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## The President

### PROCLAMATION 2575

#### CAPTURE OF PRIZES

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

WHEREAS the act of August 18, 1942, Public Law 704, 77th Congress, contains in part the following provisions:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district courts shall have original jurisdiction of all prizes captured during the present war on the high seas if said capture was made by authority of the United States or was adopted and ratified by the President of the United States and the prize was brought into the territorial waters of a cobelligerent or was taken or appropriated for the use of the United States on the high seas or in such territorial waters, including jurisdiction of all proceedings for the condemnation of such property taken as prize.*

*"Sec. 3. The jurisdiction of prizes brought into the territorial waters of a cobelligerent shall not be exercised under authority of this Act, nor shall prizes be taken or appropriated within such territorial waters for the use of the United States, unless the government having jurisdiction over such territorial waters consents to the exercise of such jurisdiction or to such taking or appropriation.*

*"Sec. 7. A cobelligerent of the United States which consents to the exercise of the jurisdiction herein conferred with respect to prizes of the United States brought into its territorial waters and to the taking or appropriation of such prizes within its territorial waters for the use of the United States shall be accorded, upon proclamation by the President of the United States, like privileges with respect to prizes captured under authority of such cobelligerent and brought into the territorial waters of the United States or taken or appropriated in the territorial waters of the United States for the use of such cobelligerent. Reciprocal recognition and full faith and credit shall be given to the jurisdiction acquired by courts of a cobelligerent hereunder and to all proceedings had or judgments rendered in exercise of such jurisdiction."*

WHEREAS the Government of the United Kingdom, a cobelligerent, has consented to the exercise of the jurisdiction conferred by the said act with respect to prizes of the United States

brought into the territorial waters of the United Kingdom and Sierra Leone and to the taking or appropriation of such prizes within the territorial waters of the United Kingdom and Sierra Leone for the use of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of August 18, 1942, do proclaim that the Government of the United Kingdom shall be accorded like privileges with respect to prizes captured under authority of the said Government and brought into the territorial waters of the United States or taken or appropriated in the territorial waters of the United States for the use of the said Government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 30th day of January in the year [SEAL] of our Lord nineteen hundred and forty-three and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[F. R. Doc. 43-1749; Filed, February 2, 1943; 11:28 a. m.]

### EXECUTIVE ORDER 9296

AMENDING PARAGRAPH 1 OF TITLE II OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941 CONCERNING REPORTS OF CONTRACTS AND PURCHASES MADE UNDER AUTHORITY OF TITLE II OF THE FIRST WAR POWERS ACT, 1941

By virtue of the authority vested in me by Title II of the First War Powers Act, 1941, approved December 18, 1941, (Public Law 354, 77th Congress) and as President of the United States and Commander in Chief of the Army and Navy of the United States and deeming that such action will facilitate the prose-

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cution of the war, it is hereby ordered as follows:

1. Paragraph 1 of Title II of Executive Order No. 9001 of December 27, 1941,<sup>1</sup> requiring the War Department, the Navy Department, and the United States Maritime Commission to report to the President with respect to all contracts and purchases made pursuant to the said act and Executive Order, is hereby amended to read as follows:

"1. Complete data shall be maintained by the War Department, the Navy Department, and the United States Maritime Commission as to all contracts and purchases which they respectively make pursuant to the Act and this Executive Order. The Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission shall make available for public inspection, as they may respectively deem compatible with the public interest, so much of such data as does not cover restricted, confidential, or secret contracts or purchases."

2. This order shall be effective as of December 27, 1941, and shall apply to all those departments and other agencies of the Government, and the respective heads thereof, to which the provisions of

<sup>1</sup> 6 F.R. 6787.

the said Executive Order No. 9001 have heretofore been or may hereafter be extended.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
January 30, 1943.

[F. R. Doc. 43-1731; Filed, February 2, 1943; 10:39 a. m.]

#### Regulations

#### TITLE 7—AGRICULTURE

#### Chapter VIII—Food Distribution Administration<sup>1</sup>

#### PART 802—SUGAR DETERMINATIONS

#### 1943 SUGARCANE CROP FARMING PRACTICES

Determination of farming practices to be carried out in connection with the production of the 1943 crop of sugarcane in the mainland cane sugar area, pursuant to section 301 (e) of the Sugar Act of 1937, as amended.

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.23e *Farming practices in connection with the production of the 1943 crop of sugarcane in the mainland cane sugar area—(a) Soil-building requirements.* The conditions prescribed in subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1943 crop of sugarcane for sugar on any farm in the mainland cane sugar area if there is carried out in 1943, on land on the farm which is adapted to the production of sugarcane for sugar, an acreage of soil-building practices equal to not less than 15 per centum of the acreage of sugarcane for sugar growing on the farm for harvest in 1943.

(b) *Approved practices.* (1) Each acre of the following shall be counted as one acre of soil-building practices:

(i) Seeding winter legumes.

(ii) Plowing or disking under a good stand and good growth of a green manure crop, or cover crop (excluding lespedeza, peanuts hogged off, and non-leguminous cover crops).

(iii) Turning under a good stand and good growth of summer legumes (excluding peanuts, lespedeza, and summer legumes used as truck crops) not interplanted or grown in combination with row crops such as corn.

(2) Each two acres of the following shall be counted as one acre of soil-building practices:

(i) Turning under a good stand and good growth of summer legumes (excluding peanuts, lespedeza, and summer legumes used as truck crops) interplanted or grown in combination with row crops, such as corn: *Provided*, The summer legume occupies at least one-third of the land.

(3) Each of the following practices in the amounts specified shall be counted as one acre of soil-building practices if applied to a full seeding of winter legumes:

<sup>1</sup> Formerly Sugar Branch.



(i) Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of winter legumes.

(ii) Application of 500 pounds of basic slag or rock phosphate (including Colloidal Phosphate) to, or in connection with the seeding of, winter legumes.

(4) Each one and one-half acres of land the top soil of which is combustible (determined as such by the State Agricultural Conservation Committee) and from which no crop classified as soil-depleting in ACP-1941, 1941 Agricultural Conservation Program Bulletin, as amended, is harvested in 1943 and on which adequate facilities (ditches, pumps and necessary equipment) have been maintained (whether constructed in 1943 or earlier) for flooding the land during the 1943 fire hazard season as a protection against the destruction of such top soil by fire and on which there are carried out the practices specified in paragraphs B, C, D and E of Amendment 3 to Southern Region Bulletin 101, issued June 11, 1937, for protecting the soil against fire, assuring adequate drainage, and preventing soil oxidation and subsidence, shall be counted as one acre of soil-building practices: *Provided, however,* That there shall be carried out on such land on the farm such other practices as are recommended for the farm by the County Agricultural Conservation Committee, and approved by the State Agricultural Conservation Committee, for protecting the soil against fire, assuring adequate drainage, preventing soil oxidation and subsidence, and otherwise preserving and improving the fertility of the soil and preventing soil erosion, such practices to be consistent with reasonable standards of the farming community in which the land is located.

(c) *Standards of performance.* The soil conserving practices shall be carried out on the farm in accordance with farming methods commonly used in the community in which the farm is located and in accordance with specifications approved by the Director of the Southern Division of the Agricultural Adjustment Agency.

(Sec. 301, 50 Stat. 910; 7 U.S.C., 1940 ed. 1131)

Done at Washington, D. C., this 1st day of February, 1943. Witness my hand and seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,  
Assistant Secretary.

[F. R. Doc. 43-1746; Filed, February 2, 1943; 11:17 a. m.]

#### Chapter IX—Food Distribution Administration

##### PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA<sup>1</sup>

##### ORDER SUSPENDING CERTAIN PROVISIONS, ETC.

Order suspending certain provisions of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

<sup>1</sup> 6 F.R. 6168; 7 F.R. 3068.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 *et seq.*), hereinafter referred to as the "act", and the provisions of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area, it is hereby found that the provisions of the said order relating to base ratings for producers of milk, as used in the said order, obstruct and no longer tend to effectuate the declared policy of the act with respect to the producers of milk under such marketing order.

*It is, therefore, ordered,* That, effective as of 11:59 p. m., e. w. t., January 31, 1943, the following provisions of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area are hereby suspended:

1. "except April, May, and June" in § 947.7 (b) (1);
2. § 947.7 (b) (2);
3. § 947.8;
4. "for all delivery periods except April, May, and June of each year" in § 947.9 (a) (1); and
5. § 947.9 (a) (2).

Done at Washington, D. C., this 30th day of January 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

THOMAS J. FLAVIN,  
Assistant to the  
Secretary of Agriculture.<sup>2</sup>

[F. R. Doc. 43-1748; Filed, February 2, 1943; 11:17 a. m.]

##### PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

##### ORDER SUSPENDING PROVISION

Order suspending provision of § 961.1 (a) (5) of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

Pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 *et seq.*), hereinafter referred to as the "act", and the provisions of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, effective April 1, 1942 (7 F.R. 2377), it is hereby determined that the time limitation with respect to the inclusion of certain farmers (who do not regularly deliver milk for use in the Philadelphia, Pennsylvania, marketing area) as producers, obstructs, and does not tend to effectuate the declared policy of the act.

*It is, therefore, ordered,* That the words "of October, November, December, and January", which appear in § 961.1 (a) (5) of the said order, shall be, and hereby are, suspended, effective as of 12:01 a. m., e. w. t., February 1, 1943.

Done at Washington, D. C., this 30th day of January 1943. Witness my hand

<sup>2</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

and the seal of the Department of Agriculture.

[SEAL]

THOMAS J. FLAVIN,  
Assistant to the  
Secretary of Agriculture.<sup>2</sup>

[F. R. Doc. 43-1703; Filed, February 1, 1943; 1:13 p. m.]

#### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

##### Chapter II—Food Distribution Administration

##### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

##### BACHMAN & PETERSON LIVESTOCK COMMISSION COMPANY, CHAPPELL, NEBRASKA<sup>2</sup>

FEBRUARY 1, 1943.

Whereas, the Chappell Sales Pavilion was posted on September 11, 1939, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it appears that said stockyard is now known as Bachman & Peterson Livestock Commission Company, and is being operated by H. C. Peterson and W. J. Bachman, doing business as Bachman & Peterson Livestock Commission Company;

*Now, therefore, it is ordered,* That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is Bachman & Peterson Livestock Commission Company, Chappell, Nebraska.

THOMAS J. FLAVIN,  
Assistant to the  
Secretary of Agriculture.<sup>2</sup>

[F. R. Doc. 43-1747; Filed, February 2, 1943; 11:17 a. m.]

#### TITLE 24—HOUSING CREDIT

##### Chapter I—Federal Home Loan Bank Administration

[Bulletin 15]

##### AGENCY DUTIES OF THE OFFICERS OF THE BANKS

FEBRUARY 1, 1943.

Effective February 1, 1943, the Rules and Regulations for the Federal Home Loan Bank System are amended as follows:

##### PART 2—ORGANIZATION OF THE BANKS

1. Paragraph (b) of § 2.5 is amended to read as follows:

(b) *Duties of officers*—(1) *In general.* The President shall be the chief administrative officer of the Bank. The President and other officers shall have such powers and duties as are prescribed in the Bank's bylaws and in these Rules and Regulations.

(2) *President.* The President shall endeavor to ascertain whether each member of the Bank is complying with the provisions of section 5 of the Act, whether it is making long term loans as defined in § 1.9 of these Rules and Regulations and whether the character of its management and its home financ-

<sup>2</sup> Modifies list posted stockyards 9 CFR 204.1.



ing policy is consistent with sound and economical home financing and with the purposes of the Act. If the President finds that a member institution is not conducting its affairs in accordance with the foregoing, he shall request the member so to do. In the event the member does not comply with such request, the President shall report the matter, or cause it to be reported, to the board of directors at its next meeting, insofar as practicable. After the case has been considered by the board of directors, the President shall report such case to the Governor and inform him of any action taken thereon by the board of directors.

(3) *Officers as agents.* For the following purposes, the officers of a Bank, and any employee thereof designated by the Governor, shall be the agents of the Federal Home Loan Bank Administration, the Federal Savings and Loan Insurance Corporation and the Home Owners' Loan Corporation and the counsel of the Bank shall render to said agents such legal services as may be necessary to enable them to properly carry out such duties:

It shall be the specific duty of said agents to give consideration to applications for charters for Federal savings and loan associations, conversions, insurance of accounts by the Federal Savings and Loan Insurance Corporation, and investments by the Home Owners' Loan Corporation in savings and loan associations and to promptly make comments and recommendations upon such applications. Said agents shall transmit to the Federal Home Loan Bank Administration's district examiner, together with their comments and recommendations thereon, applications for conversion, insurance and for investments by the Home Owners' Loan Corporation in savings and loan associations, and shall transmit direct to the Governor, together with their comments and recommendations thereon, applications for charters for Federal savings and loan associations. Such comments and recommendations shall be signed by the agents favoring same, and any agent disagreeing therewith shall make a separate report which shall be forwarded at the same time. An agent shall forward, when requested by the Governor, advice of action taken by the Federal Home Loan Bank Administration, the Federal Savings and Loan Insurance Corporation, and the Home Owners' Loan Corporation upon applications, and instructions and other communications from the Federal Home Loan Bank Administration, the Federal Savings and Loan Insurance Corporation, and the Home Owners' Loan Corporation to the applicant or institution.

(4) *President as agent.* For the following purposes, the President of each Bank shall be the agent of the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation and the counsel of the Bank shall render to said agent such legal services as may be necessary to enable him properly to carry out such duties; provided, however, when designated by the Governor, some officer or employee other than, or in addition to, the President, may act as agent or agents of the Fed-

eral Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation:

Said agent shall represent the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation in supervising Federal savings and loan associations and institutions in the Bank's district which are insured by the Federal Savings and Loan Insurance Corporation. When, in his opinion, such action should be taken, he shall advise and endeavor to assist Federal savings and loan associations and insured institutions in his Bank district to conduct their operations in conformity with the statutes and the rules and regulations governing them. He shall confer and negotiate, pursuant to instructions from the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation, with applicants, their officers, directors, members or creditors, individually or in group meetings, and otherwise as the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation may request in writing. He shall see that all Federal savings and loan associations and insured institutions in his Bank district submit to him for his consideration such matters as budgets, applications for Federal Home Loan Bank Administration approval of amendments to charters or bylaws, petitions for Federal Home Loan Bank Administration permission to establish branch offices, applications for Federal Home Loan Bank Administration approval of the purchase of assets or of consolidations, dissolutions, or mergers, and such other similar matters as are required to be approved by the Federal Home Loan Bank Administration or by the Federal Savings and Loan Insurance Corporation under the statutes and rules and regulations. When these matters come to the attention of said agent he shall, after giving them due consideration, submit them, with his recommendations thereon, to the Governor for such action as he may deem appropriate. After the issuance by the Federal Home Loan Bank Administration of a charter for a Federal savings and loan association, said agent shall follow up the corporate actions taken by the association in the completion of its organization, and shall require the association to comply with the laws, the rules and regulations made thereunder, and such other requirements as may be applicable thereto. Said agent shall represent the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation in supervising the bonding of directors, officers and employees of Federal savings and loan associations and insured institutions as required by the statutes, bylaws and rules and regulations governing such institutions.

Upon receiving from the District Examiner two copies of a report of a supervisory examination of a Federal savings and loan association or an insured institution, together with the District Examiner's analysis thereof, said agent shall make a careful study of such report and analysis, and shall transmit to the institution examined its copy of the report of the examination, and, if necessary, a

supervisory letter on stationery provided by the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation for such purposes. Said agent shall forward promptly to the Governor copies of all transmittal and other supervisory letters and reports of supervisory conferences or meetings with officers or directors of Federal savings and loan associations and insured institutions. The Governor will consider the documents so forwarded and will advise the said agent concerning such matters as may appear to be appropriate. Any instructions or recommendations from the Governor to the said agent with respect to his duties as agent of the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation, shall be acted upon promptly.

#### PART 3—MEMBERS OF BANKS

2. Paragraph (c) of § 3.2 is amended to read as follows:

(c) *Examination and review of application.* The officers of the Bank shall promptly consider the application for membership, together with such supplemental information as may be available to them with respect to the eligibility of the applicant, and shall report their recommendations thereon to the board of directors or to the executive committee of the Bank, which shall consider the officers' report and shall then transmit the application to the Federal Home Loan Bank Administration with its recommendations thereon as provided in the bylaws. If definite action on the application has not been taken by the Board of Directors or the Executive Committee at the meeting next succeeding the date of receipt by the Bank of the application, the President shall cause the Governor to be notified of the receipt of the application and the reason for the delay in transmitting it to the Federal Home Loan Bank Administration.

#### PART 4—OPERATION OF THE BANKS

3. Paragraph (g) of § 4.1 is repealed and paragraph (h) is relettered as paragraph (g).

#### PART 6—FEDERAL HOME LOAN BANK BOARD

4. Paragraph (a) of § 6.2 is amended to read as follows:

(a) *Governor, Federal Home Loan Bank System.* The Governor of the Federal Home Loan Bank System shall be the chief administrative officer under the Federal Home Loan Bank Commissioner and shall be directly responsible to the Federal Home Loan Bank Administration for the administration of the Banks, under regulations prescribed by the Federal Home Loan Bank Administration and as directed by it. Officials of the Banks and the public shall deal directly with the Governor in administrative matters. The Governor shall be responsible for such supervision of all Federal savings and loan associations as is provided by the statute and the regulations made thereunder, for such supervision of other insured institutions as the Federal Savings and Loan Insurance Corporation may provide, and for such supervision of other members of the Banks as may be appropriate under the Act and regulations made



thereunder. Such supervision shall be accomplished though such staff as may be necessary in Washington, D. C., and in the field through the agents of the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation.

#### PART 7—SUPERVISION

5. Section 7.1 is amended to read as follows:

§ 7.1 *General supervisory powers.* The Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation shall have original authority in the exercise of the supervisory powers granted to them by law. As provided in paragraph (a) of § 6.2 of these regulations, supervision of all Federal savings and loan associations, insured institutions, and other members shall be under the direction of the Governor and shall be administered by him through such staff of employees as may be necessary and through the agents of the Federal Home Loan Bank Administration and the Federal Savings and Loan Insurance Corporation.

6. Section 7.2 is repealed.

7. Section 7.3 is renumbered as § 7.2 and amended in the following particulars:

a. The title of such section is amended to read *Examinations, reports and records.*

b. The last four sentences of paragraph (a) are repealed.

c. Paragraph (b) is amended to read as follows:

(b) *Records to be kept.* Reports, analyses, and correspondence of the Bank, of the agents of the Federal Home Loan Bank Administration, the Federal Savings and Loan Insurance Corporation and the Home Owners' Loan Corporation and of the District Examiner pertaining specifically to member and insured institutions in the district shall be maintained by the Bank in files for the use of the Bank, the agents of the Federal Home Loan Bank Administration, the Federal Savings and Loan Insurance Corporation, the District Examiners, and the said agents of the Home Owners' Loan Corporation.

(Secs. 12 and 17 of F.H.L.B.A., 47 Stat. 735, 736, sec. 4 (n) of H.O.L.A. of 1933, as added by sec. 17 (a), 49 Stat. 297, sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, sec. 5 (i) of H.O.L.A. of 1933, as amended by sec. 6, 48 Stat. 646, sec. 402 (a), (c) of N.H.A., 48 Stat. 1256; 12 U.S.C. 1432, 1437, 1464 (a), (i), 1725 (a), (c) and Sup. 1463 (n))

These amendments are deemed to be of a procedural character within the provisions of paragraph (b) of § 8.3 of the Rules and Regulations for the Federal Home Loan Bank System.

[SEAL] JAMES TWOHY,  
Governor.  
HAROLD LEE,  
General Counsel.  
ORMOND E. LOOMIS,  
Executive Assistant to  
the Commissioner.

[F. R. Doc. 43-1702; Filed, February 1, 1943; 12:43 p. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue

#### Subchapter C—Miscellaneous Excise Taxes

[Regulations 113, 1943 Ed.]

### PART 143—REGULATIONS RELATING TO THE TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

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AUTHORITY: §§ 143.0 to 143.63, inclusive, issued under secs. 3472, 3791 of the Internal Revenue Code (53 Stat. 423 and 467, 26 U.S.C., 3472, 3791), and follow the statutory provisions to which they, respectively, refer.

#### SUBPART A—INTRODUCTORY

§ 143.0 *Scope of regulations.* These regulations deal with the excise tax with respect to the transportation of property imposed by Chapter 30, Subchapter E, of the Internal Revenue Code, as added by section 620 of the Revenue Act of 1942.

Subpart B defines certain of the terms that are used in the Code and in these regulations.

Subpart C contains general provisions relating to the effective period, scope, rates, and application of the tax.

Subpart D deals with exemption from the tax in the case of amounts paid by or to the United States or any agency or instrumentality thereof for the transportation of property, and with amounts paid by a State for such transportation.

Subpart E relates to exemption from the tax in the case of property shipped for export and actually exported.

Subpart F deals with the registration of taxpayers.

Subpart G deals with returns, payment of tax, and records.

Subpart H contains miscellaneous provisions relating to refunds and credits, and penalties and interest.

The statutory references are to the Internal Revenue Code (53 Stat., Part 1) unless otherwise stated.

#### SUBPART B—DEFINITIONS

##### SEC. 3797. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The word "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 143.1 *Meaning of terms.* As used in these regulations, unless otherwise specified or indicated by the context:

(a) *General.* The terms defined in the applicable provisions of law shall have the meanings so assigned to them.

(b) *Person engaged in the business of transporting property for hire.* The term "person engaged in the business of transporting property for hire" includes a common carrier, contract carrier, local moving or drayage concern, freight forwarder, express company, or other person transporting property for hire wholly or in part by rail, motor vehicle, water or air.

(c) *Carrier.* The term "carrier" is co-extensive with the term "person engaged in the business of transporting property for hire."

(d) *Transportation.* The term "transportation" as used herein means the movement of property by a person en-



gaged in the business of transporting property for hire, including interstate, intrastate, and intra-city or other local movements, as well as towing, ferrying, switching, etc. In general, it includes accessorial services furnished in connection with a transportation movement, such as loading, unloading, blocking and staking, elevation, transfer in transit, ventilation, refrigeration, icing, storage, demurrage, lighterage, trimming of cargo in vessels, wharfage, handling, feeding and watering livestock, and similar services and facilities.

(e) *Property.* The term "property" means any physical matter regardless of value over which the right of ownership or control may be exercised, including currency, documents, papers of all kinds, etc.

(f) *Coal.* The term "coal" as used herein includes anthracite, bituminous, semi-bituminous, sub-bituminous and lignite coal, coal dust, and coke and briquettes made from coal.

#### SUBPART C—GENERAL PROVISIONS

##### SEC. 620. TRANSPORTATION OF PROPERTY. (Revenue Act of 1942.)

(a) Chapter 30 is amended by inserting at the end thereof the following new subchapter:

#### SUBCHAPTER E—TRANSPORTATION OF PROPERTY

##### SEC. 3475. TRANSPORTATION OF PROPERTY.

(a) *Tax.* There shall be imposed upon the amount paid within the United States after the effective date of this section for the transportation, on or after such effective date, of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 3 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 4 cents per short ton. Such tax shall apply only to amounts paid to a person engaged in the business of transporting property for hire, including amounts paid to a freight forwarder, express company, or similar person, but not including amounts paid by a freight forwarder, express company, or similar person for transportation with respect to which a tax has previously been paid under this section. In the case of property transported from a point without the United States to a point within the United States the tax shall apply to the amount paid within the United States for the part of the transportation which takes place within the United States. The tax on the transportation of coal shall not apply to the transportation of coal with respect to which there has been a previous taxable transportation.

(c) *Effective date of section.* The amendments made by this section shall take effect on the first day of the first month which begins more than thirty days after the date of the enactment of this Act.

§ 143.10 *Effective period.* The tax on the transportation of property imposed by section 3475 (a) is effective with respect to transportation originating on or after December 1, 1942, and continues in effect indefinitely.

§ 143.11 *Scope of tax.* Section 3475 (a) imposes a tax upon amounts paid within the United States after December 1, 1942, to a person engaged in the business of transporting property for hire, for transportation, originating on or after such date, of property by rail,

motor vehicle, water, or air from one point in the United States to another.

§ 143.12 *Rate of tax.* The tax is equal to 3 per cent of the taxable payment for the transportation of property, except that in the case of coal the rate of tax is 4 cents per short ton (2,000 pounds).

§ 143.13 *Application of tax—(a) In general.* The tax is payable by the person making the taxable transportation payment and is collectible by the person receiving such payment. (See § 143.50)

The tax applies to the total amount paid within the United States for transportation of property from one point in the United States to another even though while en route part of the transportation movement is through a foreign country.

The tax applies to any payment, not specifically exempted, for the transportation of property, made to a person engaged in the business of transporting property for hire, including a payment made by one such person to another, but not including an amount paid by a carrier, a freight forwarder, express company, or similar person for transportation with respect to which a tax is payable to such person.

The tax applies only to amounts paid after December 1, 1942, for transportation which originated on or after that date. No tax attaches to payments for transportation originating prior to the first moment of December 1, 1942. Payments made prior to December 2, 1942, are not taxable regardless of when the transportation occurs.

In the case of property transported from a point without the United States to a point within the United States the tax applies to any amount paid within the United States for that part of the transportation which takes place within the United States.

Where the amount paid in the United States covers the entire movement of property from point of origin in a foreign country to an inland point in the United States, the tax will apply to the pro rata part of such payment which represents transportation within the United States. However, in the case of shipments of foreign origin arriving by water, no tax will attach to transportation or services performed prior to the unloading of property at the port of first arrival.

The tax does not apply: (1) to an amount paid outside the United States for the transportation of property from a point without the United States to a point within the United States; (2) to an amount paid by a carrier, freight forwarder, express company or similar person for the transportation of property with respect to which a tax is payable to such carrier, freight forwarder, express company or similar person; (3) to an amount paid by or to the United States or any agency or instrumentality thereof for the transportation of property (see § 143.20); (4) to an amount paid by a State, or political subdivision thereof, for the transportation of property (see § 143.21); or (5) to an amount paid for the transportation of property in course of exportation or shipment to a possession of the United States and actually so exported or shipped (see § 143.30).

(b) *Coal.* An amount paid after December 1, 1942, with respect to the first transportation for hire originating on or after that date if coal is subject to tax, except that if such payment covers a movement from the mine to a preparation plant, including a breaker, washery or tippie, the tax will apply to the first transportation for hire which occurs thereafter.

An amount paid for transportation of coal is not taxable if there has been a previous taxable transportation of such coal. However, as there was no "taxable transportation" of coal prior to December 1, 1942, the tax applies to the amount paid for the first movement for hire, originating on or after that date, of all prepared coal, or of coal which is to be consumed in its unprepared state, irrespective of the fact that there may have been one or more previous movements of such coal for hire.

No tax attaches with respect to the transportation of unprepared coal from the mine to a preparation plant, including a breaker, washery or tippie.

An amount paid for the transportation of coke or briquettes made from coal is not subject to tax: *Provided*, There has been a previous taxable transportation of the coal or coal dust from which such coke or briquettes were manufactured.

When a person delivers to a carrier a quantity of coal for a transportation movement, and the transportation tax has previously been paid with respect to the coal so delivered, a statement to that effect shall be endorsed on the bill of lading or other shipping papers. This endorsement shall constitute authority to the carrier not to collect tax with respect to the transportation charges due on such shipment.

§ 143.14 *Accessorial and other miscellaneous charges—(a) Circus or show trains.* An amount paid pursuant to a contract for the movement of a circus or show train is subject to the 3 per cent tax where the amount covers only the transportation of the performers, laborers, equipment, etc., by the circus or show train. However, if the contract payment also covers the issuance to advance agents, bill posters, etc., of circus or show scrip books or other evidence of the right to transportation for use on regular passenger trains, that portion of the contract payment properly allocable to such scrip books or other evidence is subject to tax as an amount paid for the transportation of persons imposed under section 3469 of the Internal Revenue Code. The balance of the contract payment is subject to the tax on the transportation of property.

(b) *Refused or unclaimed property.* When damaged, refused or unclaimed property is sold by a carrier in satisfaction of a transportation charge, the carrier will collect from the purchaser the tax on the net amount realized from such sale to the extent of, but not in excess of, the actual transportation charge.

(c) *Baggage.* An amount paid, in connection with the transportation of persons, for the transportation of baggage, including incidental charges on account of excess weight, excess value, storage, transfer, special delivery, etc., or



an amount so paid for a special baggage or express car or other conveyance, is subject to the tax on the transportation of property if separable from the payment for the transportation of persons and separately shown on the records of the carrier. Otherwise, the tax on the transportation of persons applies.

§ 143.15 *In-transit shipments.* In the case of an in-transit shipment where a carrier has charged a local rate from the point of origin to the in-transit point and also a local rate from the in-transit point to the point of destination, and subsequently an adjustment is made for the difference between the sum of the local rates and the through rate, the carrier is authorized to make adjustment of the proportionate amount of tax involved and take credit for such amount in a subsequent monthly return.

#### SUBPART D—GOVERNMENTAL EXEMPTIONS

SEC. 3475. TRANSPORTATION OF PROPERTY. (As added by section 620 of the Revenue Act of 1942.)

(b) *Exemption of government transportation.* The tax imposed under this section shall not apply to amounts paid by or to the United States or any agency or instrumentality of the United States for the transportation of property.

§ 143.20 *Payments by or to the United States.* An amount paid to the United States or any agency or instrumentality thereof for the transportation of property is exempt from tax.

An amount paid directly to a carrier by the United States or any agency or instrumentality thereof for the transportation of property is likewise exempt.

In neither case will an exemption certificate be required.

§ 143.21 *Payments by a State or political subdivision thereof.* An amount paid directly to a carrier by a State, or political subdivision thereof, for the transportation of property is exempt from tax and no exemption certificate will be required.

#### SUBPART E—EXPORT SHIPMENTS

§ 143.30 *Transportation of property beyond the boundaries of the United States.* The tax will not apply to an amount paid in the United States for transportation of property in course of exportation to a foreign destination, or shipment to a possession of the United States, in accordance with the applicable requirements of these regulations. The provisions of this subpart covering transportation of property for export shall also apply to transportation to a possession of the United States.

Property will be considered to be in course of exportation from the time of delivery to a carrier in the United States for transportation by continuous movement to a point beyond the boundaries of the United States. The term "United States" means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

A shipment moving through the United States from one foreign point to another is deemed to be in course of exportation. However, if a break in the movement occurs within the United States, the tax will

apply to any payment made in the United States with respect to that part of the transportation which takes place in the United States. Any subsequent transportation of such property would be regarded as a separate movement.

The export character of a shipment shall be evidenced by a contract, order, proposal of purchase or other written evidence of intention to export, antedating the delivery of the shipment to the carrier.

§ 143.31 *Continuity of movement.* The continuity of the movement shall be evidenced by a through bill of lading covering a shipment to contiguous foreign territory, or a through export bill of lading covering a land-and-ocean shipment to non-contiguous foreign territory or to a possession of the United States, or, when the movement has not been under through shipping papers, by the bills of lading, freight or express receipts or other evidence. Any break in the movement must be due to the fault of transportation and not to any act of the shipper.

In case a break occurs in the movement of property shipped for export, which is not the fault of transportation, and the property comes to rest in transit prior to exportation, that part of the amount paid for the transportation which pertains to the movement from the point of origin to the point where the break occurs is taxable. A "break" may be said to occur wherever the property is stopped for a business purpose, such as grading, cleaning, mixing, sorting, or manufacture, and not merely in accommodation to the means of transportation.

When a shipment originating in, and consigned to a destination in, the United States, is subsequently diverted or reconsigned to a foreign destination and exported, tax will be due on that part of the amount paid for transportation which covers the movement from the point of origin to the point where the diversion or reconsignment to the foreign destination occurs. The amount paid for transportation from the point of diversion or reconsignment to the foreign destination will be considered as exempt from tax provided a temporary exemption certificate and certificate of exportation are filed. (See §§ 143.33 and 143.34.)

The related bill of lading or receipt, or other evidence of the continuity of the movement, shall be made available for inspection by internal revenue officers and retained by the shipper or other person who pays for the transportation for a period of four years from the date of payment.

§ 143.32 *Bills of lading.* An amount paid for the transportation of property shipped direct from a point within the United States to a point outside the United States under a through bill of lading or a through export bill of lading will be treated as exempt from the transportation tax, without further evidence of actual exportation. In case a through bill of lading is not issued at the point of origin, but the shipper intends to obtain a through bill of lading, there should be stamped across the original shipping

papers the words: "To be exchanged for through bill of lading". The original shipping papers in such case must show a consignee and destination outside the United States.

A shipment to contiguous foreign territory not made on a through bill of lading, or a land-and-ocean shipment not made on a through export bill of lading, must be covered by a temporary exemption certificate, and proof of the exportation of the shipment must be established by the subsequent filing of a certificate of exportation as explained in §§ 143.33 and 143.34.

A bill of lading covering property consigned to a person at a border point or port of exportation, even though showing the name of a foreign consignee and an ultimate foreign destination, is not a through bill of lading within the meaning of these regulations and shipments so consigned, in order to be exempt from the transportation tax, must be covered by a temporary exemption certificate and a certificate of exportation.

§ 143.33 *Temporary Exemption Certificate.* The Temporary Exemption Certificate, Form 798, shall be executed in accordance with the instructions printed thereon and in these regulations, and filed in duplicate by the shipper or other person who pays the transportation charge with the agent of the carrier at the time of payment. The carrier receiving a Temporary Exemption Certificate, in duplicate, shall retain the duplicate with the paid transportation document, and forward the original securely attached to its monthly return, Form 727, Revised, to the collector of internal revenue for the district in which the carrier's principal place of business is located.

If a break for a business purpose occurs in the transportation movement covered by a Temporary Exemption Certificate, the amount paid for the transportation from the point of origin to the point where the break occurs is taxable.

