FEDERAL REGISTER

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Regulations

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards[1]

PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK

SOUTH DAKOTA STOCK GROWERS ASSOCIATION

By virtue of the authority vested in the War Food Administrator by the Packers and Stockyards Act, 1921, as amended, (7 U.S.C. 1940 ed. 181 et seq.), and Public Law 615, 77th Cong., Ch. 421, 2nd Sess., approved June 19, 1942, *It is ordered*, That § 203.7, Chapter II, Title 9, Code of Federal Regulations, be amended to read as follows:

§ 203.7 *South Dakota Stock Growers Association.* Upon a written request filed pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, and Public Law 615, 77th Cong., Ch. 421, 2nd Sess., approved June 19, 1942, the South Dakota Stock Growers Association, duly organized under the laws of the State of South Dakota, is hereby authorized, with respect to livestock originating in or shipped to market from the State of South Dakota, to charge and collect reasonable and nondiscriminatory fees, approved by the War Food Administrator, to be paid by the owners of the livestock inspected, for the inspection of brands, marks, and other identifying characteristics of livestock sold or offered for sale at those markets at which the said South Dakota Stock Growers Association may register as a market agency, such inspection to be made to determine the ownership of the livestock. Such charges as are authorized to be made shall be collected by the market agency or other person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and paid by it to the said South Dakota Stock Growers Association. Such inspection, charges, and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and such regulations as may be promulgated pursuant thereto.

(7 U.S.C. 181 et seq; 56 Stat. 372; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 10th day of August 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-13050; Filed, August 11, 1943; 11:15 a. m.]

[1] This chapter formerly designated as Food Distribution Administration.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS AND ESCAPED MILITARY PRISONERS

Section 36.31 is amended and §§ 36.33, 36.34, and 36.35 are redesignated §§ 36.32, 36.33, and 36.34 respectively and are amended as follows:

The regulations contained herein are also contained in AR 35-2620, 30 June 1943, the particular paragraphs being shown in brackets at the end of sections.

AUTHORITY: §§ 36.31 to 36.34 issued under authority contained in 47 Stat. 1575; 10 U.S.C. 1431.

§ 36.31 *Definitions*—(a) *Absent without leave.* The status of a person subject to military law who fails to repair at the fixed time to the properly appointed place of duty or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave.

(b) *Absentee.* One who is absent without leave.

(c) *Deserter.* A person who has deserted from a lawful enlistment, call, or draft, in or to the Army of the United States; whose trial is not barred by the

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FEDERAL REGISTER

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thirty-ninth Article of War; who has not been acquitted or convicted of such desertion, or pardoned; who has not been discharged from the enlistment, call, or draft from which he deserted; and who has not been dishonorably discharged from a subsequent enlistment, call, or draft.

(d) *Involuntary absence.* Absence without leave or desertion by a person who has been entrapped, induced, or in any manner caused to absent himself or desert by act or procurement of superior military authority.

(e) *Military prisoner.* A garrison prisoner, whether detained, arraigned, or sentenced; or a general prisoner. See §§ 12.1, 12.2, 12.3.

(f) *Military post.* A military post, camp, or station at which facilities exist for the reception and custody of prisoners. It excludes troops in campaign, maneuvers or on the march, unless the commanding officer of such troops thinks proper to receive an absentee, deserter, or escaped military prisoner. It also excludes recruiting offices.

(g) *United States.* The continental United States exclusive of Alaska and the Canal Zone. [Par. 2]

§ 36.32 *Payment for arrest and delivery of enlisted men absent without leave, deserters, and escaped military prisoners—(a) Services for which payment will be made—(1) Arrest.* Fifteen dollars will be paid to the civil officer or other person arresting:

(i) An enlisted man absent without leave when the arrest and detention is authorized by a military officer,

(ii) A deserter (other than a Philippine Scout), or

(iii) An escaped military prisoner other than one who was a Philippine Scout immediately before becoming a prisoner), and turning him over to a guard sent for him. For the same services with respect to a deserter from the Philippine Scouts or an escaped military prisoner who immediately before becoming such was a Philippine Scout, $10 will be paid.

(2) *Arrest and delivery.* Twenty-five dollars will be paid to the civil officer or other person arresting and delivering—

(i) An enlisted man absent without leave when the arrest and detention is authorized by a military officer.

(ii) A deserter (other than a Philippine Scout), or

(iii) An escaped military prisoner (other than one who was a Philippine Scout immediately before becoming a prisoner) at a military post. For the same services with respect to a deserter from the Philippine Scouts or an escaped military prisoner who immediately before becoming such was a Philippine Scout, $15 will be paid.

(b) *To whom paid.* The payment mentioned in paragraph (a) (1) or (2) of this section, as the case may be, will be made to the person or persons actually making the arrest of an enlisted man absent without leave, a deserter, or an escaped military prisoner and the turnover or delivery of the person arrested. If two or more persons join in performing these services payment may be made to them jointly. Payment will be made whether the enlisted man absent without leave, deserter, or escaped military prisoner surrenders or is apprehended. Payment will not be made merely for information leading to an arrest, or for an arrest not followed by the return of the person arrested to military control.

(c) *By whom paid.* The payments mentioned in paragraph (a) of this section will be made by disbursing officers of the Finance Department, and will be in full satisfaction of all expenses of arresting, keeping, and delivering the enlisted man absent without leave, deserter, or escaped military prisoner. [Par. 3]

§ 36.33 *Surrender on advice of attorney.* When a deserter or an escaped military prisoner surrenders himself to military authorities upon advice of his attorney, the attorney is not entitled to reward offered for apprehension of such deserter or escaped military prisoner, his claim for such reward being incompatible with his duty to his client. See 27 Comp. Dec. 482. [Par. 4]

§ 36.34 *Detective agencies.* (a) The act of 3 March 1893 (27 Stat. 591; 5 U.S.C. 53; M.L. 1939, sec. 643), provides:

That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall

be employed in any Government service or by any officer of the District of Columbia.

(b) A detective agency could not legally be employed to apprehend and deliver a deserter or an escaped military prisoner so as to obligate the Government to pay therefor, but information having come to the agency that a certain person was a deserter or an escaped military prisoner, the reimbursement of the actual expenses not exceeding $25 incurred in delivering him from the place found into the hands of the Army officers at the nearest post is not considered an "employment" within the prohibition of the act of 3 March 1893. See MS. Comp. Gen., AD 7112, 21 October 1922. [Par. 5]

(47 Stat. 1575; 10 U.S.C. 1431)

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-12995; Filed, August 11, 1943; 9:37 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial 282]

ARMY AIR BASE, PALM SPRINGS, CALIF.

OPERATIONS OF AMERICAN AIR LINES, INC.

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to scheduled operations of American Airlines, Inc. at the Army Air Base, Palm Springs, California.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of August 1943.

The following special civil air regulation is made and promulgated to become effective August 6, 1943:

Notwithstanding § 40.2611 (b) of the Civil Air Regulations, any first pilot listed in the American Airlines Airman Operations Specifications on August 10, 1943 who is qualified as competent to operate an aircraft in scheduled air transportation between Phoenix, Arizona, and Los Angeles, California, on August 10, 1943, may pilot aircraft in scheduled transportation for said carrier into and out of the Army Base Airport, Palm Springs, California, upon furnishing evidence to the Administrator showing that the pilot is thoroughly familiar with the form and condition of the airport and with the location and nature of any obstructions in the vicinity.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12994; Filed, August 11, 1943; 9:50 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 23]

PART 803—GENERAL ORDERS

ALASKA

General Order No. 23, adopted by the National War Labor Board on December 18, 1942, is hereby revoked. In its place the following order is adopted:

§ 803.23 *General Order No. 23.* (a) The Territory of Alaska is hereby made a part of Region XII of the National War Labor Board. Approval of voluntary applications for wage and salary adjustments and dispute cases arising within the Territory of Alaska shall be processed as hereinafter provided.

(b) The Territorial Representative of the Wage and Hour and Public Contracts Division of the United States Department of Labor shall receive all requests for rulings and applications for approval of voluntary wage and salary adjustments insofar as such matters are within the jurisdiction of the National War Labor Board.

(c) There is hereby created within the Territory of Alaska a Branch Office of the Regional War Labor Board for Region XII.

(d) There shall be appointed a Wage Stabilization Director within the Territory of Alaska, who shall exercise the same authority within the territory as that exercised by the Wage Stabilization Director in Region XII.

(e) There shall be appointed a Regional Attorney and Disputes Director within the Territory of Alaska, who shall exercise the same authority within the territory as that exercised by the Regional Attorney and Disputes Director in Region XII. As Disputes Director, he shall have authority to set up tripartite panels for hearings on dispute cases, the recommendations of the panels to be sent to the Twelfth Regional Board for approval or disapproval.

(f) Any ruling of the Regional War Labor Board, Region XII, shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative. No action of the National War Labor Board with respect to rulings of said Regional War Labor Board shall be retroactive.

(g) Disputes arising in the Territory of Alaska shall, unless otherwise directed by the National War Labor Board, be referred to the Regional War Labor Board for Region XII.

(h) Jurisdiction and Procedure for Regional War Labor Boards shall be applicable to the Branch Office of the Regional War Labor Board for Region XII, except that owing to difficulties of communication and transportation, time limitations may be relaxed in case of necessity.

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

Adopted May 14, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-12999; Filed, August 11, 1943; 9:37 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII[1]—Office of Economic Warfare

PETROLEUM RESERVE CORPORATION

AMENDMENT TO CHARTER

By virtue of the authority vested in me by Executive Order No. 9361, of July 15, 1943 (8 F.R. 9861), Articles Seventh, Ninth and Tenth of the Charter of Petroleum Reserves Corporation (8 F.R. 9044)[1] are hereby amended to read as follows:

Seventh, that the Corporation shall have existence until dissolved by the Director of the Office of Economic Warfare (established by Executive Order No. 9361, of July 15, 1943), or by Act of Congress.

Ninth, that the affairs and business of the Corporation shall be managed by a Board of Directors who shall be appointed by the Director of the Office of Economic Warfare.

Tenth, that this Charter may be amended at any time by the Director of the Office of Economic Warfare, and that the By-Laws may be amended by the Board of Directors at any meeting of the Board.

In witness whereof, the Director of the Office of Economic Warfare has caused this amendment to be issued and adopted this 9th day of August 1943.

LEO T. CROWLEY,
Director,
Office of Economic Warfare.

[F. R. Doc. 43-13002; Filed, August 10, 1943; 10:24 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supp. Directive 1-V]

§ 903.41 *Supplementary Directive No. 1-V—Delegation of authority to the Office of Price Administration with reference to rationing in Hawaii.* (a) In order to permit the efficient rationing of material in the Territory of Hawaii, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1) is hereby extended to include the exercise of rationing control over the sale, transfer, distribution and use of any material located in the Territory of Hawaii, the rationing of which has been requested by the Regional Director of Region 10 of the War Production Board or by any employee of the War Production Board designated by him for that purpose (hereinafter collectively referred to as "the Regional Director").

(b) The rationing of a material shall be deemed to have been requested by the Regional Director when, and only when, he has made a request in writing, addressed to the Honolulu Office of the Office of Price Administration, and has received back from the Office of Price Administration a copy of the request bearing a notation that the request is acceptable, signed by a duly authorized official of the Office of Price Administration. This paragraph does not apply to any rationing action taken in the Territory of Hawaii by the Office of Price Administration prior to August 23, at the written or oral request of the Regional Director, and any such action is hereby approved and ratified.

(c) The authority of the Office of Price Administration under this Supplementary Directive shall not include the

[1] Formerly in Title 13, Chapter I.

following unless the rationing request of the Regional Director expressly so states:

(1) The power to impose restrictions which do more than control (i) the sale, transfer or other disposition of a material by persons who sell it at retail, (ii) the sale, transfer or other disposition of a material to ultimate consumers and (iii) the use of a material by ultimate consumers.

(2) The exercise of rationing control over any material delivered to or for the account of the Army, Navy, Maritime Commission or the War Shipping Administration, or to or for the account of governmental agencies or other persons to the extent that they acquire the material for export to and consumption or use in any foreign country.

(d) The authority of the Office of Price Administration under this Supplementary Directive shall include the following, unless the rationing request of the Regional Director states otherwise:

(1) The power to regulate or prohibit the sale, transfer, delivery or other disposition of the material to, or its acquisition or use by, any person in the Territory of Hawaii who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(2) The authority to require records and reports and to make audits of the accounts and inspection of the facilities of any person in the Territory of Hawaii involved directly or indirectly in the sale, transfer, delivery or other disposition of the material.

(e) This supplementary directive does not restrict or modify the authority of the Regional Director under War Production Board Regulation No. 2 (§ 903.-01), nor the authority of the Office of Price Administration under Directive No. 1 (§ 903.1) or any directive supplementary thereto.

Issued this 11th day of August 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-13052; Filed, August 11, 1943; 11:11 a. m.]

Subchapter B—Executive Vice Chairman

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), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

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

[Priorities Regulation 3, as Amended August 10, 1943]

UNIFORM METHOD OF APPLICATION AND EXTENSION OF PREFERENCE RATINGS

§ 944.23 *Priorities Regulation 3*—(a) *Definitions.* For the purposes of this regulation:

(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) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the War Production Board, of the right to use such rating.

(4) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the War Production Board, and includes the initial issuance by any governmental agency, under authority of the War Production Board, of a preference rating certificate rating a delivery or the use of facilities directly to or for such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Any person may apply a preference rating assigned to him by any regulation, preference rating certificate or preference rating order issued to him in his name or as one of a class and, subject to the provisions of this regulation, any person may extend any rating which has been applied or extended to deliveries to be made by him.

(2) A preference rating may be applied by a person to whom it is assigned only to the specific quantities and kinds of material authorized (or to the minimum required amounts of material when no specific quantities are authorized) or to the particular use of facilities specified.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Application or extension of ratings for the use of facilities only or for repairs.* Ratings may be applied or extended to get the use of facilities only or repairs only, in the following cases:

(1) A rating which has been specifically assigned by the War Production Board to permit a named person to obtain the use of specified facilities only may be applied only by the person named and only to obtain the use of the specified facilities.

(2) When a person is authorized to apply or extend a rating to obtain material which he will deliver (or which will be physically incorporated in material to be produced or delivered) he may apply or extend the same rating to obtain the processing by a concern regularly engaged in such business of the material to be produced or delivered or of material which will be physically incorporated therein regardless of the fact that the material to be so processed may be the property of the customer for whom the processing is to be done.

NOTE: Paragraph (c) (3) redesignated (c) (4) and amended; last two sentences of paragraph (c) (2) revoked August 10, 1943.

(3) A blanket MRO rating may be applied by the person to whom it is assigned to get his plant, machinery or equipment repaired even if the repair job does not involve the delivery of repair parts or materials. A blanket MRO rating means a rating assigned by CMP Regulation 5 or 5A, orders in the "P" series or by any other War Production Board regulation, order, form or certificate which assigns a rating for maintenance, repair or operating supplies without specifying the kind and quantity of the material to which the rating may be applied. Where the quantity of material is specified in terms of dollar value only, the rating is a blanket MRO rating. A rating assigned on a PD-1A or PD-3A Certificate, or any other rating assigned to the delivery of specific repair parts or materials, may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph, "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. It does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc. A rating for repairs, as distinct from the delivery of repair parts or materials, may be applied only to a person who is regularly engaged in the business of making repairs with his own tools and equipment.

(4) A person to whom a rating has been applied or extended to get the use of his facilities only or for a repair job only, where no delivery of material is involved, may not extend the rating for any purpose.

(d) *Extension of ratings for material.* The following provisions of this paragraph (d) shall be applicable to all *extensions* of preference ratings originally applied by any person to obtain deliveries of material, notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating. No preference rating may be extended to the delivery of any material except:

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or byproducts in the course of processing; or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can

be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (d), nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies.

(e) *CMP Regulation 3 and Priorities Regulation 11.* Nothing contained in paragraphs (b) or (d) above shall be deemed to enlarge or limit or to alter in any way any of the provisions or restrictions contained in CMP Regulation 3 (§ 3175.3) or Priorities Regulation 11 (§ 944.32).

