject to a cash discount of 2 percent for payment within ten days, net thirty 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. In the case of sales by jobbers, they are f. o. b. seller's city.

(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.....\$0.84
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 March 24, 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4720; Filed, Mar. 23, 1945; 1:41 p. m.]

[MPR 188, Order 3483]

E. B. WINTER

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 E. B. Winter, of 13-15 South Second Street, Alhambra, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers) (each)	Retailers (each)	Retailers (each)	Consumers (each)
8" spike lawn sprinkler..	\$0.15	\$0.20	\$0.20	\$0.30
12" spike lawn sprinkler..	.20	.27	.27	.40

These maximum prices are for the articles described in the manufacturer's application dated January 11, 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. factory, with full freight allowed on shipments of 100 pounds or more to wholesalers (stocking jobbers), and subject to a cash discount of 2% for payment within 10 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. Those 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 with the retail price of the sprinkler to which the tag or label is attached shown in the blank space:

OPA Retail Ceiling Price..... \$-----
Do Not Remove or Obliterate

(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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4721; Filed, Mar. 23, 1945; 1:41 p. m.]

[MPR 188, Order 3484]

THE POLK INDUSTRIES

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 The Polk Industries, 133 Carnegie Way, N.W., Atlanta 3, Ga.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for manufacturer to—		Maximum prices for sellers other than manufacturer to—	
		Jobber	Retailer	Retailer	User
		Doz.	Doz.	Doz.	Each
Ironing board.	2-A-3 14½" x 30"	\$18.98	\$23.73	\$23.73	\$2.98

These maximum prices are for the articles described in the manufacturer's application dated January 24, 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. factory and subject to a cash discount of 2% for payment in 10 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. Those 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..... \$2.98
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4722; Filed, Mar. 23, 1945; 1:47 p. m.]

[MPR 188, Order 3502]

C-M-F 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the C-M-F Company, 87 Evergreen Place, East Orange, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	No.	Maximum prices for sales by all persons		
		To wholesalers	To retailers	To consumers
Cigarette maker.....		Per doz. \$1.35	Per doz. \$1.80	Each \$0.25

These maximum prices are for the articles described in the manufacturer's application dated March 6, 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. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30 days. The maximum price to consumers is net delivered.

(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. Those 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..... \$0.25
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 24th day of March 1945.

Issued this 23d day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4723; Filed, Mar. 23, 1945; 1:40 p. m.]

[Max. Import Price Reg., Amdt. 1 to Order 69]

IMPORTED SPANISH BRIARWOOD

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of the Maximum Import Price Regulation, *It is ordered:*

Paragraph (b) of Order No. 69 under the Maximum Import Price Regulation

is amended by adding thereto the following proviso:

Provided, further, That delivery may be taken at the contract price, after the effective date of this order, on the following parcels of Spanish Briarwood shipped from Spain on or before February 28, 1945:

- 220 bales shipped on S. S. Manuel Calvo.
- 100 bales shipped on S. S. Monte Iclar.
- 250 bales shipped on S. S. Castillo Ampudia.

This Amendment No. 1 shall become effective March 26, 1945.

Issued this 24th day of March 1945.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 45-4754; Filed, Mar. 24, 1945; 11:48 a. m.]

[MPR 120, Order 1323]

ATLAS COAL CO., 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 maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. 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 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 § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

ATLAS COAL CO., 113-E MAIN ST., UNIONTOWN, PA., ATLAS NO. 1 MINE, SEWICKLEY SEAM, MINE INDEX NO. 4282 FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: CROSSLANDS BRANCH, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 8, MAXIMUM TRUCK PRICE GROUP NO. 7

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	J	J	H	H	H	H	H	H	H	H	H
Rail shipment.....	310	310	295	295	295	285	260	260	250	250	250
Railroad fuel.....	310	310	295	295	295	285	260	260	255	255	255
Truck shipment.....	415	415	415	385	375	375	375	310	290	290	265

BLACKSTONE COAL CO., 108 S. BEESON AVE., UNIONTOWN, PA., FATTY MINE, SEWICKLEY SEAM, MINE INDEX NO. 424, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: NLAN, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 8, MAXIMUM TRUCK PRICE GROUP NO. 7

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	J	J	H	H	H	H	H	H	H	H	H
Rail shipment.....	285	285	270	270	270	260	235	235	225	-----	-----
Railroad fuel.....	285	285	270	270	270	260	235	235	230	230	205
Truck shipment.....	415	415	415	385	375	375	375	310	290	290	265

BEATTY COAL CO., LATROBE, PA., BEECH CREEK MINE, UPPER FREEPORT SEAM, MINE INDEX NO. 4267, WEST-MOBELAND COUNTY, PA., SUBDISTRICT 5, RAIL SHIPPING POINT: LATROBE, PA., DEEP MINE RAILROAD FUEL PRICE GROUP 14, MAXIMUM TRUCK PRICE GROUP NO. 8

Price classification.....	F	F	E	E	E	E	F	F	F	-----	-----
Rail shipment.....	310	310	305	305	305	295	275	275	260	-----	-----
Railroad fuel.....	315	315	315	315	315	300	275	275	260	260	-----
Truck shipment.....	415	415	415	395	365	365	365	305	285	285	265

ELRAMA COAL CO. MONONGAHELA, PA., ELRAMA MINE, PITTSBURGH SEAM, MINE INDEX NO. 4200, WASHINGTON COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT: ELRAMA, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 1, MAXIMUM TRUCK PRICE GROUP NO. 6

Price classification.....	D	D	C	C	C	C	C	C	C	-----	-----
Rail shipment.....	335	335	335	335	335	325	300	300	280	-----	-----
Railroad fuel.....	335	335	335	335	335	325	300	300	280	270	-----
Truck shipment.....	425	425	425	385	375	375	375	325	290	290	265

PRIMROSE MINING CO., INVESTMENT BLDG., PITTSBURGH, PA., PRIMROSE NO. 3 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4277, ALLEGHENY COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: CARNEGIE, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 1, MAXIMUM TRUCK PRICE GROUP NO. 5.

Price classification.....	A	A	C	C	F	D	E	E	E	-----	-----
Rail shipment.....	330	330	310	310	275	290	250	250	235	-----	-----
Railroad fuel.....	330	330	310	310	290	290	250	250	245	245	-----
Truck shipment.....	425	425	425	390	360	360	360	325	285	285	270

HARRY ZEBLEY, 14 DEVAN AVE., UNIONTOWN, PA., ZEBLEY'S SMITH MINE, PITTSBURGH SEAM, MINE INDEX NO. 4206, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: LECHROME, PA., AND FAIRCHANCE, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 6, MAXIMUM TRUCK PRICE GROUP NO. 7.

Price classification.....	E	E	C	C	C	D	D	D	D	-----	-----
Rail shipment.....	310	310	310	310	310	290	270	270	245	-----	-----
Railroad fuel.....	310	310	310	310	310	290	270	270	245	245	-----
Truck shipment.....	415	415	415	385	375	375	375	310	290	290	265

This order shall become effective March 26, 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 24th day of March 1945.

CHESTER BOWLES, Administrator.

[F. R. Doc. 45-4755; Filed, Mar. 24, 1945; 11:49 a. m.]

[MPR 120, Order 1324]

EDNIE FUELS, INC., 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 maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. 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 locomotive 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 § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

EDNIE FUELS, INC., P. O. BOX 399, PHILPSBURG, PA., BROADMONT NO. 1 MINE, FELTON SEAM, MINE INDEX NO. 5325, HUNTINGDON COUNTY, PA., SUB. DIST. 39, RAIL SHIPPING POINT: WOOD, PA., AND BROAD TOP CITY, PA., STRIP MINE

	Size Group Nos.				
	1	2	3	4	5
Price classification.....	B	B	B	B	C
For all methods of transportation and all uses.	425	425	390	365	350

EDNIE FUELS, INC., P. O. BOX 399, PHILPSBURG, PA., BROADMONT NO. 2 MINE, BARNETT SEAM, MINE INDEX NO. 5326, HUNTINGDON COUNTY, PA., SUB. DIST. 39, RAIL SHIPPING POINT: WOOD, PA., AND BROAD TOP CITY, PA., STRIP MINE

Price classification.....	B	B	B	B	C
For all methods of transportation and all uses.	425	425	390	365	350

DUNLO COAL CO., 1300 GRAHAM AVE., WINDBER, PA., TROY NO. 7-B MINE, B SEAM, MINE INDEX NO. 5312, SOMERSET COUNTY, PA., SUB. DIST. 33, RAIL SHIPPING POINT: HILLSBORO, PA., STRIP MINE

	Size Group Nos.				
	1	2	3	4	5
Price classification.....	A	A	A	A	C
Rail shipment.....	385	370	360	345	330
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	385	360	360	350	330

DUNLO COAL CO., 1300 GRAHAM AVE., WINDBER, PA., TROY NO. 7-C MINE, C SEAM, MINE INDEX NO. 5323, SOMERSET COUNTY, PA., SUB. DIST. 33, RAIL SHIPPING POINT: HILLSBORO, PA., STRIP MINE

Price classification.....	E	E	E	E	E
Rail shipment.....	355	335	335	315	315
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	365	340	340	330	320

LICK RUN COAL CO., LLOYDELL, PA., LICK RUN NO. 3 MINE, E SEAM, MINE INDEX NO. 5277, CAMBRIA COUNTY, PA., SUB. DIST. 34, RAIL SHIPPING POINTS: LLOYDELL, PA., DEEP MINE

Price classification.....	E	E	E	E	E
Rail shipment.....	355	335	335	315	315
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	365	340	340	330	320

THOMAS LOCHRIE, WINDBER, PA., MT. RUN COAL CO. MINE, A SEAM, MINE INDEX NO. 5313, CAMBRIA COUNTY, PA., SUB. DIST. 34, RAIL SHIPPING POINT: KRAYN, PA., DEEP MINE

Price classification.....	F	F	F	F	F
Rail shipment.....	335	335	335	305	305
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	360	335	335	325	315

ELLIS R. NAREHOOD, P. O. BOX 448, CLEARFIELD, PA., GOSS NO. 1 MINE, B SEAM, MINE INDEX NO. *3398, CLEARFIELD COUNTY, PA., SUB. DIST. 8, RAIL SHIPPING POINT: PHILPSBURG, PA., STRIP MINE

Price classification.....	D	D	D	D	D
Rail shipment.....	360	340	335	325	325
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	370	345	*345	335	325

*Previously established.