§ 143.34 *Certificate of Exportation.* Upon receipt of evidence of the actual exportation of a shipment, covering which a Temporary Exemption Certificate on Form 798 has been filed, the shipper or other person who paid for the transportation of the shipment to the point of export shall execute Form 799, Certificate of Exportation, in duplicate, retain the duplicate with the shipping papers, and at the close of the month forward the original to the Commissioner of Internal Revenue, Washington, D. C., attention: MT:M.

Documentary evidence of the exportation of the property, such as a copy of export bill of lading, memorandum from the captain of the vessel, customs official, or foreign consignee, shipper's export declaration, or other evidence sufficient to establish the fact that the property has actually been exported, shall be made available for inspection by internal revenue officers and be retained by the person paying the transportation charge for a period of four years.

If a properly executed certificate of exportation is not furnished within six months from the date of shipment from



the point of origin, the tax on the amount paid for transportation will be assessed and collected from the person who paid for the transportation.

§ 143.35 *Pools or similar arrangements.* Property intended expressly for export may be shipped from an interior point into a pool or similar arrangement, such as a grain elevator, oil storage tank, coal yard, etc., and, in continuation of the export movement, an equivalent amount of property of the same grade and kind, only, may be shipped therefrom to a place outside the United States.

The movement of property intended for export from an interior point to a pool shall be covered by a Temporary Exemption Certificate, Form 798, executed and filed as provided in § 143.33. This certificate shall have the word "Pool" typed, printed or stamped in the space provided therefor immediately beneath the number of the certificate.

Where a person has been designated to direct the exporting operations of a pool with authority to control its accounting practice, an additional copy of the Temporary Exemption Certificate, Form 798, filed with the carrier covering each shipment entering the pool, shall be furnished to such person by the person who pays the transportation charge. The director of the pool may, in behalf of the shipper or other person who paid the transportation charge, execute Form 799 as prescribed in § 143.34 covering shipments made from the pool for export.

No exemption from tax will be allowed with respect to transportation of property entering a pool in excess of the quantity of the same grade and kind actually exported therefrom.

#### SUBPART F—REGISTRATION

SEC. 3475. TRANSPORTATION OF PROPERTY. (As added by section 620 of the Revenue Act of 1942.)

(e) *Registration.* Every person engaged in the business of transporting property for hire, including freight forwarders, express companies, and similar persons, shall, on or before the sixtieth day after the effective date of this section, or within sixty days after first engaging in the business of transportation of property for hire, register his name and his place or places of business with the collector in the district in which is located the principal place of business of such person. Every such person who fails to register within the period specified shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$50.

§ 143.40 *Registration.* Every person engaged in the business of transporting property for hire, by rail, motor vehicle, water or air, including freight forwarders, express companies, and similar persons, shall, on or before January 30, 1943, or within sixty days after first engaging in the business of transportation of property for hire, file Application for Registry on Form 800 with the collector for the district in which is located his principal place of business (or if he has no principal place of business in the United States, then with the Collector of Internal Revenue, Baltimore, Maryland). A new application must be filed imme-

diately upon removal of the place of business to a new location.

The collector receiving an application for registry will issue Certificate of Registry, Form 800A, which must be posted in the registered place of business.

Every person required to register who fails to do so within the specified period is liable for the penalties imposed by law.

#### SUBPART G—RETURNS, PAYMENT OF TAX, AND RECORDS

SEC. 3475. TRANSPORTATION OF PROPERTY. (As added by section 620 of the Revenue Act of 1942.)

(c) *Returns and payment.* The tax imposed by this section shall be paid by the person making the payment subject to the tax. Each person receiving any payment specified in subsection (a) shall collect the amount of the tax imposed from the person making such payment, and shall, on or before the last day of each month, make a return, under oath, for the preceding month, and pay the taxes so collected to the collector in the district in which his principal place of business is located, or if he has no principal place of business in the United States, to the collector at Baltimore, Maryland. Such returns shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe.

(d) *Extensions of time.* The Commissioner may extend the time for making returns and paying the taxes collected, under such rules and regulations as he shall prescribe with the approval of the Secretary, but no such extension shall be for more than ninety days.

#### SEC. 3470. PAYMENT OF TAXES.

The taxes imposed by this chapter shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time fixed for filing the return.

#### LIABILITY FOR TAXES COLLECTED

SEC. 3661. ENFORCEMENT OF LIABILITY FOR TAXES COLLECTED.

Whenever any person is required to collect or withhold any internal-revenue tax from any other person and to pay such tax over to the United States, the amount of tax so collected or withheld shall be held to be a special fund in trust for the United States. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

#### SEC. 3658. FRACTIONAL PARTS OF A CENT.

In the payment of any tax under this title not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

#### RECORDS, STATEMENTS, AND SPECIAL RETURNS

SEC. 1720. RECORDS, STATEMENTS, AND RETURNS.

Every person liable to any tax imposed by this chapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3634. EXTENSION OF TIME FOR FILING RETURNS.

If the failure to file a return (other than a return of income tax) or list at the time prescribed by law or by regulation made under authority of law is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal Revenue personnel.*—(1) *Persons in charge of administration of Internal Revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

SEC. 3330. WITNESSING OF RETURNS IN LIEU OF OATH.

The Commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by any internal revenue law (except returns required under income or estate tax laws) to be under oath may, if the amount of the tax covered thereby is not in excess of \$10, be signed or acknowledged before two witnesses instead of under oath.

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

#### EXAMINATION OF BOOKS AND WITNESSES

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue,



including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

#### APPLICABILITY OF ADMINISTRATIVE PROVISIONS

##### SEC. 3473. APPLICABILITY OF ADMINISTRATIVE PROVISIONS.

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 1700, shall, in so far as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

##### SEC. 1722. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this chapter.

##### SEC. 1719. DISCRETIONARY METHOD ALLOWED COMMISSIONER FOR COLLECTING TAX.

Whether or not the method of collecting any tax imposed by this chapter is specifically provided herein, any such tax may, under regulations prescribed by the Commissioner, with the approval of the Secretary be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of subchapters A, B, and C of chapter 11, in so far as applicable, shall apply to the collection of any tax which the Commissioner determines or prescribes shall be collected in such manner.

**§ 143.50 Duty to collect, return, and pay tax.** Every person receiving any taxable payment for the transportation of property must collect the tax from the person making such payment at the time the payment is made.

**§ 143.51 Records.** Every person required by the provisions of the Code to collect any tax on any amount paid for the transportation of property must keep accurate records to show with respect to each individual transaction the amount of tax collected or evidence of the right to exemption where tax is not collected. Such records shall be kept for at least four years from the date the tax is due, and shall at all times be open to inspection by internal revenue officers. For penalties for failure to keep proper and accurate records, see § 143.62.

**§ 143.52 Returns.** Every person required to collect any tax on any amount paid for the transportation of property must make returns on Form 727 (Revised) in accordance with the instructions printed on the back thereof and in these regulations. A return must be made, in duplicate, under oath, for each calendar month, and must be sworn to before a person duly authorized to administer oaths, unless the amount of tax returned is \$10 or less, when it may be signed or acknowledged before two witnesses. The return, together with the amount of the tax, must be filed with the

collector of the district in which the principal place of business of the person required to file the return is located (or if he has no principal place of business in the United States, with the collector at Baltimore, Md.), on or before the last day of the month following that for which it is made, except where otherwise required. (See § 143.53, relating to extension of time, and § 143.56, relating to jeopardy assessments.)

When the last day of the month in which a return is due falls on Sunday or a legal holiday, the return may be filed with the collector of internal revenue or his authorized representative on the next secular or business day. If a person charged with the duty of collecting and paying over the tax on any of the facilities or services specified above discontinues business for any reason, the last return to be filed shall be marked "Final Return."

For penalties for failure to file, or delinquency in filing, returns, see § 143.62.

**§ 143.53 Extension of time.** If it is found impossible to make the proper return within the prescribed time, a request may be filed with the Commissioner for an extension of time, and upon a proper showing the Commissioner may, pursuant to section 3475, fix a definite time in each instance within which the return may be filed, but in no case shall such extension exceed ninety days.

**§ 143.54 Payment of taxes.** All taxes are due and payable to the collector of internal revenue, without assessment by the Commissioner or notice from the collector, at the time fixed for filing the return. If the tax is not paid when due there shall be added, as part of the tax, interest at the rate of 6 per cent per annum from the time the tax became due to the actual date of payment or assessment, whichever is prior. (See § 143.62)

**§ 143.55 Refusal to pay taxes.** If a person to whom taxable transportation service is furnished refuses to pay the tax imposed thereon, or if for any reason it is impossible for the collecting agency to collect the tax from such person, the collecting agency should report to the collector of internal revenue for the district in which its returns are filed the name and address of such person, the nature of the service rendered, the amount paid for such service, and the date on which paid. Upon receipt of such information the collector will report the item to the Commissioner for direct assessment. (See § 143.62 for penalties for refusal to pay tax)

#### JEOPARDY ASSESSMENT

##### SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon

become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

**§ 143.56 Jeopardy assessment.** Whenever in the opinion of the collector it becomes necessary to protect the interests of the Government by effecting immediate collection of tax, the matter shall be promptly reported to the Commissioner by telegram or letter showing the reasons therefor. The communication must state the full name and address of the person involved, the kind and amount of tax due, and the period involved, so that the Commissioner can immediately assess the tax, together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the collector shall, without delay, issue a notice and demand for payment thereof in full.

The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to collect the tax, penalty, and interest, by distraint, without regard to the 10-day period after notice and demand prescribed in section 3690.

#### SUBPART H—MISCELLANEOUS PROVISIONS

##### REFUNDS AND CREDITS

SEC. 3471. REFUNDS AND CREDITS (As amended by section 554 (d) (2) of the Revenue Act of 1941.)

(a) Credit or refund of any overpayment of tax imposed by subchapter B or subchapter C may be allowed to the person who collected the tax and paid it to the United States if such person establishes, to the satisfaction of the Commissioner, under such regulations as the Commissioner with the approval of the Secretary may prescribe, that he has repaid the amount of such tax to the person from whom he collected it, or obtained the consent of such person to the allowance of such credit or refund.

(b) Any person entitled to refund of tax under this chapter paid, or collected and paid, to the United States by him may take credit therefor against taxes due upon any monthly return.

(c) Any person making a refund of any payment on which tax under subchapter B or subchapter C has been collected, may repay therewith the amount of tax collected on such payment, and the amount of tax so repaid may be credited against the tax under any subsequent return.



**SEC. 620. TRANSPORTATION OF PROPERTY.**  
(Revenue Act of 1942.)

(b) *Technical amendment.* Section 3471 (a) and (b) are amended by striking out "or Subchapter C" wherever occurring therein and inserting in lieu thereof "Subchapter C, or Subchapter E".

**SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS AND REFUNDS.** (As amended by section 508 (b) of the Second Revenue Act of 1940.)

(a) *To taxpayers.*—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

**SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.**

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

**SEC. 3771. INTEREST ON OVERPAYMENTS.**

(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 per centum per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

(1) *Credits.* In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment of a tax imposed by the Revenue Act of 1921, 42 Stat. 227, or any subsequent Revenue Act, then to the date of the assessment of that amount.

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

**SEC. 3772. SUITS FOR REFUND.**

(a) *Limitations.*—(1) *Claim.* No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner, according to the provisions of law in that regard, and the regulations of the Secretary established in pursuance thereof.

(2) *Time.* No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates.

(3) *Reconsideration after mailing of notice.* Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun. This paragraph shall not operate (A) to bar a suit or proceeding in respect of a claim reopened prior to June 22, 1936, if such suit or proceeding was not barred under the law in effect prior to that date, or (B) to prevent the suspension of the statute of limitations for filing suit under section 3774 (b) (2).

(b) *Protest or duress.* Such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.

**SEC. 3774. REFUNDS AFTER PERIODS OF LIMITATION.**

A refund of any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) shall be considered erroneous;

(a) *Expiration of period for filing claim.* If made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed; or

(b) *Disallowance of claim and expiration of period for filing suit.* In the case of a claim filed within the proper time and disallowed by the Commissioner if the refund was made after the expiration of the period of limitation for filing suit, unless:

(1) Within such period suit was begun by the taxpayer, or

(2) Within such period, the taxpayer and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision in one or more named cases then pending before the Board of Tax Appeals or the courts. If such agreement has been entered into, the running of such statute of limitations shall be suspended in accordance with the terms of the agreement.

**SEC. 3775. CREDITS AFTER PERIODS OF LIMITATION.**

(a) *Period against United States.* Any credit against a liability in respect of any taxable year shall be void if any payment in respect of such liability would be considered an overpayment under section 3770 (a) (2).

(b) *Period against taxpayer.* A credit of an overpayment in respect of any tax shall be void if a refund of such overpayment would be considered erroneous under section 3774.

§ 143.60 *Credits.* Every person required to pay tax, or to collect and pay tax, who overpays from his own funds, tax on any monthly return may, in cases

where the overpayment was the result of a clerical or mechanical error, take credit for such overpayment against the tax due on a subsequent monthly return.

Every person required to collect tax, who makes a refund of any payment on which tax has been collected, may repay therewith the amount of tax collected on such payment and take credit for the amount so repaid against the tax due on a subsequent monthly return.

Any monthly return on which a credit is taken shall have attached thereto a sworn statement explaining the reason or reasons for claiming the credit, setting forth the amount of each kind of tax, and the portion thereof chargeable to each month's tax payment which is claimed to have been overpaid or overcollected, and stating whether a claim for refund with respect to any of the amounts involved has been filed, either with the collector or the Commissioner. To the extent that credit claimed on a return filed by a collecting agency is based on refunds or adjustments made with persons who paid the tax, the statement shall show that the collecting agency has refunded the tax to the persons involved or has obtained the written consent of such persons to the allowance of the credit. The written consent must be forwarded to the collector with the return on which the credit is taken.

A complete and detailed record of all credits taken shall be maintained and made available for inspection by revenue officers for four years from the date of the return on which the credit appears.

§ 143.61 *Abatement or refund of erroneous or illegal assessments or collections.* A claim for abatement or refund of taxes alleged to have been erroneously or illegally assessed or paid (or of any penalties assessed or collected without authority) shall be prepared on Form 843 and presented to the collector of internal revenue for the district in which the amount claimed was assessed or paid. (See section 3313 of the Code.)

Where a collecting agency has erroneously or illegally overpaid from its own funds any tax, the collecting agency may claim a refund of such overpayments. In case a collecting agency has erroneously or illegally overcollected and overpaid any tax due, the collecting agency may claim a refund of the amount so overcollected and overpaid, but only if it is established by affidavit or otherwise as may be required (a) that the tax so overcollected and overpaid has been returned to the person from whom collected, or that the collecting agency has obtained the written consent of such person to the granting of the refund and (b) that no credits have been taken for the alleged overpayment in the manner provided for in § 143.60.

If a person who has paid tax to a collecting agency files a claim for refund in his own name, there should be attached to the claim the original receipts issued by the collecting agency showing payment of the tax involved and a sworn statement of the facts on which the claim for refund is based, and the affidavit on Form 843 must show that no repayment of the tax alleged to have



been overpaid or any part thereof has been made to the claimant by the collecting agency and that he has not consented to the allowance of credit or refund to the collecting agency.

#### PENALTIES AND INTEREST

##### SEC. 1853. PAYMENTS OF TAX.

(c) *Addition to the tax in case of delinquency.* If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time the tax became due until paid.

##### SEC. 3470. PAYMENT OF TAXES.

If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time the tax became due until paid.

##### SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(d) *Additions to tax—(1) Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

##### SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; \* \* \*

##### SEC. 1718. PENALTIES.

(a) Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any

tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(b) Any person required under this chapter to collect, account for and pay over any tax imposed by this chapter who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this chapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(c) Any person who willfully fails to pay, collect, or truthfully account for and pay over, any tax imposed by this chapter, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

**§ 143.62 Penalties and interest.** In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to a reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which the failure continues, but not to exceed 25 percent in the aggregate.

Failure to pay tax within the time fixed for filing returns causes interest to accrue automatically, without assessment of the tax by the Commissioner or notice to the taxpayer, to the date of payment or assessment, whichever is prior. The due date of the tax for the purpose of computing interest is the last day of the month within which the return is required to be filed and the tax paid.

Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue, under section 3655, a 5 percent penalty and interest at the rate of 6 percent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment. Where assessment is settled by partial payments, interest shall be computed on the total assessment at the above-prescribed rate from the date of the first 10-day notice through the date of first payment, and on the balance interest shall be computed

from the next succeeding day to the date of the next payment, and so on until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 percent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 percent penalty applies. The filing of the claim does not affect the accrual of interest, which continues to run for the full period from the date of the first notice and demand through the date of payment.

If a false or fraudulent return is willfully made, the penalty under section 3612 (d) (2) is 50 per cent of the total tax due for the entire period involved, including any tax previously paid for such period.

Any person who willfully fails to pay or collect any tax due, file return, or keep records, or who attempts in any manner to evade or defeat the tax, is subject to a fine of \$10,000, or imprisonment, or both, with costs of prosecution, and is also liable to a penalty equal to the amount of the tax not collected or paid. These penalties apply to any officer or employee who, as such officer or employee, is under a duty to perform the act in respect of which the violation occurs, as well as to any other person who fails or refuses to perform any of the duties imposed by the Code, i. e., pay or collect the tax, make return, keep records, supply information, etc.

##### SEC. 3710. SURRENDER OF PROPERTY SUBJECT TO DISTRRAINT.

(a) *Requirement.* Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) *Penalty for violation.* Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interest from the date of such levy.

(c) *Person defined.* The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

##### SEC. 3793. PENALTIES AND FORFEITURES.

(b) *Fraudulent returns, affidavits, and claims.* (1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be



guilty of a felony, and, upon conviction thereof, be fined not more than \$10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 35. CRIMINAL CODE OF THE UNITED STATES, AS AMENDED BY THE ACT APPROVED APRIL 4, 1938 (52 STAT., 197).

(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; \* \* \* shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

AUTHORITY FOR REGULATIONS

SEC. 3791. RULES AND REGULATIONS.

(a) *Authorization—(1) In general.* \* \* \* the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 143.63 *Promulgation of regulations.* In pursuance of the provisions of the law, the foregoing regulations are hereby prescribed.

[SEAL]

NORMAN D. CANN,  
Acting Commissioner  
of Internal Revenue.

Approved: February 1, 1943.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 43-1723; Filed, February 1, 1943;  
4:42 p. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary

PART 3—DETERMINATIONS RELATING TO OVERTIME, SUNDAY, AND HOLIDAY PAY

TEMPORARY STAY OF APPLICATION OF OVERTIME WAGE ORDER TO THE SHIPBUILDING AND SHIP REPAIR INDUSTRY

Upon the request of the Chairman of the Shipbuilding Stabilization Committee for exemption of the shipbuilding and ship repair industry from the provisions of Executive Order 9240, entitled "Regulations Relating to Overtime Wage Compensation," it is ordered, pursuant to the authority vested in me by Executive Order 9248, that the temporary stay of application of Executive Order 9240 to work in the Shipbuilding and Ship Repair Industry, which is subject to the Zone Standards Agreements for the Shipbuilding and Ship Repair Industry and the Pacific Coast Repair Agreements, granted by me by order dated September 30, 1942 (7 F.R. 7801, 10050), for a period of 60 days from October 1, 1942, and extended by my order dated November 29, 1942 until January 31, 1943, is hereby further extended until March 2, 1943.

Dated: January 29, 1943.

FRANCES PERKINS,  
Secretary of Labor.

[F. R. Doc. 43-1745; Filed, February 2, 1943;  
11:18 a. m.]

Chapter VI—National War Labor Board

[General Order 25A]

PART 803—GENERAL ORDERS

TENNESSEE VALLEY AUTHORITY

Authorization of the Board of Directors of the Tennessee Valley Authority to rule on wage and salary adjustments of employees of the Tennessee Valley Authority and of contractors engaged in construction work for the Tennessee Valley Authority.

§ 803.25a *General Order No. 25A.* General Order No. 25, adopted on December 22, 1942, is hereby revoked. (7 F.R. 11109) In its place, the following order is adopted:

(a) The National War Labor Board in accordance with the further provisions of this Order hereby delegates to the Board of Directors of the Tennessee Valley Authority the power to approve or disapprove all applications for adjustments of wages and salaries (insofar as approval thereof has been made a function of the National War Labor Board) of employees of the Tennessee Valley Authority; also applications to equalize the wages and salaries of laborers and mechanics while actually employed by contractors in performing contracts with the Tennessee Valley Authority within paragraph 2 of section 3 of the Tennessee Valley Authority Act, as amended, with the wages and salaries of like employees of the Tennessee Valley Authority.

(b) In the performance of its duties hereunder, the Board of Directors of the Tennessee Valley Authority shall comply with Executive Order 9250, dated October

3, 1942, and all regulations heretofore or hereafter issued thereunder, and with the declaration of wage policy of the National War Labor Board, dated November 6, 1942. In ruling on applications for adjustments of wages and salaries of laborers and mechanics employed by contractors, it shall approve them only if they fix the same wages and salaries for such employees as for the employees of the Tennessee Valley Authority performing like work. Disapproval of an application on the ground that it does not fix such equal wages and salaries shall not preclude application through other channels of the National War Labor Board. The Board of Directors of the Tennessee Valley Authority, without making an initial ruling thereon may refer to the National War Labor Board, for decision by the Board, any application which in its opinion presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Board of Directors of the Tennessee Valley Authority shall transmit to the Review and Research Division of the National War Labor Board copies of its rulings, and rules of procedure, if any, as they are issued, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(d) Any ruling by the Board of Directors of the Tennessee Valley Authority hereunder shall be deemed the act of the National War Labor Board and shall be final, subject to the National War Labor Board's right to review rulings on its own motion and to reverse or modify the same. Any such reversal or modification shall not be retroactive and shall allow the Tennessee Valley Authority or the contractor, as the case may be, a period of two weeks for compliance. (Adopted January 27, 1943)

(E.O. 9250, 7 F.R. 7871)

L. K. GARRISON,  
Executive Director.

[F. R. Doc. 43-1751; Filed, February 2, 1943;  
11:41 a. m.]

Chapter VII—War Manpower Commission

[General Order 2]

PART 902—TRAINING PROGRAMS FOR ARMED FORCES CARRIED ON IN NON-FEDERAL EDUCATIONAL INSTITUTIONS

SELECTION OF INSTITUTIONS

By virtue of and pursuant to the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9279, I hereby prescribe the following regulations governing the selection of non-Federal educational institutions for the conduct of training programs for the Armed Forces, and the approval of such training programs and of contracts relating thereto:

- Sec.  
902.1 Definitions.  
902.2 Approval of training programs.  
902.3 Contracts.  
902.4 Establishment of joint committee.  
902.5 Selection of institutions.

AUTHORITY: §§ 902.1 to 902.5, inclusive, issued under E.O. 9139, 9279; 7 F.R. 2919, 10177.



§ 902.1 *Definitions.* For the purpose of these regulations,

(a) "Educational institutions" and "institutions" shall mean non-Federal institutions.

(b) "Armed Forces" includes their reserve components and the Women's Army Auxiliary Corps.

§ 902.2 *Approval of training programs.* All training programs for the Armed Forces involving the utilization of educational institutions, their facilities and personnel shall be submitted to the Chairman of the War Manpower Commission for approval. Such programs may be initiated by the Armed Forces in educational institutions selected in accordance with these regulations upon agreement with the educational institutions involved, at any time after approval by the Chairman of the War Manpower Commission.

§ 902.3 *Contracts.* All contracts for training entered into between the Armed Forces and educational institutions, and all modifications or changes thereof, shall conform to the applicable training program approved by the Chairman of the War Manpower Commission pursuant to § 902.2 of these regulations, and shall conform to the determination by the Joint Committee with respect to the availability of the facilities of the institution in question, made pursuant to § 902.5 of these regulations.

§ 902.4 *Establishment of joint committee.* (a) There shall be established a Joint Committee composed of three representatives designated by the Secretary of War, three representatives designated by the Secretary of Navy, and three representatives designated by the Chairman of the War Manpower Commission.

(b) The Joint Committee shall select the educational institutions in which training programs of the Armed Forces may be carried out under the regulations herein and hereinafter prescribed by the Chairman of the War Manpower Commission.

(c) In the selection of institutions for specialized training programs decisions shall be made by unanimous agreement of the Joint Committee. In the absence of unanimous agreement by the Committee, the matter shall be submitted to the Chairman of the War Manpower Commission for final decision.

§ 902.5 *Selection of institutions.* (a) Institutions shall be selected on the basis of their available administrative and instructional facilities, including staff, library, laboratories and equipment, as well as on the basis of housing, messing, and recreational facilities, as these are related to the particular training needs of the Armed Forces.

(b) As large a number of institutions, not omitting the smaller institutions, as may be consistent with economical and effective operation of the programs for training shall be selected. This selection shall likewise take into consideration a geographical distribution of institutions, based on the specific training needs of the Armed Forces and the time and cost of transportation of trainees.

(c) In the selection of any institution under these regulations, due considera-

tion shall be given to Reserve Officers' Training Corps and to Army and Navy training programs now in operation in the institution, as well as availability and responsibility of the institution for the training of personnel for essential civilian activities.

(d) In addition to the data provided in the special reports presented by institutions on schedules distributed to all higher educational institutions, the Joint Committee shall give consideration to such supplementary information as may be furnished by the United States Office of Education and by the American Council on Education. Where necessary, information derived from personal inspection by representatives of the Armed Forces shall be considered.

(e) Institutions shall be selected according to the type of instruction that can be given most effectively at the required level in engineering, medical, pre-medical, and other needed fields, as well as in liberal arts. Consideration shall be given to the relationship of the type of instruction required to the numbers of students to be given basic instruction and to the number to be trained in various advanced and specialist classifications.

(f) Particular attention shall be given to the limited capacities of engineering, medical and other technical institutions in relation to the heavy demands for such forms of training by the Army, Navy, and essential civilian activities. Therefore, use shall be made of as many liberal arts and non-technical institutions as possible for basic training.

(g) Contracts shall be made initially with institutions which have available the necessary physical facilities and instructional staff required by the program. When and if additional institutions are needed, the extent to which the required additional facilities and staff can be obtained shall be considered.

PAUL V. McNUTT,  
Chairman,

War Manpower Commission.

JANUARY 30, 1943.

[F. R. Doc. 43-1750; Filed, February 2, 1943;  
11:32 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

#### Subchapter B—Director General for Operations

*AUTHORITY:* Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 819 and 507, 77th Cong.

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-225]

##### BALDWIN RUBBER COMPANY

Baldwin Rubber Company of Pontiac, Michigan, on March 9, 1942 received an order for the production of rubber sheets for soles for civilian shoes. Prior to that time the company had not produced any soling material but had been engaged largely in the manufacture of automobile floor mats and other automotive parts.

On March 20, 1942, Supplementary Order No. M-15-b was amended so as to prohibit the processing or consumption, after March 31, of reclaimed or scrap rubber for the production of soling materials for shoes. Baldwin Rubber Company was fully aware of the terms of this order of the War Production Board. Nevertheless, after March 31 and until halted by a representative of the War Production Board, on April 9, the Baldwin Rubber Company processed in excess of 35 tons of reclaimed rubber for the manufacture of soles for civilian shoes.

This constituted a wilful violation of the provisions of Supplementary Order M-15-b, as amended, which has hampered and impeded the war effort of the United States by diverting materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

#### § 1010.225 *Suspension Order S-225.*

(a) For a period of thirty days from the effective date of this order, Baldwin Rubber Company shall not use, process, stamp, cut, or in any manner change the form, shape or chemical composition of any crude rubber, latex, reclaimed rubber, scrap rubber or synthetic rubber except for the production of articles for delivery to fill:

(1) War orders, as defined in Supplementary Order M-15-b, as amended, and

(2) Orders placed prior to the issuance date hereof by the Chemical Warfare Service of the United States Army.

(b) Beginning thirty days after the effective date of this order, Baldwin Rubber Company shall not use, process, stamp, cut, or in any manner change the form, shape or chemical composition of any crude rubber, latex, reclaimed rubber, scrap rubber, or synthetic rubber except for the production of articles for delivery to fill war orders, as defined in Supplementary Order M-15-b, as amended.

(c) Nothing contained in this order shall be deemed to relieve Baldwin Rubber Company from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect February 4, 1943 and shall expire November 9, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 1st day of February 1943.

CURTIS E. CALDER,  
Director General for Operations.

[F. R. Doc. 43-1722; Filed, February 1, 1943;  
4:12 p. m.]

#### PART 984—LEAD

[Conservation Order M-38-c as Amended  
Feb. 2, 1943]

Whereas, national defense requirements have created a shortage of lead for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or



essential civilian requirements is curtailed or prohibited as hereinafter provided; Now, therefore, it is hereby ordered, That:

**§ 984.4 Conservation Order M-38-c—**

(a) *Prohibition on use of lead in articles appearing on List A.* (1) Any person using lead or lead base alloy in any item on List A shall reduce his use of lead or lead base alloy for such product between January 1 and March 31, 1942 to 50% of his use in the base period.

(2) Effective April 1, 1942, no lead or lead base alloy shall be used in the production of any item on List A.

(3) Effective May 1, 1942, no person shall use lead foil or lead base alloy foil, in packaging any cigarettes.

(b) *Limitation on all other uses of lead.* From and after October 1, 1942, no person shall use during any calendar quarter in the manufacture of any product which is not prohibited by paragraph (a) of this order more lead or lead base alloy than 90% of the quantity of lead or lead base alloy that he used in the manufacture of such product during the base period. If any person did not use lead or lead base alloy during the base period in the manufacture of any product not prohibited by paragraph (a), he may use in the manufacture of such product such quantity of lead or lead base alloy as the Director General for Operations may authorize pursuant to an appeal under paragraph (f) (2) of this order.

(c) *General exceptions.* Where and to the extent that the use of any less critical material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) of this order shall not apply to the use of lead or lead base alloy in the manufacture of any item on, or for any of the uses set forth on, List B attached, nor in the manufacture of any item which is being produced:

(1) Under a contract, subcontract or purchase order for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of lead or lead base alloy to the extent employed is required by the specifications (including performance specifications) of the applicable contract, subcontract or purchase order; or

(2) To comply with underwriters regulations, or safety regulations issued under Governmental authority, provided that the pertinent provisions of such regulations were, in either case, in effect

both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of lead or lead base alloy to the extent employed; or

(3) For use in equipment in manufacturing plants to the extent that corrosive action makes necessary the use of lead; or

(4) For use in scientific and industrial laboratories and hospitals where and to the extent that the physical and chemical properties of lead make its use necessary.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver lead or lead base alloy to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of lead or lead base alloy (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw materials in quantities, which in any case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory.

(f) *Miscellaneous provisions—(1) Applicability of Priorities Regulation 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of lead or lead base alloy conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, Ref.: M-38-c, on such forms as may be prescribed, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to January 10, 1942 or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of lead or lead base alloy in the production of any article, the limitations of such other order shall be observed.

(4) *Violations.* Any person who willfully violates any provision of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

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

(i) "Lead" means and includes lead metal whether produced from domestic or foreign ores, which has been refined by any recognized method, in all forms and shapes current in the trade; antimonial lead, and lead metal produced from scrap and drosses.

(ii) "Lead base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(iii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control or under common control with or available for the use of such person.

(iv) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat or process in any other way, but does not include installation of a finished product for the ultimate consumer.

(v) "Item" means any article or any component part thereof.

(vi) "Use" means both (a) the act of putting lead or lead base alloy into process in the manufacture of any item and (b) the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period this limitation applies respectively to (a) the amount of material put into process during the base period and (b) the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(vii) "Base period" means either (a) the 3rd quarter of 1941, or (b) the 4th quarter of 1941, at the election of the manufacturer: *Provided*, That a single method of computation shall be used throughout the calendar year.

(viii) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

Issued this 2d day of February 1943.

CURTIS E. CALDER,  
Director General for Operations.

**LIST A OF ORDER M-38-c**

The use of lead or lead base alloy, in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing conservation order, and except to the extent that the use of solder may be required in the assembly of two or more component parts of such items.

Automobile body solder  
Ballast, keels for pleasure boats



Building supplies (except as permitted in latest War Housing Critical List):

doors  
flashings, over 2½ lbs. per sq. ft. hard lead or 4 lbs. per sq. ft. soft lead  
gutters  
leaders  
ornamental work  
puttyless frames  
roofing  
safety treads  
sash weights  
sheets under flooring except those not over 2½ lbs. per sq. ft. hard lead or 4 lbs. per sq. ft. soft lead for water proofing  
shower pans, over 2½ lbs. per sq. ft. hard lead or 4 lbs. per sq. ft. soft lead  
sky lights and windows  
spandrels  
stair-treads  
Buttons, costume jewelry, novelties, and trophies  
Caskets and casket hardware except name plates manufactured from secondary antimonial lead weighing not more than 14 ounces  
Foil (except as specified on List B)  
Glass for ornamental purposes  
Regalia, badges, emblems  
Statuary and art goods  
Tennis court markers  
Toys  
Weights for:  
bats  
clocks  
decoys  
dresses  
golf clubs  
jockey's saddle

#### LIST B OF ORDER M-38-c

The items listed below and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (b) of the foregoing Conservation Order M-38-c, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Anodes and cathodes in electroplating processes  
Baths for the heat treatment of steel  
Bearings, bushings, and thrust washers  
Building supplies as follows:  
bends  
calking lead  
closet floor flanges (hard lead only)  
flashings up to and including 2½ lbs. per sq. ft. hard lead or 4 lbs. per sq. ft. soft lead  
pipe  
sheets 2½ lbs. per sq. ft. and under hard lead or 4 lbs. per sq. ft. and under soft lead for water proofing  
shower pans 2½ lbs. per sq. ft. and under hard lead or 4 lbs. per sq. ft. and under soft lead  
traps  
Fire fighting and other protective equipment where and to the extent lead or lead base alloy is essential to the proper functioning of the parts.  
Foil for:  
babbitt for the preparation of industrial metallic packing  
condensers  
dental uses  
electrotyping  
moulding lead  
packaging cheese, yeast, dehydrated hydroscopic foods and medicinal and pharmaceutical products  
wrapping lead sheathed cable  
Gaskets  
Glass for optical and scientific purposes  
Identification and instruction plates of secondary antimonial lead for industrial machinery and equipment

Lead arsenate for agricultural insecticides and fungicides  
Solder  
X-ray equipment and supplies  
Pigments and driers

[F. R. Doc. 43-1733; Filed, February 2, 1943; 11:11 a. m.]