(f) *Restrictions upon application and extension of ratings.* The following provisions are designed to eliminate or limit the use of preference ratings with respect to certain materials and products as to which such use is inappropriate because of adequate supply, specialized needs or other particular factors:

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

(2) *Items to Which Blanket MRO Ratings Do Not Apply—List B.* Blanket MRO ratings may not be applied to get any item on List B. See paragraph (c) (3) for definition of blanket MRO ratings. No person shall give any effect to any rating applied to his deliveries of any item on List B if he knows or has reason to believe that it is a blanket MRO rating. Ratings which are not blanket MRO ratings may, however, be used to get items on List B. Any blanket MRO rating applied to an order for any item on List B which was not delivered before the date the item was added to the list shall be deemed void.

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

(4) [Revoked August 10, 1943.]

(g) *Method of application or extension.* (1) Any person authorized to apply or extend preference ratings may do so:

(i) On a written contract or order by endorsing on or attaching to it a certification in substantially the form prescribed by CMP Regulation No. 7 (Section 3175.7), or substantially as follows, if preferred:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit)

(Address)

By ---

(Signature and Title of Duly Authorized Officer)

(Date)

The certification which is used shall be signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for that purpose.

(ii) On a purchase order placed by telegraph, by including in the telegram the following abbreviated certification: "Ratings certified". The requirements for manual signature or authorization under Priorities Regulation No. 7 (§ 944.27) will be satisfied in such case if the copy of the outgoing telegram retained by the person placing the order is signed or authorized in the manner provided in that regulation.

(iii) On a purchase order placed by telephone and requiring shipment within seven days, by stating to the supplier at the time of placing the order the substance of either certification authorized in subdivision (i) of this paragraph (g) (1): provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement furnishes to the supplier within fifteen days after placing the purchase order confirmation in writing describing the material ordered and bearing a certification of such preference rating substantially in one of the forms authorized by subdivision (i) of this paragraph (g) (1). No preference rating received by telephone shall be extended by the supplier to replace in inventory any material delivered, until receipt by the supplier of the written confirmation herein required. On or before the twentieth day of each month, any supplier who has received in the prior month a preference rating applied or extended by telephone shall notify the War Production Board, Compliance Division, of any case in which a purchaser has failed to furnish to him the written certification when due.

(iv) The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending a rating must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such rating, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. In addition thereto, each person applying or extending a rating shall execute and file with the War Production Board all reports and questionnaires required by the applicable preference rating certificate or preference rating order and such other reports and questionnaires as said Board shall from time to time request.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD-1A, PD-3A and PD-25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate,

(i) A person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same;

(ii) Ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; and

(iii) Ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order provided the amount of each material to which a particular grade of rating is extended is shown either as a separate item, or on a percentage basis where the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the extension of the rating on his production and delivery schedule. To the extent necessary to avoid production or delivery of material in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total production or delivery.

(4) In addition to complying with the foregoing requirements of this paragraph (g), any person applying or extending a preference rating shall include on his

purchase order or contract such information (except designation of the number or serial number of the preference rating certificate assigning the rating) as may be required by the terms of any applicable order of the War Production Board and which the person placing the purchase order is able to furnish.

NOTE: Paragraph (g) (4) amended August 10, 1943.

(h) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (d) and (g) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the War Production Board assigning the preference rating in question or regulating transactions in the material or the use of the facilities involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material or facilities.

(i) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Office of Production Management or the War Production Board are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this all existing orders of the Office of Production Board. All certificates and all existing orders of the Office of Production Management or the War Production Board are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

Issued this 10th day of August 1943.

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

LIST A

The following items may be delivered without regard to preference ratings of any kind:

1. Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P-98-b:
   a. Anti oxidants (gum inhibitors) for motor fuels.
   b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.
   c. Chemical additives and compound bases for hypoid gear oils.
   d. Synthetic catalysts for oil cracking operation.
   e. Synthetic catalysts for cumene and codimer manufacture.
   f. Synthetic catalysts for petroleum isomerization operations.
   g. Synthetic catalysts for petroleum sweetening operations
2. Communications services.
3. Dental burs.
4. Dental units and dental chairs.
5. Electric energy.
6. [Revoked.]
7. Gas, manufactured.
8. Gas, natural.
9. Petroleum—restricted products as defined in Order M-291.
10. Steam heating, central.
11. Sterilizer equipment, as defined in Order L-266.
12. Track-laying Tractor Repair Parts (See Limitation Order L-53-b).
13. Ice.
[1] 14. Tobaccos.
[1] 15. Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible, and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or settling).
[1] 16. Sulfated, sulfonated, and sulfurized fats and oils.
[1] 17. Tall oil.
[1] 18. Wool grease.
[1] 19. Soap (other than metallic).
[1] 20. Fatty acids.
[1] 21. Glycerine.

LIST B

NOTE: Items 13 (c), 21 amended August 10, 1943.

Preference ratings assigned to the delivery of maintenance, repair and operating supplies may not be used to obtain the following items:

1. Anti-freeze, all types.
2. Automotive maintenance equipment as defined in Limitation Order L-270.
3. Automotive replacement batteries as defined in Limitation Order L-180.
4. Automotive replacement parts as defined in Limitation Order L-158.
5. Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick, or cellulose caps or bands of any gauge.
6. Chinaware.
7. Clocks and watches.
8. Construction machinery costing in excess of $100.00.
9. Containers, fabricated, other than shipping reels and skids (in knock-down or set-up forms whether assembled or unassembled) required for packaging products to be shipped or delivered, including but not limited to:
   a. Cans, as defined in Order M-81.
   b. Closures for glass containers.
   c. Corrugated and solid fibre sheets not constituting "shipping containers" or "parts" as defined in Order P-140.
   d. Fibre cans, fibre tubes (except shell containers), fibre bottles, and fibre mailing cases.
   e. Folding and set-up boxes (paperboard).
   f. Glass containers.
   g. Grocers and variety bags.
   h. Gummed stay and sealing tape, paper and cloth.
   i. Ice cream cans (paperboard), and paraffin cartons and pails.
   j. Paper and paperboard bottle caps, closures and hoods.
   k. Paper cups and paper food containers.
   l. Paper milk containers.
   m. Paper shipping sacks.
   n. Specialty bags and envelopes, including bags partly or wholly made of transparent films.
   o. Textile bags.
10. Cutlery, as defined in any order of the L-140 series.
11. Enameled ware, as defined by Limitation Order L-30-b.
12. Filing Cabinets, wooden.
13. Fire protective equipment, including
   a. Couplings, playpipes and allied fittings;
   b. Fire hose, hose dryers, racks and reels;
   c. [Revoked.]
   d. Fire pumps;
   e. Fire sprinkler systems;
   f. Foam generators;
   g. Indicator posts;
   h. Lightning rod systems;
   i. Piped extinguishing systems;
   j. Portable fire extinguishers;
   k. Stirrup pumps;
   l. Water spray nozzles.
14. Frying pans.
15. Furniture for use in offices, factories or industrial establishments.
16. Galvanized ware governed by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).
17. Glass tableware.
18. Glass tumblers.
19. Kitchen ware, heavy duty:
   a. Bakery utensils;
   b. Butcher blocks;
   c. Butcher benches;
   d. Canopies or hoods;
   e. Carriers, food;
   f. Carriers, tray;
   g. Coffee mills and grinders;
   h. Counters, cafeteria, lunch and serving;
   i. Cutters, meat, bone and fish;
   j. Counter protectors;
   l. Dispensers, milk and cream;
   k. Cutters, french fry;
   m. Dough dividers;
   n. Dough troughs;
   o. Display racks;
   p. Knife sharpeners and grinders;
   q. Pans, cold;
   r. Potato mashers;
   s. Potato and vegetable parers or peelers;
   t. Racks, bread (bakery);
   u. Racks, pans (bakery);
   v. Racks, dump (bakery);
   w. Sandwich units;
   x. Slicers, meat and bread;
   y. Toaster stands;
   z. Trucks, food;
   aa. Tables, cooks, chef, salad and work;
   bb. Tables, soiled and clean dish;
   cc. Tables, bakers;
   dd. Tray stands;
   ee. Urn stands.
20. Kitchen household and miscellaneous articles governed by Limitation Order L-30-d.
21. Laboratory instruments and equipment (except ratings assigned by Preference Rating Orders P-43, P-89 and P-98-b and ratings assigned pursuant to Orders P-56, P-58 and P-73).
22. Lockers, wooden, for offices and factories.
23. Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment), including,
   a. Anaesthesia and oxygen equipment and accessories;
   b. Atomizers;
   c. Clinical thermometers;
   d. Crutches;
   e. Dental consumable supplies;
   f. Dental equipment and appliances;
   g. Diagnostic instruments and apparatus;
   h. Electric light bulbs for diagnostic instruments;
   i. Hearing aids;
   j. Hospital and medical rubber drug sundries;
   k. Hospital enamelware and stainless steel ware;
   l. Hypodermic needles and syringes;
   m. Operating and examining room furniture;
   n. Operating and examining room lights;
   o. Ophthalmic goods;
   p. Orthopedic appliances including splints, belts and trusses;
   q. Physical therapy equipment and supplies;
   r. Sterilizers;
   s. Surgical dressings;
   t. Suture needles;
   u. Sutures;
   v. X-ray equipment and supplies.
24. Medical, surgical and dental instruments.
25. Medicinal preparations, including vitamins.
26. Photographic film, sensitized, as controlled by Order L-233.
27. Pails and tubs, wooden, including wooden mop pails.

[1] Subject to FD Reg. No. 1 of the War Food Administration. Any rating purporting to be applied or extended on or after June 30, 1943 to any such item is void. However, delivery before July 20, 1943, under any rated orders placed before June 30, 1943 is expressly permitted.

28. Printing and publishing:
a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
b. Processed printing plates;
c. Type metal, stereotyping metal and electrotype backing-metal;
d. Printing paper, paperboard and binders' board;
e. Book cloth;
f. Blankbook and loose-leaf binders, metal parts and units;
g. Mechanical bindings.
29. Signal and alarm equipment, including
a. Central Station, proprietary, auxiliary and automatic fire alarms;
b. Watchman's time recording burglar, bank vault, holdup and intrusion systems.
30. Cast iron ware, as defined by Limitation Order L-30-c.
32. Wooden shelving.
33. Any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:
a. Air raid warnings or detection of the presence of enemy aircraft; or
b. Blackouts or dimouts; or
c. The protection of civilians, either individually or collectively, against enemy action or attack.
34. Flatware
35. Fuel
36. Pens, Fountain
37. Pencils, Mechanical
38. Pencils, Wood Cased
39. Pen Nibs, Steel
40. Pen Holders
41. Adhesive tape backed with cellophane or similar transparent material derived from cellulose.
42. Cellulose caps or bands of any gauge.
43. Safety pins.

NOTE: List C revoked August 10, 1943.

INTERPRETATION 2

The restrictions on the use of ratings for the items on Lists A and B which were added to the regulation by the amendment of June 4, 1943, apply to orders for such items which had been placed before June 4 but were not yet filled.

Paragraph (f) provides that no person shall give effect to any rating the use of which is restricted by that paragraph, in filling an order. It follows, therefore, that (1) all outstanding ratings on unfilled orders for items on List A are cancelled; and (2) all outstanding ratings assigned for maintenance, repair or operating supplies which have been applied on unfilled orders for items on List B are cancelled. [Issued June 12, 1943, amended August 10, 1943.]

[F. R. Doc. 43-12990; Filed, August 10, 1943; 11:45 a. m.]

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

[Conservation Order M-28, as Amended August 7, 1943 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chlorinated hydrocarbon refrigerants 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.

[1] This document is a restatement of Amendment 1 to M-28, as amended July 10, 1943, which appeared in the FEDERAL REGISTER of August 10, 1943, page 11025, and reflects the order in its completed form as of August 7, 1943.

§ 970.1 *Conservation Order M-28*—(a) *Definitions.* For the purpose of this order:

(1) "Chlorinated hydrocarbon refrigerants" means trichloromono-fluoromethane, dichlorodifluoromethane, dichloromonofluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoroethane.

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

(3) "Producer" means any person engaged in the production of chlorinated hydrocarbon refrigerants.

(4) "Contract agent" means any person engaged in the business of accepting orders for chlorinated hydrocarbon refrigerants on behalf of and as agent for a producer.

(5) "Supplier" means any person engaged in the business of distributing chlorinated hydrocarbon refrigerants to persons using the same for installation in a refrigerating or air conditioning "system". The term shall include an equipment manufacturer to the extent that he engages in the sale of such refrigerants to distributors or dealers handling "systems". "System" means any "system" as defined in General Limitation Order L-38.

(6) "Equipment manufacturer" means any person who uses chlorinated hydrocarbon refrigerants for charging new refrigerating or air conditioning systems manufactured by him.

(7) "Insecticide manufacturer" means any person who uses chlorinated hydrocarbon refrigerants in the production of insecticides.

(8) "User" means any person who installs chlorinated hydrocarbon refrigerants in a refrigerating or air conditioning system, other than an equipment manufacturer.

(9) "Comfort cooling system" means any air conditioning system of a type described on List A, made a part of this order.

(b) *Classification of uses of chlorinated hydrocarbon refrigerants.* The uses of chlorinated hydrocarbon refrigerants are hereby classified as follows:

Class I: Army, for use in new or existing refrigeration and air conditioning systems.

Class II: Navy, for use in new or existing refrigeration and air conditioning systems.

Class III: (a) Maritime Commission or War Shipping Administration, for charging new refrigeration or air conditioning systems at factories of equipment manufacturers.

(b) Maritime Commission or War Shipping Administration, for charging new refrigeration or air conditioning systems in the field.

(c) Maritime Commission or War Shipping Administration, for maintenance and repair of systems already installed.

Class IV: (a) For maintenance of industrial, wholesale, retail, and household refrigeration systems used for the processing, storage, and dispensing of food and food products; but excluding systems referred to on List A or List B.

(b) For maintenance of industrial refrigeration and air conditioning systems used for processing of products other than food.

(c) For maintenance of all other refrigeration and air conditioning systems not included under (a) or (b) above, and not on List A or List B. This class includes sealed railroad cars.

Class V: Charging new refrigeration and air conditioning systems in the field except those systems owned and operated by the Army, Navy, Maritime Commission and War Shipping Administration, and excluding comfort cooling systems.

Class VI: Charging new equipment by an equipment manufacturer, exclusive of comfort cooling systems. This class does not include charging systems for Army, Navy, Maritime Commission and War Shipping Administration.

Class VII: Maintenance and repair of comfort cooling systems and maintenance and repair of refrigeration equipment used solely for storing or dispensing carbonated or malt beverages. This class does not include systems owned and operated by Army, Navy, Maritime Commission or War Shipping Administration.

Class VIII: Inventory—Surplus refrigerants in excess of one month's anticipated requirements.

(c) *Certification of orders by users, and deliveries thereunder*—(1) *Orders must be certified.* On and after July 15, 1943, no user shall place an order with a supplier or any other person, and no supplier or other person shall accept such an order, for any chlorinated hydrocarbon refrigerants unless such order (or vendor's delivery receipt) is accompanied by a certificate endorsed thereon, or attached to it, showing the uses for which the refrigerants are required, and in substantially the following form:

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he has no empty or surplus cylinders, and that, to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required during the next thirty days for use for the following classified purposes, as described in Conservation Order M-28:

Classification	*Quantity required*
(Here list classifications included in the purchase order)	(Here list quantity, in pounds, ordered for each classification)

Such certificate shall in every case be signed by the user or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board, as well as to the supplier, that the facts stated therein are true. No supplier shall make any delivery under such an order if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after July 15, 1943, no supplier shall deliver any chlorinated hydrocarbon refrigerants except pursuant to an order accompanied by such a certificate as provided for above.

(2) *Deliveries to be subject to restriction.* If and whenever any use shall be prohibited, as provided in (g) below, no user shall install or use any chlorinated hydrocarbon refrigerants for such a use, regardless of the purpose for which it was acquired.