E. M. REED CONTRACTOR & CO., DISTANT, PA., TRAISTER NO. 2 B MINE, B SEAM, MINE INDEX NO. 5294, ARMSTRONG COUNTY, PA., SUB. DIST. 4, RAIL SHIPPING POINT: HAWTHORN, PA., STRIP MINE

Price classification.....	G	G	G	H	H
Rail shipment.....	330	330	315	285	285
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	355	330	330	315	305

This order shall become effective March 26, 1945.

(50 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 24th day of March 1945.

CHESTER BOWLES, Administrator.

[F. R. Doc. 45-4756; Filed, Mar. 24, 1945; 11:49 a. m.]

[MPR 188, Order 89 Under Order A-2]

THE DU-ALL MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188; It is ordered:

(a) *Manufacturer's maximum prices.* The Du-All Mfg. Co., Geneva, Ohio, may sell and deliver to jobbers and to that class of purchaser designated by the manufacturer as "large retailers", the model mops, listed below, of its manufacture at prices no higher than the maximum prices for each model as stated below, plus the adjustment charges indicated.

Article	Model	Present maximum price to—		Permitted adjustment		Adjusted maximum price to—	
		Jobbers	Large retailers	Jobbers	Large retailers	Jobbers	Large retailers
Mop.....	NY-25	Per doz. \$3.00	Per doz. \$3.70	\$0.38	\$0.46	\$3.38	\$4.16
	M-40	3.00	3.70	.38	.46	3.38	4.16
	G-18	3.90	4.81	.74	.74	4.64	5.55

This adjustment may be made and collected only if separately stated. The adjusted prices are subject to the manufacturer's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale of a mop for which the manufacturer's maximum price has been adjusted as provided in paragraph (a) may add to his properly established maximum price in effect immediately prior to the effective date of this order, the dollars-and-cents amount of the adjustment charge which he is required to pay the manufacturer: *Provided*, Such amount is separately stated in the case of all sales except to ultimate consumers. Such adjusted prices are subject to the seller's customary discounts, allowances, and other price differentials in effect on sales to each class of purchaser.

(c) *Notification.* Every person who makes a sale or delivery to a purchaser for resale at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice:

NOTICE OF OPA ADJUSTMENT

Order No. 89 under Paragraph (a) (16) of Order A-2 under Maximum Price Regulation 188 permits sellers of the articles covered by this invoice to increase their maximum price in effect prior to March 26, 1945, by the dollars and cents amount of the separately stated adjustment charges appearing on this invoice.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of March 1945.

Issued this 24th of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4757; Filed, Mar. 24, 1945; 11:50 a. m.]

[MPR 188, Order 3485]

AERO SPECIALTIES 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Aero Specialties Corp., of 900 West Magnolia Street, Fort Worth, Texas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

MAXIMUM PRICES FOR SALES OF AUTOMOBILE TIRE PUMPS—MODEL NO. TP13

By manufacturer to:	Each
Wholesalers (stocking jobbers).....	\$0.48
Drop-shipping jobbers.....	.53
Retailers.....	.67
By sellers other than manufacturer to:	
Retailers.....	.67
Consumers.....	.96

These maximum prices are for the articles described in the manufacturer's application dated October 10, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.96
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4758; Filed, Mar. 24, 1945; 11:50 a. m.]

[MPR 188, Order 3486]

WILSON GIBB & 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Wilson Gibb & Company, of 925 North 19th Street, Birmingham 1, Alabama.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers)	Retailers	Retailers	Consumers
Lawn sprinkler (rotary type)	Per doz. \$10.50	Per doz. \$14	Per doz. \$14	Each \$1.75

These maximum prices are for the articles described in the manufacturer's application dated October 14, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, with actual freight allowed, not to exceed \$2.00 per 100 pounds on freight shipments of 125 pounds or more to any railroad destination in the United States, and they are subject to a cash discount of 2% for payment within 10 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. Those 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..... \$1.75
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4759; Filed, Mar. 24, 1945;
11:50 a. m.]

[MPR 188, Order 3487]

THE KEN-TOOL MFG. 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Ken-Tool Mfg. Company, of 768 E. North Street, Akron 5, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers) (each)	Retailers (each)	Retailers (each)	Consumers (each)
Steel and rubber hammer (Model No. T-11R).....	\$1.50	\$1.87	\$1.87	\$2.50

These maximum prices are for the articles described in the manufacturer's application dated February 10, 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. factory, with full freight allowed on all shipments of 100 pounds or more to points within the United States and subject to a cash discount of 2%—10th proximo.

(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. Those prices are subject to each seller's cus-

tomary 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..... \$2.50
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4760; Filed, Mar. 24, 1945;
11:50 a. m.]

[MPR 188, Order 3488]

TUBULAR AIRCRAFT 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Tubular Aircraft Products Company, of 225 North Madison Avenue, Los Angeles, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers) (each)	Retailers (each)	Retailers (each)	Consumers (each)
Lawn sprinkler (model No. 1—Oasis).....	\$0.24	\$0.34	\$0.34	\$0.51

These maximum prices are for the articles described in the manufacturer's application dated December 30, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.51
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4761; Filed, Mar. 24, 1945;
11:51 a. m.]

[MPR 188, Order 3489]

NEW METHOD RAKE 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by New Method Rake Company, of 100 Belmont Avenue, Los Angeles 26, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesale sellers (jobbers)	Retailers	Retailers	Consumers
Lawn rake (leaf).....	Each \$0.23	Each \$0.31	Each \$0.31	Each \$0.46

These maximum prices are for the articles described in the manufacturer's application dated February 5, 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. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.46
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4762; Filed, Mar. 24, 1945; 11:51 a. m.]

[MPR 188, Order 3490]

PUCKETT MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,

and pursuant to § 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 Puckett Manufacturing Company, 1100 Oak Street, Chattanooga, Tenn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturer to—	Maximum prices for sellers other than the manufacturer to—	
			Retailers	Users
Clothes dryer.	36" x 56".....	Doz. \$15	Doz. \$15	Each \$2

These maximum prices are for the articles described in the manufacturer's application dated February 7, 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 for the article described in this application. They are f. o. b. factory and subject to a cash discount of 2% for payment in 10 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. Those 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..... \$2 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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4763; Filed, Mar. 24, 1945; 11:52 a. m.]

[MPR 188, Order 3491]

NATIONAL ENGINEERING & MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 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 the National Engineering & Manufacturing Company, 213 West 19th Street, Kansas City 8, Mo.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for the manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Jobber	Retailer	Retailer	User
Ironing board	IB 501 14" x 54".....	Doz. \$18.98	Doz. \$23.73	Doz. \$23.73	Ea. \$3.95

These maximum prices are for the articles described in the manufacturer's application dated December 29, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 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. Those 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..... \$3.95
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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4764; Filed, Mar. 24, 1945;
11:52 a. m.]

[MPR 188, Order 3492]

TEXAS PEAR BURNER 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Texas Pear Burner Company, of Pearsall, Texas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers) (each)	Retailers (each)	Retailers (each)	Consumers (each)
Automobile tire pump.....	\$1.20	\$1.68	\$1.68	\$2.40

These maximum prices are for the articles described in the manufacturer's application dated January 25, 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. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$2.40
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4765; Filed, Mar. 24, 1945;
11:52 a. m.]

[MPR 188, Order 3493]

TIDMARSH ENGINEERING 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Tidmarsh Engineering Company, 23 North Main Street, Tucson, Ariz.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for manufacturers to—		Maximum prices for sellers other than manufacturer to—	
		Jobber	Retailer	Retailer	User
Aluminum mail box.	2" x 5" x 10 1/4"	Each \$0.45	Each \$0.56	Each \$0.56	Each \$0.89

These maximum prices are for the articles described in the manufacturer's application dated January 27, 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. factory and are subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.89
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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4766; Filed, Mar. 24, 1945;
11:53 a. m.]

[MPR 188, Order 3494]

EDWARDS AND REEKS

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 Edwards and Reeks, of Rosine, Kentucky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by—				
		Manufacturer to—		Sellers other than manufacturer to—		
		Wholesalers (jobbers) (per doz.)	Retailers (per doz.)	Retailers (per doz.)	Each	Per doz.
Eush King Hoe..	34 56	\$8.00 9.56	\$9.60 11.47	\$9.60 11.47	\$1.00 1.20	\$12.00 14.34

These maximum prices are for the articles described in the manufacturer's application dated January 15, 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 subject to the manufacturer's customary terms and conditions of sale on sales of similar articles in the past.

(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. Those 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—\$1 to No. 34 Hoe,
\$1.20 to No. 56 Hoe.
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4767; Filed, Mar. 24, 1945;
11:53 a. m.]