#### PART 1072—SOLE LEATHER

[Supplementary Order M-80-g]

§ 1072.8 *Supplementary Order M-80-g.* Pursuant to paragraph (b) (1) of Order M-80 as amended to August 5, 1942, which this order supplements, each person tanning sole leather for his own account or causing sole leather to be tanned for his account by others shall set aside during the period from February 1, 1943, to February 28, 1943, inclusive, at least 25% of the quantity of manufacturers bends produced by him for his own account, or produced for his account by others, during that period. The weight and quality of said portion set aside shall be proportionately equal, as nearly as can be, to those of the manufacturers bends not so set aside.

Issued this 2d day of February 1943.

CURTIS E. CALDER,  
Director General for Operations.

[F. R. Doc. 43-1735; Filed, February 2, 1943; 11:11 a. m.]

#### PART 1090—AGAVE FIBER, AGAVE PRODUCTS AND CERTAIN OTHER CORDAGE

[General Preference Order M-84, as Amended Feb. 2, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of agave fiber, agave products and certain other cordage 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:

§ 1090.1 *General Preference Order M-84—(a) Definitions.* For the purposes of this order:

(1) "Agave fiber" means agave fiber of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow, waste (but not including processor's mill waste) and fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala, and maguey, and sometimes preceded by an adjective designating the country or district of origin.

(2) "Agave cordage" means cables and ropes 3/16" in diameter and larger, cordage or twines of any diameter used in the manufacture of any wire rope, twines used for fishing nets, and tarred marlines for use in manufacturing wire rope and for marine uses, in which agave fiber either alone or in combination with other material is used, but does not include agave cordage sold or delivered for its scrap value.

(3) "Processor" means any person who spins, twists, weaves or otherwise uses

agave fiber in the production of cordage, twine or any other product.

(4) "Processing" means any use of agave fiber for the manufacture of any article or commodity into which agave fiber goes or of which it becomes a part.

(5) "Dealer" means any person who procures agave cordage or agave twine for storage or for sale, and includes selling agents and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such agave cordage or agave twine, but shall not include any person who imports agave cordage, or agave twine.

(6) "Wrapping twine" means twine, including lath yarns (ply and yarn goods) as included in National Bureau of Standards Simplified Practice Recommendation R 92-38, and any other twine suitable for the same purposes for which those twines described in said Simplified Practice Recommendation R 92-38 are used, which contains agave fiber, but shall not include binder twine.

(7) "Binder twine" or "binding twine" means a single yarn twine, manufactured of agave fiber, of the type customarily heretofore manufactured, and sold in lengths measuring 500, 525, 550, 600, 630 or 650 feet to the pound, with a plus or minus tolerance of 5 per centum, containing a lubricant of not less than 10 per centum of the total weight of the twine and an insect repellent, and which is put up in balls of approximately 5 or 8 pounds each, is suitable for use with a harvesting machine, and is used in the harvesting of agricultural products.

(8) "Inventory" with respect to any person shall include all of any agave product held or controlled by such person at all warehouses, plants or places of storage, but shall not include any of such product while actually in transit or actually in use.

(9) "Supply" means the average monthly amount of any agave product withdrawn from inventory which has been resold or put into actual use.

(i) In the three calendar months preceding the calendar month for which supply is being calculated; or,

(ii) In the three calendar months of the previous year which immediately followed the calendar month of that year corresponding to the said calendar month for which supply is being calculated;

whichever of the two shall be the higher.

(10) "Basic monthly poundage" with respect to any cordage processor for any month shall be the average number of pounds per month of both Manila and agave cordage sold by such processor during the period from January 1, 1939, to December 31, 1941, minus 37% of such person's Manila fiber basic monthly poundage calculated as required by General Preference Order M-36: *Provided*, That any cordage processor keeping his books on a weekly basis may calculate his basic monthly poundage from the fifty-two week period of the 1939 calendar year and adjust any other calculations or quotas under this order.



(11) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico or any other foreign country.

(b) *Restrictions on sales and deliveries of agave fiber.* No person shall sell, or deliver, or make or accept delivery of agave fiber of any grade or quality; except that purchases, sales and deliveries of agave fiber may be made:

(1) By and to Defense Supplies Corporation;

(2) By and to persons importing or otherwise handling agave fiber in accordance with written instructions from Defense Supplies Corporation: *Provided*, That such agave fiber is to be delivered, either processed or unprocessed, directly or through one or more other persons to Defense Supplies Corporation.

(3) By and to importers, dealers, jobbers, or processors, pursuant to contracts entered into on or before February 20, 1942, but only of agave fiber in the amounts specified in such contracts on or before the said date, or by any amendments or supplements thereto on or before August 5, 1942: *Provided, however*, That purchases, sales and deliveries under general requirements contracts or contracts to take all, or a specified percentage of a production may continue to be made until December 31, 1942: *And provided further*, That all agave fiber, except bagasse waste, imported on or after October 31, 1942, under any contract mentioned in this subparagraph (3) shall, within twenty-four hours after its arrival, be reported to the War Production Board, except such agave fiber which shall have been offered for sale to the Defense Supplies Corporation, and such reported agave fiber shall not be used or disposed of except as specifically authorized by the Director General for Operations.

(4) By and to importers, dealers, jobbers, or processors of agave fiber which has been rejected by Defense Supplies Corporation as unfit for its use.

(5) By and to importers, dealers, jobbers or processors of tow, waste, bagasse flume or fiber less than twenty inches in length: *Provided*, That such fiber was on hand in the United States on February 20, 1942, or was, or is thereafter imported pursuant to this paragraph (b).

(6) By processors to processors, whether directly or through one or more other persons, of agave fiber which was on hand in the United States on or before August 5, 1942, or which is thereafter imported pursuant to this paragraph (b).

(c) *Restrictions on the processing of agave fiber.* (1) Except as provided in paragraphs (c) (2), (3) and (4), no person shall process any agave fiber in the manufacture of any product except the products specified below, and then only from the fibers and in the amounts ex-

pressly permitted below. The quotas hereinbelow established shall include processing for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents.

(i) *Wrapping twine.* Processors may use agave fiber for the manufacture of wrapping twine in an amount in any month not in excess of the percentage for such month, of his average monthly sales for the calendar year 1941 described below:

	Percent
February, 1942	100
March, 1942	70
April, 1942	65
May, 1942	65
June, 1942	57½
July, 1942	50
August, 1942	40
September, 1942	20
October, 1942, and each month thereafter	0

*Provided, however*, That this restriction shall not apply to wrapping twine commonly known as baler twine for use in machines harvesting agricultural products (except straw to be used in strawboard manufacture) other than machines using binder twine: *Provided, further*, That no processor may use agave fiber for the manufacture of baler twine during the calendar year 1943 in an amount in excess of 110% of his sales of baler twine during the calendar year 1942 minus his inventory of baler twine on hand at the close of business on December 31, 1942: *Provided, further*, That any person purchasing any such baler twine from a processor shall endorse on, or attach to, his purchase order or delivery receipt therefor, a certificate signed by such person, or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that the baler twine covered by this certificate will be either resold or used by the undersigned during the current harvest season for use in machines harvesting agricultural products (except straw to be used in strawboard manufacture) other than machines using binder twine in accordance with paragraph (c) (1) of General Preference Order M-84.

*And, provided further*, That no person shall put into process after April 13, 1942 any java agave sisalana for the manufacture of wrapping twine, or after August 5, 1942 any Java agave cantala for this purpose.

(ii) *Binder twine.* Processors may use agave fiber in the manufacture of binder twine: *Provided*, That no grade of the following kinds of agave fiber may be used for this purpose: Java cantala or African, Haitian, Java or Madagascar sisalana.

(iii) *Padding or stuffing.* Processors manufacturing padding or stuffing may use for that purpose only bagasse waste, except on orders to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of, the

Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, in which case tow, waste, and fibers less than twenty inches in length may be used.

(iv) *Reinforced paper, tape and plastics.* Processors manufacturing reinforced paper, tape and plastics may use agave fibers except Java sisalana and Java cantala, but only in an amount not in excess of 50% of the fiber content of their average monthly sales of such products for the twelve months ended June 30, 1942.

(v) *Agave cordage.* Processors manufacturing agave cordage shall not put into process in any of the periods listed below an amount of agave fiber in excess of the amounts hereinafter specified for such period:

Periods:	Amounts of agave fiber
July 1, 1942, through	
December 31, 1942	12.2 times basic monthly poundage
Each calendar quarterly period in 1943	5.3 times basic monthly poundage

*Provided*, That the amount of agave fiber which may be put into process for this purpose by any cordage processor in any such period shall be:

(a) *Diminished* by the amount of any additional Manila fiber which may be put into process by such cordage processor during such period pursuant to any exceptions or additional authorizations issued by the Director General for Operations pursuant to General Preference Order M-36.

(b) [Revoked January 4, 1943.]

(c) [Revoked January 4, 1943.]

(2) A person may process agave fiber in the manufacture of a product not specified in paragraph (c) (1), for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration or its operating or general agents.

(3) The prohibitions of paragraph (c) (1) shall not apply to the manufacture of wrapping twine, binder twine, agave cordage, reinforced paper, tape, or plastics from tow, waste, or fiber under twenty inches in length.

(4) The Director General for Operations may, whenever supplies of agave fiber on hand in the United States warrant, increase the amounts of agave fiber which may be entered into process for the manufacture of agave cordage or for such other products as in the judgment of the Director General for Operations may be necessary to promote the national defense and in the public interest.

(d) *Restrictions on purchases, sales and deliveries of agave cordage and wrapping twine.* (1) No dealer shall order, purchase or accept deliveries of any agave cordage which will result in such dealer having in inventory an amount thereof in excess of one month's supply.

(2) No person (other than a dealer, an importer, a wire rope manufacturer, the



Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents) shall order or accept delivery of any agave cordage which will result in such person having in inventory an amount thereof in excess of one month's supply; and no such person shall have outstanding at any one time orders for future deliveries of agave cordage in excess of one month's supply for such person.

(3) No importer shall, during the period from August 5, 1942 to October 31, 1942, sell or deliver in any calendar month agave cordage in excess of his average monthly sales of Manila and agave cordage in the calendar years 1939-1941, or in any calendar month after October 31, 1942, sell or deliver agave cordage, other than agave cordage sold or delivered to the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the War Shipping Administration or its operating or general agents, in excess of one-third of his average monthly sales of Manila and agave cordage in the calendar years 1939-1941.

(4) On and after September 26, 1942, no processor shall process agave fiber for cordage or sell or deliver any agave cordage except for filling contracts or purchase orders therefor, for the following categories of uses:

(i) *Class One: Agave cordage other than that used in manufacture of wire rope.* (a) Use for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents;

(b) Use upon any contract or order placed by any department or agency of the United States Government for delivery of agave cordage to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act).

(c) Use for physical incorporation into material or equipment (excluding grommets and ammunition box handles) to be delivered under an order on hand to or for the account of any of the departments or agencies specified in the foregoing inferior subdivisions (a) and (b) of paragraph (d) (4) (i).

(ii) *Class Two: Agave cordage other than that used in the manufacture of wire rope.* (a) Commercial or other governmental marine, towage or lighterage uses, provided the cordage for such uses (excluding wheel rope for steering vessels) shall be one inch or more in diameter;

(b) Fishing uses for commercial fish markets or canneries;

(c) Use as catlines, spinning lines, bull-ropes and drilling cables in the operation or drilling of oil or gas wells;

(d) Use as drilling cables or scaling ropes in mines or quarries or in drilling water wells;

(e) Power transmission uses where an endless rope is used in transmitting continuous mechanical power between driver and driven grooved pulleys;

(f) Use to fill any purchase order carrying a preference rating of A-1-a or higher for the construction, maintenance or repair of any machinery equipment or structure, including public utility power lines and communications systems and shipyards, hulls and vessels;

(g) Use as grapnel cable;

(h) Use on elevators as governor rope, hawser laid,  $\frac{5}{8}$ " through 1" in diameter;

(i) Use as lifeboat falls;

(j) Use as drop hammer rope on purchase orders carrying a preference rating of A-1-a or higher;

(iii) *Class Three: Agave cordage used in the manufacture of wire rope.* Use in the manufacture of component parts of wire rope: *Provided, however,* That, on and after December 14, 1942, such agave cordage shall be processed only in sizes of  $\frac{1}{4}$  of an inch in diameter or larger, that lesser sizes on hand or in process on said date may be sold or delivered for this use, and that lesser sizes may be processed, sold or delivered for galvanized or other corrosion resistant wire rope of sizes 6 x 12, 6 x 24, 6 x 37, or of spring-lay construction for use by any person specified in paragraph (d) (4) (i), but only to the extent that the normal specifications of such person, or a future directive of any department or agency specified in said paragraph, require such use.

(5) Each purchaser (other than the departments or agencies specified in paragraph (d) (4) (i)) of agave cordage (excluding agave cordage in any dealer's inventory shipped to such dealer on or before September 25, 1942) shall furnish his seller a certificate as a condition to receiving said cordage, and no person shall sell or deliver any such agave cordage to such purchaser without obtaining a certificate, signed by such purchaser or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that the agave cordage covered by this certificate will be used or sold only for the following uses

(fill in)

authorized in paragraph (d) (4) of General Preference Order M-84, with the terms of which the undersigned is familiar.

(6) On and after January 1, 1943, no processor shall put into process in any calendar month any agave fiber for the purpose of filling purchase orders for Class Two cordage uses, as specified in paragraph (d) (4) (ii), in excess of 20% of his basic monthly poundage, as established under paragraph (a) (10).

(7) [Revoked January 4, 1943.]

(8) On and after December 15, 1942, notwithstanding the provisions of paragraphs (d) (4) and (d) (5), any person may purchase, sell or deliver any agave lariat rope in process or in inventory on or before September 25, 1942.

(9) No importer shall sell or deliver in any month listed below any wrapping twine, imported or domestic, in excess of the following percentages of his average monthly sales thereof during the calendar year 1941:

July, 1942.....	65
August, 1942.....	40
September, 1942, and each month thereafter.....	20

(e) *Importation.* The importation of agave yarn, fabric, twine, cordage and other agave products shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(f) *Restrictions on purchases, sales, and use of binder twine.* No person shall hereafter sell, purchase, deliver, accept delivery of or use any binder twine except for the growing or harvesting of agricultural products or for sewing up bags containing such products, and any person purchasing any binder twine shall endorse on, or attach to his purchase order or delivery receipt therefor, a statement signed by such person, or on his behalf by a duly authorized individual, a certificate in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that the binder twine covered by this certificate will be either resold or used by the undersigned for the growing or harvesting of agricultural products or for sewing up bags containing such products and is not in excess of his requirements for the current harvest season, as provided in General Preference Order M-84.

(g) *Preference to agave cordage processors for cotton, istle or jute yarns.*

(1) Subject to the provisions contained below in this paragraph (g) and notwithstanding the provisions of any other conservation order, preference rating A-2 is hereby assigned to any processor of agave cordage during the year 1942 to obtain delivery of cotton, istle or jute yarns for processing by him into cordage.

(2) The preference rating assigned by paragraph (g) (1) shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time.

(3) During the period January 1 through February 28, 1943, no processor of agave cordage during the year 1942 shall apply the rating assigned by paragraph (g) (1) to obtain delivery of any istle or jute yarns for such purpose in excess of an equivalent, for each yarn, of his basic monthly poundage, as established under paragraph (a) (10), and of one-half times said poundage for cotton yarns. Any such processor desiring additional quantities of any of said yarns may apply to the War Production Board therefor on Form PD-1A or other applicable form prescribed.

(4) Each processor of agave cordage during the year 1942 shall furnish his seller a certificate as a condition to receiving any cotton, istle or jute yarns for processing by him into cordage, and no person shall sell or deliver any cotton, istle or jute yarns to such processor for such purpose without obtaining a certificate, signed by such processor or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the seller and the War Production Board that he processed agave cordage during 1942 and that the cotton, istle or jute yarns covered by



this certificate will be processed by the undersigned into cordage and is not in excess of the stock authorized under paragraph (g) of General Preference Order M-84.

(h) *Control and allocations of stocks of agave fiber and agave cordage.* (1) Control is hereby taken of the disposition and use of agave fiber and agave cordage possessed by or under the control of any importer, dealer or processor. Any agave fiber or agave cordage at any time hereafter in the inventory of any such person shall be sold and delivered by such person as, and if, specifically directed in any order of the Director General for Operations which may be issued whenever the Director General for Operations shall determine that a shortage of any particular grade of agave fiber or agave cordage for defense, or for private account, or for export, renders it necessary or appropriate so to allocate such agave fiber or agave cordage in the public interest, or to promote the national defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor and shall take precedence over any preference rated orders. No person shall dispose of or use agave fiber or agave cordage in any manner inconsistent with any such order.

(2) Applications for specific authority to purchase, receive or use agave fiber or agave products otherwise than as permitted by paragraphs (b), (c), (d) or (e) may be made to the Director General for Operations by the person desiring to use such agave fiber or agave cordage on form PD-709 or such other form or forms as may be prescribed. Any such application shall, among other things, set forth a statement of the technical necessity for the use of agave fiber or agave cordage in the manner and to the extent that application therefor is made. Such application shall also summarize the efforts made by the applicant to use substitutes and shall contain a statement of the reasons why the applicant believes the use of agave fiber or agave cordage, in the manner and the extent that application therefor is made, will promote the national defense or will be in the public interest.

(i) *Reports.* Every importer of agave fiber shall file a report on Form PD-129 and every processor of agave fiber shall file a report on form PD-128 with the U. S. Tariff Commission, acting for the War Production Board, not later than the tenth day of the following month, and all persons affected by this order shall file with the War Production Board such reports as may from time to time be required by said Board.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions pursuant to this order, and shall from time to time, upon request, submit all records required to be kept by this order to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Appeal.* Any person affected by this order who considers that compliance

therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of agave fiber conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference M-84, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference M-84.

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

(n) *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.

Issued this 2d day of February 1943.

CURTIS E. CALDER,  
Director General for Operations.

[F. R. Doc. 43-1734; Filed, February 2, 1943;  
11:11 a. m.]

#### PART 3151—ASCORBIC ACID

[General Preference Order M-269 as Amended  
Feb. 2, 1943]

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

§ 3151.1 *General Preference Order M-269—(a) Definitions.* (1) "Ascorbic acid" means ascorbic acid (cevitamic acid or vitamin C) in crude or refined form. The term shall include any chemical compound of ascorbic acid but shall not include standard dosage forms (tablets, capsules, ampoules, solutions, etc.), combinations in food or beverages, or ascorbic acid of natural origin.

(2) "Producer" means any person engaged in the production or processing of ascorbic acid, and includes any person who imports ascorbic acid or has ascorbic acid produced for him pursuant to toll agreement.

(3) "Distributor" means any person who purchases ascorbic acid solely for the purpose of resale without further processing and without changing the form thereof.

(4) "Allocation month" means the period beginning on the 15th day of a calendar month and continuing through the 14th day of the calendar month following. The allocation month of January, for example, shall mean the period beginning January 15.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, on and after December 15, 1942 no producer or distributor shall deliver or use ascorbic acid, and no person shall accept delivery of ascorbic acid, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each allocation month will so far as practicable be issued by the Director General for Operations prior to the commencement of such allocation month, but the Director General for Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted. He may also at any time issue directions with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of ascorbic acid shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director General for Operations, or as provided in paragraph (b) (4) hereof.

(4) Ascorbic acid allocated for inventory shall not be used except as specifically directed by the Director General for Operations. Ascorbic acid allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(c) *Exceptions to requirement for authorization.* Specific authorization of the Director General for Operations shall not be required for:

(1) Acceptance of delivery by any person in any one allocation month of five ounces or less of ascorbic acid in the aggregate; provided that such person has not been specifically authorized or directed by the Director General for Operations to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) (1) hereof to accept delivery;

(3) The use by any producer in any allocation month of five ounces or less of ascorbic acid in the aggregate.

(4) Delivery of ascorbic acid to, or acceptance of delivery of ascorbic acid by, a person for incorporation into standard dosage forms, where the person making delivery has previously received such ascorbic acid pursuant to specific authori-



zation of the Director General for Operations and retains title to such ascorbic acid and to the product made therefrom.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of (and each producer or distributor seeking authorization to use) ascorbic acid during any allocation month, beginning with the allocation month which commences January 15, 1943, whether for his own consumption or resale, shall file application therefor on or before the 1st day of the calendar month in which such allocation month begins. Where delivery or use is to be in the allocation month commencing December 15, 1942, such application shall be filed as many days as possible in advance of the requested acceptance of delivery or use. In any case, such application shall be made on Form PD-600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to the supplier, three to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-269, and the fifth retained for applicant's file.

(iii) In the heading, under name of chemical, specify "ascorbic acid"; under WPB Order No., specify "M-269"; under unit of measure, specify ounces; under name of your company, specify name and mailing address; and specify the allocation month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify quality; for example, USP, crude, calcium ascorbate.

(v) In Column 3, specify the exact product in the manufacture or preparation of which you will use ascorbic acid or in which you will incorporate ascorbic acid. Retailers ordering ascorbic acid for resale (as ascorbic acid), will specify "Resale at retail". If purchase is for inventory, state "inventory".

(vi) In Column 4, specify in each case (including case where your purchase is for "resale") ultimate use to be made of product (as, for example, "medicinal", "beverage", "food fortification"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease or commercial customer.

(2) Each producer or distributor seeking authorization to make delivery of ascorbic acid during any allocation month, beginning with the month commencing January 15, 1943, shall file application on or before the 5th day of the calendar month in which such allocation month begins. Application for authorization to deliver in the allocation month beginning December 15, 1942, shall be made as many days as possible in advance of the requested delivery. In any case, such application shall be made on Form PD-601 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-269, the fourth to be retained by the producer or distributor.

(iii) Producers who have filed application on Form PD-600 specifying themselves as their suppliers, shall list their own names as customers on Form PD-601 and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical specify "ascorbic acid"; under WPB Order No., specify "M-269"; under name of company, state name and mailing address; under unit of measure specify ounces; and state the allocation month and year during which deliveries covered by your application are to be made.

(v) In Columns 3 and 8, specify grades as stated in customer's Form PD-600.

(vi) The producer or distributor may, if he wishes, leave Column 5 blank.

(vii) Names of customers to whom small order deliveries are to be made during the next allocation month pursuant to paragraph (c) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD-600 and PD-601.

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

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

(2) *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.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Pro-

duction Board, Chemicals Division, Washington, D. C. Ref.: M-269.

Issued this 2d day of February 1943.

CURTIS E. CALDER,  
Director General for Operations.

[F. R. Doc. 43-1736; Filed, February 2, 1943; 11:11 a. m.]

#### PART 3160—WOODWORKING MACHINERY AND LIGHT MACHINE TOOLS

[General Limitation Order L-237]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account, and for export, of light power driven tools and materials entering into the production thereof; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3160.1 *General Limitation Order L-237—(a) Definitions.* For the purpose of this order:

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

(2) "Producer" means any person engaged in the production, manufacture, or assembly of light power driven tools.

(3) "Supplier" means any person (other than a producer) whose business consists in whole or in part of the sale, distribution, or transfer from stock or inventory of light power driven tools; "supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses or other distribution outlets controlled by producers and other persons performing a similar function.

(4) "Light power driven tool" means any new power driven tool listed on Schedule A hereof, as amended from time to time, irrespective of the use for which it is designed, or the use to which it may be put, whether for the working of metals, wood or any other substance, which power driven tool had a producer's list price on October 15, 1942, of \$350 or less; exclusive, however, of floor finishing, floor maintenance and floor sanding machines as defined in General Limitation Order L-222 and exclusive of portable tools.

(5) "Portable tool" means any light power driven tool which in the course of normal use is lifted, held and operated by not more than two persons.

(6) "Producer's list price" means the sale price at which the producer's catalog or other price publication listed the light power driven tool, exclusive of the motor, motor drive, or any attachments therefor: *Provided, however,* That where the motor, motor drive, or any attachments are initially built into the basic tool itself, as an integral part thereof, then in such case "producer's list price" shall mean the sale price at which the producer listed the light power driven tool as an assembled unit.

(b) *Restrictions.* (1) No producer shall manufacture, fabricate, assemble, or produce any light power driven tools, the addition of which to his inventory would increase that inventory beyond the smallest quantity or number of light



power driven tools which will satisfy anticipated deliveries on existing or anticipated orders bearing preference ratings of A-1-a or higher for a period of 60 days in advance, but in no case shall such quantity exceed 16½ percent of total 1941 sales by dollar volume of such products.

(2) No producer or supplier shall sell, transfer or deliver to any person any light power driven tool except on orders bearing a preference rating of A-1-a or higher; *Provided, however*, That the provisions of this paragraph (b) (2) shall not apply to the sale, transfer or delivery of any light power driven tool by one supplier to another supplier.

(3) No person shall purchase, acquire or accept delivery of any light power driven tool by the application of any preference rating assigned on Form PD-25A or PD-25F, nor shall any person fill any such order which he knows or has reason to believe bears a preference rating assigned on PD-25A or PD-25F; *Provided, however*, That the provisions of this paragraph (b) (3) shall not apply to any light power driven tool which had a producer's list price on October 15, 1942, of \$35 or less.

(4) No supplier shall accept delivery of any light power driven tool which will increase his inventory of that size and type tool (irrespective of manufacturing make) beyond five in number; and no producer or supplier shall deliver or cause to be delivered to any supplier any light power driven tool which the delivering producer or supplier knows or has reason to believe will increase the receiving supplier's inventory of that size and type tool (irrespective of manufacturing make) beyond five in number.

(5) The prohibitions and restrictions imposed by this order on sales, transfers and deliveries shall apply not only to sales, transfers, or deliveries from one person to another person, including affiliates and subsidiaries, but shall also apply to sales, transfers, or 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; and the delivery and inventory restrictions of paragraph (b) (4) hereof shall apply separately to each branch, division or section of a single enterprise under common ownership or control.

(c) *Exemptions.* The provisions of this order shall not apply to deliveries of light power driven tools which deliveries are made on or before the 4th day of April 1943 pursuant to purchase orders placed prior to the 2nd day of February 1943.

(d) *Inapplicability of other orders.* Where the provisions of this order conflict or are inconsistent with the provisions of General Preference Order E-1-b, the provisions of this order shall govern.

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

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or fur-

nishes 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 priorities control and may be deprived of priorities assistance.

(g) *Reports.* All producers and suppliers affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All reports to be filed, appeals and other communications, concerning this order, should be addressed to: War Production Board, Tools Division, Washington, D. C., Ref: L-237.

Issued this 2d day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

#### SCHEDULE A

Band saw machines  
Arbor saws—all types  
Single spindle drill presses—bench and floor types  
Multiple spindle drill presses—bench and floor types  
Radial drills  
Shapers  
Vertical spindle shapers  
Milling machines—bench and floor types  
Motor grinders—bench and floor types (excluding valve refacers)  
Carbide tool grinders—bench and floor types  
Disc (disk) grinding and finishing machines  
Surface grinders  
Abrasive belt finishing machines  
Cutoff machines—all types (including radial)  
Hack saw machines  
Lathes—all types (including polishing)  
Flexible shaft machines  
Arbor presses—all types  
Tool post grinders  
Pipe and bolt threading machines  
Scroll and jig saws  
Jointers  
Planers  
Surfacers  
Mortising machines—all types  
Tenoning machines  
Carving and profiling machines  
Rod and dowel machines  
Chuckling and round tenoning machines  
Wood threading machines  
Routers  
Trimmers and copers  
Planing and boring machines  
Pulley and pocket cutting machines

[F. R. Doc. 43-1737; Filed, February 2, 1943; 11:11 a. m.]

#### PART 3164—PRODUCERS OF TEXTILE FIBERS, LEATHER AND TEXTILE AND LEATHER PRODUCTS

[Preference Rating Order P-139]

#### MAINTENANCE, REPAIR AND OPERATING SUPPLIES

To facilitate the acquisition of maintenance, repair and operating supplies

by producers of textile fibers, leather and textile and leather products in the public interest and to promote the war effort, preference ratings are assigned to deliveries to such producers upon the following terms:

§ 3164.1 *Preference Rating Order P-139—(a) Definitions.* For the purposes of this order:

(1) "Producer" means any person engaged in the business of producing, finishing, or processing incident to production for the war effort (including necessary civilian purposes) any of the following:

- (i) Textile fibers, whether vegetable, animal, natural or synthetic.
- (ii) Textile products made from the above fibers.
- (iii) Clothing.
- (iv) Hides and leather.
- (v) Leather products.

(2) "Product" means any commodity listed in paragraphs (a) (1) (i) to (a) (1) (v) inclusive.

(3) "Maintenance, repair and operating supplies" means any commodity, equipment, accessory, part, assembly or product required for:

(i) Keeping the machinery, plant or equipment of a producer in sound working condition.

(ii) Restoring machinery, plant or equipment of a producer which has been rendered unfit for practical service by wear and tear or other damage.

(iii) Production of any commodity listed in paragraphs (a) (1) (i) to (a) (1) (v) inclusive, including all materials required for packaging or shipping except wooden and fibreboard shipping containers and textile packaging and shipping products.

(4) "Maintenance, repair and operating supplies" shall not include any of the following:

(i) Machinery (exclusive of repair and maintenance parts).

(ii) Material physically incorporated into a product.

(iii) Automotive equipment or parts.

(iv) Any material, parts or supplies for improving, adding to, expanding or rebuilding plant or equipment or for reconstruction.

(b) *Assignment of preference rating.* Preference rating AA-2X is assigned to deliveries of maintenance, repair and operating supplies to producers.

(c) *Application and extension of ratings.* Preference ratings assigned by this order shall be applied and extended in accordance with the terms of Priorities Regulation No. 3, as amended from time to time.

(d) *Inventory restrictions.* No producer shall accept delivery of any item of maintenance, repair or operating supplies if by reason of such delivery the producer's inventory of such item would be in excess of minimum practicable working requirements, or in any event in excess of requirements for the next 90 days.

(e) *Requirements as to disposition of metal scrap.* No producer shall apply the preference rating assigned by this order or accept delivery of any material on which such preference rating has been applied unless he has sold to a recognized scrap dealer or dealers all



of his saleable metal scrap recovered from maintenance, repair or operating supplies, to the extent that such prior sale is practicable. By the application of a rating assigned by this order, every producer shall be deemed to agree to sell all such metal scrap on hand when the rating is applied not later than ninety (90) days thereafter.

(f) *Reports.* All persons affected by this order shall file such reports as may be prescribed by the War Production Board.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference P-139.

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

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the priorities regulations of the War Production Board, as amended from time to time. Issued this 2d day of February 1943.

CURTIS E. CALDER,  
Director General for Operations.

[F. R. Doc. 43-1738; Filed, February 2, 1943;  
11:11 a. m.]

## Chapter XI—Office of Price Administration

### PART 1305—ADMINISTRATION [Supp. Order 35]

#### PURCHASES OF STRATEGIC OR CRITICAL MATERIALS BY METALS RESERVE COMPANY

A statement of the reasons for this Supplementary Order No. 35 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, It is hereby ordered, That:

§ 1305.61 *Purchases of domestically produced strategic or critical materials by the Metals Reserve Company.* (a) Notwithstanding the provisions of any price regulation, sales or deliveries of any domestically produced strategic or critical materials to the Metals Reserve

Company or any agent thereof shall be exempt from price control.

(b) As used in this Supplementary Order No. 35:

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

(2) "Domestically produced strategic or critical materials" means the materials set forth on the list prepared by the Metals Reserve Company and approved by the Price Administrator under date of January 27, 1943 or any amendment or supplement thereto. However, it includes such materials only if they were mined in the forty-eight states of the United States or the District of Columbia and have not been fabricated to any degree. It therefore includes such materials as ores, concentrates, mattes, speiss, bullion, blister and the various forms of refined metal in standard commercial shapes, including ferro-alloys and chemical compounds of such metal; but it does not include such materials as alloy ingot, wire bar or billet, or alloyed or unalloyed rod, sheet, tube or extruded shapes or any other form which customarily commands a premium.

(c) This Supplementary Order No. 35 (§ 1305.61) shall become effective as of November 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1687; Filed, February 1, 1943;  
12:15 p. m.]

### PART 1305—ADMINISTRATION

[Correction to General Ration Order 3A<sup>1</sup>]

#### RATION BANKING: DEPOSITORS

The designation "Ration Order 3A" is corrected to read "General Ration Order 3A" in said document.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250 7 F.R. 7871)

Issued this 1st day of February, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1686; Filed, February 1, 1943;  
12:15 p. m.]

### PART 1309—COPPER

[IMPR 202,<sup>2</sup> Amendment 2]

#### BRASS AND BRONZE ALLOY INGOT

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

In § 1309.165 (b), ingot identification No. 295 in Table III and ingot identification No. 409 in Table IV are amended, and ingot identification No. 257 in Table II, ingot identification Nos. 296.5 and 299 in Table III and ingot identification No. 407.5 in Table IV are added, and § 1309.165 (c) is amended, all to read as set forth below:

§ 1309.165 *Appendix A: Maximum prices for brass and bronze alloy ingot.* \* \* \*

(b) *Maximum price for sales or deliveries in carload lots:*

<sup>1</sup> 8 F.R. 1130.

<sup>2</sup> 7 F.R. 6421, 7247, 8948, 9427.

#### RANGES OF ALLOY CONTENT

Ingot Identification Number	Copper		Tin		Lead		Zinc		Impurities		Maximum price (cents per pound)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	

TABLE II—88-10-2 GROUP

257.....	85.00	90.00	3.00	4.00	0.50	1.00	Balance	0.00	0.35	14.50
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TABLE III—80-10-10 GROUP

295.....	77.00	82.00	15.00	17.00	4.00	6.00	0.00	1.00	0.00	<sup>1</sup> 0.50	19.75
296.5.....	79.00	83.00	10.50	12.50	7.00	10.00	.....	.....	0.00	0.50	17.25
299.....	77.00	82.00	9.00	11.00	9.00	11.00	0.15	0.75	0.00	0.25	16.50

TABLE IV—YELLOW GROUP

407.5.....	90.00	95.00	0.00	0.20	0.00	0.50	Balance	0.00	0.75	13.25
409.....	any	61.00	0.00	0.20	1.50	2.00	Balance	0.00	<sup>2</sup> 0.40	12.25

<sup>1</sup> Exclusive of zinc.  
<sup>2</sup> Including tin.