(d) *Certification of orders by suppliers; records; deliveries by suppliers* (1) *Orders must be certified.* On or before July 15, 1943 and on or before the 10th day of each calendar month thereafter, each supplier who wishes to secure delivery of chlorinated hydrocarbon refrigerants through any contract agent during the next calendar month, shall place his order for such refrigerants with the contract agent. No supplier shall place such an order with a contract agent, and no contract agent shall accept such an order unless it is accompanied by a certificate endorsed thereon or attached thereto showing the uses for which the refrigerants are acquired, and the supplier's deliveries during the preceding month, in substantially the following form (except that deliveries made prior to July 15, 1943, may be estimated).

The undersigned purchaser hereby certifies to the seller and to the War Production Board that to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required during the next calendar month for deliveries by him for the following classified purposes, as described in Conservation Order M–28; and that he made deliveries during the preceding month of ---------- as shown below:

Classification	Quantities required	Deliveries in preceding month
(Here list classifications included in purchase order)	(Here list quantity, in pounds, ordered for each classification)	(Here show quantities delivered in preceding month for each classification)

Such certificate shall in every case be signed by the supplier or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board as well as to the contract agent, that the facts stated therein are true. No contract agent shall approve or request any such delivery if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after August 1, 1943, no contract agent shall approve or request delivery of any chlorinated hydrocarbon refrigerants to any supplier except pursuant to an order placed, and accompanied by such a certificate, as provided for above.

(2) *Records must be kept.* Each supplier shall keep records showing the quantities of chlorinated hydrocarbon refrigerants delivered by him during each month for the various uses as classified in paragraph (b) above and the quantities of such refrigerants allocated to him each month for deliveries in each of such classifications.

(3) *Deliveries by suppliers after August 7, 1943, for uses in (b) and (c) of Class IV.* Chlorinated hydrocarbon refrigerants will not be allocated for the uses described in parts (b) and (c) of Class IV by regular monthly deliveries to suppliers. In the event a system operated for any of such uses becomes inoperative for lack of refrigerant, a separate application for refrigerants must be made by the owner of the system, directly to the War Production Board, General Industrial Equipment Division, by letter, telegram, or other communication, stating (i) whether the system is used for air conditioning or refrigeration, (ii) its size or capacity by horsepower or tons of refrigeration, (iii) the minimum operating charge necessary to restore the system to operation, (iv) why conversion to another type of refrigerant is not practicable, (v) the functional use of the system in the plant, and (vi) the end product being processed by its use. If the application is granted, the Board will issue a specific direction to the producer authorizing and directing delivery of a specified quantity to be made to the owner of the particular system for the use specified. No user, supplier, or other person shall deliver any chlorinated hydrocarbon refrigerant to the owner of such a system unless and until the Board has specifically directed such delivery to be made. This paragraph (d) (3) shall be followed, as long as it remains in effect, notwithstanding any other provisions of this order. However, suppliers will continue to place their orders for refrigerants, for uses described in Class IV in parts (a), (b) and (c) (listing (a), (b) and (c) separately), in accordance with paragraph (d).

(4) *Deliveries by suppliers during August 1943 and subsequent months.* (i) During the month of August, 1943, and each succeeding calendar month, no supplier shall deliver for any use a greater quantity of refrigerants than is allocated to him during such month for that use, except as provided in (ii) below. A supplier shall rely upon the notification given him, by the contract agent with whom his order was placed, as to the quantities allocated the supplier for each of such uses during each calendar month, unless he knows or has reason to believe that such notification is incorrect, incomplete or false.

(ii) If a supplier has exhausted the quantity allocated him for classifications I, II, III, or IV during any calendar month, he may use his supply in classification VIII for the classification exhausted. If classifications IV and VIII become exhausted, he may then draw upon the supply allocated for classifications V or VI.

(iii) No supplier shall deliver during any month any such refrigerants allocated to him for delivery to or for use by the Army, Navy, Maritime Commission, or War Shipping Administration (Classes I, II and III) for use by any other person during that month; and no supplier shall deliver to or for use by any of such agencies any refrigerants which were allocated to him for civilian uses (Classes IV, V, and VI) during that month.

(iv) Any chlorinated hydrocarbon refrigerants allocated for classifications I through VII during any month and not delivered by the supplier during the month shall be transferred by him to classification VIII (Inventory), at the end of such month. If notice of his allocations for the following month has not been received by the first day of the month, the amount transferred to Class VIII (Inventory) from any classification may continue to be used for such classification; provided that the amount so used is restored to Class VIII, by deduction from the new allocation for that classification, as soon as notice of the new allocation for such month is received.

(e) *Certification of orders by contract agents, equipment manufacturers, and insecticide manufacturers*—(1) *By contract agents.* On or before the 20th day of each calendar month, commencing with the month of July, 1943, each contract agent who transmits orders for chlorinated hydrocarbon refrigerants from suppliers to a producer, for delivery during the next calendar month, shall place a written request for shipments, covering all of such orders, with the producer. No contract agent shall place such orders with a producer, and no producer shall accept such orders unless accompanied by the request with a certificate endorsed thereon or attached thereto, showing the uses for which the refrigerants are ordered, and deliveries made during the preceding month by suppliers placing orders through the agent, and in substantially the following form (except that deliveries prior to July 15, 1943 may be estimated):

The undersigned contract agent hereby certifies to the producer and to the War Production Board that he has received orders for shipment of the quantities of chlorinated hydrocarbon refrigerants covered by this request for shipments, for the following classified purposes as described in Conservation Order M–28; and that deliveries during the preceding month of ---------- were made as shown below:

Classification	Quantities requested	Deliveries in preceding month
(Here list classifications included in all purchase orders)	(Here list aggregate quantity in pounds ordered for each classification by suppliers)	(Here show aggregate quantities delivered in preceding month for each classification, as shown by suppliers' certificates)

Such certificate shall in every case be signed by the contract agent or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board as well as to the producer, that the facts stated therein are true. No producer shall make any such shipment or delivery if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

(2) *By equipment and insecticide manufacturers.* On or before the 20th day of each calendar month, commencing with the month of July, 1943, each equipment manufacturer or insecticide manufacturer who wishes to secure delivery of chlorinated hydrocarbon refrigerants from a producer during the next calendar month shall place his order for such refrigerants with the producer. No such manufacturer shall place such an order with a producer, and no producer shall accept such an order unless it is accompanied by a certificate endorsed thereon or attached thereto, showing the uses for which the refrigerants are acquired, and the quantities used during the preceding month, in substantially the following form:

The undersigned purchaser hereby certifies to the seller and to the War Production Board that, to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required by him during the month of _____ for the following purposes, according to the classifications described in Conservation Order M-28 (or for the production of insecticide for the Army or for the Navy); and that he used such refrigerants during the preceding month of _____ as shown below:

Proposed use	Quantities required	Used in preceding month
(Here show whether proposed use is for insecticide, or for classifications under M-28, or for each.)	(Here list quantity, in pounds, ordered for each use, or classification.)	(Here show quantities used in preceding month for each.)

Such certificate shall in every case be signed by the equipment or insecticide manufacturer or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board, as well as the seller, that the facts stated therein are true. No producer shall make any delivery under such an order if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after August 1, 1943, no producer shall deliver any chlorinated hydrocarbon refrigerants to any equipment manufacturer or insecticide manufacturer except pursuant to an order placed, and accompanied by such a certificate, as provided for above.

(f) *Shipments by producers*—(1) *Statement of requested shipments.* On or before the 25th day of each calendar month, commencing with the month of July 1943, each producer shall file with the War Production Board a statement showing: the orders for chlorinated hydrocarbon refrigerants which have been transmitted to him by contract agents, or which have been placed with him by equipment and insecticide manufacturers, for delivery during the next calendar month, and the uses for which the refrigerants are ordered, as indicated by the certificates accompanying the orders; the quantity of such refrigerants which will be available for delivery by him, during such month; and his deliveries of such refrigerants to the suppliers and equipment and insecticide manufacturers, during the preceding calendar month (except that deliveries to suppliers prior to August 1, 1943, need not be shown by classifications).

(2) *Deliveries by producers.* On and after July 10, 1943, no producer shall deliver any chlorinated hydrocarbon refrigerants to any person, or for any use, except in accordance with specific directions from the War Production Board. Such directions will be issued primarily to insure the meeting of defense requirements, and of the more essential needs if and whenever all cannot be met. Such directions may specify the aggregate quantities of such refrigerants which shall be delivered by the producer during any calendar month (or other period) for any of the classifications of uses established by this order or for other requirements (including Lend-Lease, and the production of insecticide, separately, for Army and Navy use), or the pro ration of the available supply among all or any part of the various classifications and other requirements, or establish a reserve or emergency stock to be held by the producer. Such directions may also direct the producer to make such adjustments in his deliveries as may appear reasonable and appropriate to equalize the inventories held by suppliers, so as to more nearly assure all suppliers of a minimum working inventory whenever practicable. Directions issued under this order to a producer and directing deliveries to be made by him for specified uses or in specified quantities shall be deemed allocations of the refrigerants for the purposes specified and, subject to the provisions of this order, no producer, supplier, equipment manufacturer or insecticide manufacturer shall make or receive delivery for any other purpose.

(g) *Prohibited uses (List B), emergency cases.* (1) No user, supplier, contract agent, or producer shall deliver or cause to be delivered to the owner of any system, any chlorinated hydrocarbon refrigerants for use in, or for resale for use in any system of the types described on List B, made a part of this order. Such list may be changed from time to time (from month to month, or otherwise) by amendments to this order, as the War Production Board may consider necessary to assure sufficient supplies of such refrigerants in all areas and for the uses which are deemed most essential to the national defense.

(2) An authorization for an exemption from the terms of paragraph (g) (1) above may be allowed by the War Production Board when an air conditioning system must be operated (i) to avoid intolerable conditions in sealed or substantially airtight rooms or enclosures used for essential purposes, or (ii) to protect the life or health of a person under care of a licensed physician. An exemption from the requirement of paragraph (d) that a supplier's order must be placed by the 10th of the month preceding that in which delivery is required, may be allowed when the supplier demonstrates that, due to causes beyond his control, it will be impossible for a delivery in classifications I, II, III or IV to be met by him or any other supplier or user unless an exemption is allowed. Application for such an authorization may be made by or on behalf of the person affected by such restriction, by letter or telegram or other communication addressed to the General Industrial Equipment Division, War Production Board, stating facts sufficient to enable the Board to determine the necessity for such authorization. If granted, the authorization may be by letter or telegram, and shall be transmitted by the applicant to the person who will supply such refrigerants, and shall be deemed an authorization to any user or supplier to furnish or install the minimum operating charge necessary to maintain such system in adequate operation.

(h) *Notification of customers.* Any producer, contract agent, supplier, or person who is prohibited from or restricted in making deliveries of any chlorinated hydrocarbon refrigerants by the provisions of this order, and any producer who is prohibited from or restricted in making any such deliveries by any directions issued hereunder and received by him from the War Production Board, shall as soon as practicable notify each of his regular customers of the requirements of this order or of such directions; but the failure to give such notice shall not excuse any customer from the obligation of complying with any requirement of this order, or of any such directions applicable to such customer and of which he has notice.

(i) *Effect of preference ratings.* The provisions of this order shall be followed by every producer, contract agent, supplier, user, equipment manufacturer, insecticide manufacturer, and any other person buying, selling or delivering chlorinated hydrocarbon refrigerants, without any regard to any preference ratings which have been assigned or which may hereafter be assigned to particular contracts or orders.

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

(2) *Monthly reports.* Each person (including a producer, contract agent, supplier, equipment manufacturer, insecticide manufacturer, user, or owner of refrigerating or air conditioning systems) who has in his possession on the 15th day of any calendar month in excess of 500 pounds of any type of chlorinated hydrocarbon refrigerants, and any person who sold in excess of 2000 pounds of any type of such refrigerants during the preceding calendar month, shall file with the War Production Board, on or before the 20th day of each month, commencing with the month of

July 1943, a report on Form WPB–3054 prepared in accordance with the instructions for such form.

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

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

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref: M–28.

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

Issued this 7th day of August 1943.

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

LIST A: "Comfort cooling system" means any system, of any size, operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other enclosure used as, or located in any of the following:

Amusement parks.
Animal hospitals.
Auditoriums.
Ballrooms, dancing studios and dance halls.
Bank and loan associations.
Bars, cocktail lounges, and beer parlors.
Bowling alleys.
Concert halls.
Funeral parlors.
Golf clubs, country clubs, and athletic clubs.
Hotels and apartment houses.
Moving picture houses.
Night clubs.
Office buildings and offices, public or private.
Railway, streetcar and bus stations and terminals.
Residential buildings and dwellings of all kinds.
Restaurants, cafeterias, and other places selling meats, food or beverages.
Schools.
Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.
Skating rinks.
Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments).

The term "comfort cooling system" shall not include (i) any such system used to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (ii) any system designed, necessary and used, in substantial part for the refrigeration and storage or processing of food, ice, or other materials or products requiring refrigeration, temperature control, or freedom from dust or other impurities, or (iii) such part of a system as may be necessary and used for the circulation of air, or necessary and used for raising the temperature of air during cold weather to a degree which is comfortable or tolerable for persons (comfort heating).

LIST B: Systems for which chlorinated hydrocarbon refrigerants shall not be delivered.

Systems:	*Effective date*
Comfort cooling systems	June 5, 1943
Skating rink systems	June 5, 1943
Refrigeration systems solely for storing or dispensing carbonated or malt beverages	July 10, 1943

(INTERPRETATION 1)

a. *Reports of inventories.* The reporting requirement of paragraph (j) (2) of Order M–28 [§ 970.1] must be complied with regardless of whether the chlorinated hydrocarbon refrigerants are being held by the owner for his own use or for resale.

The paragraph requires every person (including the owner of a refrigerating or air conditioning system) who has in his possession, on the 15th day of any calendar month (commencing with the month of July), more than 500 pounds of any type of chlorinated hydrocarbon refrigerants, or who sold more than 2,000 pounds of such a refrigerant during the preceding calendar month, to file a report on Form WPB–3054 with the War Production Board on or before the 20th day of the month.

Each "person", as defined in the order, must report the aggregate quantities in his possession (including stocks of less than 500 pounds located at various places) if the total is more than 500 pounds.

The report must include all amounts not actually being used in refrigerating or air conditioning systems. Thus the owner or operator of a system who has more than 500 pounds in his possession must report his entire supply except for the minimum operating charge actually installed in his system. Any additional amount which he may have must be reported, whether kept in cylinders, a storage receiver or other form of container. However, if a minimum operating charge is being temporarily held in a container while the system in which it had been installed is being repaired, it should not be reported.

An equipment manufacturer who has more than 500 pounds in his possession on the 15th day of any calendar month must report his entire supply except what has been actually installed as an operating or holding charge in accordance with his regular manufacturing practice.

b. *Charging of equipment manufacturers.* Paragraph (g) provides that no user, supplier, contract agent, or producer shall deliver, or cause to be delivered, to the owner of any system any chlorinated hydrocarbon refrigerants for use in, or for resale for use in any system of the types described on List B.

This restriction is intended to prevent charging any system of the types included on List B with chlorinated hydrocarbon refrigerants except for a person who was operating a system and had the necessary refrigerants in his possession on the effective date specified in List B. Therefore, a manufacturer may not charge any such system with chlorinated hydrocarbon refrigerants before delivery, and he may not deliver the refrigerant separately to be used in charging the system. However, he is not restricted from delivering systems which had already been charged with such a refrigerant on the effective date specified on List B. (Issued July 29, 1943.)

[F. R. Doc. 43–13053; Filed, August 11, 1943; 11:10 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–389]

C. M. MAC GREGOR

C. M. MacGregor is a contractor and builder with offices at Albany, California. On October 3, 1942, he filed form PD–105 for authorization to begin construction of six single family houses and on October 26, 1942, he filed form PD–105 for authorization to construct one six family apartment building. No authorization was ever received on any of the above construction. Despite this fact, C. M. MacGregor began and completed all the requested construction and, in addition, two four family apartment buildings. Each single family house was erected at a cost of $3,685.00. The six family apartment house was erected at an approximate cost of $17,364.00 and the two four family apartment buildings were erected at an approximate cost of $11,482.00 each. Inasmuch as respondent was regularly engaged in the construction and sale of houses and had continuous contact with the FHA, the aforesaid acts constituted wilful violations of Conservation Order L–41.