[MPR 188, Order 3495]

C. A. REGELE

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 C. A. Regele, of Country Club Heights, Lancaster, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers)	Retailers	Retailers	Consumers
Weed cutter.....	Each \$0.27	Each \$0.36	Each \$0.36	Each \$0.54

These maximum prices are for the articles described in the manufacturer's application dated January 17, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.54
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4768; Filed, Mar. 24, 1945;
11:53 a. m.]

[MPR 188, Order 3496]

SOUTHWESTERN DEVELOPMENT 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) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Olmstead Manufacturing Division of Southwestern Development Company, of 511 Redondo Boulevard, Inglewood, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

MAXIMUM PRICES FOR SALES OF AUTOMOBILE TIRE PUMPS, MODEL NO. 70A100

By manufacturer to:	Each
Distributors.....	\$0.84
Wholesalers (stocking jobbers).....	.93
Drop-shipping jobbers.....	1.04
Retailers.....	1.30
By sellers other than manufacturer to:	
Wholesalers (stocking jobbers).....	.93
Drop-shipping jobbers.....	1.04
Retailers.....	1.30
Consumers.....	1.85

These maximum prices are for the articles described in the manufacturer's application dated November 22, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$1.86
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4769; Filed, Mar. 24, 1945;
11:54 a. m.]

[MPR 188, Order 3497]

ECONOMY DISTRIBUTORS

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 Economy Distributors, of 1411 S. Michigan Avenue, Chicago, 5, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by—			
		Manufacturer to—		Sellers other than manufacturer to—	
		Wholesale-sellers (jobbers)	Retailers	Retailers	Consumers
Aluminum keyhole saw (with blade).....	K-35	Per dozen \$2.00	Per dozen \$2.67	Per dozen \$2.67	Each \$0.33

These maximum prices are for the articles described in the manufacturer's application dated January 26, 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. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.33
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4770; Filed, Mar. 24, 1945;
11:54 a. m.]

[MPR 188, Order 3498]

J. B. KELLEY WELDING SHOP

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by J. B. Kelley Welding Shop, of 304 E. Theo, San Antonio, Texas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Maximum prices for sales by—			
	Manufacturer to—		Sellers other than manufacturer to—	
	Wholesalers (jobbers) (per dozen)	Retailers (per dozen)	Retailers (per dozen)	Consumers (each)
Garden rake.....	\$2.70	\$3.60	\$3.60	\$0.45

These maximum prices are for the articles described in the manufacturer's application dated January 10, 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. factory, and subject to a cash discount of 2% for payment within 10 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. Those 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..... \$0.45
Do Not Remove or Obliterate

(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 26th day of March 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4771; Filed, Mar. 24, 1945;
11:54 a. m.]

[MPR 547, Order 1]

H. H. ROSINSKY & Co., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to section 2 (b) of Maximum Price Regulation 547, *It is ordered:*

(a) On and after March 27, 1945, H. H. Rosinsky & Co., 123-125 North Fifth Street, Philadelphia, Pennsylvania, may sell and deliver, and any person may buy and receive from it the garments described in paragraph (e), at or below the following maximum prices:

(1) \$12.75 per dozen less 8% trade discount for women's and misses' housedresses in sizes 12-44.

(2) \$14.25 per dozen less 8% trade discount for women's housedresses in sizes 46-52.

(b) On and after March 27, 1945, the maximum price for a sale at retail of any garment described in paragraph (e) which is received by the seller at retail on or after that date shall be:

(1) \$1.49 each for women's and misses' housedresses in sizes 12-44.

(2) \$1.69 each for women's housedresses in sizes 46-52.

(c) H. H. Rosinsky & Co. is required to mark each garment sold or delivered on or after March 27, 1945, with the ap-

plicable retail ceiling prices set forth in paragraph (b), and with the other markings required by section 4 of Maximum Price Regulation 547.

(d) On and after March 27, 1945, H. H. Rosinsky & Co. shall transmit to each retailer to whom it makes delivery of any of the garments described in paragraph (e) of this order, the notice set forth below. This notice must accompany each shipment of garments for which ceiling prices are established by this order.

NOTICE OF ADJUSTED PRICES

The OPA has established our ceiling prices on misses' and women's housedresses made from fabrics secured under Schedule A of War Production Board Conservation Order No. M-328B. These prices are established pursuant to the provisions of Order No. 1, issued under Maximum Price Regulation 547.

Our ceiling prices are:

1. \$12.75 per dozen less 8% trade discount for women's and misses' housedresses in sizes 12-44.

2. \$14.25 per dozen less 8% trade discount for women's housedresses in sizes 46-52.

Retailers' ceiling prices are:

1. \$1.49 each for women's and misses' housedresses in sizes 12-44.

2. \$1.69 each for women's housedresses in sizes 46-52.

(e) The maximum prices herein set forth are applicable only to dresses, (1) made from fabrics for which priorities assistance has been given in accordance with Women's Housedresses Program No. 1, issued June 20, 1944 under Schedule A of WPB Order M-328B, and (2) conforming in all particulars with the samples submitted to the Office of Price Administration together with the application of H. H. Rosinsky & Co., dated December 8, 1944. The maximum prices are applicable only to those dresses which had already been delivered by H. H. Rosinsky & Co., on or before December 8, 1944, and to such other dresses made in conformity with the aforesaid samples for which specific authorization to deliver is issued by the War Production Board.

(f) All other provisions of Maximum Price Regulation 547 shall be applicable to sales and deliveries for which maximum prices are established by this order.

(g) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 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 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4772; Filed, Mar. 24, 1945; 11:54 a. m.]

[MPR 547, Order 2]

JOHN C. MICHAEL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to section 2 (b) of Maximum Price Regulation 547; *It is ordered:*

(a) On and after March 29, 1945, John C. Michael Company, 212 South Franklin Street, Chicago, Illinois, may sell and deliver, and any person may buy and receive from it the garments described in paragraph (e), at or below the following maximum prices:

(1) \$10.85 per dozen less 8% trade discount for women's and misses' housedresses in sizes 12-44.

(2) \$12.00 per dozen less 8% trade discount for women's housedresses in sizes 46-52.

(b) On and after March 29, 1945, the maximum price for a sale at retail of any garment described in paragraph (e) which is received by the seller at retail on or after that date shall be:

(1) \$1.29 each for women's and misses' housedresses in sizes 12-44.

(2) \$1.42 each for women's housedresses in sizes 46-52.

(c) John C. Michael Company is required to mark each garment sold or delivered on or after March 29, 1945, with the applicable retail ceiling prices set forth in paragraph (b), and with the other markings required by section 4 of Maximum Price Regulation 547.

(d) On and after March 29, 1945, John C. Michael Company shall transmit to each retailer to whom it makes delivery of any of the garments described in paragraph (e) of this order, the notice set forth below. This notice must accompany each shipment of garments for which ceiling prices are established by this order.

NOTICE OF ADJUSTED CEILING PRICES

The OPA has established our ceiling prices on misses' and women's housedresses made from fabrics secured under Schedule A of War Production Board Conservation Order No. M-328B. These prices are established pursuant to the provisions of Order No. 2, issued under Maximum Price Regulation 547.

Our ceiling prices are:

1. \$10.85 per dozen less 8% trade discount for women's and misses' housedresses in sizes 12-44.

2. \$12.00 per dozen less 8% trade discount for women's housedresses in sizes 46-52.

Retailers' ceiling prices are:

1. \$1.29 each for women's and misses' housedresses in sizes 12-44.

2. \$1.42 each for women's housedresses in sizes 46-52.

(e) The maximum prices herein set forth are applicable only to dresses, (1) made from fabrics for which priorities assistance has been given in accordance with Women's Housedresses Program No. 1, issued June 20, 1944 under Schedule A of WPB Order M-328B, and (2) conforming in all particulars with the samples submitted to the Office of Price Administration together with the application of John C. Michael Company, dated December 2, 1944. The maximum prices established in paragraph (a) for sales by John C. Michael Company are applicable only to those dresses which had already been delivered by John C. Michael Company, on or before December 2, 1944, and to such other dresses made in conformity with the aforesaid samples for which specific authorization to deliver is issued by the War Production Board.

(f) All other provisions of Maximum Price Regulation 547 shall be applicable

to sales and deliveries for which maximum prices are established by this order.

(g) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 29, 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 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4773; Filed, Mar. 24, 1945; 11:55 a. m.]

[Order 50 Under 19a]

FURNACE CARBON BLACK

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.19a of the General Maximum Price Regulation; *It is ordered:*

Rubber grades of non-specialty furnace carbon black produced from propane may be sold and delivered by producers thereof to the Defense Supplies Corporation at prices to be adjusted upward in accordance with action hereinafter taken by the Office of Price Administration. However, no seller shall receive payment of more than the maximum prices presently established under the General Maximum Price Regulation until such action (if any) becomes effective. This order shall terminate on the effective date of such action.

This order may be revoked or amended by the Administrator at any time.

This order shall become effective March 24, 1945.

Issued this 24th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4778; Filed, Mar. 24, 1945; 4:26 p. m.]

[MPR 188, Order 3509]

SCOVILL MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) The maximum list prices for sales by any person of unplated, unpolished brass fittings and trimmings manufactured by the Waterville Division, Scovill Manufacturing Company of Waterville, Connecticut, which were not delivered or offered for delivery by such person during March 1942, shall be 85 percent of the highest list prices for which he delivered or offered for delivery during March 1942 the identical chrome plated brass fittings and trimmings manufactured by the Waterville Division, Scovill Manufacturing Company of Waterville, Connecticut.

(b) The maximum list prices for sales by any person of unplated unpolished brass fittings and trimmings manufactured by the Waterville Division, Scovill Manufacturing Company of Waterville, Connecticut, which were delivered or offered for delivery by such person during March 1942, shall be the highest list prices for which he delivered or offered for delivery the identical unplated unpolished brass fittings and trimmings during March 1942.