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



(c) *Maximum prices for sales or deliveries in carload lots of brass or bronze alloy ingot not included in paragraph (b).* (1) The maximum price for any grade of brass or bronze alloy ingot, other than a grade for which a maximum price is established in paragraph (b) of this section, shall be a price in line with the prices established by paragraph (b), shall be approved by the Administrator, and when once approved shall be the maximum price for all subsequent sales of such ingot by the seller to whom such price approval is given, unless the Administrator thereafter specifically withdraws such approval. On and after February 1, 1943, sales of any such ingot at the most recent price approved by the Administrator prior to February 1, 1943 but subsequent to August 19, 1942, may be made at such approved price unless and until such price approval is specifically withdrawn by the Administrator.

(2) Pending approval by the Administrator, any person may sell or deliver, and any person may buy or receive, any such ingot at the price submitted for approval, and any person may offer to do any of the foregoing. If, however, the Administrator disapproves the price submitted, the contract price shall be revised downward to the maximum price which the Administrator shall approve, and if any payment has been made at a price higher than that so approved, the seller shall refund the excess: *Provided, however, That the price submitted by the seller for approval shall be deemed to be approved unless the Administrator specifically disapproves such price and establishes an approved maximum price within fifteen days from the date on which the report required in paragraph (c) (3) of this section is received by the Office of Price Administration or, if further information is requested from the seller within such fifteen-day period, then within fifteen days from the date on which all such information is received by the Office of Price Administration.*

(3) On and after February 1, 1943, the seller of any such ingot, unless the seller had previously sold or delivered brass or bronze alloy ingot of such alloy content at a price approved by the Administrator subsequent to August 19, 1942, shall (i) report the first sale of such ingot made on or after February 1, 1943, to the Office of Price Administration, Washington, D. C., within five days from the date hereof, stating (a) the quantity sold, (b) the alloy content, including specific mention of any impurity limitations and physical specifications where relevant, (c) the proposed price, in carload lots, and (ii) provide such other information concerning the manufacture or sale of such ingot, including the name of the buyer, as may be requested by the Office of Price Administration in order to determine the proper maximum price of such ingot.

(4) Nothing contained in this paragraph (c) shall be construed to prevent the Administrator from adjusting any price previously approved pursuant to this paragraph (c) when in his judgment such adjustment is warranted.

1309.164a. *Effective dates of amendments.* \* \* \*

(c) Amendment No. 2 (§ 1309.165 (b) and (c)) shall become effective on February 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1688; Filed, February 1, 1943;  
12:14 p. m.]

#### PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RPS 85; Amendment 8]

##### NEW PASSENGER AUTOMOBILES

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

In § 1360.51, paragraph (c) is amended; in § 1360.52, paragraph (d) is amended, and paragraph (e) is amended; a new § 1360.52b is added; in § 1360.59 new paragraphs (j) and (k) are added; a new § 1360.63, *Appendix C: Standard delivery operations*, is added, all as set forth below:

§ 1360.51 *Maximum wholesale prices for new automobiles.* \* \* \*

(c) To the maximum price may be added an amount equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month or greater part thereof after January 31, 1942 which elapses prior to the sale of the automobile by the manufacturer, distributor, exporter, or other person selling at wholesale: *Provided, That no amount whatsoever under this paragraph (c) shall be added to the maximum wholesale price unless the automobile sold shall have received while in storage maintenance operations as set forth in subparagraphs (1), (2), (3), or (4) of this paragraph (c), and the seller at the time of delivery shall execute and deliver to the purchaser and to the Office of Price Administration the certification set forth in § 1360.52b.*

(1) The automobile shall have received, on and after October 31, 1942, all the maintenance operations set forth in Appendix B.

(2) The automobile has not received, on and after October 31, 1942, all the maintenance operations set forth in Appendix B, but the time for the performance thereof has been extended under the provisions of Section 1360.52a to a certain date and the automobile shall have received on and after such date all the maintenance operations set forth in Appendix B.

(3) (i) The automobile has not received on and after October 31, 1942 all the maintenance operations set forth in Appendix B, but the seller has, prior to

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

17 F.R. 1364, 1675, 2134, 2132, 6048, 6897, 7100, 7436, 7942, 8948, 9899.

delivery, obtained permission from the Office of Price Administration, in accordance with subdivision (ii) below, to omit the performance of certain specified maintenance operations, and the automobile has received all the other maintenance operations set forth in Appendix B.

(ii) In order to obtain permission to omit the performance of certain specified maintenance operations, the seller shall file a report with the nearest Regional Office of the Office of Price Administration setting forth: (a) the specific maintenance operations which have not and/or will not be performed, and a detailed statement of the reasons therefor; (b) a statement that the automobile is not and will not be damaged by the non-performance of such specified maintenance operations, and that the automobile is and will remain in a condition substantially equal to its condition when newly manufactured; and (c) a statement that the automobile has received and will continue to receive until the date of sale all the other maintenance operations set forth in Appendix B. If the Regional Office of the Office of Price Administration shall approve such report, or shall fail to disapprove such report within fifteen days after receiving it, the seller may omit the performance of the maintenance operations specified in such report.

(4) The automobile has not received on and after October 31, 1942 all the maintenance operations set forth in Appendix B, but the following circumstances prevail:

(i) On or before March 15, 1943 the automobile shall have been transferred, by voluntary or involuntary action, to the United States, or any agency thereof, or the manufacturer, or a lien holder, (in this subparagraph called "the transferee"), and

(ii) (1) Within thirty days after the transfer to the transferee, the automobile shall have been reconditioned by the transferee, and shall thereafter until the date of sale receive all the maintenance operations set forth in Appendix B, or

(2) Within thirty days after the transfer to the transferee, the automobile shall have been sold to the manufacturer, or a distributor, exporter, or retail dealer (other than the person who failed to perform the maintenance operations set forth in Appendix B) who delivers a written statement to the transferee that the automobile will be reconditioned within thirty days after the sale to him and that it will receive, on and after the date on which it is reconditioned until the date of sale, all the maintenance operations set forth in Appendix B. On any subsequent sale by such manufacturer, distributor, exporter, or retail dealer the automobile must have been reconditioned in accordance with such written statement.

§ 1360.52 *Maximum retail price for new passenger automobiles.* \* \* \*

(d) An allowance of 5% of (a) and (c) above, or \$75, whichever is lower: *Provided, That (1) when delivery is made after February 15, 1943, the automobile shall have received the operations set forth in § 1360.63, Appendix C—*



**Standard Delivery Operations**, as therein required, and at the time of delivery the seller shall deliver to the purchaser a copy of Appendix C, and shall execute and deliver to the purchaser and to the Office of Price Administration the certification set forth in § 1360.52b (a) (2); (2) when delivery is made, on or before February 15, 1943, the automobile shall have received, either the operations set forth in Appendix C, or all of the services customarily performed in order to prepare the automobile for delivery to the purchaser and all of the factory recommended get-ready and delivery operations.

(e) An allowance equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the delivery of the automobile to the purchaser; *Provided*, That no allowance whatsoever under this paragraph (e) shall be included in the maximum retail price unless the automobile sold shall have received while in storage maintenance operations set forth in subparagraphs (1), (2), (3), or (4) of this paragraph (e), and the seller shall at the time of delivery execute and deliver to the purchaser and to the Office of Price Administration the certification set forth in § 1360.52b.

(1) The automobile shall have received, on and after October 31, 1942, all the maintenance operations set forth in Appendix B.

(2) The automobile has not received on and after October 31, 1942, all the maintenance operations set forth in Appendix B, but the time for the performance thereof has been extended under the provisions of § 1360.52a to a certain date and the automobile shall have received on and after such date all the maintenance operations set forth in Appendix B.

(3) (i) The automobile has not received on and after October 31, 1942 all the maintenance operations set forth in Appendix B, but the seller has, prior to delivery, obtained permission from the Office of Price Administration, in accordance with subdivision (ii) below, to omit the performance of certain specified maintenance operations, and the automobile has received all the other maintenance operations set forth in Appendix B.

(ii) In order to obtain permission to omit the performance of certain specified maintenance operations, the seller shall file a report with the nearest Regional Office of the Office of Price Administration setting forth: (a) the specific maintenance operations which have not and/or will not be performed, and a detailed statement of the reasons therefor; (b) a statement that the automobile is not and will not be damaged by the non-performance of such specified maintenance operations, and that the automobile is and will remain in a condition substantially equal to its condition when newly manufactured; and (c) a statement that the automobile has received and will continue to receive until the date of sale all the other maintenance operations set forth in Appendix

B. If the Regional Office of the Office of Price Administration shall approve such report, or shall fail to disapprove such report within fifteen days after receiving it, the seller may omit the performance of the maintenance operations specified in such report.

(4) The automobile has not received on and after October 31, 1942 all the maintenance operations set forth in Appendix B, but the following circumstances prevail:

(i) On or before March 15, 1943, the automobile shall have been transferred, by voluntary or involuntary action to the United States, or any agency thereof, or the manufacturer, or a lien holder, (in this subparagraph called "the transferee"), and

(ii) (1) Within thirty days after the transfer to the transferee, the automobile shall have been reconditioned by the transferee and thereafter sold by such transferee at retail to a retail dealer (other than the person who failed to perform the maintenance operations set forth in Appendix B), or

(2) Within thirty days after the transfer to the transferee, the automobile shall have been sold by the transferee to a retail dealer (other than the person who failed to perform the maintenance operations set forth in Appendix B), and reconditioned by such retail dealer within thirty days after the sale to him, and

(iii) The automobile shall have received, on and after the date on which it is reconditioned, until the date of sale, all the maintenance operations set forth in Appendix B.

#### § 1360.52b Form of certification.

(a) The certification required by §§ 1360.51 and 1360.52 shall be in the following form:

The undersigned hereby certifies with respect to \_\_\_\_\_ automobile bearing motor No. \_\_\_\_\_ and/or serial No. \_\_\_\_\_:

(1) *As to maintenance operations:* That all the requirements of Revised Price Schedule No. 85—*New Passenger Automobiles*, issued by the Office of Price Administration, which condition the inclusion in the maximum price of 1% of the list price, or \$15, for each month elapsing between January 31, 1942 and the date of sale, have been fully satisfied.

(2) *As to delivery operations:* That all the standard delivery operations set forth in Appendix C, of Revised Price Schedule No. 85—*New Passenger Automobiles*, have been performed as therein required.

(Date) \_\_\_\_\_

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

NOTE: Unless a paragraph is stricken out, this certification applies to both paragraphs.

(b) The certification to the Office of Price Administration shall be filed, together with report of sale required by Rationing Order No. 2A—*New Passenger Automobile Rationing Regulations*, issued by the Office of Price Administration, with the War Price and Rationing Board designated in such rationing regulation to receive such report of sale.

#### § 1360.59 Definitions. \* \* \*

(j) "Lien holder" means any person who has a lien or claim against a new passenger automobile as security for a loan, credit, or guaranty made by him.

(k) "Recondition" means inspecting, repairing, and restoring an automobile so that it is in a condition substantially equal to its condition when newly manufactured.

#### § 1360.60a Effective dates of amendments. \* \* \*

(h) Amendment No. 8 (§§ 1360.51, 1360.52, 1360.52b, 1360.59, and 1360.63) to Revised Price Schedule No. 85 shall become effective February 6, 1943.

§ 1360.63 Appendix C: *Standard delivery operations—(a) General instructions.* The operations set forth in the checklist below are identical with those established by Conservation Order M-216-A issued by the War Production Board. Before any vehicle is delivered into the hands of a buyer, it shall be processed according to the provisions and instructions contained in the following checklist. This checklist is purposely detailed so as to discourage omissions of necessary operations. The sequence of the items listed is based on the fact that serious damage may result if certain operations are done out of turn. Accordingly, this list is arranged so that each operation is done only after the necessary preparatory work has been completed. The purpose of this checklist is to set forth the step-by-step procedure for conditioning every vehicle so that it will give maximum service when put to use. The procedure as outlined in the following pages is intended to be used as a checklist. A responsible person should be charged with the duty of seeing that the order of operations is followed strictly, and that each item is checked only after it is completed. Vehicles should be processed for delivery as near the storage location as practicable. In no case should a vehicle be run under its own power until the conditioning work in the checklist has been completed (through Item 13c) up to the preliminary road test. Under no circumstances should a vehicle be towed until Standard Delivery Operations No. 1 and No. 2 have been performed upon it.

(b)

CHECKLIST OF OPERATION PERFORMED TO PREPARE THE FOLLOWING VEHICLE FOR USE  
Company \_\_\_\_\_ Address \_\_\_\_\_

(Insert name of seller)

Make of vehicle \_\_\_\_\_ Body type \_\_\_\_\_

Serial No. \_\_\_\_\_ Engine No. \_\_\_\_\_

Door & Ignit. Key No. \_\_\_\_\_

Deck & Glove Box Key No. \_\_\_\_\_

Vehicle prepared for delivery by \_\_\_\_\_ Date \_\_\_\_\_

(Insert name of mechanic or mechanics who have performed work)

Approved by \_\_\_\_\_ Date \_\_\_\_\_

(Insert name of shop foreman)

1. *Tires.* a. If tires are unmounted, inspect the rims and remove all rust. Mount tires and inflate them to tire manufacturer's recommended pressure.

b. If tires are mounted, inflate them to tire manufacturer's recommended pressure.

2. *Brake System and Front Wheel Lubricant.* a. Remove all wheels and drums and thoroughly clean rust from all braking surfaces. Also examine anchor pins to make sure their bearings are free so that springs



return shoes to released position. Do not work brake pedal with brake drums off.

b. While front wheels are off, repack bearings with new lubricant if necessary. Replace wheels. Tighten hub bolts and see that hub covers are secure.

c. Check hydraulic master cylinder fluid level, adding approved fluid if necessary. See that filler cap vent is open.

d. Inspect brake system for leaks and repair any defects.

e. Work brake pedal several times to make sure system is operating. Jack up each wheel (if blocks were removed) and apply brakes. Check to see that they operate and then release fully so wheel can turn freely with no drag.

f. Check brake pedal-floor clearance and adjust if necessary.

g. With respect to conditioning vacuum booster, electric, and compressed air brake equipment, follow equipment manufacturer's recommendations.

NOTE. Remove outside body and window coverings. Protect upholstery while conditioning vehicle. If another location is required for remaining work, vehicle must not be run under its own power until ready for preliminary road test.

3. **Fuel System.** a. Replace and tighten gasoline tank drain plug.

b. Clean fuel pump sediment bowl and filter screen and reinstall.

c. Check all fuel connections for tightness, including carburetor flange nuts or cap screws.

d. Put gasoline in tank, adding  $\frac{1}{2}$  pint of SAE-10 engine oil to each 5 gallons of gasoline. Replace filler cap, making sure vent is free.

e. Check accelerator, throttle, and choke linkages, idle and wide open positions.

f. Remove seal from air cleaner; check oil level in oil bath type and add oil if necessary.

4. **Ignition System.** a. Clean and adjust spark plugs. Leave them out so cylinders can be lubricated later.

b. See that distributor is in good condition; points in adjustment, distributor cap and rotor contacts clean.

c. Lubricate cam and rocker bearing surface.

d. Clean wire connections and push wires firmly into their sockets in distributor and coil.

5. **Valve compartment.** a. Remove cover and remove oil soaked rags if any.

b. Spray valve mechanism with suitable light oil. Leave cover off for observation of valve action later.

6. **Seals.** a. Remove seal from tail pipe opening.

b. Remove seals from oil filler tube, crankcase breather tube, and any other opening. Clean and replace covers.

7. **Clutch.** a. Remove block used to keep clutch disengaged make sure there is correct amount of free pedal movement at top of travel.

8. **Preparing engine for service.** a. Tighten all cooling system, heater hose, and defroster connections, replacing any defective hose. If cooling system was stored full, add sufficient coolant to make up for evaporation. If cooling system was stored empty, close drain cocks and replace drain plugs. Fill with clean water. Watch for leaks at hose ends and pump and correct any that develop.

b. Drain the oil from the crankcase. Drop the oil pan. Thoroughly clean the pan and the inside of crankcase. Replace pan and use new gasket. Fill crankcase with flushing oil.

c. Pour 2 ounces of SAE-10 engine oil into each spark plug hole. Reinstall spark plugs, using new gaskets if necessary, and connect wires properly.

d. Lubricate generator, starter, and water pump.

e. Clean battery carrier, repainting if necessary. Install securely a fully charged battery (spec. grav. of 1.280 or above at 60 degrees F; water level  $\frac{1}{4}$ " to  $\frac{3}{8}$ " above plates). Clean cables and connections, tighten, and coat terminals with vaseline or approved corrosion preventive. Test battery hook-up by turning on headlights (ammeter should show discharge).

f. With ignition switch off and clutch disengaged, crank the engine for 30 seconds with starter in order to exercise reciprocating parts and bearings. While cranking engine, listen carefully for indications of trouble. Immediately investigate and remedy any trouble (such as engine failing to turn over or starter motor being stuck) before proceeding further.

g. Start engine (clutch disengaged) and run at idle speed for five minutes.

h. Turn off engine. Drain flushing oil immediately from crankcase.

i. If engine oil filter is sealed type, replace it with a new one. If it is replaceable element type, clean out filter chamber and install new element.

j. Fill crankcase to correct level with engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate. Start engine and run at idle speed.

9. **While engine is running,** check the following items for proper operation, making all necessary adjustments and repairs:

a. All instruments (oil, gas, temperature, and ammeter).

b. Windshield wipers, with blades installed.

c. Horn.

d. Every switch position of every light on vehicle.

e. Heater, climatizer, defroster.

f. Cigar lighter, radio, clock and other accessories.

g. Automatic top on convertibles.

h. Charging rate, and voltage and current regulator.

i. Manifold heater valve.

j. Inspect all water hose connections, oil lines, oil filter, and fuel lines for leakage.

k. Check and if necessary adjust valve tappets according to vehicle manufacturer's recommendations.

l. Automatic choke control.

m. Set engine idle speed according to manufacturer's instructions.

10. **After shutting off engine,** perform the following operations:

Before any sediment in coolant has time to settle, make the following check of the cooling system:

a. If coolant carries little or no antifreeze, completely drain entire cooling system, examining coolant for presence of rust or other foreign matter.

b. If coolant carries a considerable amount of anti-freeze, drain a quart from bottom of radiator. If liquid is clear, pour sample into radiator. If dirty or rusty, completely drain entire cooling system.

c. If coolant showed rusty and dirty, reverse flush radiator and engine block to remove sediment, using a combination water-air flushing nozzle. (Remove thermostats and water pump before flushing the block.)

d. Fill cooling system (if not already done) with clean water and rust inhibitor, adding anti-freeze according to seasonal requirements. Watch for leaks at hose ends and pump, and correct any that develop.

e. While engine is still hot, tighten cylinder head nuts in recommended order.

f. Tighten manifold studs.

g. Tighten bolts at connection between exhaust manifold and pipe to muffler.

h. Replace valve compartment cover.

i. Check all belt adjustments and replace belts if necessary.

11. **Lubrication.** a. Lubricate every fitting and check the lubricant level of every reservoir according to vehicle manufacturer's lubrication chart, excepting those taken care

of above. Flush out all gear boxes in which rust inhibitor was used during storage. Fill to correct level with new lubricant.

b. While lubricating, inspect underside of chassis and body for loose or damaged parts, and make any necessary adjustments or replacements.

12. **Check, and if needed tighten** the following items:

a. All steering connections.

c. Front and rear sway eliminator or stabilizer bolts.

d. Body bolts.

e. Front and rear bumper bolts.

f. Gas tank straps.

g. Shock absorber bolts.

13. **Front end and wheels.** a. Check front wheel toe-in.

b. Test steering adjustments and connections. Check amount of wheel turn to stop on left and right.

c. Check steering wheel for correct amount of play.

14. **Preliminary road test**

NOTE. Before road test, remove any stickers that obstruct vision, and wash windshield.

Road test every vehicle by driving it at least three miles and checking the operation of the following items:

a. All gear positions, and operation of gear shift lever.

b. Accelerator.

c. Service brakes.

d. Hand brake.

e. All instruments; oil, gas, temperature, ammeter, speedometer, and odometer.

f. Set spark advance or octane selector at correct adjustment for economical performance, idling, pick-up in each forward gear, and ping in acceleration.

g. Springs and shock absorbers.

h. Locate squeaks, rattles, and unusual noises.

i. Special equipment such as overdrives, 2-speed axles, hill-holding devices, and transmissions other than conventional type.

j. Note any other items upon which work needs to be done.

15. **Return vehicle to shop** and do the following operations:

a. Check focus of headlights, and adjust if necessary.

b. Do any work on clutch, service brakes and hand brake for which road test showed need.

c. Reinspect all water hose connections, oil lines, oil filter, and fuel lines for leakage.

d. Clean fuel filters at carburetor and fuel pump.

e. Make necessary repairs or adjustments of any other items which road test showed to need attention.

f. Check all tire pressures again. If any tire has lost air, replace valve core and pump up tire again. If it continues to lose air, remove and test innertube, inspect casing for nails, remount and inflate to proper air pressure. Leave all valve cores and valve caps air-tight.

16. **Final Road Test.** a. Make a second road test, and further tests if necessary, to see that all items found unsatisfactory in first road test are operating satisfactorily.

b. Check for leaks under engine, transmission, and rear axle.

c. Clean and remove rust and dirt from engine and its accessories and other chassis parts. Touch up with paint of appropriate color if originally painted.

17. **Body.** a. Clean upholstery, carpets, and floor mats completely and repair any damaged places.

b. Remove screening or plugs from holes in floorboards or dash.

c. Check and lubricate front seat adjustment.



d. Remove wax or grease from interior chrome, using solvent cleaner which will not damage finish or upholstery.

e. Check operation of all windows, ventpanes, cowl ventilator, and sun-visors.

f. Check operation of glove compartment lock and key.

g. Check operation of all doors, locks and keys, from inside and outside.

h. Check operation of trunk lid, lock and key.

i. Check operation of hood and its lock.

j. Check and clean tools and arrange them in kit.

k. Re-cement any sponge rubber seal strips which may be pulled loose, replacing any which have deteriorated.

l. Clean windows and windshield inside and outside and repair any defects.

m. Inspect paint finish and repair or touch up any defects or damage.

n. Clean and polish vehicle body and chrome trim.

NOTE. Owner should drain engine crankcase at about 250 miles and refill to the full mark with a good grade of engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate.

**Truck Trailer Equipment.** With respect to truck trailer equipment, the following conditioning operations must be performed:

Items Nos. 1 a, b; 2 a, b, d, g; 9 d; 11 a, b; 12 a, b, d; 14 c, g, h, j; 15 b, e, f; 16 a; and 17 g, m, n.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1689; Filed, February 1, 1943; 12:13 p. m.]

## PART 1382—HARDWOOD LUMBER

[MPR 313]

### PRIME GRADE HARDWOOD LOGS

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 Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Sec.

1382.251 Sales of prime grade hardwood logs at higher than maximum prices prohibited.

1382.252 To what products, transactions, and persons this regulation applies.

1382.253 Maximum prices for prime grade hardwood logs.

1382.254 Marking the grade and scale on prime grade logs.

1382.255 Scaling and grading rules.

1382.256 What the invoice or billing must contain.

1382.257 Use of invoices and billings as records and reports.

1382.258 Prohibited practices.

1382.259 Applications for adjustment and petitions for amendment.

1382.260 Enforcement.

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

No. 23—4

Sec.

1382.261 Relation to Revised Maximum Export Price Regulation.

AUTHORITY: §§ 1382.251 to 1382.261, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1382.251 *Sales of prime grade hardwood logs at higher than maximum prices prohibited.* (a) On and after February 6, 1943, regardless of any contract or obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any prime grade hardwood logs at prices higher than the maximum prices fixed 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 or paid.

(c) If prime grade hardwood logs have been received before February 6, 1943, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation.

§ 1382.252 *To what products, transactions, and persons this regulation applies—*(a) *Products and transactions covered by the regulation.* This regulation covers all sales and purchases of yellow poplar (*Liriodendron tulipifera*), sweet gum (*Liquidambar styraciflua*), and water tupelo (*Nyssa aquatica*) logs which satisfy the specifications for prime grade logs (set out in paragraph (c) of § 1382.253).

(b) *Persons covered by the regulation.* Any person who sells or purchases (in the course of trade or business) prime grade hardwood logs is subject to this regulation. The term "person" includes: an individual, corporation, partnership, association, or any other organized group of persons, or their legal successors, or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

§ 1382.253 *Maximum prices for prime grade hardwood logs—*(a) *Explanation of maximum prices.* The maximum prices for prime grade hardwood logs are set out in paragraph (c) of this section. These maximum prices are for logs:

(1) Loaded on railroad cars at any rail siding;

(2) Delivered to a place at which water shipment is to begin;

(3) Delivered by truck to the buyer's plant.

This means that the seller cannot add to the maximum prices any charge for loading logs on rail cars, or for trucking logs to a rail siding, to a place at which water shipment is to begin, or to the buyer's plant. However, in any case, if the seller trucks logs more than fifty miles, he may add to the maximum prices a trucking charge of not more than \$1.00 per thousand feet log scale for each twenty-five miles (or fraction of twenty-five miles) above fifty miles that the logs are trucked. For example, if the seller trucks logs eighty-five miles, he cannot add to the maximum price for the first fifty miles of the haul, but he can add \$1.00 per thousand feet log scale

for the next twenty-five miles and a second \$1.00 for the last ten miles.

(b) *Reduction of maximum prices in certain cases.* If the buyer takes delivery at some place other than on railroad cars, or at a place at which water shipment is to begin, or at his plant, the maximum price must be reduced by the lower of the following:

(1) The cost (per thousand feet log scale) to the buyer of trucking the logs to the closest rail siding and loading the logs on cars.

(2) The cost (per thousand feet log scale) to the buyer of trucking the logs to his plant.

(c) *Specifications of prime grade hardwood logs.* The specifications for prime grade hardwood logs are as follows: (These specifications apply to all diameters 18 inches and over (all diameters 14 inches and over in the case of yellow poplar); and to all lengths between eight and sixteen feet, inclusive).

(1) Round and straight, suitable for slicing or rotary cutting.

(2) Surface clear, free from all visible defects.

(3) Straight-grained.

(4) Heart well-centered, both ends.

(5) All log lengths to allow minimum trim of 4 inches.

(d) *Maximum prices.* The maximum prices for 1,000 feet log scale of prime grade hardwood logs are as follows:

Diameters	Lengths, inclusive	Price per 1,000 feet log scale
28" and up	14' to 16'	\$105.00
28" and up	8' to 13'	95.00
24" to 27"	8' to 16'	85.00
20" to 23"	8' to 16'	65.00
18" and 19"	8' to 16'	50.00
14" to 17"	8' to 16'	40.00

\*Yellow poplar only.

§ 1382.254 *Marking the grade and scale on prime grade logs.* Logs cannot be sold or purchased as "prime grade" logs unless they are individually grade and scale marked by either the buyer or seller or both. This means that to be considered as prime grade, logs must not only meet the specification for the prime grade, but they must be individually marked to show they are prime grade logs and to show the net log scale footage content. It is unlawful to sell or buy a log as a prime grade log if this has not been done.

§ 1382.255 *Scaling and grading rules.* (a) All of the maximum prices in this regulation are based on footages figured under the Doyle rule. Logs covered by this regulation must be scaled on the Doyle rule. The basic rule is as follows:

To figure the log scale footage content of a 16 foot log, take four inches off the diameter and square what is left.

Logs of other lengths are figured in the proportion in which the length relates to 16 feet.

For example, the footage of a 14 foot log with a twenty inch minimum diameter is to be figured as follows:

(Take 4 inches off the diameter):  
20 - 4 = 16.

(Square what is left):  $16 \times 16 = 256$ .

(The proportion in which the length relates to 16 feet):  $\frac{14}{16} \times 256 = 224$  feet log scale.



(b) In general, prime grade logs must be scaled and graded on the basis of the condition in which they are shipped or delivered to the buyer. However, the scaler may actually mark off defects, and dock the length measurement of the log, to the following extent:

(1) Length dockage may not exceed 25 percent of length on logs 10 feet and over. If there is length dockage, the log must be scaled to a one foot multiple which does not exceed the length of the log after defects have been marked off. Dockage for length can be taken only on the ends of logs and the docked parts must be completely scaled off. No length dockage is permitted on logs shorter than 10 feet.

(2) No diameter dockage is permitted.

(c) It is illegal to grade and scale a single log by marking it for two logs. In order to be graded and scaled as two logs, the single log must actually be cut into two logs.

(d) For scaling purposes all logs covered by this Regulation must be measured inside the bark at the smallest diameter.

§ 1382.256 *What the invoice or billing must contain.* (a) All invoices and billings of prime grade logs must contain a sufficiently complete description of the logs covered to show whether price is proper or not. This means that the invoices and billings must show the species, the grade, the diameter, the gross and net length, and the net footage of each of the prime grade logs purchased or sold. In addition, the invoices and billings must show to what place the seller delivered the logs, the date of sale, and the name and address of the buyer and seller.

(b) Any part of the information required on the invoice may be furnished in a tally sheet attached to and made part of the invoice.

(c) An invoice or billing may cover all prime grade logs delivered by the seller to a purchaser during a period of not more than two weeks.

(d) Either the buyer or seller may prepare the invoice or billing, but both have the responsibility for correct invoicing or billing.

(e) Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

§ 1382.257 *Use of invoices and billings as records and reports.* (a) *Three copies of invoices and billings required.* All invoices and billings must be made with three copies.

(b) *Records.* Each buyer and seller must keep, as a record, one copy of all invoices and billings covering prime grade logs purchased or sold. These must be kept for two years, for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(c) *Reports.* One copy of each invoice or billing covering the purchase of prime grade logs must be filed by the buyer with the nearest regional or State office of the Office of Price Administration. This report must be filed within 10 days of final settlement but in any

case not later than 60 days after delivery of the logs.

Any other reports that the Office of Price Administration later requires must be submitted.

§ 1382.258 *Prohibited practices.* (a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific prohibited practices.* The following are among the specific practices prohibited:

(1) Up-grading, up-scaling or allowing a greater net scale footage than the actual scale content of the log.

(2) Selling logs on a scale other than Doyle rule.

(3) Selling logs as "prime grade" where the logs have not been actually marked to show they are "prime grade."

(4) Charging a purchasing or selling commission based on quantity or value of logs purchased, if the commission plus the purchase price is higher than the maximum price permitted by this regulation.

(5) Increasing the price of logs by not making a good faith effort to collect advances to loggers. An advance to a logger is to be considered as part of the price of the logs to be supplied by the logger.

(c) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect sometime after delivery of the logs has been completed. The price may be adjustable to the maximum price in effect at the time of delivery.

§ 1382.259 *Applications for adjustment and petitions for amendment.* (a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled, "An Act to Promote the Defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that the maximum price established in this regulation is impeding or threatens to impede production of prime grade logs which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,<sup>1</sup> issued by the Office of Price Administration.

(b) *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

<sup>1</sup> 7 F.R. 5087, 5664.

Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration.

§ 1382.260 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

§ 1382.261 *Relation to Revised Maximum Export Price Regulation.* The maximum price for export sales of hardwood logs is governed by the Revised Maximum Export Price Regulation.<sup>3</sup>

This regulation shall become effective February 6, 1943.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1690; Filed, February 1, 1943; 12:14 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [Amendment 51 to Supp. Reg. 1<sup>4</sup> to GMPR<sup>5</sup>]

##### INDIAN AND ESKIMO HANDICRAFT OBJECTS

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

In § 1499.26 a new subparagraph (42) is added to paragraph (a) to read as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.*

(a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(42) Indian and Eskimo handicraft objects which are produced by the man-

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

<sup>2</sup> 7 F.R. 8961.

<sup>3</sup> 7 F.R. 5059, 7242, 8829, 9000, 10530.

<sup>4</sup> 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 8930, 8933, 9082, 9131, 9616, 9622, 9975, 9976, 10022, 10718, 10557, 11118; 8 F.R. 130, 265, 927.

<sup>5</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.



ual skill and ability of American Indians, Alaskan Indians or Eskimos.

(e) *Effective dates.*

(52) Amendment No. 51 (§ 1499.26 (a) (42)) to Supplementary Regulation No. 1 shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1697; Filed, February 1, 1943;  
12:15 p.m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 101 to Supp. Reg. 14<sup>1</sup> to  
GMPR<sup>2</sup>]

MODIFICATION OF MAXIMUM PRICES FOR  
CERTAIN COMMODITIES, SERVICES, AND  
TRANSACTIONS

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

In § 1499.73 (a) (19) (i), inferior subdivision (c) is amended, and inferior subdivisions (d), (e), (f) and (g) are added; in § 1499.73 (a) (19), subdivision (iv) is redesignated as subdivision (vi); and inferior subdivisions (e), and (f) are added to said subdivision; and new subdivisions (iv) and (v) are added, as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided.

(19) *New commercial motor vehicles—*

(i) *Maximum prices*

(c) \* \* \* \$15:

Provided, That no amount whatsoever under inferior subdivisions (a), (b), or (c) of this inferior subdivision (i) shall be added to such maximum price unless such new commercial motor vehicle shall have received maintenance operations as set forth in inferior subdivisions (d), (e), (f), or (g) of this subdivision (i) and the seller, at the time of delivery,

shall have executed and delivered to the purchaser and to the Office of Price Administration, Washington, D. C., the certification set forth in subdivision (v).

(d) The new commercial motor vehicle shall have received, on and after October 31, 1942, the maintenance operations set forth in subdivision (ii), as therein required.