These violations of Conservation Order L–41 have diverted scarce materials and labor to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.389 *Suspension Order No. S-389.* (a) Deliveries of material to C. M. MacGregor, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned or applied or extended to such deliveries to C. M. MacGregor, his successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board except with the written approval of the Regional Director of the San Francisco Regional Office of the War Production Board. Authority is hereby delegated to said Regional Director to pass upon applications of the respondent for exceptions to this order.

(b) No allocation shall be made to C. M. MacGregor, his successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, without the written approval of the Regional Director of the San Francisco Regional Office of the War Production Board.

(c) C. M. MacGregor, his successors and assigns, are hereby prohibited from ordering, purchasing, accepting delivery of, withdrawing from inventory or in any other manner securing or using material or construction plant in order to begin construction or to continue construction as defined in Conservation Order L–41 unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve C. M. MacGregor from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may

be inconsistent with the provisions hereof.

(e) This order shall take effect on August 11, 1943 and shall expire on November 11, 1943, at which date it shall have no further force nor effect.

Issued this 4th day of August 1943.

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

[F. R. Doc. 43-13054; Filed, August 11, 1943; 11:11 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-396]

GRANDPOP BOTTLING COMPANY

Walter L. Gross, I. N. Jarson, Nell R. Gross, and Esther H. Jarson are partners engaged in the business of manufacturing and selling malt and non-alcoholic beverages under the name of Grandpop Bottling Company, at 810 West 5th Street, Cincinnati, Ohio. They manufacture and use closures to bottle their products, but manufactured none in 1941, and consequently they have no quota as defined by Conservation Order M-104. In 1942, they therefore were limited to the use of non-restricted materials in the manufacture of closures. Respondents were aware of Conservation Order M-104, and its application to their business. Nevertheless, between July 21, 1942, and August 5, 1942, respondents accepted delivery of 70,340 pounds of restricted metal from Edwards Manufacturing Co. for the purpose of manufacturing it into closures and did manufacture a part of it into closures in violation of Conservation Order M-104. After August 3, 1942, the respondents purchased approximately 50,000 pounds of restricted metal from Ben Meyers for the purpose of manufacturing it into closures, and they commenced the manufacture, or completed the manufacture of 48,000 pounds of this restricted metal in violation of Conservation Order M-104. These violations of Conservation Order M-104 must be deemed wilful; they have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.396 *Suspension Order S-396.* (a) Walter L. Gross, I. N. Jarson, Nell R. Gross, and Esther H. Jarson, as partners or individually, doing business under the name of Grandpop Bottling Company or otherwise, their and its successors or assigns, shall not process in any way the 70,340 pounds of metal, more or less, purchased by them from Edwards Manufacturing Company between July 21, 1942, and August 5, 1942, nor the 50,000 pounds of metal, more or less, purchased by them after August 3, 1942, from Ben Meyers, except as to so much of said metals as on April 23, 1943, had been cut into strips, unless hereafter specifically authorized in writing by the War Production Board.

(b) Between August 11, 1943, and November 30, 1943, Walter L. Gross, I. N. Jarson, Nell R. Gross, and Esther H. Jarson, as partners or individually, doing business under the name of Grandpop Bottling Company or otherwise, their and its successors or assigns, shall deduct 4,636,800 closures from any quota which may be allowed them, as defined under Conservation Order M-104, or in the absence of such quota, their use and manufacture of closures for said period of time shall be 4,636,800 less than the total number used or manufactured by them during the corresponding period of 1942, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Walter L. Gross, I. N. Jarson, Nell R. Gross, and Esther H. Jarson, as partners or individually, doing business under the name of Grandpop Bottling Company or otherwise, their and its successor or assigns, of any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 11, 1943, and shall expire on November 30, 1943.

Issued this 4th day of August 1943.

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

[F. R. Doc. 43-13055; Filed, August 11, 1943; 11:11 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-257-a as Amended August 11, 1943]

EXPORTS

§ 1029.16 *Limitation Order L-257-a*—(a) *Applicability of Order L-257.* This order supplements Limitation Order L-257, and, except as herein otherwise provided, all provisions of that order, as amended from time to time, shall be applicable to producers for export under this order L-257-a.

(b) *Additional definitions.* The definitions set forth in Order L-257, unless the context hereof otherwise requires, shall apply for the purpose of this order, and also the following:

(1) "Base shipment" means one-half the net shipping weight of the total quantity (as reported on Form PD-388) of farm machinery and equipment and repair parts in the aggregate exported by a producer during the calendar years 1940 and 1941 combined to any country or group of countries (except Canada) listed on any Schedule attached hereto.

(2) "Lend-lease order" means any order for farm machinery and equipment (and also non-farm machinery and equipment) or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-lease Act).

(c) *Restrictions on production for export*—(1) *O. E. W. and Lend-lease countries.* During the period July 1, 1943, to June 30, 1944, inclusive, no producer shall manufacture for shipment, or ship:

(i) To any group of foreign countries listed on Schedules X-1, X-3, X-4, X-5, X-6, or X-7, attached hereto, a quantity by weight of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in the aggregate in excess of the designated percentage (listed respectively on each such schedule) of his base shipments to all countries within the particular group;

(ii) To any foreign country listed on Schedule X-8, attached hereto, a quantity by weight of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in the aggregate in excess of that quantity obtained by multiplying the quota percentage designated for such country by his base shipments to that country.

(2) *Canada.* During the period July 1, 1943, to June 30, 1944, inclusive, no producer shall manufacture for shipment to Canada:

(i) A quantity in units of any item of farm machinery and equipment (excluding attachments) listed in Schedule X-10 in excess of that quantity obtained by multiplying the applicable quota percentage for such item by one-half the quantity thereof shipped by him to Canada during the calendar years 1940 and 1941 combined;

(ii) A quantity by weight of repair parts or of any item of attachments in excess of that quantity obtained by multiplying the applicable quota percentage designated in said Schedule X-10 for repair parts, and for each item of attachments, by one-half the net shipping weight thereof respectively shipped by him to Canada during the calendar years 1940 and 1941 combined.

(3) *General restrictions.* During the period July 1, 1943, to June 30, 1944, inclusive, no producer shall manufacture for shipment, or ship:

(i) To any foreign country listed on Schedules X-2, or X-9 (or not listed on any schedule), any farm machinery and equipment (or non-farm machinery and equipment) or repair parts, except upon specific authorization pursuant to paragraph (c) (4);

(ii) To any foreign country, including Canada, any item of farm machinery

and equipment requiring rubber tires, except upon specific authorization in writing of the War Production Board;

(iii) To any foreign country, including Canada, any item of farm machinery and equipment or repair parts except to the extent listed on production schedules which have been approved pursuant to the provisions of paragraph (e) of this order.

(4) *Adjustments in quotas.* The War Production Board, may, by specific written directions or authorizations issued to any producer or class of producers, increase or decrease any quotas or authorized use of materials as established pursuant to this order; and may transfer any portions of such quotas between producers, taking into consideration the amount and weight of materials to be used, the need for particular items at the time required in particular countries, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be appropriate.

(d) *Exceptions*—(1) *Uncompleted L-170 production.* During the period July 1, 1943, to June 30, 1944, inclusive, any producer may manufacture for shipment and/or ship, in addition to any export quotas established by paragraph (c), any item of farm machinery and equipment or repair parts, (i) which is within his authorized export quota under Order L-170 (including all amendments, appeals and specific authorizations), and (ii) which is covered by an export license issued by the Office of Economic Warfare or by a Lend-lease order, dated prior to October 1, 1943, whether or not such item is completely manufactured by that date. However, items for Canada within L-170 quotas may be manufactured and shipped up to June 30, 1944, without reference to (ii) above.

(2) *Bracketed items for Canada.* Wherever, in Schedule X-10, two or more items are bracketed together, the producer may distribute his total quota (in *units*) for that bracket among all the items in that bracket, as set forth for domestic items in paragraph (d) (2) of Order L-257.

(3) *Attachments for Canada.* Instead of conforming to the respective quota percentages for attachments as indicated in Schedule X-10, any producer may manufacture up to 75% of one-half the total weight of attachments shipped by him to Canada in 1940 and 1941, under the terms set forth for domestic attachments in paragraph (d) (3) of Order L-257.

(e) *Production schedules.* (1) Each producer shall schedule his production and shipments for export of each item of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in accordance with such production and delivery schedules as are approved, prescribed or modified for him pursuant to paragraph (e) of Limitation Order L-257. All provisions of that paragraph shall be applicable, unless otherwise indicated, to such schedules for export.

(f) *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.

(g) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington 25, D. C., Ref.: L-257-a.

Issued this 11th day of August 1943.

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

EXPORT SCHEDULES ATTACHED TO ORDER L-257-a

NOTE: Third introductory paragraph; Schedule X-1, heading; Schedule X-2, heading; Schedule X-3, quota percentage, amended, and Schedule X-10 amended in its entirety August 11, 1943.

Quotas for countries listed on Schedules X-1, X-3, X-4, X-5, X-6, X-7 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments of farm machinery and equipment and repair parts to *all* the countries in the particular group.

Quotas for countries listed on Schedule X-8 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments to *each* such country.

NOTE: Quota percentages are *not* established for countries listed in Schedules X-2 and X-9 below. Quotas for these countries, and for special projects in any country, will be allocated specifically from time to time under paragraph (c) (4).

O. E. W. COUNTRIES

Schedule X-1—Quota Percentage 45%

Argentina	Guatemala
Bolivia	Haiti
Brazil	Honduras
Chile	Mexico
Colombia	Nicaragua
Costa Rica	Panama
Cuba	Paraguay
Dominican Republic	Peru
Ecuador	Uruguay
El Salvador	Venezuela

Schedule X-2—Other O. E. W. Countries

Azores
Belgian Congo
British Oceania
Canary Islands
Cape Verde Islands
Curacao (N. W. Indies)
Eire
French Guiana
French Oceania
French West Africa
French West Indies
Greenland
Liberia
Madagascar
Miquelon and St. Pierre
Mozambique
Newfoundland and Labrador
Portugal
Portuguese Guinea and Angola
Rio de Oro and Spanish Guinea
Spain
Spanish Morocco
Surinam (Dutch Guiana)
Sweden
Switzerland
Tangier

LEND-LEASE COUNTRIES

Schedule X-3—Quota Percentage 87%

United Kingdom:
Great Britain
North Ireland
Scotland
Wales

Schedule X-4—Quota Percentage 580%

French North Africa:
Algeria
French Morocco
Tunisia

Schedule X-5—Quota Percentage 479%

Other French Africa:
French Equatorial Africa
French Somaliland
Cameroons (French)

Schedule X-6—Quota Percentage 151%

British West Indies:
Bahamas
Barbados
Bermuda
Jamaica
Leeward Islands
Trinidad and Tobago
Windward Islands

Schedule X-7—Quota Percentage 37%

British West Africa:
Cameroons (British)
Gambia
Gold Coast
Nigeria
Sierra Leone

Schedule X-8

Countries:	*Quota percentages*
Australia	399%
British East Africa	167%
British Honduras	70%
British Guiana	200%
Egypt and Sudan	380%
Iceland	922%
India	55%
Iran	53%
Iraq (Mesopotamia)	469%
New Zealand	232%
Palestine	415%
North & South Rhodesia	132%
Turkey	43%
Union of South Africa	121%

Schedule X-9

Other Lend-lease Countries

Aden
Arabia Peninsula States
British Somaliland
Ceylon
China (Free)
Cyprus
Italian Somaliland
Ethiopia
Falkland Islands
Denmark
Gibraltar
Malta and Gozo
Mauritius and Dependencies
State of Bahrein
St. Helena and Dependencies
Syria
U. S. S. R.

CANADA

Schedule X–10

Quotas for the following items of farm machinery and equipment (excluding attachments) are expressed as a percentage of one-half the number of *units* of each item shipped to Canada during the combined calendar years 1940 and 1941; where applicable, the item numbers correspond to those in Schedule A of Order L–257. Bracketed items may be handled as indicated in paragraph (d) (2).

The quota base for each item of attachments, and for repair parts, is one-half the net shipping *weight* of the 1940 and 1941 shipments thereof. Note option to lump all attachments as provided in paragraph (d) (3).

Items not listed are not to be manufactured for shipment to Canada.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item		Quota Percentage
4	Two row corn planters	81
6	Three row and over corn planters	81

Division 2: Planters (Tractor Mounted)

10	Two row corn planters	81
12	Three row and over corn planters	81

Division 3: Potato Planters (Horse or Tractor Drawn)

14	One row	125
14a	Two row and larger	125

Division 4: Transplanters

(1)	Horse or tractor drawn	77
16	Hand, wheel type	77

Division 7: Beet Drills

(1)	Horse or tractor drawn	69

Division 8: Grain Drills

(1)	Fertilizer drills, horse or tractor drawn	75
(1)	Plain drills, horse or tractor drawn	75
(1)	Press drills, horse or tractor drawn	32

Division 10: Garden Planters

30	Hand planters, wheel type	100

Division 12: Lime Spreaders (Sowers)

33	Wheeled type, horse or tractor drawn	70

Division 13: Manure Spreaders

36	Four wheeled, horse or tractor drawn	83
37	Two wheeled, tractor drawn	83

GROUP 2: PLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

42	Walking, one horse, steel bottom	0
43	Walking, one horse, chilled bottom	0
44	Walking, two horse, or larger	51
46	Gang, two bottom and larger	26

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

47	One bottom, tractor drawn	57
48	Two bottom, tractor drawn	57
49	Three bottom, tractor drawn	57
50	Four bottom, tractor drawn	57
51	Five bottom, and larger, tractor drawn	57
52	One bottom, tractor mounted	51
53	Two bottom, tractor mounted	51

Division 5: One Way Disc Plows or Tillers

63	Under five feet	72
63a	Five foot and under eight foot	72
63b	Eight foot and over	72

Division 11: Seeding Boxes

(1)	Seeding boxes for one way plows or tillers	92

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

78	Spike tooth harrow sections, horse or tractor drawn (steel)	63
79	Spring tooth harrow sections, horse or tractor drawn (steel)	65
(1)	Disc harrows, horse or tractor drawn:	
	(1) wide tractor disc harrow	42
	(2) tandem tractor disc harrow	56
	(3) horse disc harrow	51

Division 3: Soil Pulverizers and Packers

(1)	Trailer packers for one way disc, drill and plow	41

GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and tractor drawn)

91	One horse, all types	58
93	Corn cultivators, one row	96
95	Beet cultivators	76
(1)	Field cultivators	63
97	Hand cultivators and weeders	100

Division 2: Cultivators (Tractor Mounted)

98	One row	83
99	Two row, shovel type	83
100	Three or four row, shovel type	83
101	Five row and over	83

Division 4: Weeders

103	Rod weeders, horse or tractor drawn	25

Division 5: Other Cultivators and Weeders

(1)	Tobacco cultivators	50

GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

Division 1: Power Sprayers and Traction Sprayers

(1)	Power sprayers	98
(1)	Traction sprayers	95

Division 2: Hand Sprayers (Capacity one quart & over)

110	Compressed air	84
111	Knapsack self-contained	
112	Trombone pump type	
113	Bucket pump type, single cylinder	
114	Bucket pump type, double cylinder	
115	Atomizing single action (1 qt. and larger)	
116	Atomizing continuous (1 qt. and larger)	

Division 3: Sprayers with Tank, Barrel, Knapsack, etc., (6 gals. or more)

Item		Quota Percentage
117	Barrel pump sprayer	84
118	Wheelbarrow type	

Division 4: Spray Pump (Power)

119	Spray pumps, power	100

Division 6: Dusters

123	Hand dusters, rotary type	84

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvesting thrashers)

126	Width of cut, 6 feet and under	110
127	Width of cut, over 6 feet including 10 feet	110
128	Width of cut, over 10 feet	110
(1)	Pickup for combines	125
128a	Swather	147

Division 2: Grain and Rice Binders

129	Grain binder (ground drive)	61
130	Grain binder (power take-off drive)	64

Division 3: Corn Binders

132	Corn binders (row binder) horse or tractor drawn	75

Division 4: Corn Pickers

133	One row, mounted type	128
134	Two row, mounted type	128
135	One row, pull type	128
136	Two row, pull type	128

Division 5: Field Ensilage Harvester (Row type)

137	Field ensilage harvester (40 units to be allotted)	0

Division 6: Potato Diggers

(1)	Horse or tractor	113

Division 8: Beet Lifters

141	Horse or tractor	97

GROUP 7: HAYING MACHINERY

Division 1: Mowers

146	Horse or tractor drawn (ground drive)	77
147	Tractor mounted or semi-mounted (Power take-off drive)	77
(1)	Knife or sickle grinder	71

Division 2: Rakes

148	Sulky, dump	93
149	Side delivery	77
150	Sweep, horse	75

Division 3: Hay Loaders

151	Hay loaders	109

Division 4: Stackers

152	Stackers (Stationary type)	100

Division 5: Hay Balers

(1)	Pick-up hay balers (50 units to be allotted)	0

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Thrashers

158	Thrashers, width of cylinder under 28 inches	32
159	Thrashers, width of cylinder 28 inches or over	32

(1) No applicable item number on Schedule A of Order L–257.