(c) The maximum list prices determined by the Waterville Division, Scovill Manufacturing Company of Waterville, Connecticut, under the provisions of (a) above, shall, on sales to jobbers, be subject to a discount of 50 percent.

(d) In addition to the discount enumerated in (c) above, all sellers shall extend or render discounts, allowances and services at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(e) The maximum prices for sales on an installed basis of commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) The Waterville Division, Scovill Manufacturing Company shall notify in writing each of its purchasers at or before the time of the first invoice the maximum prices established by this order for the Waterville Division, Scovill Manufacturing Company on sales to such purchasers, and the maximum resale prices established for such purchasers.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 27, 1945.

Issued this 26th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4823; Filed, Mar. 26, 1945;
11:43 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register March 16, 1945.

REGION I

Boston Order 5-F, Amendment 9, covering fresh fruits and vegetables in the Boston Area. Filed 9:43 a. m.

Providence Order 1-O, Amendment 1, covering eggs in the state of Rhode Island. Filed 9:23 a. m.

REGION II

Albany Order 1-F, Amendment 42, covering fresh fruits and vegetables in certain cities in New York. Filed 9:29 a. m.

Scranton Order 4-F, Amendment 14, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:37 a. m.

REGION V

Oklahoma City Order 3-F, Amendment 51, covering fresh fruits and vegetables in the Oklahoma City Area. Filed 9:33 a. m.

REGION VI

Chicago Order 2-F, Amendment 50, covering fresh fruits and vegetables in certain counties in Illinois and Indiana. Filed 9:27 a. m.

Duluth-Superior Order 1-F, Amendment 58, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:37 a. m.

Duluth-Superior Order 1-F, Amendment 59, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:46 a. m.

Duluth-Superior Order 2-F, Amendment 14, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:47 a. m.

La Crosse Order 1-F, Amendment 56, covering fresh fruits and vegetables in certain cities in Wisconsin and Minnesota. Filed 9:45 a. m.

La Crosse Order 1-F, Amendment 57, covering fresh fruits and vegetables in certain areas in Wisconsin and Minnesota. Filed 9:47 a. m.

La Crosse Order 1-F, Amendment 58, covering fresh fruits and vegetables in certain cities in Wisconsin and Minnesota. Filed 9:40 a. m.

La Crosse Order 2-F, Amendment 17, covering fresh fruits and vegetables in certain cities in Minnesota. Filed 9:38 a. m.

La Crosse Order 3-F, Amendment 52, covering fresh fruits and vegetables in certain cities in Wisconsin. Filed 9:33 a. m.

La Crosse Order 3-F, Amendment 53, covering fresh fruits and vegetables in certain cities in Wisconsin. Filed 9:47 a. m.

La Crosse Order 3-F, Amendment 54, covering fresh fruits and vegetables in certain cities in Wisconsin. Filed 9:37 a. m.

La Crosse Order 5-F, Amendment 51, covering fresh fruits and vegetables in certain cities in Minnesota. Filed 9:45 a. m.

La Crosse Order 5-F, Amendment 52, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 9:47 a. m.

La Crosse Order 5-F, Amendment 53, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 9:38 a. m.

La Crosse Order 5-W, Amendment 1, covering dry groceries in certain counties in Wisconsin. Filed 9:33 a. m.

La Crosse Order 12, covering dry groceries in certain counties in the state of Wisconsin. Filed 9:33 a. m.

La Crosse Order 9, Amendment 1, covering community food prices in certain counties in Wisconsin and Iowa. Filed 9:33 a. m.

La Crosse Order 15, Amendment 1, covering community food prices in certain counties in Minnesota, Wisconsin and Iowa. Filed 9:48 a. m.

La Crosse Order 15, Amendment 2, covering dry groceries in certain counties in Minnesota and Iowa. Filed 9:38 a. m.

REGION VIII

Seattle Order 6-F, Amendment 13, covering fresh fruits and vegetables in certain areas in Washington. Filed 9:49 a. m.

Seattle Order 6-F, Amendment 17, covering fresh fruits and vegetables in certain cities in Washington. Filed 9:45 a. m.

Seattle Order 6-F, Amendment 18, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:29 a. m.

Seattle Order 6-F, Amendment 19, covering fresh fruits and vegetables in the Seattle and Bremerton Area. Filed 9:38 a. m.

Seattle Order 7-F, Amendment 12, covering fresh fruits and vegetables in the Tacoma, Washington, Area. Filed 9:48 a. m.

Seattle Order 7-F, Amendment 16, covering fresh fruits and vegetables in certain cities in Washington. Filed 9:45 a. m.

Seattle Order 7-F, Amendment 17, covering fresh fruits and vegetables in the Tacoma, Washington, Area. Filed 9:31 a. m.

Seattle Order 7-F, Amendment 18, covering fresh fruits and vegetables in the Tacoma, Washington, Area. Filed 9:34 a. m.

Seattle Order 8-F, Amendment 15, covering fresh fruits and vegetables in the Everett, Washington, Area. Filed 9:31 a. m.

Seattle Order 8-F, Amendment 16, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 9:34 a. m.

Seattle Order 9-F, Amendment 13, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:49 a. m.

Seattle Order 9-F, Amendment 17, covering fresh fruits and vegetables in certain cities in Washington. Filed 9:36 a. m.

Seattle Order 9-F, Amendment 18, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:29 a. m.

Seattle Order 9-F, Amendment 19, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 9:34 a. m.

Seattle Order 10-F, Amendment 14, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:31 a. m.

Seattle Order 10-F, Amendment 15, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 9:40 a. m.

Seattle Order 11-F, Amendment 11, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 9:37 a. m.

Seattle Order 11-F, Amendment 15, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 9:31 a. m.

Seattle Order 11-F, Amendment 16, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 9:36 a. m.

Seattle Order 12-F, Amendment 10, covering fresh fruits and vegetables in the Aberdeen-Hoquiam, Washington Area. Filed 9:37 a. m.

Seattle Order 12-F, Amendment 14, covering fresh fruits and vegetables in the Aberdeen-Hoquiam, Washington Area. Filed 9:32 a. m.

Seattle Order 12-F, Amendment 15, covering fresh fruits and vegetables in the Aberdeen-Hoquiam, Washington Area. Filed 9:36 a. m.

Seattle Order 13-F, Amendment 12, covering fresh fruits and vegetables in the Centralia-Chehalis, Washington Area. Filed 9:36 a. m.

Seattle Order 13-F, Amendment 16, covering fresh fruits and vegetables in the Centralia-Chehalis, Washington Area. Filed 9:32 a. m.

Seattle Order 13-F, Amendment 17, covering fresh fruits and vegetables in the Centralia-Chehalis, Washington Area. Filed 9:36 a. m.

Seattle Order 14-F, Amendment 14, covering fresh fruits and vegetables in the Wenatchee, Washington Area. Filed 9:32 a. m.

Seattle Order 14-F, Amendment 15, covering fresh fruits and vegetables in the Wenatchee, Washington Area. Filed 9:36 a. m.

Seattle Order 15-F, Amendment 11, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 9:48 a. m.

Spokane Order 8-F, Amendment 5, covering fresh fruits and vegetables in Spokane County, Washington. Filed 9:49 a. m.

Spokane Order 8-F, Amendment 6, covering fresh fruits and vegetables in Spokane County, Washington. Filed 9:43 a. m.

Spokane Order 9-F, Amendment 5, covering fresh fruits and vegetables in Kootenai County, Idaho. Filed 9:49 a. m.

Spokane Order 9-F, Amendment 6, covering fresh fruits and vegetables in Kootenai County, Idaho. Filed 9:43 a. m.

Spokane Order 10-F, Amendment 4, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho. Filed 9:35 a. m.

Spokane Order 10-F, Amendment 5, covering fresh fruits and vegetables in Shoshone and Kootenai Counties, Idaho. Filed 9:43 a. m.

Spokane Order 11-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Idaho and Washington. Filed 9:35 a. m.

Spokane Order 11-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Idaho and Washington. Filed 9:44 a. m.

Spokane Order 12-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Idaho and Washington. Filed 9:35 a. m.

Spokane Order 12-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Idaho and Washington. Filed 9:44 a. m.

Spokane Order 13-F, Amendment 5, covering fresh fruits and vegetables in Walla Walla and Columbia Counties, Washington. Filed 9:34 a. m.

Spokane Order 13-F, Amendment 6, covering fresh fruits and vegetables in Walla Walla and Columbia Counties, Washington. Filed 9:44 a. m.

Spokane Order 14-F, Amendment 6, covering fresh fruits and vegetables in Benton and Franklin Counties, Washington. Filed 9:44 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-4695; Filed, Mar. 23, 1945;
1:49 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 March 19, 1945.

REGION I

Augusta Order 1-F, Amendment 31, covering fresh fruits and vegetables in certain areas in Maine. Filed 11:07 a. m.

Augusta Order 1-F, Amendment 33, covering fresh fruits and vegetables in certain areas in Maine. Filed 11:08 a. m.

REGION IV

Birmingham Order 3-F, Amendment 9, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 11:07 a. m.

Jacksonville Order 9-F, Amendment 14, covering fresh fruits and vegetables in the Jacksonville, Florida Area. Filed 11:06 a. m.

Montgomery Order 4-W, Amendment 4, covering dry groceries in the Montgomery Area. Filed 11:04 a. m.

Nashville Order 1-C, covering community food prices in certain counties in Virginia and Tennessee. Filed 11:03 a. m.

Nashville Order 1-C, Amendment 1, covering community food prices in certain counties in Virginia and Tennessee. Filed 11:03 a. m.