(e) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in subdivision (ii), as therein required, but the time for the performance thereof has been extended under the provisions of subdivision (iii) to a certain date, and the new commercial motor vehicle shall have received on and after such date, the maintenance operations set forth in subdivision (ii), as therein required.

(f) (1) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in subdivision (ii), as therein required, but the seller has, prior to delivery, obtained permission from the Office of Price Administration, in accordance with subparagraph (2) below, to omit the performance of certain specified maintenance operations, and the new commercial motor vehicle has received all the other maintenance operations set forth in subdivision (ii), as therein required.

(2) In order to obtain permission to omit the performance of certain specified maintenance operations, the seller shall file a report with the nearest Regional Office of the Office of Price Administration setting forth: (A) the specific maintenance operations which have not and/or will not be performed, and a detailed statement of the reasons therefor; (B) a statement that the new commercial motor vehicle is not and will not be damaged by the non-performance of such specified maintenance operations, and that the new commercial motor vehicle is and will remain in a condition substantially equal to its condition when newly manufactured; and (C) a statement that the new commercial motor vehicle has received, and will continue to receive until the date of sale all the other maintenance operations set forth in subdivision (ii). If the Regional Office of the Office of Price Administration shall approve such report, or shall fail to disapprove such report within fifteen days after receiving it, the seller may omit the performance of the maintenance operations specified in such report.

(g) The new commercial motor vehicle has not received, on and after October 31, 1942, the maintenance operations set forth in subdivision (ii), as therein required, but the following circumstances prevail:

(1) On or before March 15, 1943, the vehicle shall have been transferred, by voluntary or involuntary action, to the United States, or any agency thereof, or the manufacturer or a lien holder (in this inferior subdivision called "the transferee"), and

(2) (A) Within thirty days after the transfer to the transferee the vehicle shall have been reconditioned by the

transferee, and shall thereafter, until the date of any sale, have received the maintenance operations set forth in subdivision (ii), as therein required, or

(B) Within thirty days after the transfer to the transferee, the vehicle shall have been sold to the manufacturer, or a distributor, exporter, or retail dealer (other than the person who failed to perform the maintenance operations set forth in subdivision (ii)) who delivers a written statement to the transferee that the vehicle will be reconditioned within thirty days after the sale to him, and that it will receive, on and after the date on which it is reconditioned, until it is sold by such person, the maintenance operations as set forth in subdivision (ii), as therein required. On any subsequent sale by such manufacturer, distributor, exporter, or retail dealer, the vehicle must have been reconditioned and maintained in accordance with such written statement.

(iv) *Lower maximum prices in Standard Delivery Operations are not performed:*

(a) The maximum price established by § 1499.2 applicable to the sale of any new commercial motor vehicle delivered to the purchaser on and after February 15, 1943, shall be reduced by five percent, unless (1) the vehicle shall have received, prior to delivery, all the standard delivery operations set forth in inferior subdivision (b) below, and (2) the seller shall have delivered to the purchaser a copy of inferior subdivision (b) below, and (3) the seller shall have, at the time of delivery, executed and delivered to the purchaser and to the Office of Price Administration, Washington, D. C., the certification set forth in subdivision (v).

(b) *Standard delivery operations—*(1) *General instructions.* The operations set forth in the checklist below are identical with those established by Conservation Order M-216-A issued by the War Production Board. Before any vehicle is delivered into the hands of a buyer, it shall be processed according to the provisions and instructions contained in the following checklist. This checklist is purposely detailed so as to discourage omissions of necessary operations. The sequence of the items listed is based on the fact that serious damage may result if certain operations are done out of turn. Accordingly, this list is arranged so that each operation is done only after the necessary preparatory work has been completed. The purpose of this checklist is to set forth the step-by-step procedure for conditioning every vehicle so that it will give maximum service when put to use. The procedure as outlined in the following pages is intended to be used as a checklist. A responsible person should be charged with the duty of seeing that the order of operations is followed strictly, and that each item is checked only after it is completed. Vehicles should be processed for delivery as near the storage location as practicable. In no case should a vehicle be run under its own power until the conditioning work in the checklist has been completed (through Item 13 c) up to the preliminary road test. Under no cir-

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

<sup>1</sup> 7 F.R. 5486, 5709, 6008, 5911, 6271, 6389, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9637, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878.

<sup>2</sup> 7 F.R. 8153-8330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.



circumstances should a vehicle be towed until Standard Delivery Operations No. 1 and No. 2 have been performed upon it.

**CHECKLIST OF OPERATIONS PERFORMED TO PREPARE THE FOLLOWING VEHICLE FOR USE**

Company \_\_\_\_\_  
(Insert name of seller)

Address \_\_\_\_\_  
Make of vehicle \_\_\_\_\_

Body Type \_\_\_\_\_  
Serial No. \_\_\_\_\_

Engine No. \_\_\_\_\_  
Body & Ignit. Key No. \_\_\_\_\_

Deck & Glove Box Key No. \_\_\_\_\_  
Vehicle prepared for delivery by: \_\_\_\_\_

(Insert name of mechanic or mechanics who have performed work.)  
Date \_\_\_\_\_

Approved by \_\_\_\_\_  
(Insert name of Shop Foreman)

Date \_\_\_\_\_

1. **Tires.** a. If tires are unmounted, inspect the rims and remove all rust. Mount tires and inflate them to tire manufacturer's recommended pressure.

b. If tires are mounted, inflate them to tire manufacturer's recommended pressure.

2. **Brake System and Front Wheel Lubricant.** a. Remove all wheels and drums and thoroughly clean rust from all braking surfaces. Also examine anchor pins to make sure their bearings are free so that springs return shoes to released position. Do not work brake pedal with brake drums off.

b. While front wheels are off, repack bearings with new lubricant if necessary. Replace wheels. Tighten hub bolts and see that hub covers are secure.

c. Check hydraulic master cylinder fluid level, adding approved fluid if necessary. See that filler cap vent is open.

d. Inspect brake system for leaks and repair any defects.

e. Work brake pedal several times to make sure system is operating. Jack up each wheel (if blocks were removed) and apply brakes. Check to see that they operate and then release fully so wheel can turn freely with no drag.

f. Check brake pedal-floor clearance and adjust if necessary.

g. With respect to conditioning vacuum booster, electric, and compressed air brake equipment, follow equipment manufacturer's recommendations.

NOTE: Remove outside body and window coverings. Protect upholstery while conditioning vehicle. If another location is required for remaining work, vehicle must not be run under its own power until ready for preliminary road test.

3. **Fuel System.** a. Replace and tighten gasoline tank drain plug.

b. Clean fuel pump sediment bowl and filter screen and reinstall.

c. Check all fuel connections for tightness, including carburetor flange nuts or cap screws.

d. Put gasoline in tank, adding  $\frac{1}{2}$  pint of SAE-10 engine oil to each 5 gallons of gasoline. Replace filler cap, making sure vent is free.

e. Check accelerator, throttle, and choke linkages, idle and wide-open positions.

f. Remove seal from air cleaner; check oil level in oil bath type and add oil if necessary.

4. **Ignition System.** a. Clean and adjust spark plugs. Leave them out so cylinders can be lubricated later.

b. See that distributor is in good condition; points in adjustment, distributor cap and rotor contacts clean.

c. Lubricate cam and rocker bearing surface.

d. Clean wire connections and push wires firmly into their sockets in distributor and coil.

5. **Valve compartment.** a. Remove cover and remove oil soaked rags if any.

b. Spray valve mechanism with suitable light oil. Leave cover off for observation of valve action later.

6. **Seals.** a. Remove seal from tail pipe opening.

b. Remove seals from oil filler tube, crankcase breather tube, and any other opening. Clean and replace covers.

7. **Clutch.** a. Remove block used to keep clutch disengaged and make sure there is correct amount of free pedal movement at top of travel.

8. **Preparing engine for service.** a. Tighten all cooling system, heater hose, and defroster connections, replacing any defective hose. If cooling system was stored full, add sufficient coolant to make up for evaporation. If cooling system was stored empty, close drain cocks and replace drain plugs. Fill with clean water. Watch for leaks at hose ends and pump and correct any that develop.

b. Drain oil from the crankcase. Drop the oil pan. Thoroughly clean the pan and the inside of crankcase. Replace pan and use new gasket. Fill crankcase with flushing oil.

c. Pour 2 ounces of SAE-10 engine oil into each spark plug hole. Reinstall spark plugs, using new gaskets if necessary, and connect wires properly.

d. Lubricate generator, starter, and water pump.

e. Clean battery carrier, repainting if necessary. Install securely a fully charged battery (spec. grav. of 1.280 or above at 60 degrees F; water level  $\frac{1}{4}$ " to  $\frac{3}{8}$ " above plates). Clean cables and connections, tighten, and coat terminals with vaseline or approved corrosion preventive. Test battery hook-up by turning on headlights (ammeter should show discharge).

f. With ignition switch off and clutch disengaged, crank the engine for 30 seconds with starter in order to exercise reciprocating parts and bearings. While cranking engine, listen carefully for indications of trouble. Immediately investigate and remedy any trouble (such as engine failing to turn over or starter motor being stuck) before proceeding further.

g. Start engine (clutch disengaged) and run at idle speed for five minutes.

h. Turn off engine. Drain flushing oil immediately from crankcase.

i. If engine oil filter is sealed type, replace it with a new one. If it is replaceable element type, clean out filter chamber and install new element.

j. Fill crankcase to correct level with engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate. Start engine and run at idle speed.

9. **While engine is running,** check the following items for proper operation, making all necessary adjustments and repairs:

a. All instruments (oil, gas, temperature and ammeter).

b. Windshield wipers, with blades installed.

c. Horn.

d. Every switch position of every light on vehicle.

e. Heater, climatizer, defroster.

f. Cigar lighter, radio, clock, and other accessories.

g. Automatic top on convertibles.

h. Charging rate, and voltage and current regulator.

i. Manifold heater valve.

j. Inspect all water hose connections, oil lines, oil filter, and fuel lines for leakage.

k. Check and if necessary adjust valve tappets according to vehicle manufacturer's recommendations.

l. Automatic choke control.

m. Set engine idle speed according to manufacturer's instructions.

10. **After shutting off engine,** perform the following operations:

Before any sediment in coolant has time to settle, make the following check of the cooling system:

a. If coolant carries little or no antifreeze, completely drain entire cooling system, examining coolant for presence of rust or other foreign matter.

b. If coolant carries a considerable amount of anti-freeze, drain a quart from bottom of radiator. If liquid is clear, pour sample into radiator. If dirty or rusty, completely drain entire cooling system.

c. If coolant showed rusty and dirty, reverse flush radiator and engine block to remove sediment, using a combination water-air flushing nozzle. (Remove thermostats and water pump before flushing the block.)

d. Fill cooling system (if not already done) with clean water and rust inhibitor, adding anti-freeze according to seasonal requirements. Watch for leaks at hose ends and pump, and correct any that develop.

e. While engine is still hot, tighten cylinder head nuts in recommended order.

f. Tighten manifold studs.

g. Tighten bolts at connection between exhaust manifold and pipe to muffler.

h. Replace valve compartment cover.

i. Check all belt adjustments and replace belts if necessary.

11. **Lubrication.** a. Lubricate every fitting and check the lubricant level of every reservoir according to vehicle manufacturer's lubrication chart, excepting those taken care of above. Flush out all gear boxes in which rust inhibitor was used during storage. Fill to correct level with new lubricant.

b. While lubricating, inspect underside of chassis and body for loose or damaged parts, and make any necessary adjustments or replacements.

12. **Check, and if needed tighten the following items:**

a. Nuts on spring U-bolts.

b. All steering connections.

c. Front and rear sway eliminator or stabilizer bolts.

d. Body bolts.

e. Front and rear bumper bolts.

f. Gas tank straps.

g. Shock absorber bolts.

13. **Front end and wheels.** a. Check front wheel toe-in.

b. Test steering adjustments and connections. Check amount of wheel turn to stop on left and right.

c. Check steering wheel for correct amount of play.

14. **Preliminary road test.**

NOTE: Before road test, remove any stickers that obstruct vision, and wash windshield.

Road test every vehicle by driving it at least three miles and checking the operation of the following items:

a. All gear positions, and operation of gear shift lever.

b. Accelerator.

c. Service brakes.

d. Hand brake.

e. All instruments: oil, gas, temperature ammeter, speedometer, and odometer.

f. Set spark advance or octane selector at correct adjustment for economical performance, idling, pick-up in each forward gear, and ping in acceleration.

g. Springs and shock absorbers.

h. Locate squeaks, rattles, and unusual noises.

i. Special equipment such as overdrives, 2-speed axles, hill-holding devices, and transmissions other than conventional type.

j. Note any other items upon which work needs to be done.

15. **Return vehicle to shop and do the following operations:**

a. Check focus of headlights, and adjust if necessary.

b. Do any work on clutch, service brakes and hand brake for which road test showed need.



c. Reinspect all water hose connections, oil lines, oil filter, and fuel lines for leakage.

d. Clean fuel filters at carburetor and fuel pump.

e. Make necessary repairs or adjustments of any other items which road test showed to need attention.

f. Check all tire pressures again. If any tire has lost air, replace valve core and pump up tire again. If it continues to lose air, remove and test innertube, inspect casing for nails, remount and inflate to proper air pressure. Leave all valve cores and valve caps air-tight.

16. *Final Road Test.* a. Make a second road test, and further tests if necessary, to see that all items found unsatisfactory in first road test are operating satisfactorily.

b. Check for leaks under engine, transmission, and rear axle.

c. Clean and remove rust and dirt from engine and its accessories and other chassis parts. Touch up with paint of appropriate color if originally painted.

17. *Body.* a. Clean upholstery, carpets, and floor mats completely and repair any damaged places.

b. Remove screening or plugs from holes in floorboards or dash.

c. Check and lubricate front seat adjustment.

d. Remove wax or grease from interior chrome, using solvent cleaner which will not damage finish or upholstery.

e. Check operation of all windows, ventpanes, cowl ventilator, and sun-visors.

f. Check operation of glove compartment lock and key.

g. Check operation of all doors, locks and keys, from inside and outside.

h. Check operation of trunk lid, lock and key.

i. Check operation of hood and its lock.

j. Check and clean tools and arrange them in kit.

k. Re-cement any sponge rubber seal strips which may be pulled loose, replacing any which have deteriorated.

l. Clean windows and windshield inside and outside and repair any defects.

m. Inspect paint finish and repair or touch up any defects or damage.

n. Clean and polish vehicle body and chrome trim.

*NOTE.* Owner should drain engine crankcase at about 250 miles and refill to the full mark with a good grade of engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate.

*Truck Trailer Equipment.* With respect to truck trailer equipment, the following conditioning operations must be performed:

Items Nos. 1 a, b; 2 a, b, d, g; 9 d; 11 a, b; 12 a, b, d; 14 c, g, h, j; 15 b, e, f; 16 a; and 17 g, m, n.

#### (v) Form of certification.

The undersigned hereby certifies, with respect to the ----- new commercial motor vehicle, bearing motor No. ----- and/or serial No. -----:

(a) *As to maintenance operations.* That all the requirements of § 1499.73 (a) (19) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, which condition the addition to the maximum price of a percentage of the list price for each month elapsing between February 29, 1942 and the date of sale, have been fully satisfied.

(b) *As to Standard Delivery Operations.* That all the standard delivery operations set forth in § 1499.73 (a) (19) of Supplementary Regulation No. 14 to the General Maximum Price Regulation have been performed.

(Date)

(Name)

(Address)

*NOTE:* Unless a paragraph is stricken out, this certification applies to both paragraphs.

#### (vi) Definitions. \* \* \*

(e) "Lien holder" means any person who has a lien or claim against a new commercial motor vehicle as security for a loan, credit, or guaranty made by him.

(f) "Recondition" means inspecting, repairing, and restoring a new commercial motor vehicle so that it is in a condition substantially equal to its condition when newly manufactured.

#### (b) Effective dates. \* \* \*

(102) Amendment No. 101 (§ 1499.73 (a) (19) (i), (iv), (v), and (vi)) to Supplementary Regulation No. 14 shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1698; Filed, February 1, 1943; 12:13 p. m.]

#### PART 1340—FUEL

[Correction to Amendment 57 to RPS 88<sup>1</sup>]

##### PETROLEUM AND PETROLEUM PRODUCTS

The maximum price per barrel for Wilmington, North Carolina in the table in § 1340.159 (c) (6) (ii) is corrected to read \$1.60 instead of \$1.65.

§ 1340.158a *Effective dates of amendments.* \* \* \*

(mmm) This correction (§ 1340.159 (c) (6) (ii)) to Amendment No. 57 to Revised Price Schedule No. 88 shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1711; Filed, February 1, 1943; 2:53 p. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 150 as Amended,<sup>2</sup> Amendment 2]

##### MILLED RICE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\* Section 1351.464 is amended and paragraph (c) of § 1351.463 is added to Maximum Price Regulation No. 150, as amended, as set forth below.

§ 1351.464 *Appendix A: Maximum prices for milled rice.* (a) The maximum

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

<sup>1</sup> 7 F. R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 2576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684, 11069, 11112, 11075; 8 F. R. 157, 232, 233, 857.

<sup>2</sup> 7 F. R. 6602, 7738.

prices for all non-export sales and deliveries of milled rice per 100 pound bags or containers f. o. b. conveyance within a base point or within a mill point shall be as follows:

(1) Varieties:	Maximum price
Rexoro.....	\$8.25
Nira.....	8.25
Fortuna.....	7.50
Edith.....	7.00
Calady.....	6.65
Blue Rose.....	6.50
American Pearl.....	6.50
Lady Wright.....	6.50
Zenith.....	6.25
Early Prolific.....	6.20

The foregoing maximum prices for "varieties" apply only to milled rice containing not more than 4% of broken kernels and not more than 1% of whole kernels of a variety other than the predominate variety.

(2) Broken rice classes:	Maximum price
Second Head Rexoro, Nira and Fortuna.....	\$6.00
Other varieties.....	5.25
Screening.....	4.50
Brewers.....	4.00

(3) The maximum price per 100 pounds for any lot of milled rice containing more than 4% of broken kernels or more than 1% of whole kernels of a variety other than the predominate variety shall be computed by adding the results obtained by multiplying the percentage of each variety and/or each broken rice class of milled rice forming a part of the lot, as shown by the guarantee, by the applicable maximum price for each variety or broken rice class as above specified.

(4) Where the milled rice sold is packed in 5 pound, 10 pound, 25 pound or 50 pound bags or containers, the applicable maximum price per 100 pounds shall be increased by 50 cents, 35 cents, 15 cents or 10 cents respectively.

(5) Where the milled rice sold has been granulated, the applicable maximum price shall be increased by 10 cents.

(b) The maximum delivered price at any receiving point within a base point or within a mill point shall be the applicable maximum f. o. b. price above specified plus the customary local delivery charges. The maximum delivered price at any other receiving point shall be the applicable maximum f. o. b. price above specified plus the lowest transportation charge for the shipment of an identical quantity of milled rice from the applicable base point to said receiving point. Where the shipment is by water said maximum delivered price may be further increased by the addition of actual charges incurred by the seller for war risk cargo insurance, surcharges, and emergency charges necessarily incident to the transportation.

(c) For the purposes of this section the following cities shall be base points: Crowley, Louisiana; El Campo, Texas; Stuttgart, Arkansas; Imperial, California; and San Francisco, California. A base point includes the incorporated area and the established railroad switching districts of that city. Crowley, Louisiana, shall be the base point of and for all rice mills located in Louisiana. El Campo, Texas, shall be the base point



of and for all rice mills located in Texas, Stuttgart, Arkansas, shall be the base point of and for all rice mills located in Arkansas, Tennessee, and Missouri. San Francisco shall be the base point of and for all rice mills located in California except the rice mills located in Imperial, California. Imperial, California, shall be the base point of and for all rice mills located at Imperial, California. As used in paragraph (b) of this section, the phrase "lowest transportation charge for the shipment of an identical quantity of milled rice from the applicable base point to said receiving point" means the lowest transportation charge to said receiving point from the base point for that rice mill at which the rice in question was milled: *Provided*, That where the shipment in question is billed as the receiving point from a different rice mill then the lowest transportation charge to said receiving point from the base point for the last mentioned rice mill, if such transportation is lower.

(d) For the purposes of this regulation, a "mill point" shall include the incorporated area and the established railroad switching districts of any city in which the rice mill in question is located.

(e) Whenever provision is made in this regulation for the addition of transportation charges in determining maximum prices hereunder and whenever any other reference is herein made to such charges the tax imposed by section 620 of the Revenue Act of 1942 (Pub. Laws 753, 77th Cong., approved October 21, 1942) shall be deemed to be a part of and shall be included in said charges with like effect as if it were a like increase in the rate or amount charged by the carrier for the transportation in question. The provisions of Supplementary Order No. 31 issued by the Office of Price Administration on November 26, 1942 (Document No. 7623) shall have no application to this Maximum Price Regulation No. 150, as amended.

(f) For export shipments, the maximum delivered price shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration on July 2, 1942, and any amendments thereto.

#### § 1351.463. *Effective dates of amendments.*

(c) Amendment No. 2 (§ 1351.464 (a) and § 1351.463) of Maximum Price Regulation No. 150, as amended, shall become effective February 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1712; Filed February 1, 1943;  
2:59 p. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289, Amendment 2]

##### DAIRY PRODUCTS

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

ment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* Sections 1351.1501 and 1351.1522 are hereby amended to read as set forth below:

§ 1351.1501 *Products covered.* This Maximum Price Regulation No. 289 establishes the maximum prices at which the following dairy products referred to below as "listed dairy products" may be sold and delivered.

(a) Cheddar cheese and processed cheddar cheese.

(b) Butter.

(c) Evaporated milk.

(d) Bulk powdered skim milk and bulk powdered buttermilk.

§ 1351.1522 *Maximum prices of bulk powdered skim milk for human consumption and bulk powdered buttermilk for human consumption.* (a) The maximum prices for sales and deliveries of

bulk powdered skim milk for human consumption and bulk powdered buttermilk for human consumption, shall be as follows:

(1) By manufacturers to the United States Government or any agency thereof of f. o. b. manufacturer's plant, located:

	Spray process	Roller process
	Cents per lb.	Cents per lb.
In Zone A.....	14½	12¼
In Zone B.....	14¼	12¼
In Zone C.....	15	13
In Zone D.....	15¼	13¼

(2) By wholesalers for deliveries to any consumer and by manufacturers for deliveries to any consumer other than the United States Government or any agency thereof:

For deliveries in—	Spray process (cents per lb.)				Roller process (cents per lb.)			
	Carload	25 bbls. or more	5 to 25 bbls.	1 to 4 bbls. incl.	Carload	25 bbls. or more	5 to 25 bbls.	1 to 4 bbls. incl.
Zone A.....	15½	16	16¼	16½	13¼	14	14¼	14½
Zone B.....	15¼	16¼	16½	16¾	13¼	14¼	14½	14¾
Zone C.....	16	16½	16¾	17	14	14½	14¾	15
Zone D.....	16¼	16¾	17	17¼	14¼	14¾	15	15¼

(3) By manufacturers to wholesalers for "deliveries to wholesalers" the prices named in subparagraph (2) immediately above, less 3 per cent.

(4) *Definition of zones.* (i) Zone A shall be all states not included in Zones B, C, or D.

(ii) Zone B shall be Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, and West Virginia.

(iii) Zone C shall be Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas.

(iv) Zone D shall be Florida.

(5) *Discounts.* All maximum prices named in this section must be reduced by the seller's customary discounts, or allowances for cash or prompt payment. However, any discount, allowances or other price differential may always be given when it results in a price less than the maximum price.

(6) *Packing costs and allowances.*

(i) These prices are for bulk powdered skim milk or bulk powdered buttermilk packed in barrels double crepe lined. They shall be reduced for any less expensive packing by the net difference in packing costs, between the double crepe lined barrels and the less expensive packing.

(ii) These prices shall be increased ½¢ for all bulk powdered skim milk or bulk powdered buttermilk packed in customary 95 pound containers. These prices shall be increased 1¢ for all bulk powdered skim milk or bulk powdered buttermilk packed in customary 5 to 50 pound containers.

(b) *Definitions.* (1) "Powdered skim milk", also known as "dried skim milk"

or "skim milk powder" means powdered skim milk for human consumption as defined in the "Standards of Identity for Dried Skim Milk, Powdered Skim Milk, Skim Milk Powder" promulgated by the Food and Drug Administration and published in the Federal Register of July 12, 1940, 5 F.R. 2543.

(2) "Powdered buttermilk" means the product prepared for human consumption by the removal of water from clean, sound buttermilk which buttermilk conforms in all respects to requirements of applicable federal and state laws and regulations. It shall contain not less than 4% butterfat and shall contain not more than 5% moisture.

(3) "Bulk" when used in conjunction with "powdered skim milk" or "powdered buttermilk" means all "powdered skim milk", or "powdered buttermilk", other than "packaged powdered skim milk" or "packaged powdered buttermilk". "Packaged" means packaged for sale at retail in a container of any sort holding 5 pounds or less regardless of where the packaging was done.

(4) The phrase "for deliveries" refers to deliveries at the buyer's customary receiving point. In the case of deliveries to wholesalers, it shall also include direct deliveries to the customary receiving point of any person designated by the wholesaler to receive delivery.

(c) *Reference to maximum price regulations covering powdered skim milk and powdered buttermilk not covered in this Maximum Price Regulation 289.*

(1) Packaged powdered skim milk or packaged powdered buttermilk when sold by manufacturers is covered under Maximum Price Regulation No. 280.<sup>2</sup>

(2) Packaged powdered skim milk and packaged powdered buttermilk when sold

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

<sup>2</sup> 7 F.R. 10144, 10337, 10475, 10585, 10780, 10995, 8 F.R. 158, 876, 877, 1120.



by wholesalers is covered under Maximum Price Regulation No. 237.<sup>3</sup>

(3) Packaged powdered skim milk and packaged powdered buttermilk when sold by retailers is covered under Maximum Price Regulation No. 238.<sup>4</sup>

(4) All powdered skim milk for animal feed and all powdered buttermilk for animal feed is covered by Maximum Price Regulation No. 280.

§ 1351.1518a *Effective dates of amendments.* \* \* \*

(b) This Amendment No. 2 (§§ 1351.1501, 1351.1522, 1351.1518a) shall become effective this 6th day of February 1943.

(Pub. Laws 421, 729 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1713; Filed, February 1, 1943;  
2:54 p. m.]

#### PART 1367—FERTILIZERS

[Rev. MPR 135,<sup>5</sup> Amendment 1]

##### MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

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

Section 1367.33 (a) is amended and §§ 1367.43a and 1367.44 (a) 1 (i) are added to read as set forth below:

§ 1367.33 *Manufacturers' maximum prices.* (a) A manufacturer's maximum prices shall be the prices set forth in the written or printed price schedule or list last issued by the manufacturer, prior to February 21, 1942, and effective for any portion of the period from February 16 to 20, 1942 inclusive, except for any manufacturer making a delivery to a place in Florida east of the Apalachicola River whose maximum prices for such delivery shall be the prices set forth in his written or printed price schedule or list effective on July 31, 1941, and except for any manufacturer making a delivery to a place in Puerto Rico whose maximum prices for such delivery shall be the prices set forth in his written or printed price schedule or list effective on October 15, 1941, and as those prices may be increased for the places of delivery and in the manner and amounts set forth in Appendix A incorporated herein as § 1367.44, for a sale (1) to a consumer or dealer in the same locality, (2) of the same quantity, grade and kind of mixed fertilizer, superphosphate or potash, (3) delivered in the same type of container or bag, except as hereinafter provided, (4) under the same terms of payment including time, cash, discounts, and maturities, and (5) by the same means and under the same conditions of delivery.

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

<sup>3</sup> 7 F.R. 8205, 8427, 8808, 9183, 9973, 10013, 10715, 8 F.R. 373, 569.

<sup>4</sup> 7 F.R. 8209, 8808, 9184, 10013, 10227, 10714, 8 F.R. 120, 374; 532, 1116.

<sup>5</sup> 7 F.R. 11075.

§ 1367.44 *Appendix A: Amounts per ton net to the manufacturer which may be added to the manufacturer's prices for places of delivery in the states and territory named below:*

##### 1. Places of delivery. \* \* \*

(1) *Puerto Rico.* To the prices of mixed fertilizer, superphosphate or potash quoted in a manufacturer's written or printed price schedule or list effective on October 15, 1941, denoted herein as the base period prices, there may be added, net to the manufacturer, for each unit of ammonia, available phosphoric acid and potash an amount consisting of the difference in the cost per unit of such ammonia, available phosphoric acid or potash between (1) the manufacturer's average delivered-to-factory cost of such materials received by him during the period July 1 to December 31, 1941, inclusive, and (2) the manufacturer's average delivered-to-factory cost of such materials received by him during the period October 1 to December 31, 1942, inclusive.

Beginning on April 1, 1943, and quarterly thereafter, a manufacturer's base period prices may be increased or shall be decreased by the amount of the difference, if any, between (1) the manufacturer's average delivered-to-factory cost of such materials received by him during the period July 1 to December 31, 1941, inclusive, and (2) the manufacturer's average delivered-to-factory cost of such materials received by him during the three months' period last preceding the quarter annual adjustment date; if, during any such three months' period, no materials were received by the manufacturer, then the average cost for the next preceding three months' period shall be applied in making the appropriate increase or decrease in his base period prices.

*Bags.* A manufacturer's prices of mixed fertilizer, superphosphate or potash determined as above set forth may be further increased, or shall be decreased, by the amount of the average increase or decrease, as the case may be, in the cost of bags used in packaging such products. The amount of such increase or decrease per ton of such products shall be determined for the same periods and in the same manner as described above for each unit of ammonia, available phosphoric acid and potash.

§ 1367.43a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1367.33 (a) and 1367.44 (i)) to Revised Maximum Price Regulation No. 135 shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1714; Filed, February 1, 1943;  
2:57 p. m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[TMPR 25,<sup>1</sup> Amendment 1]

##### CORN

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

Subparagraph (1) of § 1439.52 and paragraphs (b) and (c) of § 1439.62 are

<sup>1</sup> 8 F.R. 567.

amended, and subparagraphs (3) and (4) of paragraph (a) of § 1439.62 and paragraph (f) of § 1439.62 are added to read as set forth below.

§ 1439.52 *Exempt sales.* (a) This Temporary Maximum Price Regulation No. 25 shall not apply to the following:

(1) Sales and deliveries of less than 400 bushels per month by one farmer to another farmer of corn produced on the farm operated by the farmer who is the seller. However, this Temporary Maximum Price Regulation No. 25 shall apply to sales or deliveries of any quantity of corn by a farmers' cooperative.

§ 1439.62 *Appendix A—(a) Maximum prices per bushel for corn futures on the Commodity Exchanges in Chicago, Kansas City and Minneapolis.* \* \* \*

(3) If there was no trading whatever in round lot or job lot contracts for delivery in the months of July or September 1943 on the Commodity Exchanges in Kansas City or Minneapolis, the maximum price for such contracts shall be the maximum price for the May 1943 contract on such exchange, plus the difference between the maximum price for the May 1943 contract on the commodity exchange in Chicago and the maximum price for the July or September 1943 contract, as the case may be, on the commodity exchange in Chicago.

(4) The maximum price for contracts for delivery in any month subsequent to September 1943 on the commodity exchanges in Chicago, Kansas City and Minneapolis shall be the maximum price for the September 1943 contract on each such commodity exchange, respectively.

(b) *Maximum prices per bushel for any class and grade of corn in bulk, in carload quantities, in each recognized cash grain market.* (1) The maximum price per bushel for No. 2 or better, yellow corn in bulk, in carload quantities, in each recognized cash grain market shall be the highest price at which No. 2 or better, yellow corn sold in that market on January 11, 1943.

(2) If there were no sales of yellow corn No. 2 or better, in bulk, in carload quantities, in a particular recognized cash grain market on January 11, 1943, the maximum price per bushel in such market for No. 2 or better, yellow corn in bulk, in carload quantities shall be the highest price for the highest grade of yellow corn sold in such market on January 11, 1943, plus the maximum difference between the price at which this grade and No. 2 or better, yellow corn sold in such market on the first day prior to January 11, 1943 on which both this grade and No. 2 or better, yellow corn were sold.

(3) The maximum price per bushel for yellow corn grading lower than No. 2, in bulk, in carload quantities in each recognized cash grain market shall be the maximum price in such market for No. 2 or better, yellow corn as determined in this paragraph (b) minus the following discounts.



Grade:	Discount— (Cents per bushel)
No. 3 yellow corn.....	1/2
No. 4 yellow corn.....	1
No. 5 yellow corn.....	1 1/2
Sample yellow corn.....	2

(4) The maximum price per bushel for white corn, in bulk, in carload quantities, in each recognized cash grain market, shall be the maximum price in such market for the corresponding grade of yellow corn plus 15 cents per bushel.

(5) The maximum price per bushel for mixed corn, in bulk, in carload quantities, in each recognized cash grain market, shall be the maximum price in such market for the corresponding grade of yellow corn: Except, that if such mixed corn contains 90 per cent or more of white corn, the maximum price per bushel, in bulk, in carload quantities, shall be the maximum price in such market for the corresponding grade of yellow corn, plus 15 cents per bushel.

(6) The maximum price determined in accordance with the subparagraph (b) shall not be increased by any charges for handling, conditioning, insurance, elevation, or any other charges except carrying charges as specified in paragraph (f) and where any owner of corn incurs any expenses for handling, conditioning, elevation, insurance, and other operations, or services as he may deem necessary except carrying charges as specified in paragraph (f) he shall not increase his maximum price to any purchaser because he has incurred such expenses.

(c) *Maximum price per bushel for each seller for any class and grade of corn in bulk, in carload quantities, f. o. b. or delivered at interior points.*

(1) The maximum price per bushel for each seller for any class and grade of corn in bulk, in carload quantities, f. o. b. or delivered at interior points shall be the highest of the prices determined as follows:

(i) The highest price at which the seller sold or offered to sell such class and grade of corn during the period January 8, 1943 to January 12, 1943.