Division 4: Ensilage Cutters (Silo fillers)

Item		Quota Percentage
162	Ensilage cutters (silo fillers)	89

Division 5: Feed Cutter (Hand and Power)

163	Feed Cutters, hand and power	105

Division 6: Corn Shellers

164	Corn shellers, hand	33
165	Power corn shellers (2, 4, 6 and 8 hole)	33
166	Power corn shellers, cylinder (150 bu. and under)	33
167	Power corn shellers, cylinder (over 150 bu.)	33

Division 9: Feed Grinders and Crushers

174	Power Burr type	183
175	Hammer	66
175a	Roughage mills	66
175b	Feed mixer (not concrete mixer)	126

Division 10: Cleaners and Graders (Farm type)

176	Cleaners and graders (corn and grain)	100

Division 11: Potato Sorters and Graders

177	Potato sorters and graders	85

Division 16: Other Machines for Preparing Crops for Market Use

(1)	Roller or crusher type feed cutters	33
(1)	Pulper (feed)	100

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators (portable)

188	Elevators, portable	50

Division 2: Elevators (stationary)

189	Elevators, stationary	0

GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type, by Rated Belt H. P.

192	Special purpose under 30 h. p.	75
193	Special purpose 30 or over h. p.	
194	All purpose under 30 h. p.	
195	All purpose 30 and over h. p.	

Division 2: Garden Tractors

196	Garden tractors including motor tillers (200 units to be allotted)	

GROUP 11: ENGINES

NOTE: Engines and repairs for same are not controlled by this order, but are scheduled by the Automotive Division.

GROUP 12: FARM WAGONS AND TRUCKS (NOT MOTOR)

Division 1: Wagons

205	Wagons, farm, without boxes	90
206	Trucks, farm, without boxes	97

Division 2: Wagon Bodies

207	Wagon and truck boxes, farm	141

[1] No applicable item number on Schedule A of Order L-257.

GROUP 13: DOMESTIC WATER SYSTEMS

Division 1: Deep and Shallow Well System

Item		Quota Percentage
213	Deep well, reciprocal	83
214	Deep well, jet pumps	83
215	250–499 gals. per hour, shallow well	83
216	500 to 3000 gals. per hour, shallow well	83

Division 2: Power Pumps

217	Horizontal type up to and including 50 gals. per min. 100 lb. pressure	83

GROUP 14: FARM PUMPS AND WINDMILLS

Division 1: Pumps, Water

220	Pitcher pumps or cistern pumps	86
221	Hand and windmill pumps	162

Division 2: Windmills

222	Windmill heads	86
223	Windmill towers	35

Division 3: Pump Jacks

224	Pump jacks	160

GROUP 15: IRRIGATION EQUIPMENT

Division 2: Distribution Equipment

(1)	Repairs, sprinklers, valves and gates for truck garden sprinkling equipment, excluding piping and lawn sprinklers: (1,000 pounds to be allotted)	0

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Division 1: Milking Machines

237	Milking machines (with 2 pails per pump)	185

Division 2: Farm Cream Separators

238	Farm cream separators, capacity 250 lbs. per hour or less	0
239	Farm cream separators, cap. 251–800 lbs. per hour	186
240	Farm cream separators, capacity 801–1500 lbs. per hour	186

Division 3: Farm Milk Coolers

241	Immersion type (200 units to be allotted)	0

Division 4: Farm Butter Making Equipment

243	Butter churns	80

GROUP 17: BARN AND BARNYARD EQUIPMENT

Division 2: Hay Unloading Equipment

254	Hay carriers	103
255	Track for hay carriers	103
256	Hay forks, harpoon and grapple	103
257	Pulleys and fittings	103

Division 4: Livestock Drinking Cups and Watering Bowls

261	Livestock drinking cups	138

Division 5: Hog Troughs

264	Hog troughs	50

Division 8: Other Barn and Barnyard Equipment

270	Hog waterers	50
271	Hog rings (15,000 lbs. to be allotted)	0
272	Bull rings (15,000 lbs. to be allotted)	0

GROUP 18: FARM POULTRY EQUIPMENT

Division 1: Incubators

Item		Quota Percentage
274	Incubators, 1000 egg capacity and smaller	105
275	Incubators, over 1000 egg capacity	105

Division 2: Floor Brooders (over 100 chick capacity)

277	Coal	159
279	Wood	
280	Electric	

Division 8: Egg Cleaners and Brushes (hand use only)

(1)	Egg cleaners and brushes (hand use only)	150

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Division 4: Harness Hardware

298	Harness hardware (pounds)	156

Division 6: Electric Fence Controllers

300	Electric fence controllers	200
301	Electric fence accessories (pounds)	200

Division 8: Farm Wood-Sawing Machines

309	Farm wood-sawing machines	89

Division 10: Farm Lighting Plants

311	Wincharger type (battery not included)	25

ATTACHMENTS AND REPAIR PARTS

(1)	Repair parts, in the aggregate (base is one-half the net shipping weight of total 1940–1941 shipments of repairs)	156
(1)	Attachments: Quota percentage for each attachment item is the same as that listed above for the machine or item with which the attachment is used, except that the base is net shipping weight instead of units. However, option may be chosen to lump all attachments as provided in paragraph (d) (3) of Order L-257-a.	

[F. R. Doc. 43-13056; Filed, August 11, 1943; 11:11 a. m.]

PART 1100—ANTI-FREEZE

[Limitation Order L-51 as Amended August 11, 1943]

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

§ 1100.1 *General Limitation Order L-51*—(a) *Definitions.* For the purposes of this order:

(1) "Anti-freeze" means any mixture that is designed and intended for use,

without further processing, to depress the freezing point of coolant water in internal combustion engines.

(2) "Alcohols" means ethyl alcohol, methyl alcohol, isopropyl alcohol, diacetone alcohol, and/or ethylene glycol.

(3) "Producer" means any person engaged in the manufacture of anti-freeze from alcohols.

(4) "Distributor" means any person engaged in the resale of anti-freeze manufactured from alcohols.

(5) "Passenger automobile" means any passenger type vehicle, including station wagons and taxicabs, propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(6) "Commercial vehicle" means any motor vehicle other than a passenger automobile, and in addition includes stationary engines.

(b) *Restrictions on manufacture of anti-freeze.* (1) No producer shall manufacture anti-freeze from alcohols in greater quantities than specifically authorized from time to time hereafter by the War Production Board.

(2) The restrictions on the manufacture of anti-freeze from alcohols set forth in paragraph (b) (1) of this section shall not apply to the manufacture of anti-freeze to be delivered to fill a specific contract or subcontract for:

(i) The Army or Navy of the United States the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development,

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia, and

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

Quantities of anti-freeze permitted to be manufactured under this subparagraph shall be in addition to quantities permitted under quotas authorized pursuant to paragraph (b) (1) of this section.

(3) Producers may apply to the War Production Board for an authorized anti-freeze quota on Form PD-476.

(c) (1) Except as provided in (c) (2) hereof, no producer or distributor shall deliver anti-freeze, manufactured in whole or in part from ethylene glycol, or containing ethylene glycol, to any person other than a distributor, except by physically placing such anti-freeze in the radiator of a commercial vehicle owned or operated by such person.

(2) Notwithstanding the provisions of paragraph (c) (1) hereof, a producer or distributor may deliver anti-freeze to:

(i) Any of the agencies or governments named in paragraph (b) (2);

(ii) Any passenger automobile manufacturer for use in any new passenger automobile to be delivered to the Army or Navy of the United States; or

(iii) Any person in the territory of Alaska north of North Latitude 61.

(iv) Any person in any of the following states:

Arizona	Montana	Oregon
California	North Dakota	Utah
Colorado	South Dakota	Washington
Idaho	Nevada	Wyoming

(v) The police department of any one of the 48 states or the Department of Justice of the United States, solely for use in pursuit cars.

(vi) Any other person who shall prior to such delivery have filed with such producer or distributor a certificate in substantially the following form:

The undersigned purchaser hereby certifies that the anti-freeze hereby ordered (manufactured from or containing ethylene glycol) will not be used in, or disposed of for use in, any passenger automobile as defined in War Production Board Order L-51.

Name of Purchaser

By ---
Authorized Official Title

Date

Such certificate may be endorsed on or accompany the order for anti-freeze and shall constitute a representation to (but need not be filed with) War Production Board. It shall be signed by the purchaser, if an individual, or if not, then by a duly authorized official, either manually or as provided in Priorities Regulation No. 7. The receipt of such certificate shall not authorize the delivery of anti-freeze by a producer or distributor where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

NOTE: Paragraph (vi), formerly (iii), redesignated August 11, 1943.

(d) *Exemption from general inventory restrictions.* The restrictions on inventories provided by Priorities Regulation No. 1 (§ 944.14) shall not be applicable to anti-freeze manufactured from alcohol; *Provided, however,* That no person shall knowingly make, and no person shall accept, delivery of such anti-freeze if the inventory of the person accepting delivery is or will by virtue of such acceptance become, in excess of the quantity required, whether for own use or resale, for the season April 1, 1943, to March 31, 1944.

(e) *Effect on other orders.* The terms and provisions of this order or of any specific authorization issued hereunder by the War Production Board, establishing an anti-freeze quota, shall control and supersede the terms and provisions of any other order heretofore issued by the War Production Board affecting the manufacture of anti-freeze from any of the alcohols.

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

(g) *Audit and inspection.* All records required to be kept by this order shall upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* All persons affected by this order shall execute and file with the Chemicals Division, War Production Board, such reports and questionnaires as said Division shall from time to time prescribe.

(i) *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.

(j) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of anti-freeze 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, Reference: L-51. Attention Chemicals Division, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

Issued this 11th day of August 1943.

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

[F. R. Doc. 43-13057; Filed, August 11, 1943; 11:11 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [1]

[General Limitation Order L-308 as Amended August 6, 1943 [2]]

DOMESTIC FOOD DEHYDRATORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account or for export of iron and steel and other critical materials used in the production of domestic food dehydrators; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.296 [1]. *General Limitation Order L-308*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic food dehydrator" means a self-contained food dehydrating unit

[1] Formerly Part 3283, § 3283.1.

[2] This document is a restatement of Amendment 1 of L-308, which appeared in the FEDERAL REGISTER of August 10, 1943, page 11022, and reflects the order in its completed form as of August 6, 1943.

designed for home use consisting of a cabinet, fan or blower, a thermostat and a source of heat provided by either a heating element, light bulbs or fuel burning device and constructed so that temperature, humidity and air-flow are controlled.

(2) "Manufacturer" means any person engaged in the manufacture, fabrication or assembly of domestic food dehydrators other than for personal use, or experimental purposes, except schools and educational institutions manufacturing domestic food dehydrators for educational purposes.

(3) "Produce" means to process, fabricate, work on or assemble.

(b) *General restrictions.* (1) On or after July 8, 1943, no manufacturer shall produce any domestic food dehydrators except approved domestic food dehydrators as authorized by the War Production Board.

(2) Each manufacturer desiring to produce domestic food dehydrators under this order shall file with the War Production Board a letter of application pursuant to the instructions contained in Form WPB–2853, which form may be obtained from the War Production Board, Consumers Durable Goods Division.

(3) The War Production Board will notify each manufacturer of the individual authorization granted pursuant to this paragraph, by inclusion of such manufacturer's name and the approved number of units on Schedule A attached to this order. Such authorization will constitute approval of the domestic food dehydrator described in the manufacturer's application.

(4) All of the domestic food dehydrators authorized and approved for production under this order must be completed before September 1, 1943.

(c) *Statement of policy.* The production of domestic food dehydrators is directly related to the war time problem of preservation and distribution of food supplies. It is an emergency program which requires the completion of a maximum of 100,000 dehydrators prior to September 1, 1943. In the assignment of production quotas the War Production Board shall take into consideration:

(1) The amount of controlled materials involved in the manufacturer's proposed domestic food dehydrators.

(2) Other critical raw materials or fabricated parts.

(3) The raw materials and fabricated parts obtained from stocks available.

(4) The recommendation of the Office of Production Research and Development as to the performance of the dehydrators.

(5) The recommendation of the Department of Agriculture.

(6) The recommendations of the Smaller War Plants Corporation as to the distress condition of the manufacturer.

(7) The labor and transportation situation in the area where the plant of each applicant is located.

(8) The proposed selling price.

(9) Such other factors the War Production Board shall deem appropriate.

(d) *Inventories.* (1) No manufacturer authorized to produce domestic food dehydrators shall place an order for or accept delivery of any raw materials, semi-processed materials or fabricated parts in excess of the quantities necessary to complete his approved production quota.

(2) No manufacturer shall accumulate for the use and production of domestic food dehydrators under this order, inventories of raw materials, semi-processed materials or finished parts in excess of the minimum necessary to maintain production at the rate permitted.

(e) *Applicability of other orders and regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. In so far as any other order of the War Production Board limits the use of any material in the production of domestic food dehydrators to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

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

(g) *Appeal.* Any appeal from the provisions of this order, or of any schedule issued pursuant thereto, should be made on Form WPB–1477 (formerly PD–500), filed with the War Production Board.

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L–308.

Issued this 6th day of August 1943.

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

SCHEDULE A

APPROVED PRODUCTION SCHEDULE

	Number of domestic food dehydrators
Albano Co., New York, N. Y.	2,000
Bailey Lumber Co., Bluefield, W. Va.	10,000
Beckett Electric Co. Air-O-Line Div., Dallas, Tex.	2,200
Burdick Baron Co., Dallas, Tex.	5,000
Burt Co., Denver, Colo.	500
Climax Machinery Co., Indianapolis, Ind.	500
H. Conrad Manufacturing Co., Minneapolis, Minn.	3,000
Edwards Cabinet Shop, East Point, Ga.	500

SCHEDULE A—Continued

APPROVED PRODUCTION SCHEDULE—continued

	Number of domestic food dehydrators
Electromaster, Incorporated, Detroit, Mich.	50
Folding Carrier Co., Oklahoma City, Okla.	1,000
General Bronze Corporation, Long Island City, N. Y.	2,500
General Electric Co., Bridgeport, Conn.	18,000
General Fabricators, Inc., Attica, Ind.	6,000
Gunnison Housing Corporation, New Albany, Ind.	5,000
Houston Ready Cut House, Houston, Tex.	10,000
O. W. Ketcham Co., Crum Lynne, Pa.	1,000
Libman Spanjer Corporation, New York, N. Y.	500
Macon Cabinet Works, Inc., Macon, Ga.	200
Metropolitan Device, Brooklyn, N. Y.	7,500
Pierce Phelps, Philadelphia, Pa.	4,500
Refrigeration Corporation of America, New York, N. Y.	3,000
Rome Builders Supply Co., Rome, Ga.	500
Stanford & Inge, Inc., Roanoke, Va.	2,000
A. J. Stephens & Co., Kansas City, Mo.	500
Stewart Warner, Chicago, Ill.	1,000
Tennessee Valley Associates, Nashville, Tenn.	1,000
G. A. Tye & Sons, Americus, Ga.	500

[F. R. Doc. 43–13058; Filed, August 11, 1943; 11:10 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 7]

LOGS AND BOLTS

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

Section 9 of the Maximum Price Regulation No. 348 is amended by the inclusion of a new paragraph (g) to read as follows:

(g) *General suspensions.* In any case where areas or types of wood not previously covered are made subject to this regulation, the Lumber Branch may grant temporary suspensions of the ceiling for not to exceed sixty days from the time the new item is included in the regulation, regardless of whether a petition or letters of intent have been filed.