Nashville Order 2-C, Amendment 1, covering community food prices in certain counties in Virginia and Tennessee. Filed 11:03 a. m.

Nashville Order 5-W, Amendment 1, covering dry groceries in the Nashville Area. Filed 11:01 a. m.

Nashville Order 11-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Tennessee. Filed 11:01 a. m.

Nashville Order 12-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Tennessee and Virginia. Filed 11:03 a. m.

Nashville Order 12-F, Amendment 9, covering fresh fruits and vegetables in certain

counties in Tennessee and Virginia. Filed 11:02 a. m.

Nashville Order 12-F, Amendment 10 covering fresh fruits and vegetables in certain counties in Tennessee and Virginia. Filed 11:02 a. m.

Nashville Order 17, Amendment 1, covering dry groceries in certain counties in Nashville Area. Filed 11:01 a. m.

Raleigh Order 1-C, covering poultry in the Raleigh Area. Filed 11:06 a. m.

Raleigh Order 2-C, covering poultry in the Raleigh Area. Filed 11:06 a. m.

Raleigh Order 10-F, Amendment 13, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 11:05 a. m.

Raleigh Order 10-F, Amendment 14 covering fresh fruits and vegetables in certain counties in North Carolina. Filed 11:05 a. m.

Raleigh Order 11-F, Amendment 13 covering fresh fruits and vegetables in certain counties in North Carolina. Filed 11:04 a. m.

Raleigh Order 11-F, Amendment 14, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 11:05 a. m.

REGION V

Little Rock Order 2-F, Amendment 48, covering fresh fruits and vegetables in the Little Rock Area. Filed 11:12 a. m.

Little Rock Order 4-F, Amendment 40, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 11:12 a. m.

Little Rock Order 5-F, Amendment 41, covering fresh fruits and vegetables in certain counties in Arkansas. Filed 11:27 a. m.

Lubbock Order 3-F, Amendment 41, covering fresh fruits and vegetables in certain cities in Texas. Filed 11:01 a. m.

Oklahoma City Order G-15, Amendment 2, covering certain food items in the Oklahoma City Area. Filed 11:09 a. m.

REGION VI

Green Bay Order 4-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 11:00 a. m.

Green Bay Order 5-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 11:00 a. m.

Green Bay Order 6-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Wisconsin. Filed 11:00 a. m.

Milwaukee Order 1-C, Amendment 3, covering poultry in certain counties in Wisconsin. Filed 11:12 a. m.

North Platte Order 13-F, covering fresh fruits and vegetables in certain counties in Nebraska. Filed 11:09 a. m.

Sioux Falls Order 2-F, Amendment 2, covering fresh fruits and vegetables in certain cities in South Dakota. Filed 11:12 a. m.

Sioux Falls Order 3-F, Amendment 2, covering fresh fruits and vegetables in certain cities in Iowa and South Dakota. Filed 11:10 a. m.

Sioux Falls Order 3-W, Amendment 2, covering dry groceries in certain counties in Iowa and Minnesota. Filed 11:00 a. m.

Sioux Falls Order 4-F, Amendment 2, covering fresh fruits and vegetables in certain counties in South Dakota. Filed 11:10 a. m.

REGION VIII

Sacramento Order 30-F under 3-B, covering community food prices in certain cities in California. Filed 11:12 a. m.

Sacramento Order 31-F under 3-B, covering community food prices in certain cities in California. Filed 11:10 a. m.

Seattle Order 13-F, Amendment 15, covering fresh fruits and vegetables in certain cities in Washington. Filed 11:09 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-4696; Filed, Mar. 23, 1945;
1:49 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 March 22, 1945.

REGION II

Albany Order 1-F, Amendment 39, covering fresh fruits and vegetables in certain cities in New York. Filed 9:45 a. m.

Albany Order 1-F, Amendment 40, covering fresh fruits and vegetables in certain cities in New York. Filed 9:45 a. m.

Albany Order 1-F, Amendment 41, covering fresh fruits and vegetables in certain cities in New York. Filed 9:45 a. m.

Albany Order 1-F, Amendment 43, covering fresh fruits and vegetables in certain cities in New York. Filed 9:45 a. m.

Albany Order 1-F, Amendment 44, covering fresh fruits and vegetables in certain cities in New York. Filed 9:45 a. m.

Albany Order 1-F, Amendment 45, covering fresh fruits and vegetables in certain cities in New York. Filed 9:46 a. m.

Albany Order 1-F, Amendment 46, covering fresh fruits and vegetables in certain cities in New York. Filed 9:46 a. m.

Albany Order 1-F, Amendment 47, covering fresh fruits and vegetables in certain cities in New York. Filed 9:46 a. m.

Altoona Order 2-F, Amendment 11, covering fresh fruits and vegetables in the Altoona, Pennsylvania, Area. Filed 9:55 a. m.

Buffalo Order 1-F, Amendment 46, covering fresh fruits and vegetables in certain cities in New York. Filed 9:56 a. m.

Buffalo Order 2-F, Amendment 45, covering fresh fruits and vegetables in certain cities in New York. Filed 9:56 a. m.

Newark Order 5-F, Amendment 22, covering fresh fruits and vegetables in certain areas in New Jersey. Filed 9:47 a. m.

Philadelphia Order 6-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:04 a. m.

Philadelphia Order 7-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:04 a. m.

Philadelphia Order 8-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 10:04 a. m.

Scranton Order 4-F, Amendment 15, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 9:55 a. m.

Syracuse Order 3-F, Amendment 19, covering fresh fruits and vegetables in certain areas in New York. Filed 10:05 a. m.

Wilmington Order 4-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Delaware. Filed 9:55 a. m.

Williamsport Order 1-O, covering eggs in certain counties in the State of Pennsylvania. Filed 9:47 a. m.

Williamsport Order 2-O, covering eggs in certain counties in the State of Pennsylvania. Filed 9:51 a. m.

Williamsport Order 3-O, covering eggs in certain counties in the State of Pennsylvania. Filed 9:47 a. m.

Williamsport Order 4-O, covering eggs in certain counties in the State of Pennsylvania. Filed 9:47 a. m.

REGION III

Charleston Order 3-F, Amendment 1, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:01 a. m.

Charleston Order 7-F, Amendment 1, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:01 a. m.

Charleston Order 8-F, Amendment 1, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:01 a. m.

Charleston Order 9-F, Amendment 1, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:02 a. m.

Charleston Order 10-F, Amendment 1, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:02 a. m.

Charleston Order 11-F, Amendment 1, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:02 a. m.

Charleston Order 12-F, Amendment 1, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:02 a. m.

Charleston Order 13-F, Amendment 1, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:02 a. m.

Cleveland Order F-1, Amendment 28, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:03 a. m.

Cleveland Order F-3, Amendment 28, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:03 a. m.

Cleveland Order F-4, Amendment 28, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:03 a. m.

Detroit Order 1-0, Amendment 2, covering eggs in certain counties in the State of Michigan. Filed 10:03 a. m.

REGION IV

Columbia Order 4-W, Amendment 1, covering community food prices in the South Carolina Area. Filed 9:59 a. m.

Columbia Order 5-F, Amendment 10, covering fresh fruits and vegetables in certain counties in South Carolina. Filed 10:00 a. m.

Columbia Order 16, Amendment 1, covering fresh fruits and vegetables in certain counties in South Carolina. Filed 9:59 a. m.

Jackson Order 4-F, Amendment 19, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 9:58 a. m.

Savannah Order 7-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Georgia. Filed 10:01 a. m.

Savannah Order 9-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Georgia. Filed 10:01 a. m.

Savannah Order 10-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Georgia. Filed 10:00 a. m.

REGION V

Houston Order 1-F, Amendment 42, covering fresh fruits and vegetables in the Houston, Tex., Area. Filed 9:57 a. m.

Houston Order 3-F, Amendment 31, covering fresh fruits and vegetables in the Houston, Tex., Area. Filed 9:57 a. m.

Little Rock Order 2-F, Amendment 46, covering fresh fruits and vegetables in the Little Rock Area. Filed 9:57 a. m.

Little Rock Order 4-F, Amendment 39, covering fresh fruits and vegetables in the Little Rock Area. Filed 9:57 a. m.

Little Rock Order 5-F, Amendment 39, covering fresh fruits and vegetables in the Little Rock Area. Filed 9:57 a. m.

Little Rock Order 6-F, Amendment 40, covering fresh fruits and vegetables in the Little Rock Area. Filed 9:58 a. m.

Shreveport Order 2-F, Amendment 52, covering fresh fruits and vegetables in the Shreveport, La., Area. Filed 9:55 a. m.

REGION VII

Albuquerque Order 9-F, Amendment 2, covering fresh fruits and vegetables in certain cities in New Mexico. Filed 9:55 a. m.

Albuquerque Order 10-F, Amendment 2, covering fresh fruits and vegetables in certain cities in New Mexico. Filed 9:54 a. m.

Albuquerque Order 11-F, Amendment 3, covering fresh fruits and vegetables in certain cities in New Mexico. Filed 9:54 a. m.

Albuquerque Order 12-F, Amendment 2, covering fresh fruits and vegetables in certain cities in New Mexico. Filed 9:54 a. m.

Wyoming Order 6-F, Amendment 1, covering fresh fruits and vegetables in the Casper Area. Filed 9:52 a. m.

Wyoming Order 7-F, Amendment 1, covering fresh fruits and vegetables in the Cheyenne Area. Filed 9:51 a. m.

Wyoming Order 8-F, Amendment 1, covering fresh fruits and vegetables in the Laramie Area. Filed 9:51 a. m.

Wyoming Order 9-F, Amendment 1, covering fresh fruits and vegetables in the Rock Springs Area. Filed 9:51 a. m.