(ii) The maximum price for such class and grade of corn at the nearest recognized cash grain market which is a source of supply plus (a), the transportation charge from such recognized cash grain market to the interior point, and (b), 5 cents per bushel.

The transportation charge to any interior point, which is on a railroad, shall be calculated by using the lowest carload rail rate, flat or proportional, whichever is appropriate, plus transportation tax, from such recognized cash grain market to the interior point: *Provided*, That if the movement to the interior point would normally be made on transit billing, the transportation charge shall be calculated by using the normal transit balance rail rate plus transportation tax, applicable to such movement.

The transportation charge to any interior point which is not on a railroad shall be the transportation charge calculated in like manner as above provided to the nearest railroad loading point thereto plus transportation

charges, including transportation tax, from said railroad loading point to the interior point in question.

(f) *Carrying charges.* In addition to the foregoing maximum price, a carrying charge at a rate not to exceed 1/30th of a cent per bushel per day may be charged by a seller to a buyer from the date of the expiration of free time under a contract for sale, to the date on which the buyer has instructed that the shipment to be made, or the date that shipment is actually made, whichever date is earlier: *Provided*,

(1) That the seller may in all cases have five days from the date of receipt of instructions within which to make shipment and may charge carrying charges accordingly.

(2) That the buyer shall not increase his maximum price for resale to any purchaser because such carrying charges have been incurred.

This amendment shall become effective February 6, 1943.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1715; Filed, February 1, 1943; 2:54 p. m.]

#### PART 1499—COMMODITIES AND SERVICES [Amendment 102 to Supp. Reg. 14<sup>1</sup> to GMPR<sup>2</sup>]

##### DOG AND CAT FOOD IN NEW PACKAGES

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.\* Subparagraph (62) is added to § 1499.73 (a) to read as set forth below:

##### § 1499.73 \* \* \*

##### (a) \* \* \*

(62) *Formula for determining maximum prices of new packages of dog and cat foods by manufacturers.* Any manufacturer of any dog or cat food desiring to sell new packages (whether of different sizes and/or of different containers) of the same commodity shall determine his maximum price for such new packages as follows:

(i) Take the maximum price of the fastest selling old package of said dog or cat food to a given class of purchasers;

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

17 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7819, 7914, 7964, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8890, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9789, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878.

7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

(ii) Where a change to different containers is made deduct therefrom the actual cost of the old containers and of packing therein and add to the resultant figure the actual cost of the new containers and of packing therein;

(iii) Where a size change is made divide said maximum price of the fastest selling old package of said dog or cat food to a given class of purchasers by the net weight number of ounces (or other unit of measurement) in the old size package and multiply that quotient by the net weight number of ounces (or other unit of measurement) in the new size package.

In like manner determine the new size maximum price to other classes of purchasers, using as the base, however, the same old package of dog or cat food but as sold to different classes of purchasers.

##### (b) *Effective dates.* \* \* \*

(103) This Amendment No. 102 (§ 1499.73 (a)) to Supplementary Regulation No. 14 of the General Maximum Price Regulation shall become effective February 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1716; Filed, February 1, 1943; 2:51 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 177 Under § 1499.3 (b) of GMPR]

##### METALS RESERVE COMPANY

An opinion accompanying this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

The head-note of § 1499.1193 and paragraph (a) of that section are amended and a new paragraph (d) is added to read as set forth herein:

§ 1499.1193 *Authorization of maximum prices for sales by Metals Reserve Company of South African corundum ore to the American Abrasive Company.* (a)

(1) On and after February 2, 1943, the Metals Reserve Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver South African crystal corundum ore to the American Abrasive Company, Westfield, Massachusetts, at a maximum price of \$107.00 per short ton, delivered at the purchaser's plant at Westfield, Massachusetts.

(2) On and after February 2, 1943, Metals Reserve Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver South African boulder corundum ore to the American Abrasive Company, Westfield, Massachusetts, at a maximum price of \$74.00 per short ton, delivered at the purchaser's plant at Westfield, Massachusetts.

(d) This Amendment No. 1 (§ 1499.1193) to Order No. 177 shall become effective February 2, 1943.



(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1719; Filed, February 1, 1943;  
3:00 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 258 Under § 1499.3 (b) of GMPR]

PACIFIC TENT & AWNING CO.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register,\* *It is hereby ordered:*

§ 1499.1494 *Maximum prices for the sale of cotton pick sacks by the Pacific Tent & Awning Company.* (a) The Pacific Tent & Awning Company, 2126 Inyo Street, Fresno, California, may sell and deliver and any person may purchase and receive from it the following types of cotton pick sacks at prices not in excess of those set forth below:

Specifications		Maximum price per bag		
Material	Size of bag	Wholesalers and jobbers	Retailers	
			Lots of 100 to 500 bags	Lots of less than 100 bags
7 oz., 30" grade B. Osnaburg.	9'...	\$1.26	\$1.29	\$1.32
7 oz., 30" grade B. Osnaburg.	10'...	1.40	1.43	1.46
7 oz., 30" grade B. Osnaburg.	12'...	1.68	1.71	1.74

(b) The maximum prices set forth above are f. o. b. seller's point of shipment. The following terms of credit are applicable thereto:

- 1) Wholesalers and jobbers..... 5% 10 days, net 11 days.  
2) Retailers..... 2% 10 days, net 30 days.

(c) This Order No. 258 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 258 shall become effective February 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1720; Filed, February 1, 1943;  
2:58 p.m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 180 Under § 1499.18 (b) of GMPR]

PRINTZ DEGREASING CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1081 *Denial of application for adjustment of maximum prices for degreasing services performed by Printz Degreasing Company, Philadelphia, Pennsylvania.* (a) The application of

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

No. 23—5

Printz Degreasing Company, 30th and Magazine Lane, Philadelphia, Pennsylvania, docketed July 31, 1942 and assigned Docket No. GF3-1056, requesting permission to increase its maximum prices for the service of degreasing leather, is denied.

(b) This Order No. 180 (§ 1499.1081) shall become effective February 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1717; Filed, February 1, 1943;  
2:58 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 181 Under § 1499.18 (b) of GMPR]

NEWMAN-REICH BAKING CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.1082 *Denial of application for adjustment of maximum price of bread sold by Newman-Reich Baking Company Inc., 1118 Lamar Street, Fort Worth, Texas.* (a) The application of Newman-Reich Baking Company, Inc., 1118 Lamar Street, Fort Worth, Texas, filed November 14, 1942, and assigned Docket Number GF3-2735, requesting permission to increase the maximum price of bread sold by it, is denied.

(b) This Order No. 181 (§ 1499.1082) shall become effective February 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1718; Filed, February 1, 1943;  
2:57 p. m.]

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

[MPR 200<sup>1</sup> as Amended Feb. 1, 1943]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND ATTACHING OF RUBBER HEELS

In the judgment of the Price Administrator the prices of rubber heels, rubber heels attached and attaching rubber heels have risen to an extent and in a manner inconsistent with the purpose of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of rubber heels, rubber heels attached and attaching rubber heels prevailing between October 1 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established

<sup>1</sup> 7 F.R. 6259.

by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations<sup>2</sup> involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>3</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 200 is hereby issued.

Sec.

- 1315.1401 Prohibition against dealing in rubber heels attached, and attaching rubber heels at prices in excess of the maximum.  
1315.1402 Federal and state taxes.  
1315.1403 Sales for export.  
1315.1404 Less than maximum prices.  
1315.1405 Evasion.  
1315.1406 Marking and posting.  
1315.1407 Records.  
1315.1408 Reports.  
1315.1409 Sales slips and receipts.  
1315.1410 Enforcement.  
1315.1411 Adjustable pricing.  
1315.1412 Petitions for amendment.  
1315.1413 Exclusions.  
1315.1414 Definitions.  
1315.1415 Applicability.  
1315.1416 Licensing, applicability of the registration and licensing provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 165.  
1315.1417 Applicability of the General Maximum Price Regulation.  
1315.1418 Applicability of Maximum Price Regulation No. 165.  
1315.1419 Effective date.  
1315.1419a Effective dates of amendments.  
1315.1420 Appendix A: Maximum prices for rubber heels, rubber heels attached and attaching rubber heels.

AUTHORITY: §§ 1315.1401 to 1315.1420, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1315.1401 *Prohibition against dealing in rubber heels, rubber heels attached, and attaching rubber heels at prices in excess of the maximum.* On and after September 1, 1942, regardless of any contract, agreement, lease or other obligation: (a) No person shall sell or deliver rubber heels or attached rubber heels, in the shoe repair trade, and no person shall buy or receive rubber heels or attached rubber heels, in the shoe repair trade, in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1420; and (b) no person shall attach rubber heels at prices higher than the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of rubber heels to a purchaser if prior to September 1, 1942, such rubber heels had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

<sup>2</sup> Statements of considerations also are issued simultaneously with the issuance of amendments.

<sup>3</sup> Revised; 7 F.R. 8961.



[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency, or government whose defense is vital to the defense of the United States.]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

#### § 1315.1402 Federal and state taxes.

(a) Except as limited in the next paragraph, any tax upon, or incident to, the sale, delivery, or processing of rubber heels, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor.

(b) No shoe repairman may add and after December 31, 1942, no wholesaler may add, the amount of Federal excise tax on rubber products paid by any prior vendor to the maximum prices established by this Maximum Price Regulation No. 200. (Paragraph (a) as amended by Amendment 3, 7 F.R. 10008)

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942, shall, for purposes of determining the applicable maximum price of any commodity or service, 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, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1315.1403 Sales for export. The maximum price at which a person may export any rubber heels shall be determined in accordance with the provisions of the Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

§ 1315.1404 Less than maximum prices. Lower prices than those set forth in Appendix A (§ 1315.1420) may be charged, demanded, paid or offered.

§ 1315.1405 Evasion. (a) The price limitation set forth in this Maximum Price Regulation No. 200 shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to rubber heels alone or in conjunction with any other commodity 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) Every purchaser shall have the choice of buying rubber heels of a particular type and grade without buying

rubber heels of another type and grade or buying any other commodity, and every purchaser, other than a purchaser from a shoe repairman, shall have the choice of buying rubber heels of a particular type and grade without having any service performed.

(c) A purchaser of rubber heels from a shoe repairman shall always have the choice of buying rubber heels and having the seller attach them to shoes without having any other service performed or buying any other commodity.

[NOTE: Supplementary Order No. 29 (7 F.R. 9816) lists certain services customarily offered by retailers which may be curtailed or eliminated without a compensating reduction in ceiling prices.]

#### § 1315.1406 Marking and posting.

(a) Every manufacturer of rubber heels (except sport heels and women's scoop lifts, toplifts, toplift strips and toplift blocks) manufactured after August 31, 1942, for sale in the shoe repair trade, shall imprint prominently on the face of every such heel in the place receiving the least wear the symbol "V-1," "V-2," "V-3," or "V-4," which symbol shall represent the physical tests, as set forth in paragraph (g) (6) of § 1315.1420, which the heel in question is able to equal or exceed. Sport heels and women's scoop lifts, toplifts, toplift strips and toplift blocks manufactured after August 31, 1942, for sale in the shoe repair trade must be marked in some other manner approved by the Office of Price Administration in order to indicate the quality thereof. The marking of the unit of sale container is an approved method of marking sport heels and women's scoop lifts (1 and 3 nail hole) and died out toplifts. A paper sticker on each toplift strip or block is also an approved method of marking toplift strips and toplift blocks. The unit of sale container of a rubber heel manufactured in accordance with the specifications of a war procurement agency but which has been rejected by that war procurement agency because of defects that do not affect serviceability, shall be marked with the words "War Reject." (Paragraph (a) as amended by Amendments 3 and 4, 7 F.R. 10008, 8 F.R. 490.)

(b) On and after September 1, 1942, every shoe repairman engaged in the business of selling rubber heels or attached rubber heels or of attaching rubber heels shall keep posted in a conspicuous place in each establishment at which rubber heels are offered for sale, or at which the attaching of rubber heels is contracted for, a statement setting forth the maximum prices which he is permitted to charge under this Maximum Price Regulation No. 200 and the brands to which these maximum prices apply. For this purpose it shall be permissible to employ a list of maximum prices and brands furnished by the Office of Price Administration for posting pursuant to the provisions of this paragraph.

#### § 1315.1407 Records and reports.

(a) Every person, other than a shoe repairman or a person making a purchase from a shoe repairman, making a sale or purchase subject to this Maximum Price Regulation No. 200 after August 31, 1942, shall keep for inspection by the Office of

Price Administration for a period of not less than one year, complete and accurate records of each such sale or purchase, showing the date thereof, the name and the address of the buyer or seller, the price paid or received and the quantity of each type and grade of rubber heels sold or purchased.

(b) Every person subject to this Regulation shall submit such reports and keep such other records, in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require or permit.

#### § 1315.1408 [Revoked].

#### § 1315.1409 Sales slips and receipts.

Any person subject to this Maximum Price Regulation No. 200 who has regularly furnished customers with invoices, sales slips, receipts or similar documents shall continue to do so. Every person subject to this Maximum Price Regulation No. 200 shall, regardless of previous custom, upon request of the customer, give such customer a signed receipt showing the date of the transaction, the type, brand, and grade of the rubber heels sold and the price therefor.

§ 1315.1410 Enforcement. (a) Persons violating any provisions of this Maximum Price Regulation No. 200 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.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 200 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1411 Adjustable pricing. No person subject to the provisions of this Maximum Price Regulation No. 200 shall enter into any agreement permitting the adjustment of the prices of rubber heels, attached rubber heels or attaching rubber heels to prices which may be higher than the maximum prices, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

§ 1315.1412 Petitions for amendment. Any person seeking an amendment of any provision of this Maximum Price Regulation No. 200 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1. (§ 1315.1412 as amended by Supplementary Order No. 26, 7 F.R. 8948.)

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1315.1413 Exclusions. This Maximum Price Regulation No. 200 shall not apply to sales and deliveries of rubber

<sup>1</sup> Revised: 7 F.R. 5059, 7242, 9000, 10530.



heels, made in accordance with military specification, pursuant to contract with:

(a) Any war procurement agency of the United States Government; or

(b) Any person who contracts to sell the purchased rubber heels to any war procurement agency of the United States Government or to any contractor or subcontractor who physically incorporates the rubber heels in an article being processed for any such war procurement agency.

§ 1315.1414. *Definitions.* (a) When used in this Maximum Price Regulation No. 200 the term:

(1) "Continental United States" means only the forty-eight states and the District of Columbia.

(2) "Export" means any sale between a seller in the Continental United States and a purchaser outside thereof.

(3) "Manufacturer" means any person engaged in the production of rubber heels.

(4) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives 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.

(5) "Rubber" means all forms and types of rubber, including synthetic and reclaimed rubber.

(6) "Rubber heels" includes all unattached heels, heel bases, scoop lifts, toplifts, toplift strips and toplift blocks, made in whole or in part of rubber.

(7) "Rubber heels sold in the shoe repair trade" means rubber heels sold or offered for sale by or to a shoe repairman, by wholesalers to the persons who sell rubber heels to a shoe repairman, or by manufacturers to any of the persons named in this subparagraph.

(8) "Shoe repairman" includes any person engaged in the business of replacing worn heels for an ultimate consumer, other than an industrial, commercial or governmental consumer.

(9) "Wholesaler" includes any person, other than a manufacturer, who sells or offers to sell rubber heels to a shoe repairman or to persons who sell or offer to sell rubber heels to a shoe repairman.

(10) "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1415 *Applicability.* The provisions of this Maximum Price Regulation No. 200 shall be applicable to the Continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1315.1416 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price*

*Regulation<sup>1</sup> and Maximum Price Regulation No. 165.<sup>2</sup>* (a) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling at wholesale or retail rubber heels. When used in this paragraph (a) the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

(b) The registration and licensing provisions of §§ 1499.111 and 1499.112 of Maximum Price Regulation No. 165 are applicable to every person subject to this regulation, selling attached rubber heels to an ultimate consumer, or attaching rubber heels for such consumer.

§ 1315.1417 *Applicability of the General Maximum Price Regulation.* Except as provided in § 1315.1416, the provisions of this Maximum Price Regulation No. 200 supersede the provisions of the General Maximum Price Regulation, includ-

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

<sup>2</sup> As amended: 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010.

TABLE I-A—MAXIMUM PRICES FOR RUBBER HEELS SOLD IN THE SHOE REPAIR TRADE

Item	Maximum price for sales to wholesalers <sup>1</sup>	Maximum price for sales to shoe repairmen <sup>1</sup>	Unit of sales to wholesalers and shoe repairmen	Maximum price to consumers for heels attached by shoe repairmen <sup>2</sup> (per pair)
1. Men's half heels (all sizes):				
Super grade or V-1.....	\$1.50	\$2.00	1 dozen pairs....	\$0.55
Standard grade or V-2.....	1.39	1.85	1 dozen pairs....	.50
Competitive grade or V-3.....	1.16	1.55	1 dozen pairs....	.45
Special competitive grade or V-4.....	.94	1.25	1 dozen pairs....	.40
2. Men's whole heels (all sizes):				
Corded.....	1.99	2.65	1 dozen pairs....	.65
Super grade or V-1.....	1.73	2.30	1 dozen pairs....	.55
Standard grade or V-2.....	1.65	2.20	1 dozen pairs....	.55
Competitive grade or V-3.....	1.43	1.90	1 dozen pairs....	.50
Special competitive grade or V-4.....	1.20	1.60	1 dozen pairs....	.45
3. Boys' whole heels (all sizes):				
Corded.....	1.58	2.10	1 dozen pairs....	.55
Super or standard grade, V-1 or V-2.....	1.39	1.85	1 dozen pairs....	.50
Competitive grade or V-3.....	1.16	1.55	1 dozen pairs....	.45
Special competitive grade or V-4.....	.94	1.25	1 dozen pairs....	.40
4. Women's Cuban heels (scoops or flat type) and junior wedges (all sizes):				
Super grade or V-1.....	1.09	1.45	1 dozen pairs....	.45
Standard grade or V-2.....	1.05	1.40	1 dozen pairs....	.45
Competitive grade or V-3.....	.90	1.20	1 dozen pairs....	.40
Special competitive grade or V-4.....	.71	.95	1 dozen pairs....	.35
5. Women's toplifts:				
(a) Thin Scoop Lifts (3 nail hole, fiber back, with washers (all sizes):				
Super Grade or V-1 (with nails).....	.75	1.00	1 dozen pairs....	.40
Super Grade or V-1 (without nails).....	.71	.95	1 dozen pairs....	.40
All other grades V-2, V-3, V-4, (with nails).....	.71	.95	1 dozen pairs....	.40
All other grades V-2, V-3, V-4 (without nails).....	.68	.90	1 dozen pairs....	.40
(b) 1 nail hole toplifts plain or fiber back, no washers (all grades, V-1, V-2, V-3, V-4):				
(1) 1 dozen to carton (with nails) (all colors except white*), by size:				
9-0.....	.84	.45	1 dozen pairs....	.35
7-0.....	.88	.50	1 dozen pairs....	.35
5-0.....	.60	.45	1 dozen pairs....	.35
3-0.....	.49	.65	1 dozen pairs....	.35
2-0.....	.56	.75	1 dozen pairs....	.35
1-0.....	.56	.75	1 dozen pairs....	.35
2.....	.60	.80	1 dozen pairs....	.35
4.....	.68	.90	1 dozen pairs....	.35
6.....	.71	.95	1 dozen pairs....	.35
1.....	.68	.90	1 dozen pairs....	.35
3.....	.71	.95	1 dozen pairs....	.35
5.....	.71	.95	1 dozen pairs....	.35
*For white add to each price.....	.11	.15		.10
(2) 6 dozen to carton (without nails) (all colors but white*), by size:				
9-0.....	1.80	2.40	6 dozen pairs....	.35
7-0.....	2.03	2.70	6 dozen pairs....	.35
5-0.....	2.25	3.00	6 dozen pairs....	.35

See footnotes at end of table.

ing §§ 1499.11, 1499.12, 1499.13, 1499.14, and 1499.25 thereof, with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1315.1418 *Applicability of Maximum Price Regulation No. 165.* Except as provided in § 1315.1416, the provisions of this Maximum Price Regulation No. 200 supersede the provisions of Maximum Price Regulation No. 165 with respect to sales of consumer services for which maximum prices are established by this regulation.

§ 1315.1419 *Effective date.* This Maximum Price Regulation No. 200 (§§ 1315.1401 to 1315.1420, inclusive) shall become effective September 1, 1942.

[Issued August 10, 1942]

§ 1315.1419a *Effective dates of amendments.*

Amendment Nos. and Issue dates:	Effective
Amendment 1, 8-31-42.....	9-1-42
Amendment 2, 10-1-42.....	10-7-42
Amendment 3, 11-30-42.....	12-5-42
Amendment 4, 1-11-43.....	1-16-43
Amendment 5, 2-1-43.....	2-6-43

§ 1315.1420 *Appendix A: Maximum prices for rubber heels, rubber heels attached and attaching rubbers heels.* (a) The maximum prices for rubber heels, sold in the shoe repair trade shall be the prices listed in Table I-A.



TABLE 1-A—MAXIMUM PRICES FOR RUBBER HEELS SOLD IN THE SHOE REPAIR  
TRADE 1—Continued

Item	Maximum price for sales to wholesalers <sup>1</sup>	Maximum price for sales to shoe repairmen <sup>2</sup>	Unit of sales to wholesalers and shoe repairmen	Maximum price to consumers for heels attached by shoe repairmen <sup>3</sup> (per pair)
5. Women's toplifts—Continued.				
(b) 1 nail hole toplifts plain or fiber back, etc.—Con.				
(2) 6 dozen to carton, etc.—Con.				
3-0.....	\$2.70	\$3.60	6 dozen pairs.....	\$0.35
2-0.....	2.93	3.90	6 dozen pairs.....	.35
1-0.....	2.93	3.90	6 dozen pairs.....	.35
2.....	3.08	4.10	6 dozen pairs.....	.35
4.....	3.49	4.65	6 dozen pairs.....	.35
6.....	3.79	5.05	6 dozen pairs.....	.35
1.....	3.49	4.65	6 dozen pairs.....	.35
3.....	3.79	5.05	6 dozen pairs.....	.35
5.....	3.79	5.05	6 dozen pairs.....	.35
6.....	3.79	5.05	6 dozen pairs.....	.35
*For white add to each price.....	.67	.90		.10
(c) Died out toplifts, plain or fiber back: *				
Super grade or V-1, by size:				
10½ iron:				
Black.....	.56	.75	Pound.....	1.25
Tan or no mark black.....	.60	.80	Pound.....	1.25
White.....	.75	1.00	Pound.....	1.35
All other grades V-2, V-3, V-4, by size:				
9 iron:				
Black.....	.56	.75	Pound.....	1.25
Tan or no mark black.....	.60	.80	Pound.....	1.25
White.....	.75	1.00	Pound.....	1.35
10½ iron:				
Black.....	.53	.70	Pound.....	1.25
Tan or no mark black.....	.56	.75	Pound.....	1.25
White.....	.68	.90	Pound.....	1.35
12 iron:				
Black.....	.49	.65	Pound.....	1.25
Tan or no mark black.....	.53	.70	Pound.....	1.25
White.....	.68	.90	Pound.....	1.35
(d) Toplift strips (12½" x 25"):				
(1) Plain back, black:*				
Super grade or V-1, by size:				
7 iron.....	1.13	1.50	Each.....	1.25
7½ iron.....	1.13	1.50	Each.....	1.25
9 iron.....	1.16	1.55	Each.....	1.25
10½ iron.....	1.24	1.65	Each.....	1.25
12 iron.....	1.35	1.80	Each.....	1.25
Standard grade or V-2 by size:				
7 iron.....	1.09	1.45	Each.....	1.25
7½ iron.....	1.09	1.45	Each.....	1.25
9 iron.....	1.13	1.50	Each.....	1.25
10½ iron.....	1.16	1.55	Each.....	1.25
12 iron.....	1.28	1.70	Each.....	1.25
Special competitive or V-3, V-4 by size:				
7 iron.....	.98	1.30	Each.....	1.25
7½ iron.....	.98	1.30	Each.....	1.25
9 iron.....	1.01	1.35	Each.....	1.25
10½ iron.....	1.05	1.40	Each.....	1.25
12 iron.....	1.16	1.55	Each.....	1.25
*Fiber back add to each price.....	.15	.20		.00
(2) Plain back, tan and no mark black:**				
Super grade or V-1 by size:				
7 iron.....	1.35	1.80	Each.....	1.25
7½ iron.....	1.35	1.80	Each.....	1.25
9 iron.....	1.43	1.90	Each.....	1.25
10½ iron.....	1.50	2.00	Each.....	1.25
12 iron.....	1.65	2.20	Each.....	1.25
Standard grade or V-2 by size:				
7 iron.....	1.28	1.70	Each.....	1.25
7½ iron.....	1.28	1.70	Each.....	1.25
9 iron.....	1.35	1.80	Each.....	1.25
10½ iron.....	1.43	1.90	Each.....	1.25
12 iron.....	1.58	2.10	Each.....	1.25
Competitive or special competitive, V-3 or V-4 by size:				
7 iron.....	1.16	1.55	Each.....	1.25
7½ iron.....	1.16	1.55	Each.....	1.25
9 iron.....	1.24	1.65	Each.....	1.25
10½ iron.....	1.31	1.75	Each.....	1.25
12 iron.....	1.46	1.95	Each.....	1.25
**Fiber back add to each price.....	.15	.20		.00
(3) Plain back, white:*				
All grades by size:				
7 iron.....	1.61	2.15	Each.....	1.35
7½ iron.....	1.61	2.15	Each.....	1.35
9 iron.....	1.72	2.30	Each.....	1.35
10½ iron.....	1.91	2.55	Each.....	1.35
12 iron.....	2.17	2.90	Each.....	1.35
*Fiber back add to each price.....	.15	.20	Each.....	.00
(e) Toplift blocks (8½ x 12½"):				
(1) Plain back, black:†				
Super grade or V-1, by size:				
7 iron.....	4.50	6.00	1 dozen.....	1.25
9 iron.....	4.65	6.20	1 dozen.....	1.25
10½ iron.....	4.95	6.60	1 dozen.....	1.25
12 iron.....	5.40	7.20	1 dozen.....	1.25
All other grades V-2, V-3, V-4 by size:				
7½ iron.....	4.35	5.80	1 dozen.....	1.25
9 iron.....	4.50	6.00	1 dozen.....	1.25
10½ iron.....	4.65	6.20	1 dozen.....	1.25
12 iron.....	5.10	6.80	1 dozen.....	1.25
†Fiber back add to each price.....	.60	.80		.00

See foot notes at end of table.



TABLE I-A—MAXIMUM PRICES FOR RUBBER HEELS SOLD IN THE SHOE REPAIR TRADE—Continued

Item	Maximum price for sales to wholesalers <sup>1</sup>	Maximum price for sales to shoe repairmen <sup>2</sup>	Unit of sales to wholesalers and shoe repairmen	Maximum price to consumers for heels attached by shoe repairmen <sup>4</sup> (per pair)
<b>5. Women's toplifts—Continued.</b>				
(e) Toplift blocks (8½ x 12½)—Continued.				
(2) Plain back, tan and no mark black:†				
Super grade or V-1 by size:				
7 iron.....	\$5.40	\$7.20	1 dozen.....	\$0.25
9 iron.....	5.70	7.60	1 dozen.....	7.25
10½ iron.....	6.00	8.00	1 dozen.....	7.25
12 iron.....	6.60	8.80	1 dozen.....	7.25
All other grades V-2, V-3, V-4 by size:				
7½ iron.....	5.10	6.80	1 dozen.....	7.25
9 iron.....	5.40	7.20	1 dozen.....	7.25
10½ iron.....	5.70	7.60	1 dozen.....	7.25
12 iron.....	6.30	8.40	1 dozen.....	7.25
†Fiber back add to each price.....	.60	.80		.00
(3) Plain back, white:†				
All grades, by size:				
7 iron.....	6.45	8.60	1 dozen.....	7.35
9 iron.....	6.90	9.20	1 dozen.....	7.35
10½ iron.....	7.65	10.20	1 dozen.....	7.35
12 iron.....	8.70	11.60	1 dozen.....	7.35
†Fiber back—add to each price.....	.60	.80		.00
<b>6. Orthopedic heels (all sizes):</b>				
Men's whole.....	2.55	3.40	1 dozen pairs.....	.75
Men's half.....	2.11	2.85	1 dozen pairs.....	.65
Women's half.....	1.76	2.35	1 dozen pairs.....	.60
<b>7. Combination leather and rubber lifts (all sizes):</b>				
Men's.....	\$2.51	\$3.35	1 dozen pairs.....	.75
Women's.....	1.76	2.35	1 dozen pairs.....	.60
<b>8. Heel bases, by thickness:</b>				
2½/8".....	.71	.95	1 dozen pairs.....	.25
3/8".....	.71	.95	1 dozen pairs.....	.25
<b>9. Wedge and sport heels (all colors) (all sizes):</b>				
Super, standard, V-1, V-2:				
Men's (cord and natural inserts).....	1.99	2.65	1 dozen pairs.....	.65
Men's.....	1.61	2.15	1 dozen pairs.....	.55
Women's.....	1.35	1.80	1 dozen pairs.....	.50
<b>10. White heels:</b>				
Men's half.....	1.80	2.40	1 dozen pairs.....	.60
Women's cuban (scoop, flat type or junior wedges).....	1.24	1.65	1 dozen pairs.....	.55
Women's thin scoop super.....	.97	1.30	1 dozen pairs.....	.50
All other grades.....	.94	1.25	1 dozen pairs.....	.50

<sup>1</sup> The maximum prices for sales by wholesalers to certain wholesalers are set forth in paragraph (h) of this section.  
<sup>2</sup> These prices shall be reduced by 5 percent if the purchaser pays cash within 30 days after delivery in accordance with the provisions of § 1315.1420 (d) (1). Federal excise taxes and other taxes may be added in accordance with the provisions of § 1315.1402 (a).  
<sup>3</sup> These prices shall be decreased by the customary cash discounts in accordance with the provisions of § 1315.1420 (d) (2). Federal excise taxes and other taxes may be added in accordance with the provisions of § 1315.1402 (a).  
<sup>4</sup> These prices include the Federal excise tax but other taxes may be added in accordance with § 1315.1402 (b).

<sup>5</sup> For O'Sullivan Aristocrat and Goodrich "D" Plywood Core, there shall be substituted in table I-A \$1.69 instead of \$1.50 and \$2.25 instead of \$2.  
<sup>6</sup> For Goodyear G-50 heels, there shall be substituted in table I-A \$1.43 instead of \$1.39 and \$1.90 instead of \$1.85.  
<sup>7</sup> If filed out toplifts or toplifts cut from toplift strips or toplift blocks are attached to heels which are larger in size than a size 3-0 thin scoop lift (3 nail hole), the shoe repairman may add \$0.05 per pair to the prices stated in Table I-A for attaching these women's toplifts.

<sup>8</sup> For Wilder Quick Work A Style, combination leather and rubber lifts, there shall be substituted in Table I-A \$2.75 instead of \$2.51 and \$3.67 instead of \$3.35.

(Table I-A as amended by Amendment 2, 7 F.R. 6936.)

(b) The maximum price stated in Table I-A for a sale by a shoe repairman shall include the price of the rubber heels and the price of attaching the rubber heels to shoes. If rubber heels are sold by a shoe repairman unattached, the maximum price for such sales shall be 40% of the price listed in Table I-A for sales of rubber heels of the same type and grade by a shoe repairman. The maximum price for attaching rubber heels supplied by a purchaser shall be 60% of the price stated in Table I-A for sales of rubber heels of the same type and grade by a shoe repairman.

(c) The maximum price stated in Table I-A for a sale by a shoe repairman includes all repairs made by the shoe repairman in the process of attaching rubber heels. (Paragraph (c) as amended by Amendment 2.)

(d) (1) The maximum prices for sales to wholesalers shall be decreased by 5% if the purchaser pays cash within thirty days after delivery of the rubber heels. (Subparagraph (1) as amended by Amendment 2.)

(2) The maximum price for sales to shoe repairmen shall be reduced by any cash discounts given by the seller to shoe repairmen of the same class during March, 1942.

(e) (1) The maximum price for sales to wholesalers shall include the costs of transportation of the rubbers heels to the buyer's place of business if the order in question amounts to one hundred pounds or more. (Subparagraph (1) as amended by Amendment 2.)

(2) The seller may add to the maximum prices stated in Table I-A for sales to shoe repairmen the same proportion of transportation costs incurred in the delivery of rubber heels, that the seller required purchasers of the same class to pay during March 1942 on deliveries of rubber heels. (Subparagraph (2) as amended by Amendment 1.)

(f) The prices set forth in Table I-A shall not be increased by any charges for the extension of credit.

(g) When used in this § 1315.1420:

(1) "Super grade" means war rejects manufactured on or after September 1,

1942, and all rubber heels manufactured before that date, bearing the following brand names and made by the following manufacturers:

SUPER	
Brand	Manufacturer
Adjusto-Wear.....	Seiberling Rubber Company.
Aristocrat.....	O'Sullivan Rubber Company.
Bilrite.....	Panther Panco Rubber Company.
Cat's Paw.....	Holtite Manufacturing Company.
Custom-50.....	Goodyear Tire & Rubber Company.
Delux Suprex.....	B. F. Goodrich Co.-Hood Rubber Co.
Goodrich "D" Plywood-Core.....	B. F. Goodrich Co.-Hood Rubber Co.
Goodrich Lifelong.....	B. F. Goodrich Co.-Hood Rubber Co.
No Jar Super 50.....	Cupples Company.
Seiberling Bonded.....	Seiberling Rubber Company.
Tuffies.....	The I. T. S. Company.
Tufford.....	The I. T. S. Company.
U. S. Super Royal.....	U. S. Rubber Company.