This amendment shall become effective August 10, 1943.

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

Issued this 10th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–12988; Filed, August 10, 1943; 4:29 p. m.]

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

[1] 8 F.R. 3670.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 17]

SERVICES RELATED TO SALMON IN ORE. AND WASH.

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 8.1 is amended to read as follows:

SEC. 8.1 *Handling, loading, unloading, wharfage, storage and other terminal services performed by terminal operators and wharfingers in the States of Oregon and Washington in connection with the receipt of salmon*—(a) *Maximum prices.* Maximum prices for the services of handling, loading, unloading, wharfage, storage and other terminal services performed by terminal operators and wharfingers in Oregon and Washington shall continue to be determined under § 1499.2 of the General Maximum Price Regulation except that, on and after the effective date of this Amendment, the terminal operators and wharfingers in Oregon and Washington may charge, for terminal services in connection with the handling of salmon, prices not in excess of the rates and charges set forth on 8th Revised Page 21 of Seattle Terminal Tariff No. 2–C, adopted March 30, 1942 and filed with the Washington Department of Public Service.

(b) *Definitions.* The services of handling, loading, unloading and wharfage shall have the meanings thereto ascribed in Seattle Terminal Tariff No. 2–C, referred to above.

This amendment shall become effective August 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–12987; Filed, August 10, 1943; 4:28 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1525–FD]

LOGAN CLAY PRODUCTS CO.

ORDER REVOKING IN PART ORDER CANCELLING HEARING AND DISMISSING APPLICATION

In the matter of the application of the Logan Clay Products Company for a determination of the status of the coal produced at the Logan Clay Products Mine No. 1, Hocking County, Ohio, in District No. 4, pursuant to section 4–A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at The Logan Clay Products Mine No. 1, in Hocking County, Ohio, in District No. 4, having been filed with this Division by The Logan Clay Products Company of Logan, Ohio, pursuant to the second paragraph of section 4–A of the Bituminous Coal Act of 1937, as amended, which requested that an order be issued to the effect that the coal produced at the Logan Clay Products Mine No. 1 comes within the provisions of section 4, Part II (b) of the Bituminous Coal Act of 1937 and that such order be made retroactive and effective as of October 1, 1939; and

An order having been entered July 15, 1943, effective midnight August 23, 1943, dismissing, among others, the application of the Logan Clay Products Company because it appeared that insufficient time remained to permit final action on such application before the Bituminous Coal Act of 1937, as amended, ceases to be in effect 12:01 a. m. August 24, 1943, and on the same day an order having been issued cancelling a hearing heretofore scheduled and dismissing the application;

Now, therefore, it is ordered, That the order in this docket, dated July 15, 1943, cancelling the hearing and dismissing the application be and the same hereby is revoked to the extent that it dismissed the application.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13029; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. B–236]

W. G. MOORE AND SON

REPORT OF EXAMINER

In the matter of W. G. Moore, 3rd and H. S. Moore, individually and as partners doing business under the name and style of W. G. Moore and Son, code members.

This proceeding was instituted upon a complaint duly filed March 18, 1942, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 1, against code members, alleging wilful violation of their obligations under the code, and praying appropriate relief.

Pursuant to an order of the Director and after notice to interested persons, a hearing herein was held before the undersigned, a duly designated Examiner of the Division at a hearing room thereof, at Altoona, Pennsylvania, on April 29, 1942. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 1 and code members appeared.

As the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943, (except as provided in section 19 thereof); no order revoking code membership or requiring code member to cease and desist from further violations will be effective after that date; as my report if submitted could be acted upon by the Director only after an opportunity had been afforded to the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the order of the Director, it is extremely unlikely that this case would be finally disposed of prior to the expiration date of the Act. I accordingly recommend that the proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

JOSEPH A. HUSTON,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13035; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. 897–FD]

CEDAR GROVE COLLIERIES, INC. AND RICHVEIN COAL CO.

REPORT OF EXAMINER

In the matter of the application of Cedar Grove Collieries, Inc., and the Richvein Coal Company for exemption under the second paragraph of section 4–A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Cedar Grove Collieries, Inc., a code member operating a mine located in Kanawha County, West Virginia, in District 8. Pursuant to section 4–A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company and Belle Alkali Company, both at Belle, West Virginia, and Carbide and Carbon Chemicals Corporation and Westvaco Chlorine Products Company, both at South Charleston, West Virginia from the provisions of section 4 and the first paragraph of section 4–A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469–FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20–30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469–FD, are complex. For the reasons set forth in my Report in Docket No. 469–FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act on August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–13049; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. B-353]

L. F. DUNN

REPORT OF EXAMINER

On August 4, 1942, the Bituminous Coal Division referred to the Bituminous Coal Producers Board for District No. 17 information relating to possible violations of the Bituminous Coal Act of 1937, by the above named code member. District Board 17 failed to take action thereon and on February 5, 1943, the Division pursuant to the provisions of sections 5 (b) and 6 (a) of the Act, instituted this proceeding.

The notice recites that the Division found it necessary to determine whether code member wilfully violated section 4 II (e) and (i) 2, 4 and 6 of the Act and the Code and Rules 2, 4 and 6 of section XIII of the Marketing Rules and Regulations in the sales of coal to J. M. Fielding and J. H. Rodman.

Pursuant to the above mentioned notice a hearing in this matter was held before the undersigned, a duly designated Examiner of the Division on April 9, 1943, at a hearing room thereof in Durango, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 17 did not appear at the hearing. Code member appeared in person.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13043; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. 470-FD]

TRUAX-TRAER COAL CO.

REPORT OF EXAMINER

In the matter of the application of Truax-Traer Coal Company for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Truax-Traer Coal Company, a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, Carbide and Carbon Chemicals Corporation, and Barium Reduction Corporation, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act on August 24, 1943, and that it would serve no purpose to discuss the merits of this case. Accordingly, I recommend that the proceedings be dismissed, effective at 12:01 a. m., August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13024; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. 468-FD]

WINIFREDE COLLIERIES

REPORT OF EXAMINER

In the matter of the application of Winifrede Collieries for exemption under the second paragraph of sections 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Winifrede Collieries, a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company and Westvaco Chlorine Products Company, Inc., from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act on August 24, 1943, and that it would serve no purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13023; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. 964-FD]

WINIFREDE COLLIERIES

REPORT OF EXAMINER

In the matter of the application of Winifrede Collieries for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Winifrede Collieries ("Winifrede"), a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, located at Belle, West Virginia, from the provisions of section 4 and the first paragraph of section 4-A of the act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13025; Filed, August 11, 1943; 11:06 a. m.]

[Docket No. 465-FD]

WYATT COAL COMPANY

REPORT OF EXAMINER

In the matter of the application of Wyatt Coal Company for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Wyatt Coal Company, a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and Carbide and Carbon Chemical Corporation, Westvaco Chlorine Products Company, Inc., and Fuel Process Company, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act on August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN, *Examiner.*

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13022; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. B-369]

R. A. NIXON

REPORT OF EXAMINER

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on June 4, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District Board No. 11, alleging that code member R. A. Nixon, Monroe Township, Pike County, Indiana, had wilfully violated the provisions of the Act, the Bituminous Coal Code, orders, rules and regulations of the Division; and praying appropriate relief.

Pursuant to an Order of the Director dated February 22, 1943, and after due notice to interested parties, a hearing in this matter was held on March 23, 1942, before the undersigned, Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Evansville, Indiana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the General Counsel of the Division and District Board 11. R. A. Nixon appeared in person.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 4, 1943.

JOSEPH A. HUSTON, *Examiner.*

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13048; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-352]

JOE ADDIS AND SON

REPORT OF EXAMINER

In the matter of Joe Addis, Phillip Addis and Lester Meeks, individually and as copartners, doing business under the name and style of Joe Addis & Son, code members.

This proceeding was instituted upon a complaint duly filed December 8, 1942, with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 4, against Joe Addis, Phillip Addis and Lester Meeks, individually and as copartners, doing business under the name and style of Joe Addis & Son, code member producers, operating at different times, mines designated as Mine Index Nos. 2 and 1146, both located in Lawrence County, Ohio, in Subdistrict 7 of District 4. The complaint alleged that code members had wilfully violated the minimum price provisions of the Bituminous Coal Code or rules and regulations thereunder, by selling coal at less than the applicable minimum price established therefor in Schedule No. 1 of the Effective Minimum Prices for District No. 4 for Truck Shipments, and in selling coal for which no minimum prices had been established, in violation of the Order of the Director in General Docket No. 19 dated October 9, 1940. Code members were also charged with violating Orders of the Division Nos. 307, 309, 156, 313 and 14, together with Rule 3 of section V and Rule 7 of section VI of the Marketing Rules and Regulations by failing to maintain proper records and failing to file with the Division reports of all coal sold from and including January 1941 to November 1942. The complaint prayed appropriate relief.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in the matter was held on March 25, 1943, before the undersigned, a duly designated Examiner of the Division, at a hearing room thereof in Catlettsburg, Kentucky. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board No. 4, code members and a representative of the Office of General Counsel of the Division appeared. At the hearing, code members filed an answer admitting the violations, as alleged.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

JOSEPH A. HUSTON, *Examiner.*

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13042; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-365]

R. GLENN DAVIS

REPORT OF EXAMINER

This proceeding was instituted upon a Notice of and Order for Hearing duly issued by the Bituminous Coal Division on February 19, 1943, pursuant to sections 5 (b) and 6 (a) of the Bituminous Coal Act of 1937 and other pertinent provi-

sions of the Act for the purpose of determining whether code member, R. Glenn Davis, had wilfully violated section 4 II (e) of the Act, Part II (e) of the Code and Rule 1 of section III of the Marketing Rules and Regulations. The Notice provided that in the event code member is found to have violated the Act, the Code and the rules and regulations thereunder, an order should be entered revoking the code membership of code member, or directing him to cease and desist from such violations.

Pursuant to order of the Director and after due notice to interested parties, a hearing in this matter was held on April 1, 1943, before the undersigned, D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Price, Utah. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Code member and a representative of the Office of the General Counsel appeared. Castle Valley Fuel Company was permitted to enter an appearance, subject to a subsequent ruling respecting its status as a registered distributor.

As the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will be effective after that date; as my Report if submitted could be acted upon by the Director only after an opportunity had been afforded to the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the Order of the Director; it is extremely unlikely that this case would be finally disposed of prior to the expiration date of the Act. I accordingly recommend that the proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 4, 1943.

D. C. McCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13046; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-367]

FRANK DUNNING, INC.

REPORT OF EXAMINER

This proceeding was instituted by the Bituminous Coal Division, pursuant to the Bituminous Coal Act of 1937, in order to investigate and determine whether Frank Dunning, Inc., a registered distributor, Registration No. 2566, of Cleveland, Ohio, respondent, has violated any provisions of the Act, the Code, and Orders of the Division, including the Marketing Rules and Regulations and the Agreement by Registered Distributor executed by it pursuant to the Rules and Regulations for the Registration of Distributors, and whether respondent's registration as a registered distributor should be suspended or revoked or other appropriate penalty be determined.

In a Notice of and Order for Hearing issued by the Director on February 13, 1943 and served on respondent on February 16, 1943, it was stated that the Division found it necessary to determine whether respondent has violated paragraphs (e) and (f) of the Agreement, Rules 1 and 3 of section V of the Marketing Rules, and Division Orders Nos. 296, 301, 307, and 312, in the failure to file copies of spot orders or written confirmations thereof, and invoices with the Statistical Bureau for District 4; accepted distributors' discounts in transactions in which respondent resold and delivered coal in less than carload lots and in a noncontinuous flow to its vendee in violation of paragraph (d) of the Agreement; accepted distributors' discounts on the sale of coal to or through Dunning Sales Corporation, a retailer, which controlled respondent, for the purpose of unjustly enriching the respondent in violation of paragraph (g) of the Agreement; accepted such discounts where said retailer controlled the respondent, in violation of paragraphs (c) and (d) of the Agreement, Rule 12 of section XIII of the Marketing Rules and Regulations and section 4 II (i) 12 of the Act, and §§ 317.12 (b) (8) and 317.19 (c) of the Distributors' Rules; and in such transactions to or through said retailer the respondent engaged in the sale of coal at retail in violation of § 317.19 (a) of the Distributors' Rules. At the hearing the Notice was amended without objection by respondent to recite that respondent has violated the Act and the Code in sales of coal at prices lower than the applicable effective minimum prices.

Pursuant to the Notice, and an Order of postponement issued on March 6, 1943 and duly served on respondent, a hearing in this matter was held on March 29, 1943, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Cleveland, Ohio. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Respondent appeared and participated in the hearing.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943 (except as provided in section 19 thereof), no order revoking or suspending the registration of respondent will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 7, 1943.

JOSEPH A. HUTSON,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13047; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-357]

HUDSON COAL COMPANY

REPORT OF EXAMINER

This proceeding was instituted by the Bituminous Coal Division, pursuant to sections 5 (b) and 6 (a) and other pertinent provisions of the Bituminous Coal Act of 1937, to determine whether Hudson Coal Company, a corporation, code member, operating the Sweet Mine, Mine Index No. 23, located in Carbon County, Utah, in District 20, wilfully violated sections 4 II (e) and 4 II (i) (8) of the Act, Parts II (e) and II (i) (8) of the Code, Rule 1 of section X, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, and Orders of the Division Nos. 312 and 313, each dated February 24, 1941, and to determine whether an order should be entered revoking its code membership or directing it to cease and desist from violating the Act, the Code, the orders and the rules and regulations thereunder.

Code member filed an answer on March 22, 1943, denying that it wilfully violated any of the rules and regulations under the Code.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing was held in this matter on March 29, 1943, before the undersigned, a duly designated Examiner of the Division, at a hearing room thereof in Salt Lake City, Utah. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Code member appeared.

On April 17, 1943, code member filed a brief in support of its position.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 4, 1943.

D. C. McCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13045; Filed, August 11, 1943; 11:06 a. m.]

[Docket No. 1766-FD]

D. & W. COAL COMPANY

REPORT OF EXAMINER

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on May 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 2 against the D. & W. Coal Company, code member, operating the Ray Mine (Mine Index No. 1121), located in Venango County, Pennsylvania, in District 2. The complaint alleged that the D. & W. Coal Company, code member, had wilfully violated the Bituminous Coal Code, the effective minimum prices, the Marketing Rules and Regulations, and the Director's Orders Nos. 14, 156 and 288, and prayed that appropriate relief be granted.

Pursuant to appropriate orders of the Acting Director, and after due notice to interested persons, a hearing in this matter was held before W. A. Cuff, a duly designated Examiner of the Division, at Pittsburgh, Pennsylvania, at which Paul Doyle, on behalf of the D. & W. Coal Company, appeared. The submission of a Report by the Examiner was waived, and the matter was thereupon submitted to the then Acting Director, who issued an Opinion and Order April 4, 1942, revoking and cancelling the code membership of D. & W. Coal Company and each of the partners thereof, Paul Doyle and Samuel Woodall, and directing that, prior to any reinstatement of D. & W. Coal Company and the individual partners thereof, Paul Doyle and Samuel Woodall, to membership in the Code, there should be paid to the United States a tax in the amount of $2,425.64, as provided in section 5 (c) of the Act.

On April 18, 1942, code member filed a motion to reopen the hearing for the purpose of taking additional evidence and for a stay of the provisions of the order dated April 4, 1942, revoking the code membership of D. &. W. Coal Company. An affidavit in support of the motion was filed on April 22, 1942.

The motion was granted by Order of the Acting Director, dated April 23, 1942, and accordingly, a hearing on the reopened matter was held on July 16, 1942, before the undersigned W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examination witnesses and otherwise be heard. Code member and a representative of the Office of the General Counsel of the Division appeared.

As the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will be effective after that date; as my Report if submitted could be acted upon by the Director only after an opportunity had been afforded to the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the Order of the Director, it is extremely unlikely that this case would be finally disposed of prior to the expiration date of the Act. I accordingly recommend that the proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 7, 1943.