Wyoming Order 10-F, Amendment 1, covering fresh fruits and vegetables in the Sheridan Area. Filed 9:51 a. m.

REGION VIII

Nevada Order 6-F, Amendment 9, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 9:52 a. m.

Nevada Order 7-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Nevada. Filed 9:53 a. m.

Nevada Order 8-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Nevada. Filed 9:53 a. m.

Nevada Order 9-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Nevada. Filed 9:53 a. m.

Nevada Order 10-F, Amendment 9, covering fresh fruits and vegetables in the Nevada Area. Filed 9:53 a. m.

Portland Order 4-F, Amendment 11, covering fresh fruits and vegetables in certain counties in Washington and Oregon. Filed 9:43 a. m.

Portland Order 4-F, Amendment 12, covering fresh fruits and vegetables in certain cities in Oregon and Washington. Filed 9:44 a. m.

Portland Order 4-F, Amendment 13, covering fresh fruits and vegetables in certain cities in Washington and Oregon. Filed 9:44 a. m.

Portland Order 5-F, Amendment 10, covering fresh fruits and vegetables in certain cities in Washington and Oregon. Filed 9:43 a. m.

Portland Order 5-F, Amendment 11, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:43 a. m.

Portland Order 5-F, Amendment 12, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:43 a. m.

Portland Order 6-F, Amendment 10, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:43 a. m.

Portland Order 6-F, Amendment 11, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:43 a. m.

Portland Order 6-F, Amendment 12, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:43 a. m.

Portland Order 7-F, Amendment 9, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:42 a. m.

Portland Order 7-F, Amendment 10, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:42 a. m.

Portland Order 7-F, Amendment 1, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:43 a. m.

Portland Order 8-F, Amendment 9, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:42 a. m.

Portland Order 8-F, Amendment 10, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:42 a. m.

Portland Order 8-F, Amendment 11, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:42 a. m.

Portland Order 9-F, Amendment 9, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:42 a. m.

Portland Order 9-F, Amendment 10, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:42 a. m.

Portland Order 9-F, Amendment 11, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:42 a. m.

Portland Order 16-F, covering fresh fruits and vegetables in the Bend, Oregon Area. Filed 9:44 a. m.

Portland Order 16-F, Amendment 1, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:44 a. m.

Portland Order 17-F, covering fresh fruits and vegetables in the Redmond, Prineville, Madras Area. Filed 9:44 a. m.

Portland Order 17-F, Amendment 1, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:44 a. m.

Phoenix Order 2 under 1-B, covering community food prices in the Mchave Area. Filed 9:52 a. m.

Phoenix Order 4-W, covering dry groceries in the Kingman-Mchave Area. Filed 9:52 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-4751; Filed, Mar. 21, 1945;
11:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 812-192, 812-193, 812-194]

PROVIDENTIA, LTD., ET AL.

NOTICE OF AND ORDER FOR HEARING; AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 22d day of March, A. D. 1945.

In the matter of Providentia, Ltd., The Nineteen Corporation, and Instoria, Inc.; File Nos. 812-192, 812-193, 812-194.

Applications having been filed by Providentia, Ltd., The Nineteen Corporation and Instoria, Inc., under and pursuant to section 6 (c) of the Investment Company Act of 1940, for orders granting an extension to November 30, 1945 of an exemption from the provisions of the Investment Company Act heretofore granted to applicants and extended to March 30, 1945 by order of the Commission dated February 28, 1945;

It appearing to the Commission that said applications are related and present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the three applications be and the same hereby are consolidated;

It is further ordered, Pursuant to section 40 (a) of said act, that a hearing on the consolidated matter be held on March 28, 1945, at 10:00 a. m. Eastern war time in Room 318, in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania;

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on this matter. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicants and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission,

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-4724; Filed, Mar. 23, 1945;
2:50 p. m.]

[File No. 70-1045]

MAINE PUBLIC SERVICE CO., AND MAINE
AND NEW BRUNSWICK ELECTRICAL
POWER CO., LTD.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of March, A. D., 1945.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Maine Public Service Company ("Maine"), a subsidiary of Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and Maine's subsidiary, Maine and New Brunswick Electrical Power Company, Ltd. ("New Brunswick"), organized under the laws of and operating solely in the Province of New Brunswick.

Notice is further given that any interested person may not later than the 9th day of April 1945 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest or require that he be notified if the Commission should order a hearing thereon; at any time thereafter such joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

New Brunswick proposes to pay Maine \$100,000 in cash (U. S. funds) in reduction of the principal amount of its note indebtedness to Maine. At the present time the capitalization of New Brunswick consists of 5,000 shares of common stock, par value \$100 per share; \$440,000 principal amount of notes; and \$39,000 principal amount of 6% Perpetual Debenture Stock. It is represented that Maine owns all of the securities of New Brunswick except \$7,900 principal amount of the 6% Perpetual Debenture Stock.

The notes of New Brunswick are pledged under the lien of the indenture securing the outstanding bonds of Maine. It is stated in the filing that under the terms of the indenture any payment on the principal of the pledged notes is required to be deposited with the trustee under the indenture. Maine contemplates obtaining the release of the \$100,000 from the lien of said indenture on the basis of property additions in accordance with the provisions of the indenture, whereupon the funds so released will be held as free funds by Maine. It is further represented that the necessary authorization from the Foreign Exchange Control Bureau of

Canada for the proposed transfer of funds to Maine has been granted to New Brunswick.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-4738; Filed, Mar. 24, 1945;
11:24 a. m.]

[File Nos. 54-119, 59-63, 70-646]

ELECTRIC POWER & LIGHT CORP., ET AL.

NOTICE OF FILING, ORDER FOR HEARING AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of March A. D., 1945.

In the matter of Electric Power & Light Corporation, Utah Power & Light Company, File No. 54-119; Electric Power & Light Corporation, Utah Power & Light Company, Utah Light and Traction Company, The Western Colorado Power Company, File No. 59-63; and Utah Power & Light Company, Utah Light and Traction Company, The Western Colorado Power Company, File No. 70-646.

Notice is hereby given that Electric Power & Light Corporation ("Electric"), a registered holding company and subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, and Electric's subsidiary Utah Power & Light Company ("Utah"), a public utility company which is also a registered holding company, have filed a joint application seeking approval of a plan of recapitalization for the stated purpose of complying with the order of this Commission dated November 29, 1943 pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, directed to such companies and to Utah's subsidiary companies, which provided, inter alia, as follows:

... that Electric and Utah shall effect a change in the present capitalization of Utah to one class of stock, namely, common stock in an appropriate manner. . . .

All interested persons are referred to said plan, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

(1) Electric proposes to surrender and Utah to acquire and cancel all of the securities of Utah by Electric consisting of the 3,000,000 shares of common stock of Utah of a stated value of \$30,000,000 and 2,100 shares of \$7 preferred stock of a stated value of \$210,200 with all rights to accumulated and unpaid dividends thereon, and Electric will release Utah and its subsidiaries from any claims in favor of Electric arising from such security holdings or otherwise.

(2) In consideration of the foregoing, Utah will pay Electric \$650,000 in cash, assign to Electric any claims against Bond and Share and its wholly-owned subsidiaries which Utah or its subsidiaries may have against them and release Electric from any claims which Utah or its subsidiaries may have against Electric.

(3) Utah will issue 1,185,241 $\frac{1}{4}$ shares of new common stock with a par value of \$20 per share and will exchange all of such stock for its present publicly held preferred stock on the basis of 4 $\frac{7}{8}$ shares for each share of \$7 preferred stock and 4 $\frac{3}{8}$ shares for each share of \$6 preferred stock.

In lieu of fractional shares of common stock negotiable scrip will be issued, which, when combined in lots aggregating one or more full shares, may be exchanged for shares of common stock within one year from the effective date of the plan. At the end of such time Utah will sell all unexchanged shares of common stock and the scrip holders will be limited to a pro rata share of the proceeds of such sale. To facilitate the combination of scrip into unit shares during the one-year period, Utah will arrange for the assembling or sale of such scrip.

(4) Utah will amend its Certificate of Organization to eliminate the authorization of preferred stock and will limit the number of shares of common stock which may be issued to 1,250,000 shares of a par value of \$20 a share.

(5) Utah, upon the surrender and cancellation of the securities as set forth above, will make certain accounting entries as of January 1, 1945 which will have the effect of eliminating its earned surplus deficit of \$30,356,628 existing as of that date.

The applicants have requested the Commission, if it approves the plan, to apply to an appropriate United States District Court pursuant to the provisions of section 11 (e) and 18 (f) of the act to enforce and carry out the terms and provisions of the plan.

Notice is also given that Utah and its electric utility subsidiary, The Western Colorado Power Company ("Colorado"), have filed a joint application seeking a modification of the above-mentioned order of this Commission dated November 29, 1943 so as to reduce the amount of the capital contribution therein ordered to be made by Utah to Colorado from \$4,359,203 to \$4,066,651 or in the alternative seeking a finding and order that certain steps taken by the applicants shall be deemed to constitute substantial compliance with said order.

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed by Utah and Electric and the said joint application filed by Utah and Colorado in the light of the order of the Commission dated November 29, 1943 referred to above and the proceedings culminating in said order (File Nos. 59-63 and 70-646); and

It further appearing to the Commission that the proceedings on the joint plan of Utah and Electric and the proceedings on the joint application of Utah and Colorado involve common questions of law and fact and should be consolidated and heard together and that said proceeding should also be consolidated with the proceedings in File Nos. 59-63 and 70-646.