(Subparagraph (1) as amended by Amendment 4, 8 F.R. 490)

(2) "Standard grade" means war rejects manufactured on or after September 1, 1942, and all rubber heels manufactured before that date, bearing the following brand names and made by the following manufacturers:

STANDARD	
Brand	Manufacturer
Commander.....	Holtite Manufacturing Company.
Fleetfoot 60.....	New Jersey Rubber Co.
G-50.....	Goodyear Tire & Rubber Company.
Hyflex.....	Essex Rubber Company.
I. T. S.....	The I. T. S. Company.
Imperial.....	U. S. Rubber Company.
Monarch Certified.....	Monarch Rubber Company.
Nojar.....	Cupples Company.
O'Sullivan Service.....	O'Sullivan Rubber Company.
O'Sullivan Stylist.....	O'Sullivan Rubber Company.
Panco Triple Wear.....	Panther Panco Rubber Company.
Presto grip.....	Cupples Company.
Seiberling.....	Seiberling Rubber Company.
Suprex.....	B. F. Goodrich Co.-Hood Rubber Co.
U. S. Royal.....	U. S. Rubber Company.
U. S. Royal Nukup.....	U. S. Rubber Company.
Uskide.....	U. S. Rubber Company.
Wingfoot.....	Goodyear Tire & Rubber Company.

(Subparagraph (2) as amended by Amendments 2 and 4)

(3) "Competitive grade" means war rejects manufactured on or after September 1, 1942, and all rubber heels manufactured before that date, bearing the following brand names and made by the following manufacturers:

COMPETITIVE	
Brand	Manufacturer
Ambassador.....	Monarch Rubber Company.
Arrow.....	B. F. Goodrich Co.-Hood Rubber Co.
Cupples Delux.....	Cupples Company.
Cupples Ribbed.....	Cupples Company.
Foster.....	Holtite Manufacturing Company.
Greyhound.....	B. F. Goodrich Co.-Hood Rubber Co.



Brand	Manufacturer
Holtite	Holtite Manufacturing Company.
Jax	Holtite Manufacturing Company.
L. and R.	The I. T. S. Company.
Mercury	Goodyear Tire & Rubber Co.
Monarch	Monarch Rubber Company.
Monogram	Panther Panco Rubber Company.
Pancom Diamond Grip.	Panther Panco Rubber Company.
Portage	Seiberling Rubber Company.
Resolute	Goodyear Tire & Rubber Company.
Ritz	The I. T. S. Company.
Springstep	U. S. Rubber Company.
Tredwell	O'Sullivan Rubber Company.
Tite-Edge	Essex Rubber Company.

(Subparagraph (3) as amended by Amendment 4.)

(4) "Special competitive grade" means war rejects manufactured on or after September 1, 1942, and all rubber heels manufactured before that date, the brand names of which are not specifically listed in this paragraph (g) and all such rubber heels bearing the following brand names and made by the following manufacturers:

SPECIAL COMPETITIVE	
Brand	Manufacturer
Ace	Plymouth Rubber Company.
Ace Double Duty	Plymouth Rubber Company.
Adlife	Hagerstown Rubber Company.
Airway	Donovan Rubber Company.
Armortred	Quabaug Rubber Company.
Athletic	Queens Rubber Heel Company.
Belmont	B. F. Goodrich Co.-Hood Rubber Co.
Camel	Victor Products Company.
Columbia	New Jersey Rubber Company.
Coronet	Holtite Manufacturing Company.
Daisy	Schacht Rubber Manufacturing Co.
Dictator	Holtite Manufacturing Company.
Duwear	Cupples Company.
E. Z.	Hagerstown Rubber Company.
Eagle	Queens Rubber Heel Company.
Elmor	Queens Rubber Heel Company.
Fleetfoot	New Jersey Rubber Company.
Gold Crown	Holtite Manufacturing Company.
Grippe	Holtite Manufacturing Company.
Gueting	Gueting Rubber Company.
Gueting Service	Gueting Rubber Company.
Hy Way	Holtite Manufacturing Company.
Hi Test	Holtite Manufacturing Company.
Leviathan	Victor Products Company.
New Yorker	Velveton Rubber Heel Corporation.
Regent	U. S. Rubber Company.
Reliance	U. S. Rubber Company.

Brand	Manufacturer
Rite Pro	Bradstone Rubber Company.
Roamer	Monarch Rubber Company.
Royal Balloon	P & B Rubber Company.
Runner	Goodyear Tire & Rubber Company.
Skylark	Essex Rubber Company.
Slipknot	Plymouth Rubber Company.
Slipknot Double Duty.	Plymouth Rubber Company.
Spartan	New Jersey Rubber Company.
Surestep	Panther Panco Rubber Company.
Tauko	New Jersey Rubber Company.
Velveton	Velveton Rubber Heel Corporation.
Weartex	Monarch Rubber Company.
Windsor	Hagerstown Rubber Company.

(Subparagraph (4) as amended by Amendments 2 and 4.)

(5) "Corded" means rubber heels bearing the following brand names and made by the following manufacturers, provided that if they are manufactured after August 31, 1942, they must have a minimum abrasion of 30.<sup>1</sup>

#### CORDED

Brand	Manufacturer
Aristocrat Cord	O'Sullivan Rubber Company.
Cat's Paw Super Cord.	Holtite Manufacturing Company.
Corded Service	O'Sullivan Rubber Company.
Blitrite Cord-on-end.	Panther Panco Rubber Company.
Goodyear Corded	Goodyear Tire & Rubber Company.
Gro-Cord	Lima Cord Sole & Heel Company.
Pancord Tuffgrip	Panther Panco Rubber Company.
Hy-Bloc Cord-on-end.	
U. S. Royal Cord	U. S. Rubber Company.

(Subparagraph (5) as amended by Amendment 2.)

(6) Except as provided in subdivision (i) of this subparagraph, grades "V-1", "V-2", "V-3", and "V-4" mean rubber heels manufactured after August 31, 1942, which can meet the following physical tests:

Grade	Minimum abrasion		Tensile strength
	All types except whole heels <sup>1</sup>	Whole heels <sup>2</sup>	
V-1	25	20	1,000
V-2	20	16	800
V-3	15	12	500
V-4	10	8	400

<sup>1</sup> A minus tolerance of 2 points from the specified average abrasion index requirements is permitted with an unlimited plus tolerance. The methods of Federal Specifications EA-ZZ-H-141 and ZZ-R-601 shall be applicable to the specifications.

<sup>2</sup> No minus tolerance is permitted for whole heels. The methods of Federal Specifications EA-ZZ-H-141 and ZZ-R-601 shall be applicable to the specifications.

<sup>3</sup> A minus tolerance of two points from the specified average abrasion index requirements is permitted with an unlimited plus tolerance. The methods of Federal Specifications EA-ZZ-H-141 and ZZ-R-601 shall be applicable to the specifications.

(i) Any rubber heel manufactured after August 31, 1942, which contains fibers derived from square woven fabrics, or other scrap materials, shall be deemed to be a V-4 heel if it has a minimum abrasion of 30 and if it is made without washers. (Subparagraph (6) as amended by Amendments 2 and 4.)

(7) "War reject" means a rubber heel manufactured in accordance with the specifications of a war procurement agency which has been rejected by that agency because of defects that do not affect serviceability. (Subparagraph (7) added by Amendment 4.)

(h) The maximum price for sales by wholesalers to that class of wholesalers who, during March 1942, purchased rubber heels from wholesalers at prices higher than those set forth in Table I-A for sales to wholesalers is the price for sales of the rubber heels in question to shoe repairmen set forth in Table I-A less 20%. Paragraphs (d) (1) and (e) (1) are applicable to such sales. (Paragraph (h) added by Amendment 2.)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1728; Filed, February 1, 1943; 2:51 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,<sup>1</sup> Amendment 4 to Supplement 1<sup>2</sup>]

##### FUEL OIL RATIONING REGULATIONS

Subparagraph (4) of § 1394.9101 (a) is amended, as set forth below:

§ 1394.9101 *Designation of unit value in gallons of fuel oil.* (a) \* \* \*

(4) The value of one unit represented by coupons numbered "4" on Class 1 coupon sheets, and the value of ten units represented by coupons numbered "4" on Class 2 coupon sheets are hereby fixed as:

(i) Eight (8) gallons and eighty (80) gallons of fuel oil, respectively, in the States of Massachusetts, Rhode Island, Connecticut, New York (except the counties of Clinton, Essex, Warren, Washington, Saratoga, Franklin, Hamilton, Fulton, Montgomery, St. Lawrence, Herkimer, Otsego, Jefferson, Lewis and Oneida), New Jersey and Pennsylvania;

(ii) Nine (9) gallons and ninety (90) gallons of fuel oil, respectively, in the States of Maine, New Hampshire, Vermont, the counties of Clinton, Essex, Warren, Washington, Saratoga, Franklin, Hamilton, Fulton, Montgomery, St. Lawrence, Herkimer, Otsego, Jefferson, Lewis and Oneida of the State of New York, the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida (east of the Apalachicola River), and the District of Columbia;

(iii) Eleven (11) gallons and one hundred and ten (110) gallons of fuel oil, respectively, in the States of Iowa, Michigan, Minnesota, Nebraska, Wisconsin,

<sup>1</sup> F. R. 8480.

<sup>2</sup> F. R. 8708.



North Dakota and South Dakota, and those parts of the States of Ohio, Indiana, Illinois, Missouri and Kansas which lie in Thermal Zone B;

(iv) Ten (10) gallons and one hundred (100) gallons of fuel oil, respectively, in the State of Kentucky and in those parts of the States of Ohio, Indiana, Illinois, Missouri and Kansas which lie in Thermal Zone C.

(b) *Effective dates.* \* \* \*

(5) Amendment No. 4 to Supplement No. 1 (§ 1394.9101) shall become effective on January 31, 1943, 12:01 a. m.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421; W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 31st day of January 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1726; Filed, February 1, 1943;  
5:10 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 104 to Supp. Reg. 14<sup>1</sup> to  
GMPR<sup>2</sup>]

##### CHICAGO AREA FLUID MILK AND CREAM

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.\*

Inferior subdivision (n) of subdivision (i) of § 1499.73 (a) (1) is amended, and inferior subdivision (n) of subdivision (ii) of § 1499.73 (a) (1) is amended, as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* The maximum price of fluid milk sold and delivered at retail, in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule

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

<sup>1</sup> 7 F. R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10430, 10537, 10557, 10583, 10705, 10865, 11005; 8 F. R. 276, 439, 535, 494, 589, 863, 1139, 980, 1030, 876, 1121, 878, 1142, 1279.

<sup>2</sup> 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F. R. 371, 1204.

set forth below, whichever is higher<sup>3</sup>: *Provided*, That where the adjusted max-

<sup>3</sup> This pricing formula is not applicable to certain retail sales in the New York Metropolitan, Memphis, Tennessee, and Chicago, Illinois areas under inferior subdivisions (a), (n), and (p) below. Specific maximum prices listed supersede entirely the seller's

imum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

ceiling prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation.

##### OUT-OF-STORE SALES AND HOME-DELIVERIES<sup>3</sup>

Locality	Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(n) Chicago, Illinois Area. <sup>1</sup>	Standard milk or buttermilk.	Approved.	Out of store...	More than 1 gallon.	.....	52 per gal.
		Approved.	To the home...	More than 1 gallon.	.....	62 per gal.
		Approved.	Out of store...	Gallon.	Glass or paper.	52.
		Approved.	To the home...	Gallon.	Glass or paper.	62.
		Approved.	Out of store...	½ gallon.	Glass or paper.	27.
		Approved.	To the home...	½ gallon.	Glass or paper.	32.
		Approved.	Out of store...	Quart.	Glass or paper.	14½.
		Approved.	To the home...	Quart.	Glass or paper.	16½.
	Homogenized, Vitamin D, or Homogenized-Vitamin D.	Approved.	Out of store...	Pint.	Glass or paper.	10½.
		Approved.	Out of store...	More than 1 gallon.	.....	56 per gal.
		Approved.	To the home...	More than 1 gallon.	.....	66 per gal.
		Approved.	Out of store...	Gallon.	Glass or paper.	56.
		Approved.	To the home...	Gallon.	Glass or paper.	66.
		Approved.	Out of store...	½ gallon.	Glass or paper.	29.
		Approved.	To the home...	½ gallon.	Glass or paper.	34.
		Approved.	Out of store...	Quart.	Glass or paper.	15½.
		Approved.	To the home...	Quart.	Glass or paper.	17½.
		Approved.	Out of store...	Pint.	Glass or paper.	11.

<sup>3</sup> Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation.

<sup>1</sup> In the case of single unit sales at retail, any maximum price expressed in a fraction of a cent must be reduced to the lowest even cent if the fraction is less than ½¢ and may be increased to the nearest higher even cent if the fraction is ½¢ or more. Home-deliveries shall be considered multiple unit sales unless separate collections are made for single unit deliveries. "Out-of-store sales" include sales by restaurants, hotels, cafes, bars, delicatessens, and other eating establishments. Maximum prices for ½ pint and ¼ quart container sizes, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, remain the seller's ceiling prices.

*Chocolate milk, certified, Guernsey, 4½ % B. F. (or more), and Softkurd milk.* The seller may add to his maximum retail price, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, an amount proportionate to the increase in his retail ceiling price for standard milk sold in the same container size.

*Retail sales to other classes of purchasers.* Maximum prices for retail sales other than out-of-store sales and deliveries-to-the-home shall be the maximum wholesale prices fixed in inferior subdivision (n) of subdivision (ii) of § 1499.73 (a) (1) below.

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* The maximum price of fluid milk sold and delivered at wholesale, in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2,

General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher<sup>3</sup>; *Provided*, That where the adjusted maximum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

<sup>3</sup> This pricing formula is not applicable to certain sales at wholesale in the New York Metropolitan, Memphis, Tennessee, and Chicago, Illinois areas under inferior subdivisions (h), (n), and (p) below. Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation.

##### SALES AT WHOLESALE TO STORES, HOTELS, RESTAURANTS, INSTITUTIONS, AND OTHER (EXCEPT VENDORS OR SUBDEALERS)

Locality	Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
(n) Chicago, Illinois Area. <sup>1</sup>	Standard milk or buttermilk.	Approved...	More than 1 gallon.	.....	48 per gal.
		Approved...	Gallon.	Glass or paper.	48.
		Approved...	½ gallon.	Glass or paper.	25.
		Approved...	Quart.	Glass or paper.	12.
		Approved...	Pint.	Glass or paper.	9½.
		Approved...	½ pint.	Glass or paper.	5½.
	Homogenized, Vitamin D, and Homogenized-Vitamin D.	Approved...	½ quart.	Glass or paper.	6.
		Approved...	More than 1 gallon.	.....	52 per gal.
		Approved...	Gallon.	Glass or paper.	52.
		Approved...	½ gallon.	Glass or paper.	27.
		Approved...	Quart.	Glass or paper.	14.
		Approved...	Pint.	Glass or paper.	10.
		Approved...	½ pint.	Glass or paper.	5½.
		Approved...	¼ quart.	Glass or paper.	6½.

<sup>1</sup> Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation.



Chocolate milk, certified, Guernsey 4½% B. F. (or more), and Sojkurd milk. The seller may add to his maximum wholesale price, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, an amount proportionate to the increase in his wholesale ceiling price for standard milk sold in the same container size.

*Sales at wholesale to vendors or subdealers.* The foregoing specific maximum whole prices for sales to stores, hotels, restaurants, and institutions are not applicable to sales and deliveries made to vendors or subdealers, i. e. fluid milk distributors who do not operate pasteurizing plants, regardless of whether they operate milk depots. The seller's maximum prices for sales to vendors or subdealers shall be his established maximum price under § 1499.2, General Provisions, of the General Maximum Price Regulation plus 4¢ for gallon, 3¢ for half gallon, 1½¢ for quart, and ½¢ for pint, ¼ pint, or ½ quart container sizes.

*Sales at wholesale in bulk to stores, hotels, restaurants, and institutions.* Maximum prices for sales at wholesale, other than in glass or paper containers, to stores, hotels, restaurants, and institutions in units of more than one gallon shall be:

(i) Standard milk or buttermilk: 48¢ per gallon.

(ii) Homogenized, Vitamin D, or Homogenized-Vitamin D milk: 52¢ per gallon.

#### (b) Effective dates. \* \* \*

(105) Amendment No. 104 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective February 2, 1943, and terminate on April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1727; Filed, February 1, 1943; 5:10 p. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280, Amendment 9]

##### SPECIFIC FOOD PRODUCTS

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

A new paragraph (f) is added to § 1351.803; a new paragraph (j) is added to § 1351.808; and a new subparagraph (7) is added to § 1351.816 (a), as set forth below:

#### § 1351.803 Maximum prices. \* \* \*

(f) The provisions of this Maximum Price Regulation No. 280 do not apply to fluid milk sold at wholesale other than in glass or paper containers to stores, hotels, restaurants, and institutions in the "Chicago, Illinois area". Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 104 to Supplementary Regulation No. 14.)

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

17 F.R. 10144, 10337, 10475, 10585, 10786, 10995; 8 F.R. 158, 876, 877, 1120.

#### § 1351.808 Exempt sales. \* \* \*

(j) Fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants, and institutions in the Chicago, Illinois area. Maximum prices for such sales are set in subdivision (ii) of § 1499.73 (a) (1) of Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Amendment No. 104 to Supplementary Regulation No. 14.)

§ 1351.816 Definitions. (a) When used in this Maximum Price Regulation No. 280, the term:

(7) "Chicago, Illinois area" means the territory included in the marketing area geographically defined in Federal Milk Marketing Order O-41, as amended, issued by the Secretary of Agriculture on September 1, 1939.

#### § 1351.821 Effective dates of amendments. \* \* \*

(i) Amendment No. 9 (§§ 1351.803, 1351.816, and 1351.808) to Maximum Price Regulation No. 280 shall become effective February 2, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1724; Filed, February 1, 1943; 5:15 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 255 Under § 1499.3 (b) of GMFR]

##### CUSH-O-LINERS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1491 Maximum prices for Cush-O-Liners. (a) The maximum prices for Cush-O-Liners shall be:

Size	Maximum prices for sales to distributors	Maximum prices for sales to retail dealers	Maximum retail price
5.25 x 18.....	\$1.00	\$1.50	\$2.50
5.50 x 17.....	1.00	1.50	2.50
6.00 x 16.....	1.00	1.50	2.50
6.25 x 16.....	1.00	1.50	2.50
6.50 x 16.....	1.00	1.50	2.50
7.00 x 16.....	1.26	1.89	3.15
7.50 x 16.....	1.26	1.89	3.15

(b) The maximum prices set forth in paragraph (a) shall be subject to the same terms of sale as were customarily offered by the seller on commodities of the same general class to purchasers of the same class.

(c) Each manufacturer of Cush-O-Liners shall notify each of his distributors of the established maximum prices, and shall have the maximum retail price printed on each container.

(d) This Order No. 255 (§ 1499.1491) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 255 (§ 1499.1491) shall become effective February 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1699; Filed, February 1, 1943; 12:17 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 256 Under § 1499.3 (b) of GMFR]

##### CAP SALES CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1492 Authorization of a maximum price for sales of quick frozen corned beef hash by the Cap Sales Corporation. (a) On and after February 2, 1943, the maximum selling price for quick frozen corned beef hash consisting of corned beef derived from canned corned beef, and of potatoes in a mixture containing 35% corned beef and 65% potatoes suitably seasoned, for sale by the Cap Sales Corporation, New York, New York, shall be 28 cents per pound.

(b) The Cap Sales Corporation shall furnish to all purchasers from it of quick frozen corned beef hash before, or at the time of the initial sale of such product, a written notice to read as follows:

The Office of Price Administration has authorized us by order to sell our quick frozen corned beef hash at the maximum price of 28 cents per pound.

As a retailer, you are to determine your maximum delivered selling price per pound for quick frozen corned beef hash, in accordance with section (3) (a) of the General Maximum Price Regulation.

You are required to keep this notice for examination.

(c) On or before March 30, 1943, the Cap Sales Corporation shall furnish the Office of Price Administration in Washington, D. C., with a statement reporting in detail its costs of producing and selling quick frozen corned beef hash for each month for the period from January 30, 1942, to March 30, 1942, inclusive.

(d) The maximum selling price set forth in paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 256 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 256 (§ 1499.1492) shall become effective February 2, 1943.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1700; Filed, February 1, 1943; 12:17 p. m.]



PART 1499—COMMODITIES AND SERVICES  
[Order 257 Under § 1499.3 (b) of GMPR]

REEVES STEEL MANUFACTURING CO.

Approval of prices for certain five-gallon steel cans.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and § 1499.3 (b) of the General Maximum Price Regulation, It is hereby ordered:

§ 1499.1493 *Authorization to Reeves Steel and Manufacturing Company for sale of certain five-gallon steel cans.* (a) On and after the effective date of this Order No. 257, Reeves Steel and Manufacturing Company, of Dover, Ohio, is authorized to sell and deliver and offer to sell and deliver "Uncle Sam" brand five-gallons galvanized steel ash and garbage cans and covers at prices not to exceed those set forth in paragraph (b) hereof, and any person may buy and receive or offer to buy and receive such cans and covers at such prices from Reeves Steel and Manufacturing Company.

(b) Maximum prices, per dozen: Cans, \$36.35; covers, \$10.00; cans and covers, \$46.35.

Discounts: For less than carload lots, 50-10-5%, with actual freight allowed up to \$1.00 per hundred pounds; for carload lots, 60-5%, with actual freight allowed up to \$.50 per hundred pounds.

For banding or striping, to order, add: For one band or stripe, \$.40 per dozen net; for two bands or stripes, \$.80 per dozen net.

(c) This Order No. 257 may be revoked or amended at any time by the Office of Price Administration.

(d) This Order No. 257 (§ 1499.1493) shall become effective February 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1701; Filed, February 1, 1943; 12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 19 Under Supp. Reg.]

GUERIN SPECIAL MOTOR FREIGHT LINE, INC.

Order 19 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-1948.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1319 *Adjustment of maximum prices for contract carrier services by Guerin Special Motor Freight Line, Inc. of Philadelphia, Pennsylvania.* (a) Guerin Special Motor Freight Line, Inc., 2210 North 26th Street, Philadelphia, Pennsylvania, hereinafter referred to as applicant, may charge as maximum

rates for applicant's services as a contract carrier by motor vehicle the following charges:

All rates in cents per hundred pounds, unless otherwise specified.

(1) *Intrastate rates.* (i) Truckload shipments of freight may be stopped at point of destination, or at points directly intermediate between origin and destination, for partial unloading under the following conditions:

(a) The rate from original point to final destination (place of final delivery) will apply on the total weight of the shipment, i. e., the weight before the first stop is made for the partial unloading.

(b) Only three stops, exclusive of the stop for final delivery, for partial unloading shall be permitted.

(c) The charge for each stop-off, exclusive of the stop for final delivery, shall be \$4.

(ii) A charge of 2¢ per 100 pounds in addition to the published rate will be made for split-delivery shipments.

(iii) Rates between Philadelphia, Pennsylvania,

on petroleum products, anti-freeze compounds, automobile accessories and equipment, minimum weight 21,000 lbs.

and—			
Allentown, Pa.	16		*20
Altoona, Pa.	31		34
Bloomburg, Pa.	25		27
Butler, Pa.	35		38
Caln, Pa.	12		16
Carbondale, Pa.	27		30
Carlisle, Pa.	24		25
Chambersburg, Pa.	27		29
Coatesville, Pa.	12		16
Earnest, Pa.	10		15
East Greensburg, Pa.	35		38
East York, Pa.	18		23
Eldorado, Pa.	31		34
Erie, Pa.	38		42
Franklin, Pa.	35		39
Harrisburg, Pa.	18		24
Hazleton, Pa.	22		24
Honesdale, Pa.	29		31
Johnstown, Pa.	33		35
Kittanning, Pa.	35		38
Lancaster, Pa.	15		21
Lebanon, Pa.	18		*22
Lock Haven, Pa.	29		32
McKeesport, Pa.	35		38
Meyersdale, Pa.	33		35
New Castle, Pa.	37		41
Morristown, Pa.	10		15
Northumberland, Pa.	25		27
Oil City, Pa.	37		41
Phillipsburg, Pa.	31		34
Pittsburgh, Pa.	35		38
Pottstown, Pa.	12		18
Pottsville, Pa.	21		*23
Reading, Pa.	14		*20
Scranton, Pa.	25		27
Shamokin, Pa.	24		*26
Shenandoah, Pa.	22		24
Steelton, Pa.	18		23
Stowe, Pa.	12		*18
Sunbury, Pa.	25		27
Washington, Pa.	35		38
West Brownsville, Pa.	35		39
Wilkes-Barre, Pa.	25		27
Williamsport, Pa.	28		31
York, Pa.	18		23

\*Applies only on empty containers returned.

(2) *Interstate rates.* (1) Truckload shipments of freight may be stopped at point of destination, or at points directly intermediate between origin and destination, for partial unloading under the following conditions:

(a) The names of places or addresses at which the vehicles are to be stopped for partial unloading shall be shown either in the shipping order or in a separate paper which shall be attached to and considered a part of the shipping document.

(b) The rate from original point to final destination (place of final delivery) will apply on the total weight of the shipment, i. e., the weight before the first stop is made for the partial unloading.

(c) Only three stops, exclusive of the stop for final delivery, for partial unloading shall be permitted.

(d) The charge for each stop-off, exclusive of the stop for final delivery, shall be \$4.

(ii) Rates on petroleum and petroleum products in containers, in truckload quantities, minimum weight 21,000 lbs., from Philadelphia, Pa.

to—		
Atlantic City, N. J.	16	
Baltimore, Md.	119	
Bridgeton, N. J.	13	
Burlington, N. J.	10	
Camden, N. J.	8	
Cape May Court House, N. J.	17	
Carney's Point, N. J.	19	
Clayton, N. J.	13	
Hammonton, N. J.	10	
Millville, N. J.	14	
Mount Holly, N. J.	11	
Newark, N. J.	19	
New York, N. Y.	19	
Ocean City, N. J.	20	
Paulsboro, N. J.	10	
Philadelphia, Pa.	8	
Pleasantville, N. J.	15	
Salem, N. J.	14	
Trenton, N. J.	10	
Washington, D. C.	23	
Wildwood, N. J.	21	
Williamstown, N. J.	10	
Wilmington, Del.	11	

(iii) Rates on empty petroleum products containers and on refused, rejected, or unclaimed shipments of petroleum and petroleum products in any quantities, to Philadelphia, Pa.,

from—		
Atlantic City, N. J.	21	
Baltimore, Md.	23	
Bridgeton, N. J.	19	
Burlington, N. J.	16	
Camden, N. J.	14	
Cape May Court House, N. J.	21	
Carney's Point, N. J.	16	
Clayton, N. J.	19	
Hammonton, N. J.	17	
Millville, N. J.	19	
Mount Holly, N. J.	16	
Newark, N. J.	27	
New York, N. Y.	27	
Ocean City, N. J.	24	
Paulsboro, N. J.	16	
Philadelphia, Pa.	14	
Pleasantville, N. J.	20	
Salem, N. J.	19	
Trenton, N. J.	16	
Washington, D. C.	30	
Wildwood, N. J.	25	
Williamstown, N. J.	16	
Wilmington, Del.	16	

(b) All requests of the application not granted herein are denied.



(c) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 19 (§ 1499.1319) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 19 (§ 1499.1319) shall become effective February 2, 1943. (Pub. Laws No. 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1691; Filed, February 1, 1943;  
12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 20 Under Supp. Reg. 15 of GMPR]

FREEDMAN MOTOR SERVICE, INC.

Order No. 20 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-2145.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1320 *Denial of adjustment of maximum prices for transportation services sold by Freedman Motor Service, Inc., 56 Pearl Street, Metuchen, New Jersey.* (a) The application for adjustment filed by the above company and assigned Docket No. GF3-2145 is denied.

(b) This order No. 20 (§ 1499.1320) shall become effective February 2, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1696; Filed, February 1, 1943;  
12:16 p. m.]

Chapter XIII—Petroleum Administration  
for War

[Petroleum Administrative Order 2 as  
Amended Jan. 31, 1943]

PART 1515—PETROLEUM PRODUCTION  
OPERATIONS

Section 1515.1 *Petroleum Administrative Order 2* is hereby amended to read as follows:

Pursuant to Conservation Order M-68 as amended January 4, 1943 (§ 1047.1), § 1047.10 *Supplementary Order M-68-5*, as amended October 23, 1942 is renumbered § 1515.1 of this chapter and is reissued effective today. This order shall continue in effect until April 1, 1943, unless sooner revoked by the Petroleum Administrator for War or the Deputy Petroleum Administrator for War.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of January 1943.

R. K. DAVIES,  
Acting Petroleum  
Administrator for War.

[F. R. Doc. 43-1730; Filed, February 1, 1943;  
5:08 p. m.]

[Petroleum Administrative Order 1, as  
Amended February 1, 1943]

PART 1545—PETROLEUM SUPPLY

Section 1545.1 *Petroleum Administrative Order 1* is hereby amended to read as follows:

§ 1545.1 *Petroleum Administrative Order 1—(a) Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor fuel" means liquid fuel, including Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Grades No. 1, 2, 3, 4, 5, and 6, Bunker "C", Diesel oil, kerosene, range oil, gas oil, or any liquid petroleum product used for the same purposes as the above designated grades.

(4) "Refinery" means any manufacturing establishment within District One which processes, refines, or compounds crude petroleum or finished or unfinished petroleum products, including, but not limited to, the terminal, storage, and distribution facilities at such establishment.

(5) "Bulk terminal" means any terminal or storage facility within District One to which motor fuel or fuel oil from any point outside of the District is delivered for redelivery.

(6) "Supplier" means any person designated as such on Schedule A.

(7) "Secondary supplier" means any person other than a supplier who regularly receives motor fuel or fuel oil for redelivery.

(8) "District One" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida (east of the Apalachicola River), and the District of Columbia.

(9) "Zone" means any of the six territorial divisions of District One, as follows:

ZONE 1: The States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

ZONE 2: The entire eastern part of the State of New York up to and including the Counties of Cayuga, Tompkins, and Chemung; the entire eastern part of the State of Pennsylvania up to and including the Counties of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York; and the States of New Jersey and Delaware.

ZONE 3: The States of Maryland and Virginia and the District of Columbia.

ZONE 4: The States of North Carolina and South Carolina.

ZONE 5: The State of Georgia and that part of the State of Florida east of the Apalachicola River.

ZONE 6: That part of the States of New York and Pennsylvania not included in Zone 2, and the State of West Virginia.

(10) "Quota" means the specific quantities of motor fuel and fuel oils specified on Schedule A to be available to any supplier for delivery or withdrawal in each zone of District One from bulk terminals and refineries located in such zone during each quota period specified on Schedule A, excluding withdrawals or deliveries for export: *Provided*, That direct deliveries of motor fuel or fuel oil to any person within any zone by any supplier from any point outside of District One other than deliveries to a refinery or bulk terminal owned or operated by a supplier shall be deemed to be a delivery or withdrawal by the delivering supplier from a bulk terminal or refinery in the zone in which delivery is made.

(11) "Quota period" means the period of time specified on Schedule A for the withdrawal or delivery by any supplier of any quota assigned on such schedule to such supplier.

(b) *Restrictions on delivery of motor fuel and fuel oil.* (1) No supplier shall withdraw or deliver, or cause to be withdrawn or delivered, any motor fuel or fuel oil from any bulk terminal or refinery in District One in any quota period except:

(i) Withdrawals or deliveries of any motor fuel or fuel oil from any refinery or bulk terminal for delivery to any bulk terminal in District One; or

(ii) As specifically directed by the Petroleum Administrator for War pursuant to a directive issued under paragraph (c) of this order; or

(iii) As specifically authorized upon application filed under paragraph (i) of this order; or

(iv) As permitted under the terms of paragraph (e) of this order.

(c) *Directed deliveries.* In order to provide an equitable distribution to consumers and among all units of the petroleum industry of all available supplies of motor fuel or fuel oil in District One, without regard to the ownership or control of any such motor fuel or fuel oil by any supplier or secondary supplier, or to accomplish any other purpose or objective of this order, the Petroleum Administrator for War may at any time issue specific directions to any supplier or secondary supplier with respect to the withdrawal or delivery of any motor fuel or fuel oil.

(d) *Unrestricted deliveries.* Withdrawals or deliveries of any motor fuel or fuel oil from any refinery or bulk terminal for delivery to another supplier pursuant to (1) the provisions of Directive 59 of the Petroleum Coordinator for War, 7 F.R. 7759, and any amendments or modifications thereof, (2) repayments of loans, or (3) exchanges, shall not be deducted from the quota of the deliver-



ing supplier but such deliveries, if not otherwise exempt from quota restrictions under the provisions of this order, shall be deemed to have been withdrawn from a bulk terminal or refinery by the receiving supplier.

(e) *Permitted deliveries.* (1) Nothing contained in this order shall restrict the withdrawal or delivery by any supplier from any bulk terminal or refinery of the quantities of motor fuel and fuel oil listed on Schedule A, as the quota of such supplier: *Provided*, That all of the following conditions are met:

(i) Any such withdrawal or delivery is made within the quota period specified on Schedule A for the withdrawal or delivery of such quota;

(ii) The quantity of any such withdrawal or delivery by the supplier does not, when added to all preceding deliveries and withdrawals by such supplier during the quota period, exceed any quota specified on Schedule A for such supplier;

(iii) Such withdrawal or delivery is made, so far as practicable so that the quota against which it is charged will be withdrawn or delivered ratably during the quota period;

(iv) Such withdrawal or delivery is made for ultimate use within the zone in which is located the bulk terminal or refinery from which the withdrawal or delivery is made; *Provided*, That this limitation shall not apply to any delivery between zones which is made in the established and regular course of business, and such deliveries shall be charged against the quota of the delivering supplier in the zone in which the delivery is made.