W. A. CUFF,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13031; Filed, August 11, 1943; 11:05 a. m.]

[Docket No. B-336]

CANON NATIONAL COAL CO.

ORDER OF DIRECTOR

In the matter of Frank Jermance, Raymond Jermance, Edmond Jermance, Math Grahek, Joe A. Mehle, and Frank A. Boitz, individually and as copartners, doing business under the name and style of Canon National Coal Company.

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 17, against Frank Jermance, Raymond Jermance, Edmond Jermance, Math Grahek, Joe A. Mehle, and Frank A. Boitz, individually and as copartners, doing business under the name and style of Canon National Coal Company, code member, operating the Canon National Mine (Mine Index No. 239), located in Fremont County, Colorado, in subdistrict 3 of district 17. The complaint alleged that code member had wilfully violated the provisions of the Bituminous Coal Code, the Marketing Rules and Regulations promulgated thereunder, and the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, and prayed that appropriate relief be granted.

An answer was field October 30, 1942; code member also filed a brief on February 1, 1943.

Pursuant to appropriate orders and after notice to interested persons, a hearing in this matter was held on November 14, 1942, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Pueblo, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 17 and code member appeared.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a Report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13041; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. 1167-FD]

RIVERTON COAL COMPANY

REPORT OF EXAMINER

In the matter of the application of Riverton Coal Company for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Riverton Coal Company, a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, located at Belle, West Virginia, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my report in "Matter of the Application of the Carbon Fuel Company", Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act August 24, 1943, that it would serve no purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Dated: August 4, 1943.

Respectfully submitted.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13027; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. B-320]

KING COAL COMPANY

REPORT OF EXAMINER

In the matter of C. H. Cole and Fred J. Girard, individually and as copartners, doing business under the name and style of King Coal Company.

This proceeding was instituted upon a Notice of and Order for Hearing dated February 6, 1943, by the Bituminous Coal Division, pursuant to sections 5 (b) and 6 (a) of the Bituminous Coal Act of 1937, to ascertain whether C. H. Cole and Fred J. Girard, individually and as copartners doing business under the name and style of King Coal Company, code member producers operating the Coal King No. 2 Mine, Mine Index No. 310, in La Plata County, Colorado, in District 17, have wilfully violated the provisions of the Act, and to determine, if wilful violations have occurred, the appropriate penalty to be invoked.

Pursuant to appropriate orders and after due notice to interested persons, a hearing was held on April 10, 1943, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Durango, Colorado. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. C. H. Cole appeared for the code member partnership.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13039; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. 1161-FD]

KELLEY'S CREEK COLLIERY COMPANY

REPORT OF EXAMINER

In the matter of the application of Kelley's Creek Colliery Company for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Kelley's Creek Colliery Company ("Kelley"), a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, located at Belle, West Virginia, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my Report in "Matter of the Application of the Carbon Fuel Company", Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F.R. Doc. 43-13026; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. B-294]

HAL MASSEY

ORDER OF DIRECTOR

This proceeding was instituted upon a complaint duly filed by the Bituminous Coal Producers Board for District No. 8 with the Bituminous Coal Division, on July 1, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Hal Massey, a code member operating a mine designated as Mine Index No. 1532, located in Bell County, Kentucky, in District 8, had wilfully violated the Act, the Bituminous Coal Code, and regulations made thereunder, and praying appropriate relief.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on October 23, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Knoxville, Tennessee. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered on behalf of District Board 8, the Office of the General Counsel of the Division, and code member.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F.R. Doc. 43-13037; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. A-1519]

DISTRICT BOARD NO. 13

ORDER REVOKING TEMPORARY RELIEF AND DISMISSING PROCEEDING

In the matter of District Board No. 13 for the establishment of minimum prices for coal sold for domestic stoker use by certain mines in District 13.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by the District Board 13, pursuant to section 4 II (d) of the Bituminous Coal of 1937, requesting the establishment of price classifications and minimum prices for coals produced and shipped for domestic stoker use from Mine Index Nos. 3, 4, 6, 7, 8, 9, 11, 13, 14, 17, 18, 19, 21, 22, 23, 29, 77, 78, and 1306, all located in Subdistrict 1 of District 13.

On March 3, 1943, after notice and hearing, an order was entered amending the Schedule of Effective Minimum Prices for District No. 13 for All Shipments Except Truck by the addition of a price exception, which provided as follows:

When the mines in Subdistrict 1 listed herein specially prepare coals included in Size Group 18, and such coals are sold and applied for stoker use, the prices listed herein for Size Group 18 coals into the respective market areas shall be increased 35 cents per net ton: *Provided,* Such stoker coals shall have a top size not larger than 1½" and a bottom size with a maximum of ½" and a minimum of ⅛": *Provided further,* The actual size of the stoker coal is specified in all notices, lists, reports or other documents.

On April 3, 1943, upon petition of District Board 13, an order was entered temporarily modifying the order, dated March 3, 1943, and providing that the stoker coals referred to in the aforesaid price exception should have a "top size not larger than 1½" and a bottom size not larger than ½"," as requested in the petition. The Director stated in his Memorandum Opinion and Order that increased prices for specially prepared stoker coals would be temporarily established until a more exact definition could be obtained for this special stoker

size in order to prevent confusion with the 1½" x ½" chestnut size (Size Groups 10 and 11) and 1½" x 0 wash screenings (Size Group 18) of the price schedule. Accordingly, said order provided that the order of March 3, 1943, would be modified on condition that District Board 13 submit a statement on or before June 30, 1943, setting forth a more exact definition of the special stoker size group, and a clarification of the definitions of Size Groups Nos. 10, 11, 18, and 23 as compared with the definition of the special stoker size group, and the term "domestic stoker" as read in connection with Price Instructions 9 and 10 of the schedule, and further that jurisdiction of this proceeding was reserved to revoke the aforesaid price exception, if such statement was not submitted as directed. On June 21, 1943, District Board 13 submitted a statement purporting to comply with the order of the Director. I have considered this statement in detail and have come to the conclusion that it fails to define more exactly the size of the specially prepared coals for domestic stoker use and that it contains only a reiteration of petitioner's contention for an increase in the prices for specially prepared stoker coals, as set forth in its petition and urged at the hearing herein. Moreover, the statement makes no attempt to clarify the definitions of similar size groups in the price schedule, namely, Size Groups 10, 11, 18 and 23, nor does it attempt to interpret or clarify the term "domestic stoker", when read in connection with Price Instructions 9 and 10 of the schedule, as was also required by the order of the Director.

From the first, temporary relief was granted herein in the light of the exigencies of the situation presented, but with considerable reluctance. It remains my conviction, as I stated in the order of April 3, 1943, that "the establishment of identical size groups differentiated only by the requirement that the coals in some of the size groups must be 'specially prepared' is not in my opinion conducive to a sound price pattern and permits of ready evasion by producers who, because of exigencies of competition or their unwillingness to cooperate in the maintenance of a sound price structure, may be unscrupulous enough to take advantage of such vague limitations in the size group definitions." To establish minimum prices for stoker coals which are essentially the same in size as coals described in other size groups within the schedule would only create confusion, since "special preparation" is the only distinguishing feature between these coals. Moreover, to enable a producer to exercise ultimate discretion in determining whether stoker coals have received sufficient "special preparation" to justify a higher price may only result in denial to other producers of fair competitive opportunities, contrary to the purpose and the policy of the Act.

In addition to the foregoing, the failure of District Board 13 to submit adequate information as to the exact definition of the special stated size group, its comparison with Size Groups 10, 11, 18 and 23 and a clarification of the term "domestic stoker" in connection with Price Instruction 9 and 10 of the schedule, affords no alternative other than to revoke the additional price exception established by the order of March 3, 1943 as modified by the order of April 3, 1943.

It is therefore ordered, That effective as of the date hereof, the order entered herein on March 3, 1943, as modified by order, dated April 3, 1943, providing for the amendment of the Schedule of Effective Minimum Prices for District No. 13 for All Shipment Except Truck by the addition of a price exception, be and the same hereby is revoked;

It is further ordered, That the petition herein is hereby denied and the proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13032; Filed, August 11, 1943; 11:03 a. m.]

[Docket No. B-322]

MOSCHETTI COAL COMPANY

ORDER OF DIRECTOR

In the Matter of Dom. Moschetti, also known as Dominic Moschetti, doing business as Moschetti Coal Company.

On June 1, 1942, the Bituminous Coal Division referred to the Bituminous Coal Producers Board for District No. 17, information relating to possible violations of the Bituminous Coal Act of 1937, by code member. District Board 17 failed to take action thereon and on September 23, 1942 the Division, pursuant to the provisions of section 5 (b) and 6 (a) of the Act, instituted this proceeding.

The Notice recited that the Division finds it necessary to determine whether code member violated sections 4 II (e) and 4 II (i) 8 of the Act, the corresponding sections of the Code; Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations and Orders of the Division Nos. 307 and 312.

Pursuant to the above mentioned Notice, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, on November 10, 1942, at a hearing room thereof in Pueblo, Colorado. All interested persons were afforded an opportunty to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 17 was represented by F. O. Sandstrom, its Secretary-Treasurer. Code member appeared by counsel who filed a brief, after the hearing which I have considered.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943, (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a Report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13040; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. 1168-FD]

KANAWHA AND NEW RIVER BARGE AND RAIL COAL MINES, INC.

REPORT OF EXAMINER

In the matter of the application of Kanawha & New River Barge & Rail Coal Mines, Inc. for exemption under the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed with the Bituminous Coal Division by Kanawha & New River Barge & Rail Coal Mines, Inc., a code member operating mines located in Kanawha County, West Virginia, in District 8. Pursuant to section 4-A of the Bituminous Coal Act of 1937, exemption was sought as to certain transactions in bituminous coal between the applicant and the chemical plant of E. I. du Pont de Nemours & Company, located at Belle, West Virginia, from the provisions of section 4 and the first paragraph of section 4-A of the Act.

This application was consolidated for hearing with other applications for similar exemptions, enumerated in footnote 2 of my report in "Matter of the Application of the Carbon Fuel Company," Docket No. 469-FD. Pursuant to appropriate orders, a hearing was held in these matters before me May 20-30, 1940, at a hearing room of the Division in Charleston, West Virginia.

The record in this case is an extensive one and the issues involved, which are similar to those in Docket No. 469-FD, are complex. For the reasons set forth in my Report in Docket No. 469-FD, I believe that the proceeding will become moot on the expiration of the Bituminous Coal Act August 24, 1943, and that it would serve no useful purpose to discuss the merits of this case. Accordingly, I recommend that the proceeding be dismissed, effective at 12:01 a. m., August 24, 1943.

Respectfully submitted.

Dated August 4, 1943.

D. C. MCCURTAIN,
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13028; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. B-356]

BLACK DIAMOND COAL MINING COMPANY

ORDER CONDITIONALLY RESTORING CODE MEMBERSHIP AND PROVIDING FOR UNCONDITIONAL RESTORATION

In the matter of W. W. Bridges, Receiver, Black Diamond Coal Mining Company.

A complaint, dated December 11, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 15, 1942, by the Bituminous Coal Producers Board for District No. 9, a District Board, complainant, with the Bituminous Coal Division; and

An application for disposition of this proceeding without formal hearing, having been filed with the Division on March 12, 1943; and

An order having been issued herein on June 11, 1943, granting said application, revoking and cancelling the membership of W. W. Bridges, Receiver, Black Diamond Coal Mining Company (the Code Member) in the Bituminous Coal Code (the Code) effective twenty (20) days from the date of said order, and providing for the payment to the United States of a tax in the amount of $2,411.09 as a condition precedent to the restoration of the Code Member to membership in the Code; and

An arrangement having been made by the Code Member with the Collector of Internal Revenue at Louisville, Kentucky for the payment of said tax in installments as follows: $602.77 on June 22, 1943; $602.77 on September 22, 1943; $602.77 on December 22, 1943; and $602.77 on March 22, 1944; and

It appearing that the installment of $602.77 due June 22, 1943 has been paid; and

Application having been made by the Code Member for restoration to membership in the Code;

Now, therefore, it is ordered, That membership of W. W. Bridges, Receiver, Black Diamond Coal Mining Company in the Code be and the same hereby is conditionally restored as of the effective date of revocation thereof.

It is further ordered, That upon full payment of the remaining installments of said tax, as agreed, the restoration to membership in the Code of said W. W. Bridges, Receiver, Black Diamond Coal Mining Company shall become unconditional.

Dated: August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13044; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. B-218]

FORKS COAL MINING COMPANY

REPORT OF EXAMINER

This proceeding was instituted upon a complaint duly filed February 10, 1942, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 1 against Forks Coal Mining Company, a corporation, code member producer operating the Hughes No. 11 Mine, Mine Index No. 219, located in Cambrai County, Pennsylvania. The complaint alleged that code member wilfully violated the provisions of the Act, the Code and the Marketing Rules and Regulations and prayed for appropriate relief.

Code member filed an answer on April 2, 1942.

Pursuant to an Order of the Director dated March 23, 1942, a motion of the District Board to amend the complaint was granted and the Notice of and Order for Hearing previously issued dated February 18, 1942, was likewise amended extending code member's time to file an answer for thirty days. The hearing was postponed from time to time by orders of the Director until, after due notice to interested persons, it was held on April 27 and May 2, 1942, before the undersigned, Joseph A. Huston, a duly designated Examiner of the Division, at the hearing room thereof at Altoona, Pennsylvania. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 1, code member and a representative of the Office of the General Counsel of the Division appeared.

As the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943, (except as provided in section 19 thereof); as no order revoking code membership or requiring code member to cease and desist from further violations will be effective after that date and my report, if submitted, could be acted upon by the Director only after an opportunity had been afforded to the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the Order of the Director, it is extremely unlikely that this case would be finally disposed of prior to the expiration date of the Act. I accordingly recommend that the proceeding be dismissed forthwith.

Respectfully submitted.

Dated August 4, 1943.

JOSEPH A. HUSTON,
Examiner.

Recommendation approved and proceeding dismissed.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13034; Filed, August 11, 1943; 11:04 a. m.]

[Docket No. 1670-FD]

PITTSBURG AND MIDWAY COAL MINING COMPANY

ORDER RESTORING CODE MEMBERSHIP

A written complaint having been filed on June 19, 1941 by the Bituminous Coal Producers Board for District No. 15, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation of the Bituminous Coal Code and rules and regulations thereunder by Pittsburg & Midway Coal Mining Company, Pittsburg, Kansas, as a Code Member, and also as a Registered Distributor; and

An order having been issued herein on July 27, 1943, revoking and cancelling the code membership of said Code Member in the Code, and providing for the payment to the United States of a tax in the amount of $2,360.87 as a condition precedent to its restoration to membership in the Code; and

It appearing that said Code Member has paid to the Collector of Internal Revenue at Wichita, Kansas, the said sum of $2,360.87 and filed application for restoration to membership in the Code;

Now, therefore, it is ordered, That membership in the Code of Pittsburg & Midway Coal Mining Company be, and it hereby is, restored as of July 27, 1943.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13030; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. B-315]

TONY SANTARELLI

ORDER OF DIRECTOR

In the matter of Tony Santarelli, code member.

On July 10, 1942, the Bituminous Coal Division referred to the Bituminous Coal Producers Board for District No. 17, information relating to possible violations of the Bituminous Coal Act of 1937 by code member. District Board No. 17 failed to take action thereon and on September 23, 1942, the Division, pursuant to the provisions of sections 5 (b) and 6 (a) of the Act, instituted this proceeding.

The Notice of and Order for Hearing recited that the Division finds it necessary to determine whether code member violated the provisions of the Schedule of Effective Minimum Prices for District 17 for All Shipments, sections 4 II (e) and 4 II (i) 8 of the Act, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations. Code member filed his answer on October 22, 1942.

Pursuant to the Notice, hearings in this matter were held before Charles O. Fowler, a duly designated Examiner of the Division, on November 28, December 2, 3 and 4, 1942, at a hearing room thereof in Pueblo, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 17 was represented by F. O. Sandstrom, its Secretary-Treasurer. Code member and a representative of the Office of the General Counsel of the Division appeared. Permission was given to file briefs but none have been received.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a Report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13038; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. B-277]

MARKET STREET COAL COMPANY

ORDER OF DIRECTOR

In the matter of J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company.