It is hereby ordered, That the proceedings with respect to the joint plan of Utah and Electric, the proceedings with

respect to the joint application of Utah and Colorado and the proceedings under File Nos. 59-63 and 70-646 be and the same hereby are consolidated, and that a hearing on such consolidated proceedings under the applicable provisions of the said act and the rules and regulations of the Commission thereunder be held on the 23d day of April at 10:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before April 21, 1945.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of this hearing be given to the following: Public Service Commission of Utah, Public Utilities Commission of Idaho, Public Service Commission of Wyoming, Public Utilities Commission of Colorado, Mayor of Salt Lake City, Colorado, Utah Light and Traction Company and Electric, by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Utah shall give additional notice of said hearing to all known security holders by causing a copy of this notice and order of hearing to be mailed to such holders at their last-known addresses, such mailing to be made not less than 15 days prior to the date of said hearing.

It is further ordered, That without limiting the scope of the issues presented in the said consolidated proceedings particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed plan as filed or as hereafter modified is necessary to effectuate the provisions of section 11 (b) of the Act and is fair and equitable to the persons affected thereby.

(2) Whether the proposed plan as filed or as hereafter modified is in compliance with the order of this Commission dated November 29, 1943 insofar as said order directed Utah and Electric to change the capitalization of Utah to one class of stock, namely, common stock, in an appropriate manner.

(3) Whether, in the event that the Commission shall approve such plan as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion to apply to a court for the enforcement of such plan pursuant to section 11 (d).

(4) Whether in the event that the Commission shall not approve such plan

as filed or as modified, the Commission shall itself propose and approve a plan for purposes of section 11 (d) or shall approve for purposes of section 11 (d) any plan that may be proposed by any person having a bona fide interest in the change in the capitalization of Utah.

(5) Whether the proposed transactions incidental to the consummation of the plan comply with all of the requirements of the applicable provisions of the act and the rules, regulations and orders thereunder.

(6) Whether the fees and expenses to be paid in connection with the plan or the proceedings with respect thereto or the proceedings consolidated herein are reasonable and appropriate.

(7) Whether the plan should be modified to include a provision for the payment by the parties thereto of such fees and expenses in connection with the plan or the proceeding with respect thereto as the Commission may determine, award or allow.

(8) Whether the requested modification of the order of this Commission dated November 29, 1943, is appropriate in the public interest and the interests of investors and consumers and is in compliance with applicable statutory standards.

It is further ordered, That the Commission reserve the right, if at any time it appears conducive to an orderly, efficient or economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning any of the issues in the consolidated proceedings, to close the record with respect to any of such issues, or to take action on any such issues prior to the closing of the record on the other issues therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-4783; Filed, Mar. 26, 1945;
9:29 a. m.]

[File No. 70-1030]

NEW YORK POWER AND LIGHT CORP. AND
NIAGARA HUDSON POWER CORP.

ORDER GRANTING APPLICATION AND PERMITTING
DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of March 1945.

Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, and New York Power and Light Corporation, a subsidiary of Niagara Hudson Power Corporation and of The United Corporation, having filed applications and declarations and amendments thereto, pursuant to sections 6 (b), 9 (a) and 12 (f) of the Public Utility Holding Company Act of 1935, as follows:

An application of New York Power and Light Corporation, filed pursuant to section 6 (b) of the act, for exemption from the provisions of section 6 (a) of the act of the issue and sale, in accordance with the competitive bidding require-

ments of Rule U-50, of \$50,000,000 principal amount of First Mortgage Bonds due March 1, 1975, and of the issue and sale to Niagara Hudson Power Corporation of 50,000 shares of its common stock, the proceeds from such sales to be applied toward redemption of the outstanding First Mortgage Bonds of New York Power;

An application of Niagara Hudson Power Corporation, filed pursuant to section 9 (a) of the act, for approval under section 10 of its acquisition of said 50,000 shares of the common stock of New York Power and Light Corporation.

A joint declaration of New York Power and Light Corporation and Niagara Hudson Power Corporation, filed pursuant to section 12 of the act, with respect to the proposed issue, sale and acquisition of such common stock of New York Power and Light Corporation and with respect to the proposed cancellation of advances aggregating \$20,550,000 owed to Niagara Hudson Power Corporation by New York Power and Light Corporation: *Provided*, That there be obtained a closing agreement executed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury to the effect that such cancellation will not result in any income taxable to New York Power and Light Corporation; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinions herein;

It is ordered, That said applications as amended be, and the same are hereby, granted, subject to the terms and conditions prescribed in Rule U-24, and to the following further conditions with respect to the proposed issue and sale of said First Mortgage Bonds:

(1) That New York Power and Light Corporation obtain from the Public Service Commission of the State of New York a final order expressly authorizing the issue and sale of said First Mortgage Bonds;

(2) That the proposed issue and sale of said First Mortgage Bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, and until Niagara Hudson Power Corporation shall have cancelled the advances aggregating \$20,550,000 owed to Niagara Hudson Power Corporation by New York Power and Light Corporation.

It is further ordered, That the joint declaration of New York Power and Light Corporation and Niagara Hudson Power Corporation with respect to the proposed transactions between them be and the same hereby are permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be and it is hereby reserved over the payment of all legal fees and expenses

of all counsel in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-4784; Filed, Mar. 26, 1945;
9:29 a. m.]

WAR MANPOWER COMMISSION

LA CROSSE-EAU CLAIRE-WAUSAU-
RHINELANDER, WIS., AREA

EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the LaCrosse-Eau Claire-Wausau-Rhineland War Manpower Commission Area is hereby prescribed, pursuant to §907.3 (g) of the War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs", effective August 16, 1943 (8 F.R. 1138).

Sec.

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. Provisions governing the orderly transfer of workers.
6. Authority and responsibility of the LaCrosse-Eau Claire-Wausau-Rhineland War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Revocation of existing stabilization plans.
9. Effective date.

SECTION 1. Objectives. The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

SEC. 2. Geographic content of the area. The La Crosse-Eau Claire-Wausau-Rhineland Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties: Adams, Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Forest, Jackson, Juneau, LaCrosse, Langlade, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Rusk, St. Croix, Taylor, Trempealeau, Vernon, Vilas and Wood.

The boundaries of the LaCrosse-Eau Claire-Wausau-Rhineland Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

SEC. 3. Definitions of terms used in this plan. (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or man-

agement of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation, or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "LaCrosse-Eau Claire-Wausau-Rhineland Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the LaCrosse-Wausau-Eau Claire-Rhineland Area Labor-Management War Manpower Committee.

(j) "The United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

(m) "Locality" as referred to in section 5 (a) (5) (i) (b) of this plan is the area under the jurisdiction of the USES office serving the employer who is doing the hiring.

SEC. 4. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the LaCrosse-Eau Claire-Wausau-Rhine-

lander Area shall be conducted in accordance with this plan.

SEC. 5. Provisions governing the orderly transfer of workers—(a) General provisions. (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

(2) *Issuance of statements of availability by Employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(i) He has been discharged, or his employment has been otherwise terminated by his employer, or

(ii) He has been laid off for an indefinite period, or for a period of seven or more days, or

(iii) Continuance of his employment would involve undue personal hardship, or

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(v) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(3) *Issuance of statements of availability by the USES.* (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(ii) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(4) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(5) *Workers who may be hired only upon referral by the USES.* (1) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(c) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(ii) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(6) *Exclusions.* No provision of this employment stabilization plan shall be applicable to:

(i) The hiring of a new employee for agricultural employment;

(ii) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(iii) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(iv) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(v) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(vi) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of a vacation period.

(7) *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment

stabilization plan, in accordance with regulations and procedures of the WMC.

(8) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

(9) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(10) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(11) *Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this plan.

(12) *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

(b) *Miscellaneous provisions; leave of absence with retention of seniority and other accrued rights.* When an essential worker is not utilizing his highest skill or is not employed full-time at his highest skill and the war program can best be served by the worker's transfer for a limited period to another employer in the LaCrosse-Eau Claire-Wausau-Rhineland Area where his highest skill can be utilized full-time, the current essential employer shall grant an essential worker a leave of absence with full retention of seniority and other accrued rights until such time as the current employer is able to provide work which will utilize the worker's highest skill. Such leave of absence shall be granted only with the provisions that the worker will return to his original employer on one week's notice when the original employer is able to provide full-time work using the worker's highest skill in war or essential civilian production.

SEC. 6. *Authority and responsibility of the LaCrosse-Eau Claire-Wausau-Rhineland Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the LaCrosse-Eau Claire-Wausau-Rhineland Area is authorized to consider questions of policy, standards, and

safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

SEC. 7. *Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the LaCrosse-Eau Claire-Wausau-Rhineland Area of the WMC, Region VI.

SEC. 8. *Revocation of existing stabilization plans.* The LaCrosse-Eau Claire-Wausau-Rhineland Area stabilization plan, effective May 7, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

SEC. 9. *Effective date.* This plan shall become effective at 12:01 a. m. on October 14, 1943.

NORMAN E. SCHULZE,
Area Director.

SEPTEMBER 28, 1944.

Approved: October 5, 1944.

W. H. SPENCER,
Regional Director, Region VI.

[F. R. Doc. 45-4530; Filed, Mar. 21, 1945;
12:09 p. m.]

LAPORTE-MICHIGAN CITY, IND., AREA
EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the LaPorte-Michigan City War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. Provisions governing the orderly transfer of workers.
6. Authority and responsibility of the LaPorte-Michigan City Area Labor-Management War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Revocation of existing stabilization plan.
9. Effective date.

SECTION 1. *Objectives.* The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

SEC. 2. *Geographic content of the area.* The LaPorte-Michigan City Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties: La Porte, Pulaski and Starke.

The boundaries of the LaPorte-Michigan City Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

SEC. 3. *Definitions of terms used in this plan.* (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "LaPorte-Michigan City Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the LaPorte-Michigan City Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana and Wisconsin.