(f) *Method of distribution.* (1) Each supplier and each secondary supplier shall apportion such motor fuel and fuel oil as he has available for distribution among customers which during the calendar year 1942 were receiving from him as a regular source of supply the whole or any part of their requirements or which have been assigned to him as hereinafter provided, and such distribution shall be without discrimination except that uniform differentiation in deliveries based upon the relative inventories expressed in days' supply on hand in customer's storage shall not be deemed to be discrimination. The apportionment shall be made in such a manner as to provide for an equitable distribution of such motor fuel and fuel oil among all consumers coming within the classifications named below whether such consumers are buying directly or indirectly from such supplier or secondary supplier. The apportionment shall be made as follows:

(i) Preferential deliveries to persons specified in paragraph (h) hereof entitled to their minimum necessary requirements;

(ii) If at any time any Federal regulatory agency, having jurisdiction with respect thereto, shall issue an order or directive classifying consumers entitled to priority or preference in procurement of motor fuel or fuel oil, then deliveries shall be made so as to permit such per-

sons to receive motor fuel or fuel oil in compliance with such order or directive;

(iii) The balance of the supplies of motor fuel and fuel oil available for distribution by any supplier or secondary supplier shall be delivered in such a manner as to provide for an equitable distribution of such supplies among the remaining customers.

(2) If any secondary supplier is unable to obtain deliveries of motor fuel or fuel oil because his supplier or suppliers has or have completely or substantially discontinued any class of business, then such secondary supplier may file application with the District Director of Marketing for District One of the Petroleum Administration for War. The District Director of Marketing shall, if he finds that the facts warrant the relief requested, designate one or more suppliers to make deliveries to such supplier and the supplier or suppliers so designated shall make such deliveries as directed.

(g) *Inventory restrictions.* No person may deliver or otherwise supply motor fuel or fuel oil to any storage location (other than a refinery or bulk terminal) owned, operated or controlled by such person or by any other person and no person may accept delivery of:

(1) Motor fuel at such a storage location where the amount of motor fuel at such storage location is equal to or exceeds the amount of motor fuel which would normally be withdrawn from such storage location to meet rationed demands during the 10 days next following the date upon which the delivery is made; or

(2) Fuel oil at such a storage location where the amount of fuel oil at such storage location is equal to or exceeds the amount of fuel oil which would normally be withdrawn from such storage location under normal weather conditions to meet rationed demands during the 10 days next following the date upon which the delivery is made:

*Provided*, (i) That any single delivery of motor fuel or fuel oil by means of a transportation facility generally used in such delivery, which brings the amount of motor fuel or fuel oil at such a storage location to an amount equal to or in excess of the foregoing amounts, may be completed, and (ii) that nothing in this paragraph shall be deemed to apply to the delivery of motor fuel or fuel oil to any agency referred to in paragraph (h), and (iii) that nothing in this paragraph shall be deemed to apply to the delivery of motor fuel to any retail filling station or to the delivery of fuel oil to any private dwelling (as defined in Ration Order No. 11, as amended, issued by the Office of Price Administration).

(h) *Preferential deliveries.* Each supplier shall, in making any withdrawal or delivery of motor fuel or fuel oil, give preference to the requirements of the Army and the Navy of the United States, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, and the Office of Lend-Lease Administration; and any supplier shall, upon demand by any one of the

said agencies, withdraw and deliver to such agency any part or all of such supplier's undelivered quota.

(i) *Application for authorization.* Each supplier seeking authorization to withdraw or deliver motor fuel or fuel oil pursuant to paragraph (b) (1) (iii) hereof, shall apply in writing to the Petroleum Administrator for War, setting forth the pertinent facts and the reasons he considers such withdrawal or delivery to be necessary in the public interest.

(j) *Records.* All suppliers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning withdrawals and deliveries by such suppliers from bulk terminals and refineries.

(k) *Reports.* Each supplier to whom this order applies shall file with the Petroleum Administrator for War by the 10th day of the next succeeding month a report for each zone in which such supplier makes any withdrawal or delivery of motor fuel or fuel oil, stating the quantity of motor fuel and fuel oil, broken down by grades, withdrawn or delivered by him from any bulk terminal or refinery in each zone during any month.

(l) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: The District Director in Charge, Petroleum Administration for War, 122 East 42nd Street, New York, New York, Ref: PAO 1.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who willfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(o) *Applicability of quota restrictions.* Paragraphs (b), (d), (e), and (j) shall apply only during the periods in which any quota or quotas are in effect and only to the particular product or products for which quotas have been established for such periods.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of February 1943.

R. K. DAVIES,  
Acting Petroleum  
Administrator for War.



**SCHEDULE A**  
**DISTRICT ONE—ZONE ONE**  
**February 1943**

[Quotas expressed in barrels per day]

Supplier:	Gasoline
American Bitumuls Co.	-----
American Mineral Spirits Co.	-----
Atlantic Refining Co.	2,616
Cities Service Oil Co.	3,034
Crown Central Petroleum Corp.	144
First National Corp.	-----
Gulf Oil Corp.	5,376
Hartel Products Corp.	929
Jones & Co.	-----
Maritime Petroleum Corp.	-----
Pacific Oil Co.	-----
Pan-American Petroleum and Transport Co.	4,199
Petrol Corp.	296
Petroleum Heat & Power Co.	-----
Quincy Oil Co.	226
Richfield Oil Corp.	1,857
Royal Petroleum Corp.	46
Shell Oil Co., Inc.	3,830
Sinclair Refining Co.	964
Socony-Vacuum Oil Co.	12,217
Standard Oil Co. of N. J.	5,481
State Fuel Co.	-----
Sun Oil Co.	4,169
Texas Co.	5,189
Tide Water Associated Oil Co.	4,642
United Refining Co.	-----
Valvoline Oil Co.	143
White Fuel Corp.	-----

**DISTRICT ONE—ZONE TWO**  
**February 1943**

[Quotas expressed in barrels per day]

Supplier:	Gasoline
Alleghany Refiners, Inc.	29
American Mineral Spirits Co.	-----
Ashland Oil & Refining Co.	-----
Asiatic Petroleum Co.	-----
Atlantic Refining Co.	10,945
Bradford Penn Refining Corp.	10
Central Petroleum Co.	-----
Cities Service Oil Co.	3,873
Continental Oil Co.	1,228
Crown Central Petroleum Co.	469
First National Oil Corp.	45
Frontier Fuel Oil Corp.	-----
Gulf Oil Corp.	10,636
Hambleton Terminal Corp.	57
Hartel Products Corp.	1,213
Hess Brothers.	-----
Home Fuel Oil Co.	-----
Jones & Co.	-----
Kendall Refining Co.	-----
Maritime Petroleum Corp.	-----
Pan-American Petroleum and Transport Co.	6,186
Patterson & Co., Inc.	-----
Pennsylvania Refining Co.	-----
Pennzoil Co.	-----
Petrol Corp.	652
Petroleum Heat & Power Co., Inc.	-----
Pure Oil Co.	809
Quaker State Oil Refining Co., Penn.	51
Richfield Oil Corp.	4,394
Royal Petroleum Corp.	137
Shell Oil Co., Inc.	5,049
Sinclair Refining Co.	4,602
Socony-Vacuum Oil Co., Inc.	14,889
Sonneborn Sons, Inc.	2
Standard Oil Co. of N. J.	20,585
Sun Oil Co.	10,190
Texas Co.	12,037
Tide Water Associated Oil Co.	7,672
United Refining Co.	-----
Valvoline Oil Co.	28

**DISTRICT ONE—ZONE THREE**  
**February 1943**

[Quotas expressed in barrels per day]

Supplier	Gasoline
American Bitumuls Co.	-----
American Mineral Spirits Co.	-----

Supplier—Continued.	Gasoline
Arkansas Fuel Oil Co.	484
Ashland Oil & Refining Co.	185
Atlantic Refining Co.	1,191
Cantelou (S. D.) Petroleum Products.	-----
Cities Service Oil Co.	334
Continental Oil Co.	1,060
Elk Refining Co.	83
Gulf Oil Corp.	3,006
Hartel Products Corp.	-----
Pan-American Petroleum and Transport Co.	5,557
Patterson & Co., Inc.	-----
Petrol Corp.	894
Petroleum Heat and Power Co., Ind.	-----
Pure Oil Co.	957
Quaker State Oil Refining Corp. of Penn.	-----
Republic Oil Refining Co.	373
Richfield Oil Corp.	2,313
Shell Oil Co., Inc.	1,589
Sinclair Refining Co.	1,339
Standard Oil Co. of N. J.	10,321
Sun Oil Co.	1,125
Texas Co.	4,188
Tide Water Associated Oil Co.	527
Valvoline Oil Co.	-----
Viking Distributing Co.	30

**DISTRICT ONE—ZONE FOUR**  
**February 1943**

[Quotas expressed in barrels per day]

Supplier:	Gasoline
Arkansas Fuel Oil Co.	832
Atlantic Refining Co.	1,064
Continental Oil Co.	339
Elk Refining Co.	-----
Gulf Oil Corp.	4,602
Pan-American Petroleum and Transport Co.	1,721
Pure Oil Co.	2,229
Republic Oil Refining Co.	866
Richfield Oil Corp.	55
Riverside Terminal Co.	297
Shell Oil Co., Inc.	2,354
Sinclair Refining Co.	2,008
Standard Oil Co. of N. J.	8,577
Texas Co.	3,429

**DISTRICT ONE—ZONE FIVE**  
**February 1943**

[Quotas expressed in barrels per day]

Supplier:	Gasoline
Arkansas Fuel Oil Corp.	565
Atlantic Refining Co.	1,046
Belcher Oil Co.	-----
Continental Oil Co.	51
Gulf Oil Corp.	5,486
Orange State Fuel Oil Corp.	1,493
Pan-American Petroleum and Transport Co.	2,053
Pure Oil Co.	4,123
Republic Oil Refining Co.	602
Shell Oil Co., Inc.	1,816
Sinclair Refining Co.	2,725
Southeastern Oil Co.	140
Standard Oil Co. of Ky.	6,711
Standard Oil Co. of N. J.	-----
Sun Oil Co.	692
Texas Co.	3,453

**DISTRICT ONE—ZONE SIX**  
**February 1943**

[Quotas expressed in barrels per day]

Supplier:	Gasoline
Alleghany Refiners Co.	73
Ashland Oil & Refining Co.	1,483
Atlantic Refining Co.	4,935
Bradford Penn Refining Corp.	182
Canfield Oil Co.	26
Cantelou (S.D.) Petroleum Prod.	47
Carbide & Carbon Chemical Corp.	423
Cities Service Oil Co.	654
Continental Oil Co.	22
Continental Refining Co.	194

Supplier—Continued.	Gasoline
Crown Central Petroleum Corp.	401
Elk Refining Co.	673
Freedom Oil Co.	320
Frontier Fuel Oil Corp.	603
Gulf Oil Corp.	4,743
Hambleton Terminal Corp.	415
Hartel Products Corp.	25
Kendall Refining Co.	1,156
Maritime Petroleum Corp.	-----
Pan-American Petroleum and Transport Co.	3,312
Pennsylvania Refining Co.	236
Pennzoil Co.	1,778
Pure Oil Co.	610
Quaker State Oil Refining Corp. of Penn.	1,561
Republic Oil Refining Co.	250
Richfield Oil Corp.	963
Shell Oil Co., Inc.	235
Sinclair Refining Co.	1,830
Socony-Vacuum Oil Corp.	4,693
Sonneborn Sons, Inc.	106
Standard Oil Co. of N. J.	7,110
Sun Oil Co.	4,915
Texas Co.	2,938
Tidewater Associated Oil Co.	828
United Refining Co.	730
Valvoline Oil Co.	289
Viking Distributing Co.	179
Waverly Oil Works Co.	158
Wolf's Head Oil Refining Co.	118

[F. R. Doc. 43-1729; Filed, February 1, 1943; 5:08 p. m.]

**TITLE 49—TRANSPORTATION AND RAILROADS**

**Chapter I—Interstate Commerce Commission**

**Subchapter D—Freight Forwarders**

**PART 445—ANNUAL REPORTS**

**FORM PRESCRIBED FOR FREIGHT FORWARDERS**

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of January, A. D. 1943.

In the matter of Annual Reports from Freight Forwarders, and the corresponding section of the Code of Federal Regulations, the following order was issued:

§ 445.1 *Form prescribed for freight forwarders.* (a) All freight forwarders within the scope of section 412, Part IV of the Interstate Commerce Act having annual gross revenues for the calendar year 1942 of \$100,000 or more, are hereby required to file annual reports for the year ended December 31, 1942, and for each succeeding year until further order, in accordance with Annual Report Form Fa (Freight Forwarder), which is hereby approved and made a part of this order.<sup>1</sup>

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 412, 56 Stat. 294; 49 U.S.C. 1012)

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-1739; Filed, February 2, 1943; 11:15 a. m.]



PART 445—ANNUAL REPORTS  
FORM PRESCRIBED FOR FREIGHT  
FORWARDERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of January, A. D. 1943.

In the matter of Annual Reports from Freight Forwarders, and the corresponding section of the Code of Federal Regulations, the following order was issued:

§ 445.2 *Form prescribed for freight forwarders.* (a) All freight forwarders within the scope of section 412, Part IV of the Interstate Commerce Act having annual gross revenues for the calendar year 1942 of less than \$100,000, are hereby required to file annual reports for the year ended December 31, 1942, and for each succeeding year until further order, in accordance with Annual Report Form Fb (Freight Forwarder), which is hereby approved and made a part of this order.<sup>1</sup>

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 412, 56 Stat. 294; 49 U.S.C. 1012)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-1740; Filed, February 2, 1943;  
11:15 a. m.]

PART 446—PERIODICAL AND SPECIAL  
REPORTS

FORM PRESCRIBED FOR QUARTERLY REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of January, A. D. 1943.

In the matter of Periodical and Special Reports from Freight Forwarders, and the corresponding section of the Code of Federal Regulations, the following order was issued:

§ 446.1 *Form prescribed for quarterly reports.* (a) Beginning with the three months' period ending March 31, 1943, and quarterly thereafter, until further order of this Commission, all Freight Forwarders within the scope of section 412, Part IV of the Interstate Commerce Act having annual gross revenues of \$100,000 or more for the calendar year 1942, are hereby required to file reports of revenues, expenses, and statistics in accordance with Form QFF which is hereby approved and made a part of this order.<sup>1</sup>

(b) The said quarterly report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., within sixty days after the close of the period to which it relates.

(Sec. 412, 56 Stat. 294; 49 U.S.C. 1012)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-1741; Filed, February 2, 1943;  
11:15 a. m.]

<sup>1</sup> Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1850]

DISTRICT BOARD 1

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 1 for the establishment of temporary price classifications and minimum prices for Mine Index No. 3607.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the temporary establishment of an "H" classification in Size Groups 3 and 4 for approximately 19,600 tons of coal presently uncovered at the Strip Operation of Tartan Mine #3, Mine Index No. 3607, of Tartan Coal Mining Company, located in the D Seam of Subdistrict 5 of District No. 1.

It appears that an order was issued October 16, 1942 in Docket No. A-1686, which temporarily established for Mine Index No. 3607 a price classification of "H" in Size Groups 3 and 4 for approximately 20,000 tons of coal, which is of poorer quality than coal normally mined from D Seam in Subdistrict 5 of District No. 1, when sold for lake cargo shipment during the 1942 lake season and that although this temporary relief was in effect for a little more than six weeks, only approximately 400 tons of coal were shipped pursuant to such order, because of mining difficulties.

Petitioner further alleges that the Tartan Coal Mining Company, owner of Mine Index No. 3607 has secured a purchaser for the remainder of the poorer quality coal, namely the Walkover Coal Company Ltd., Toronto, Canada, and petitioner requests the same temporary relief as granted in Docket No. A-1686, be made applicable through May 31, 1943 for all-rail movement to Toronto, Canada for approximately 19,600 tons of this coal.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petition of intervention has been filed with the Division in the above-entitled matter, and that the following action is necessary in order to effectuate the purposes of the Act.

Now, therefore, It is ordered, That temporary relief be granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck is supplemented to include the price classifications of "H" in Size Groups 3 and 4 for approximately 19,600 tons of coal of the Tartan #3 Mine, Mine Index No. 3607 which is of poorer quality than coal normally mined from the D Seam in Subdistrict 5 of District No. 1 when sold for all-rail shipment to the Walkover Coal Company Ltd. of Toronto, Canada.

It is further ordered, That the relief herein granted shall be terminated upon the completion of the shipment of 19,600 tons of coal pursuant to this order, and in no event later than May 31, 1943.

It is further ordered, That the Tartan Coal Mining Company shall file with the Division not later than the 5th of the month following the month of shipment statements indicating the tonnage shipped pursuant to the temporary relief established in this order and that the invoices for said coal shall indicate that said coal is of substandard and poorer quality than coal normally mined from the "D" seam of subdistrict 5 of District No. 1, and that it has been priced pursuant to the price established therefor in Docket No. A-1850.

It is further ordered, That the producer shall notify the Division if the sale referred to herein is completed before May 31, 1943.

It is further ordered, That the order granting temporary relief herein shall be subject to further order of the Division.

Dated: January 30, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-1744; Filed, February 2, 1943;  
11:20 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4860]

J. A. FOLGER AND CO.

ORDER APPOINTING TRIAL EXAMINER

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of February, A. D. 1943.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, March 13, 1943, at ten o'clock in the forenoon of that day (Central Standard Time), Parlor A, Muehlebach Hotel, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-1732; Filed, February 2, 1943;  
11:05 a. m.]



**OFFICE OF PRICE ADMINISTRATION.**  
[Correction to Order 103 Under MPR 120]

**BLUE DIAMOND COAL COMPANY**  
ORDER GRANTING ADJUSTMENT

Correction to Order No. 103 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120—215.

The reference to Mine Index No. 1488 wherever it appears in Order No. 103 under Maximum Price Regulation No. 120 and in the opinion which accompanies that order is corrected to read Mine Index No. 488.

This correction to Order No. 103 shall be effective as of December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1695; Filed, February 1, 1943;  
12:15 p. m.]

[Order 149 Under MPR 188]

**CONTINENTAL SPRING CORP.**

**APPROVAL OF MAXIMUM PRICE**

Order No. 149 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approving a maximum price for sales of an upholstered box spring made by Continental Spring Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Continental Spring Corporation of 2400 Nance Street, Houston, Texas, may sell its upholstered box spring with a stretched cover attached to border with resilient helicals at a price no higher than \$17.75 subject to the same discounts, allowances and other price differentials in effect during March 1942 for the sale of metal springs and other types of sleeping equipment.

(b) This Order No. 149 may be revoked or amended at any time.

(c) This Order No. 149 shall become effective on the 2d day of February, 1943.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1694; Filed, February 1, 1943;  
12:12 p. m.]

[Suspension Order 205]

**GULF GAS STATION, BUFFALO, N. Y.**

**ORDER RESTRICTING TRANSACTIONS**

Bruno Luczak, doing business as Gulf Gas Station, 744 Genesee Street, Buffalo,

New York, hereinafter called respondent was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held in Buffalo, New York, on December 4, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent Bruno Luczak is a dealer in gasoline and operates a filling station known as Gulf Gas Station at 744 Genesee Street, Buffalo, New York.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on various occasions between August 22, 1942, and November 16, 1942, respondent transferred gasoline, for which he received a price in excess of his regularly established price, to consumers and into the fuel tanks of motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within any of the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline rationing coupons.

Because of the great scarcity and critical importance of gasoline in New York respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken; *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 205 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 205 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 205 shall become effective 12:01 a. m. February 5, 1943 and shall remain in effect thereafter until further order of the Deputy Administrator in Charge of Rationing, but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive

No. 1 (7 F.R. 562); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 1st day of February 1943.

PAUL M. O'LEARY,  
Deputy Administrator  
in Charge of Rationing.

[F. R. Doc. 43-1692; Filed, February 1, 1943;  
12:12 p. m.]

[Suspension Order 207]

**CHESTER GOEBEL**

**ORDER RESTRICTING TRANSACTIONS**

Chester Goebel, 1801 T Street NW., Washington, D. C., hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon such charges was held in Washington, D. C., on November 25, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station known as Goebel's Esso Station at 1801 T Street NW., Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503) in that on November 14, 1942, respondent transferred eight (8) gallons of gasoline to a consumer and into the fuel tank of a motor vehicle upon which no sticker was displayed in exchange for two coupons that had been detached before the transfer from a coupon book that was not issued for the vehicle into which the transfer was made.

Because of the great scarcity and critical importance of gasoline in Washington, D. C. respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken; *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 207 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 207 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.



(e) This Suspension Order No. 207 shall become effective 12:01 a. m. February 5, 1943, and unless sooner terminated shall expire 12:01 a. m., February 20, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law. 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supp. Dir. No. 1H (7 F.R. 3478, 3877, 5216); Supp. Dir. No. 1Q (7 F.R. 9121))

Issued the 1st day of February 1943.

PAUL M. O'LEARY,  
Deputy Administrator  
in Charge of Rationing.

[F. R. Doc. 43-1693; Filed, February 1, 1943;  
12:12 p. m.]

[Order 2 Under MPR 125]

UNIVERSAL CASTINGS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order 2 under Maximum Price Regulation No. 125—Nonferrous Foundry Products.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, Supplementary Order No. 9 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) The following shall be the maximum prices at which Universal Castings Corporation, doing business at Chicago, Illinois may sell and deliver certain nonferrous castings to the buyers named below, under the United States government subcontracts identified by the contract numbers specified below, and only under those contracts, and in the quantities specified in the seller's applications:

Buyer and part number	Contract No.	Maximum price per piece
Bastian Blessing Co., Part No. 5500-19	P. O. 43864	\$0.28
Bodine Electric Co., Part No. 1035		
Bodine Electric Co., Part No. N-871	75142	.05
Garden City Plating & Mfg. Co., Part No. 5634	75198	.46
Garden City Plating & Mfg. Co., Part No. 5633	25733	.08
	25733	.06

(b) Any relief requested by Universal Castings Corporation in the maximum prices of its nonferrous castings not granted herein, is hereby denied.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 2 shall become effective as of January 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1704; Filed, February 1, 1943;  
2:57 p. m.]

[Order 147 Under MPR 188]

UNITED STATES LIME PRODUCTS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 147 Under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of Maximum Prices for Sugar Rock Sold by United States Lime Products Corporation—Docket No. GF3-2654.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and under § 1499.161 of Maximum Price Regulation No. 188, *It is hereby ordered:* That:

(a) The maximum price at which United States Lime Products Corporation, San Francisco, is authorized to sell, deliver, or offer for sale sugar rock (3" to 7" lime rock) either directly or through its wholly-owned subsidiary, Arrowhead Lime and Chemical Company, Los Angeles, California, shall be \$1.50 per net ton, f. o. b. cars Sloan, Nevada.

(b) This Order No. 147 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 147 shall become effective February 2, 1943.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1708; Filed, February 1, 1943;  
3:00 p. m.]

[Order 148 Under MPR 188]

UNITED STATES LIME PRODUCTS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 148 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of Maximum Prices for Crushed Dolomitic Limestone Sold by United States Lime Products Corporation—Docket No. GF3-2653.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and under § 1499.161 of Maximum Price Regulation No. 188, *It is hereby ordered:* That:

(a) The maximum price at which United States Lime Products Corporation, San Francisco, California, is authorized to sell, deliver, or offer for sale crushed dolomitic limestone ( $\frac{1}{8}$ " to  $\frac{3}{4}$ " ) shall be \$1.70 per net ton, f. o. b. Sloan, Nevada.

(b) The maximum price established in paragraph (a) shall be reduced by

2% for cash payment by the tenth day of the month following any sale.

(c) All prayers in the petition not specifically granted herein are denied.

(d) This Order No. 148 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 148 shall become effective February 2, 1943.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1709; Filed, February 1, 1943;  
2:58 p. m.]

[Order 150 Under MPR 188]

HERCULES CEMENT CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 150 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a Maximum Price for Cement Sold by the Hercules Cement Corporation to Vulcanite Portland Cement Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250, and pursuant to § 1499.161 (a) of Maximum Price Regulation No. 188, *It is hereby ordered:* That:

(a) Specific authority is hereby granted to the Hercules Cement Corporation, 1700 Walnut Street, Philadelphia, Pennsylvania, to invoice, and to the Vulcanite Portland Cement Company, New York City, to pay an amount not in excess of 9¢ per barrel for cement sold by the Hercules Cement Corporation to the Vulcanite Portland Cement Company during the period from July 7, 1942, to September 23, 1942.

(b) This Order No. 150 shall become effective February 2, 1943.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1710; Filed, February 1, 1943;  
2:59 p. m.]

[Order 4 Under Rev. MPR 213]

SIMMONS CO. OF NEW YORK

AUTHORIZATION OF MAXIMUM PRICE

Order No. 4 under § 1365.53 (b) (2) of Revised Maximum Price Regulation No. 213—Coil and Flat Bedsprings With Non-Steel Frames.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register by the Price Administrator under the Emergency Price Control Act of 1942, as amended, *It is hereby ordered:*

(a) The Simmons Company of New York, New York, may sell and deliver their coil and flat bedsprings with wood



frames at f. o. b. factory carload prices determined by subtracting the differential of \$.20 from the f. o. b. factory l. c. l. prices for the applicable classes of bed-springs established by Revised Maximum Price Regulation No. 213.

(b) This Order No. 4 may be revoked or amended by the Office of Price Administration at any time.

(c) Unless the context otherwise requires the definitions set forth in Revised Maximum Price Regulation No. 213, shall apply to terms used herein.

(d) This Order No. 4 shall become effective on the 2d day of February 1943.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1706; Filed, February 1, 1943;  
2:59 p. m.]

[Order 33 Under RPS 6]

THE STANLEY WORKS

ORDER GRANTING RELIEF

Order No. 33 under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-32.

On November 2, 1942, The Stanley Works of New Britain, Connecticut, filed a petition for exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 33 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Stanley Works may sell and deliver and the Washburn Wire Company of Phillipsdale, Rhode Island, may buy and receive from The Stanley Works rerolling billets shipped under Allocation Order Series B, N51-29845 or subsequent orders of a similar nature, at a maximum base price of \$39.00 per gross ton f.o.b. the American Tube and Stamping Bridgeport plant.

(b) The permission granted in paragraph (a) hereof is subject to the condition that The Stanley Works must keep and submit to the Office of Price Administration records of its actual job cost on its allocation to Washburn Wire Company for the first full calendar month after the issuance of this order, such report to be submitted to this office within 10 days after the close of such calendar month.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 33 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(f) This Order No. 33 shall be effective as of November 7, 1942.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1707; Filed, February 1, 1943;  
3:00 p. m.]

[Order 2 Under Supp. Order 9]

ALUMINUM COOKING UTENSIL CO.

ORDER GRANTING ADJUSTMENT

Order No. 2 under § 1305.12 of Supplementary Order No. 9—Commodities or Services under Government Contracts—Application for Adjustment of Maximum Prices.

Granting adjustment of maximum price for sales of Model 1910 Canteen by The Aluminum Cooking Utensil Company to the United States Army.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Aluminum Cooking Utensil Company, Fifth Avenue and Eleventh Street, New Kensington, Pennsylvania, is authorized to sell and deliver Model 1910 Canteen to the United States Army at price no higher than \$.4427 per Canteen, f. o. b. factory.

(b) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 2 shall become effective on the 2d day of February 1943.

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1705; Filed, February 1, 1943;  
2:59 p. m.]

[Order 6 Under MPR 244]

OLD COLONY FOUNDRY COMPANY

ADJUSTMENT OF MAXIMUM PRICES

Order No. 6 under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings—Docket No. GF3-2416.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

*Adjustment of maximum prices for gray iron castings sold by Old Colony Foundry Co.* (a) Old Colony Foundry Co., East Bridgewater, Mass., is hereby authorized to sell, offer to sell and deliver, gray iron castings to the following purchasers:

Allis-Chalmers Mfg. Co., Milwaukee, Wis.  
Boston Gear Works, Inc., North Quincy, Mass.

Brown & Sharpe Mfg. Co., Providence, R. I.

Carver Cotton Gin Co., East Bridgewater, Mass.

Lewis-Shepard Sales Corp., Boston, Mass.

Mass. Gear & Tool Co., Woburn, Mass.

Norton Co., Worcester, Mass.

Thompson Gibb Electric Welding Co., Lynn, Mass.

Wheeler Reflector Co., Boston, Mass.

S. A. Woods Machine Co., Boston, Mass.

pursuant to subcontracts under contracts with the United States Government or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" or with any agency of any such Government, at prices not in excess of its applicable maximum prices under § 1421.166 (a) of Maximum Price Regulation 244, plus nine percent of said maximum prices before the addition of charges, if any, for transportation: *Provided*, That Old Colony Foundry Co. shall file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., on or before the last day of each month following each quarter year beginning with the last quarter of 1942, the following documents all prepared in accordance with recognized accounting principles and submitted under oath or affirmation:

(1) Profit and loss statements covering its sales of gray iron castings for the preceding quarter; (2) profit and loss statements covering its over-all operations for the preceding quarter; (3) balance sheets as of the close of the preceding quarter; (4) statements of its average per pound price for gray iron castings sold during the preceding quarter and its average per pound costs for such gray iron castings; and (5) the profit and loss statements filed pursuant to (1) and (2) of this paragraph must show (i) net sales, (ii) cost of commodities and services sold, stating separately total direct labor costs, total direct material costs, and total other manufacturing costs, (iii) general and administrative expenses, segregating compensation to officers and directors, and (iv) net profits before income and excess profit taxes: *Provided further*, That said Company need not file any of the foregoing financial data if it has filed such data or in the future does file such data on or before the time limits specified in this paragraph (a), on Form A—*Annual Financial Report* or Form B—*Interim Financial Report*, issued by the Office of Price Administration.

(b) The maximum prices set forth in the preceding paragraph (a) shall be applicable to all shipments of gray iron castings made on and after October 15, 1942 by Old Colony Foundry Co. pursuant to subcontracts under Government contracts, as specified in paragraph (a), to the purchasers specified in paragraph (a).

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires the definitions set forth in



§ 1421.164 of Maximum Price Regulation 244 shall apply to the terms used herein.

This Order No. 6 shall become effective February 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-1725; Filed, February 1, 1943;  
5:10 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-51]

### NATIONAL POWER & LIGHT COMPANY

#### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of January, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by National Power & Light Company, a registered holding company and a subsidiary of Electric Bond and Share Company, likewise a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transaction therein proposed, which are summarized as follows:

National Power & Light Company proposes to sell its entire interest in West Tennessee Gas Company, a Florida corporation, to Equitable Securities Corporation, a Tennessee corporation, for a cash consideration of \$712,500, plus interest thereon at the rate of 3% per annum from June 30, 1942, to the date of closing. National Power & Light Company states that Equitable Securities Corporation is not an affiliate of West Tennessee Gas Company and of any other public utility holding company, and will not by virtue of such acquisition become an affiliate of any public utility company other than West Tennessee Gas Company.

West Tennessee Gas Company owns and operates a natural gas distribution system in Jackson, Tennessee, and five adjacent communities. Its outstanding securities, all of which are owned by National Power & Light Company, consist of a 6% Note dated November 25, 1935, due on or before November 25, 1940, in the principal amount of \$585,000 and 100,000 shares of capital stock without nominal or par value.

National Power & Light Company states that the proposed transaction is a step in compliance with the Order of the Commission dated August 23, 1941, issued pursuant to the provisions of section 11 (b) (2) of the Act, requiring the liquida-

tion and dissolution of National Power & Light Company. Request is made that the order of the Commission to be entered herein (a) recite that the sale and transfer aforesaid is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and (b) specify and itemize the securities to be sold and transferred.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration shall not become effective and said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules thereunder to be held on February 15th, 1943, at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk. All persons desiring to be heard or otherwise wishing to participate in the proceedings, shall notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice, on or before February 10th, 1943.

It is further ordered, That, without limiting the scope of the issues presented by said declaration or application, particular attention will be directed at the hearing to the following matters and questions:

1. Whether competitive conditions have been maintained in the proposed transactions, and whether the consideration to be received is fair and reasonable.

2. The propriety of the proposed accounting treatment of the transactions on the books of National Power & Light Company.

3. Whether the action proposed to be taken is necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935, and constitutes a step in compliance with the Order of the Commission dated August 23, 1941, issued pursuant to the provisions of section 11 (b) (2) of the Act, requiring the liquidation and dissolution of National Power & Light Company.

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to National Power & Light Company and Equitable Securities Corporation, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-1753; Filed, February 2, 1943;  
11:53 a. m.]

[File No. 812-240]

### TOBACCO PRODUCTS EXPORT CORP.

#### ORDER DENYING APPLICATION FOR EXCEPTION AND GRANTING PARTIAL EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of January, A.D. 1943.

Tobacco Products Export Corporation has applied for an order under section 3 (b) (2) of the Investment Company Act of 1940 and in the alternative under section 6 (c) of said Act.

Hearings have been held, briefs filed and oral argument heard. The Commission has considered the matter, is advised in the premises, as more fully set forth in its opinion in this matter this day issued, and on the basis of said findings and opinion

It is ordered, That the application for an order under section 3 (b) (2) of the said Act be, and the same hereby is, denied; and

It is further ordered, That the application for an exemption from the provisions of the said Act pursuant to section 6 (c) thereof be, and the same hereby is, denied, except that Tobacco Products Export Corporation be, and it hereby is, exempted from the provisions of section 8 (b) of the said Act, and partially exempted from the requirements of subsections (b) and (d) of section 30 of the said Act to the extent that it need not issue or file the reports and statements required by those subsections more often than annually; and provided further that the Commission reserves jurisdiction to reconsider at any time the partial exemption herein granted, and to make appropriate amendments therein, after notice and opportunity for hearing if such action shall be warranted by changed circumstances.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-1752; Filed, February 2, 1943;  
11:53 a. m.]

### WAR PRODUCTION BOARD.

#### NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued



certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued February 1, 1943.

CURTIS E. CALDER,  
Director General for Operations.

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-h.....	6031	Federal Works Agency, Washington, D. C.	Portsmouth Hospital Portsmouth, N. H.	Jan. 29, 1943
P-19-h.....	31857	Mrs. Marie C. Rieder, c/o Fourth Ass't. Postmaster General, Washington, D. C.	202 W. Broadway, Eagle Grove, Iowa.	Jan. 29, 1943
P-19-a.....	6361	Doniphan Telephone Co., Doniphan, Mo.	Greenville, Wayne Co., Mo.....	Jan. 29, 1943

[F. R. Doc. 43-1721; Filed, February 1, 1943; 4:12 p. m.]