(l) The "State Director" is the chief administrative officer of the War Man-

power Commission for the State of Indiana.

(m) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the State Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

SEC. 4. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the LaPorte-Michigan City Area shall be conducted in accordance with this plan.

SEC. 5. *Provisions governing the orderly transfer of workers—(a) General provisions.* (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

(2) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(i) He has been discharged, or his employment has been otherwise terminated by his employer, or

(ii) He has been laid off for an indefinite period, or for a period of seven or more days, or

(iii) Continuance of his employment would involve undue personal hardship, or

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(v) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(3) *Issuance of statements of availability by the USES.* (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(ii) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regula-

tion or policy, and for so long as such employer continues his non-compliance after such finding.

(4) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(5) *Workers who may be hired only upon referral by the USES.* (i) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangement with the USES when:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(c) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work. *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration. *And provided,* That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(iii) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(6) *Exclusions.* No provision of this employment stabilization plan shall be applicable to:

(i) The hiring of a new employee for agricultural employment;

(ii) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the plan, unless the employee is customarily engaged in work of less than seven days' duration;

(iii) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(iv) The hiring by a foreign, State, county or municipal government or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign State, county or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(v) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(vi) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(7) *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan in accordance with regulations and procedures of the WMC.

(8) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

(9) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(10) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or, except as required by law, citizenship.

(11) *Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

(12) *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of any employee or an employer under a collective bargaining agreement.

SEC. 6. Authority and responsibility of the LaPorte-Michigan City Area Labor-Management War Manpower Committee. The Area Labor-Management War Manpower Committee for the LaPorte-Michigan City Area is authorized to consider questions of policy, standards and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Manpower Director.

SEC. 7. Posting pertinent provisions of this plan. The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instruc-

tions of the Area Director of the LaPorte-Michigan City Area of the WMC, Region VI.

SEC. 8. Revocation of existing stabilization plan. The LaPorte-Michigan City Area stabilization plan, effective May 1, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of 12:01 a. m., October 14, 1943.

SEC. 9. Effective date. This plan shall become effective at 12:01 a. m., on October 14, 1943.

DAVID A. NYE,
Area Director.

SEPTEMBER 29, 1943.

Approved: October 6, 1943.

W. H. SPENCER,
Regional Director, Region VI.

[F. R. Doc. 45-4531; Filed, Mar. 21, 1945;
12:09 p. m.]

MUNCIE-MARION-RICHMOND, IND., AREA
EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Muncie-Marion-Richmond War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Objectives.
2. Geographic content of the area.
3. Definitions of terms used in this plan.
4. Control of hiring and solicitation of workers.
5. General provisions governing the orderly transfer of workers.
6. Authority and responsibility of the Muncie-Marion-Richmond Area Labor-Management War Manpower Committee.
7. Posting pertinent provisions of this plan.
8. Effective date.

SECTION 1. Objectives. The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

SEC. 2. Geographic content of the area. The Muncie-Marion-Richmond Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties: Blackford, Delaware, Fayette, Franklin, Grant, Henry, Howard, Jay, Madison, Randolph, Rush, Tipton, Union and Wayne.

The boundaries of the Muncie-Marion-Richmond Area may be changed upon

recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

SEC. 3. Definitions of terms used in this plan. (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Muncie-Marion-Richmond Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Muncie-Marion-Richmond Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section 2 of this plan.

SEC. 4. Control of hiring and solicitation of workers. All hiring and solicita-

ment of workers in, or for work in, the Muncie-Marion-Richmond Area shall be conducted in accordance with this plan.

SEC. 5. General provisions governing the orderly transfer of workers—(a) General provisions. (1) A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(i) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(ii) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

(2) **Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(i) He has been discharged, or his employment has been otherwise terminated by his employer, or

(ii) He has been laid off for an indefinite period, or for a period of seven or more days, or

(iii) Continuance of his employment would involve undue personal hardship, or

(iv) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(v) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(3) **Issuance of statements of availability by the USES.** (i) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subparagraph (2) is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(ii) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(4) **Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(5) **Workers who may be hired only upon referral by the USES.** (i) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with, the USES when:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(c) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(ii) **Encouragement of local initiative and use of existing hiring channels.** To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

(6) **Exclusions.** No provision of this employment stabilization plan shall be applicable to:

(i) The hiring of a new employee for agricultural employment.

(ii) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration;

(iii) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(iv) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(v) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(vi) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(7) **Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

(8) **Content of statements of availability.** A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

(9) **Solicitation of workers.** No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(10) **Hiring.** The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(11) **Representation.** Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

(12) **General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

(13) **Collective bargaining agreements.** Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

SEC. 6. Authority and responsibility of the Muncie-Marion-Richmond Area Labor-Management War Manpower Committee. The Area Labor-Management War Manpower Committee for the Muncie-Marion-Richmond Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

SEC. 7. Posting pertinent provisions of this plan. The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Muncie-Marion-Richmond Area of the WMC, Region VI.

SEC. 8. Effective date. This plan shall become effective at 12:01 a. m., on October 14, 1943.

JOHN R. KELLY,
Area Director.

SEPTEMBER 28, 1943.

Approved: October 5, 1943.

W. H. SPENCER,
Regional Director, Region VI.

WAR PRODUCTION BOARD.

[C-231]

ALBIN SEWING MACHINE CO.

CONSENT ORDER

Maxwell M. Albin has for some years been doing business under the trade name and style of Albin Sewing Machine Co. at 22 West 25th Street, in the City of New York, repairing sewing machines. He is charged by the War Production Board with violation of General Limitation Order L-65, as amended August 19, 1944, in that between October 1 and December 1, 1944, he used in the production of heating units electric resistance material consisting of nichrome wire elements without authorization of the War Production Board, and in that he produced new electrical appliances consisting of electrical stove part units which could be readily assembled into 639 electric stoves and sold and transferred the same. He is also charged with violation of General Limitation Order L-176, as amended May 24, 1944, in that between September, 1943, and August, 1944, he made and assembled electrical fans not specifically authorized by the War Production Board and not to or for the account of the Army, Navy, Maritime Commission or the War Shipping Administration, or to other manufacturers of electrical fans. He is further charged with violations of Priorities Regulation 1 in that between March 20 and October 25, 1944, he obtained with priorities assistance 601 fan blades but did not use or dispose of the same for the purpose for which the priorities assistance was given, to-wit, maintenance, repair, and operating supplies, and in that he did not keep accurate and complete records of his inventories of his electrical appliances and parts, electric fan blades and electric fans, including records of purchase orders, sales and delivery of these materials, and in that he refused to submit to audit and inspection such records as he did keep to duly authorized representative of the War Production Board. He is further charged with violations of Priorities Regulation 3 in that he improperly extended preference ratings of AA-2 and AA-5 to the delivery to him of a total of 1,300 fan blades, although he was not entitled to do so, and, finally, in that he placed rated

purchase orders for more fan blades than he was authorized to rate.

Maxwell M. Albin was familiar with the applicable terms and provisions of General Limitation Order L-65, General Limitation Order L-176, and with Priorities Regulations 1 and 3 and, therefore, the violations as charged are deemed wilful. Maxwell M. Albin admits the violations and does not care to contest the charge of wilfulness.

Maxwell M. Albin represents to the War Production Board that he has been certified by his Selective Service Board as physically fit for induction into the armed forces of the United States and that he has been ordered to report for such induction on or about April 7, 1945; and he further represents that he intends before that date to liquidate his business and sell at auction or otherwise all materials on hand.

Wherefore, upon the agreement and consent of Maxwell M. Albin, the Regional Compliance Manager, and the Regional Attorney, and upon the approval of the Compliance Commission, *It is hereby ordered*, That:

(a) Maxwell M. Albin, doing business as Albin Sewing Machine Co., or otherwise, his successors or assigns, shall not produce, sell or deliver any new electrical appliance including electric stoves or parts thereof or repair or replacement parts thereof except to fill purchase orders, contracts or sub-contracts for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(b) Maxwell M. Albin, doing business as Albin Sewing Machine Co., or otherwise, his successors or assigns, shall not buy, accept delivery of, make, assemble, sell or deliver any electric fan blades or other component parts of electric fans for assembly into electric fans or assembly in knocked down form, except upon purchase orders, contracts, or sub-contracts for delivery to or for the account of the Army, Navy, Maritime Commission or War Shipping Administration; and he shall not buy or accept delivery of any parts for an electric fan for purposes of repair or replacement.

(c) The prohibitions with respect to sale and delivery contained in paragraphs (a) and (b) of this order shall not ap-

ply to such auction or liquidation sales as Maxwell M. Albin individually, doing business as Albin Sewing Machine Co., or otherwise, his successors or assigns, may make before the fifteenth day of April, 1945: *Provided*, That five or more days before any such auction or liquidation sale, he shall have given written notice thereof to the Eastern Procurement District of the United States Army at 67 Broad Street, New York City, the Material Requirement Division of the United States Navy at 521 Fifth Avenue, New York City, the Maritime Commission at 45 Broadway, New York City, and the Procurement Office of the War Shipping Administration at 45 Broadway, New York City.

(d) Deliveries of material to Maxwell M. Albin, doing business as Albin Sewing Machine Co., his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(e) No allocation shall be made to Maxwell M. Albin, doing business as Albin Sewing Machine Co., his successors or assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(f) Nothing contained in this order shall be deemed to relieve Maxwell M. Albin, doing business as Albin Sewing Machine Co., his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(g) This order shall take effect March 24, 1945, and shall expire December 31, 1945.

Issued this 17th day of March 1945.

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

[F. R. Doc. 45-4793; Filed, Mar. 26, 1945;
11:32 a. m.]