This proceeding was instituted upon a complaint duly filed June 15, 1942, with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 13, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that code members wilfully violated the provisions of the Act, the Code and Orders of the Division, and praying for appropriate relief.

Pursuant to further Order of the Director dated March 27, 1943, and after due notice to interested persons, a hearing in this matter was held on March 24, 1943, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof at Chattanooga, Tennessee. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 13 was represented by its Secretary-Treasurer, N. E. Cross. Code members appeared by counsel, and an appearance was entered for the Office of the General Counsel of the Division.

No report has been filed by said Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943, (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a Report of the Trial Examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

It is so ordered.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13036; Filed, August 11, 1943; 11:02 a. m.]

[Docket No. B-46]

HOWARD COAL AND COKE COMPANY

ORDER DISMISSING MATTER AND TERMINATING PROCEEDING

In the matter of Howard Coal and Coke Company, Inc., registered distributor, Registration No. 4541.

The above-entitled proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 and section 304.14 (now 317.14) of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing, dated October 24, 1941, to determine whether the respondent, Howard Coal and Coke Company, Inc., had violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement.

The aforesaid Notice of and Order for Hearing scheduled a hearing for December 13, 1941, before a duly designated officer of the Bituminous Coal Division, at Room 806, Walker Building, Washington, D. C., and, by appropriate order, said hearing was postponed to a date and place to be thereafter designated.

On January 26, 1942, respondent filed an application for disposition of this proceeding without formal hearing pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division, notice of which was published in the FEDERAL REGISTER on February 12, 1942.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire on August 24, 1943, proceedings not finally decided at that time will become moot. Under these circumstances it seems inadvisable to determine the issues raised. Said hearing, therefore, should be cancelled and this proceeding dismissed.

It is so ordered.

Dated August 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13033; Filed, August 11, 1943; 11:02 a. m.]

General Land Office.

[Public Land Order 155]

WYOMING

RESERVING CERTAIN PUBLIC LANDS IN CONNECTION WITH THE GREYS RIVER ELK WINTER PASTURE AND FEED GROUND

Whereas the act of September 2, 1937, 50 Stat. 917 (U.S.C., title 16, secs. 669-669j), provides for Federal aid to States in wildlife-restoration projects; and

Whereas the State of Wyoming has set up a Federal Aid Wildlife-restoration project and has acquired wildlife control over certain lands in Wyoming, which lands are to be administered by the State of Wyoming through its Game and Fish Commission as the Greys River Elk Winter Pasture and Feed Ground; and

Whereas certain contiguous public lands possess wildlife value and could be administered advantageously in connection with such pasture and feed ground; and

Whereas the act of March 10, 1934, 48 Stat. 401 (U.S.C., title 16, secs. 661-666), provides for cooperation with Federal, State, and other agencies in developing a Nation-wide program of wildlife conservation and rehabilitation;

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Lincoln County, Wyoming, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Game and Fish Commission of the State of Wyoming in connection with the Greys River Elk Winter Pasture and Feed Ground, under such conditions as may be prescribed by the Secretary of the Interior:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 118 W.,
Sec. 32, NE¼, N½SE¼, and SE¼SE¼.
The areas described aggregate 280 acres.

The reservation made by this order supersedes, as to the above-described lands, the general withdrawal for classification and other purposes made by Ex-

ecutive Order No. 6910 of November 26, 1934, as amended.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 4, 1943.

[F. R. Doc. 43-12996; Filed, August 11, 1943; 9:37 a. m.]

[Public Land Order 156]

NEVADA

ENLARGING THE DESERT GAME RANGE

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described area in Nevada are hereby withdrawn from settlement, location, sale, or entry, and added to and reserved as a part of the Desert Game Range, subject to all the provisions of Executive Order No. 7373 of May 20, 1936, establishing the said game range:

MOUNT DIABLO MERIDIAN

Tps. 17 and 18 S., R. 59 E.
Tps. 17 and 18 S., R. 60 E.
Tps. 17 and 18 S., R. 61 E.
Tps. 17 and 18 S., R. 62 E.

The areas described aggregate 182,791.53 acres, including 181,870.93 acres of public land and 920.60 acres of nonpublic land.

The reservation made by this order shall be subject to the primary jurisdiction of the War Department as to any of the above-described lands which were reserved for the use of that Department by Executive Order No. 8954 of November 27. 1941.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 4, 1943.

[F. R. Doc. 43-12997; Filed, August 11, 1943; 9:38 a. m.]

Grazing Service.

CONSTRUCTION WORK IN NEVADA AND CERTAIN CALIFORNIA AREAS

RECOMMENDATIONS OF GRAZING SERVICE WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 15, 1943, and entitled "Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior," the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 3 of the Grazing Service. Region 3 is composed of the State of Nevada and certain areas in the State of California. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Grazing Service Wage Board finds that the hourly wage rates listed below are prevailing for construction work in Region 3 and recommends them for your adoption:

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for G/S field employees
Blacksmith	$1.37½	$1.37½
Blacksmith helper	1.00	1.00
Carpenter	1.50	1.50
Compressor operator	1.25	1.25
Concrete finisher	1.50	1.50
Concrete mixer operator	1.25	1.25
Construction laborer	.80	.80
Construction laborer leadman	.90	.90
Electrician	1.50	1.50
Electrician helper	.90	.90
Grader operator (road or blade)	1.25	1.25
Heavy duty mechanic	1.50	1.50
Iron worker, reinforcing	1.37½	1.37½
Iron worker, structural	1.50	1.50
Jackhammer operator	1.00	1.00
Labor foreman	1.25	1.25
Mixed gang foreman	1.62½	1.62½
Apprentice engineer and oiler	1.10	1.10
Painter	1.50	1.50
Pile driver operator	1.60	1.60
Plasterer	1.50	1.50
Plumber	1.50	1.50
Powderman	1.10	1.10
Powderman helper	.90	.90
Rock crusher operator	1.25	1.25
Shovel or dragline operator	1.62½	1.62½
Stone mason	1.50	1.50
Teamster, 2 up	.80	.80
Teamster, 3 up	.85	.85
Teamster, 4 up	.90	.90
Tractor operator (under 50 hp)	1.50	1.50
Tractor operator (50 hp and over)	1.50	1.50
Truck driver	1.00	1.00
Truck driver, special	1.25	1.25
Well driller	1.25	1.25
Well driller helper	.80	.80

It is the understanding of the Wage Board that the Grazing Service employees paid in connection with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The Wage Board recommends that all field employees of the Grazing Service in Region 3 not allocated to grade and engaged in construction be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board further recommends that no person employed by the Grazing Service on or after May 1, 1943, shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 27th day of July 1943.

DUNCAN CAMPBELL,
Chairman.
ARCHIE D. RYAN,
Member.
GUY W. NUMBERS,
Member.

Approved: July 31, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-13000; Filed, August 11, 1943; 9:37 a. m.]

CONSTRUCTION WORK IN UTAH

RECOMMENDATIONS OF GRAZING SERVICE WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior dated June 15, 1943, and entitled "Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior," the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 2 of the Grazing Service. Region 2 is composed of the State of Utah. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Grazing Service Wage Board finds that the hourly wage rates listed below are prevailing for construction work in the State of Utah and recommends them for your adoption:

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for G/S field employees
Blacksmith	$1.25	$1.25
Blacksmith helper	.75	.75
Carpenter	1.25	1.25
Compressor operator	1.25	1.25
Concrete finisher	1.25	1.25
Concrete mixer operator	1.25	1.25
Construction laborer	.75	.75
Construction laborer leadman	.85	.85
Electrician	1.50	1.50

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for G/S field employees
Electrician helper	$0.75	$0.75
Grader operator (road or blade)	1.25	1.25
Heavy duty mechanic	1.25	1.25
Iron worker, reinforcing	1.37½	1.37½
Iron worker, structural	1.50	1.50
Jackhammer operator	1.00	1.00
Labor foreman	1.25	1.25
Mixed gang foreman	1.50	1.50
Apprentice engineer & oiler	1.00	1.00
Painter	1.25	1.25
Pile driver operator	1.62½	1.62½
Plasterer	1.50	1.50
Plumber	1.50	1.50
Powderman	1.12½	1.12½
Powderman helper	.75	.75
Rock crusher operator	1.25	1.25
Shovel or dragline operator	1.65	1.65
Stone mason	1.58	1.58
Teamster, 2 up	.75	.75
Teamster, 3 up	.80	.80
Teamster, 4 up	.85	.85
Tractor operator (under 50 hp)	1.37½	1.37½
Tractor operator (50 hp & over)	1.43	1.43
Truck driver	1.00	1.00
Truck driver, special	1.25	1.25
Well driller	1.25	1.25
Well driller helper	.75	.75

It is the understanding of the Wage Board that the Grazing Service employees paid in the connection with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week act, (sec. 23, Act of March 28, 1934; 48 Stat. 522)

The Wage Board recommends that all field employees of the Grazing Service in Region 2 not allocated to grade and engaged in construction be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board further recommends that no person employed by the Grazing Service on or after May 1, 1943, shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 27th day of July, 1943.

DUNCAN CAMPBELL,
Chairman.
ARCHIE D. RYAN,
Member.
GUY W. NUMBERS,
Member.

Approved: July 31, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-13001; Filed, August 11, 1943; 9:37 a. m.]

ADMINISTRATOR OF CIVIL AERONAUTICS.

[Order No. 12]

DAYTON, OHIO, MUNICIPAL AIRPORT

TEST FLIGHTS IN BELOW PRESCRIBED MINIMUM WEATHER CONDITIONS

JULY 26, 1943.

It appearing that:

(a) Test flights of aircraft designed for military use are being conducted at Dayton Municipal Airport, Vandalia, Ohio; and

(b) It is necessary to conduct such test flights even when weather conditions are less than the prescribed minimums; and

(c) The Commanding Officer of the Accelerated Service Test Branch at Dayton Municipal Airport, Vandalia, Ohio has indicated that such testing is required in the conduct of the war;

Now, therefore, the Administrator, acting pursuant to the provisions of Special Civil Air Regulation No. 274, designates Dayton Municipal Airport, Vandalia, Ohio as an airport where test flights of military aircraft, in accordance with the provisions of Special Civil Air Regulation No. 274, may be conducted when weather conditions are less than the prescribed minimums.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-12998; Filed, August 11, 1943; 9:38 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 458]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF HEARING RELATING TO AIR MAIL TRANSPORT COMPENSATION

In the matter of the petition of Pacific Alaska Airways, Inc. (now, by merger, Pan American Airways, Inc.) for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on August 23, 1943, 10 a. m. (eastern war time) in Room 3237, Post Office Department, 12th Street and Pennsylvania Avenue, N. W., Washington, D. C., before Examiner William J. Madden.

Dated Washington, D. C., August 10, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12991; Filed, August 11, 1943; 9:50 a. m.]

[Docket No. 824]

NATIONAL AIRLINES, INC.

NOTICE OF ORAL ARGUMENT RELATING TO AIR-MAIL TRANSPORT COMPENSATION

In the matter of the proceeding relating to the fixing of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over Routes Nos. 31 and 39.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held before the Board on August 16, 1943, 10 a. m. (eastern war time) in room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., August 10, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12992; Filed, August 11, 1943; 9:50 a. m.]

[Docket No. 838]

BRANIFF AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT RELATING TO AIR MAIL TRANSPORT COMPENSATION

In the matter of the proceeding relating to the fixing of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over Routes Nos. 9, 15, and 50.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held before the Board on August 23, 1943, 10 a. m. (eastern war time) in room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated: Washington, D. C., August 10, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TCOMBS,
Secretary.

[F. R. Doc. 43-12993; Filed, August 11, 1943; 9:50 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Service Order 146]

PENNSYLVANIA RAILROAD CO., ET AL.

ROUTING OF FREIGHT TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of August, A. D. 1943.

It appearing, That due to stoppage of work by employees of the car ferry operating between Mackinaw City and St. Ignace, Michigan, The Pennsylvania Railroad Company, The Michigan Central Railroad Company, The New York Central Railroad Company, and The Duluth, South Shore and Atlantic Railway Company (Edward A. Whitman and Sigurd Ueland, Trustees) are unable to transport the freight traffic offered to them between Mackinaw City and St. Ignace so as properly to serve the public; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people; *It is ordered*, That:

(a) *Routing of freight traffic.* Effective immediately, The Pennsylvania Railroad Company, The Michigan Central Railroad Company, The New York Central Railroad Company, and The Duluth, South Shore and Atlantic Railway Company (Edward A. Whitman and Sigurd Ueland, Trustees) are hereby directed to forward the freight traffic routed over their lines between Mackinaw City and St. Ignace, Michigan, by routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations and practices of said carriers with respect to car service are hereby suspended and superseded insofar as conflicting with the directions hereby made.

(b) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carriers' disability, the rates applicable to traffic so forwarded shall be the rates which were applicable at the date of shipment over established tariff routes.

(c) *Divisions.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized, they shall not be changed or affected by this order. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That copies of this order and direction be served upon The Pennsylvania Railroad Company, The Michigan Central Railroad Company, The New York Central Railroad Company, and The Duluth South Shore and Atlantic Railway Company (Edward A Whitman and Sigurd Ueland, Trustees), and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-13015; Filed, August 11, 1943; 11:08 a. m.]

[Special Permit 5 Under Service Order 126]

PENNSYLVANIA RAILROAD CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728, 8 F.R. 8082; 8 F.R. 9033 permission is granted for:

The Pennsylvania Railroad Company to initially ice, but not in excess of 5,000 pounds of ice per car, 5 refrigerator cars containing potatoes originating on The Pennsylvania Railroad Company in New Jersey and consigned to various Army and naval installations in the States of Alabama, Florida, or Georgia.

Initial icing on the above cars shall take place at Potomac Yard, Virginia.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 6th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13017; Filed, August 11, 1943; 11:08 a. m.]

[Special Permit 6 Under Service Order 126]

PENNSYLVANIA RAILROAD CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Pennsylvania Railroad Company to initially ice, but not in excess of 5,000 pounds of ice per car, 27 refrigerator cars containing potatoes originating on The Pennsylvania Railroad Company in New Jersey and consigned to various Army and naval installations in the States of Alabama, Florida, or Georgia.

Initial icing on the above cars shall take place at Potomac Yard, Virginia.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 7th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13018; Filed, August 11, 1943; 11:08 a. m.]

[Special Permit 7 Under Service Order 126]

BALTIMORE AND OHIO RAILROAD CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Baltimore and Ohio Railroad Company to initially ice, but not in excess of 8,000 pounds of ice per car, 135 refrigerator cars containing potatoes originating at Winchester, Virginia, shipped by the War Foods Administration and consigned to Stokley Bros., Indianapolis and Greenwood, Indiana.

Not more than four cars shall be iced under this permit in any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13019; Filed, August 11, 1943; 11:08 a. m.]

[Special Permit 8 Under Service Order 126]

NORFOLK AND WESTERN RAILWAY CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Norfolk and Western Railway Company to initially ice not more than 12 refrigerator cars containing potatoes, shipped by the War Foods Administration from Moore-Dorsey Warehouse, Berryville, Virginia, to Bankston and Edwards, Sumter, South Carolina.

Not more than three cars shall be iced under this permit in any one calendar day.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service under per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13020; Filed, August 11, 1943; 11:09 a. m.]

[Special Permit 9 Under Service Order 126]

NORFOLK AND WESTERN RAILWAY CO.

ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Norfolk and Western Railway Company to initially ice (but not to reice) not to exceed 30 refrigerator cars containing potatoes to be shipped by the War Foods Administration from Roanoke, Virginia, 10 of which cars are consigned to King Pharr, Cullman, Alabama, and 20 are consigned to the Laurel Starch Company, Laurel, Mississippi; also for The Virginian Railway Company to initially ice (but not to reice) not to exceed one refrigerator car containing potatoes to be shipped by the War Foods Administration from Roanoke, Public Warehouse, Roanoke, Virginia, consigned to the Laurel Starch Company, Laurel, Mississippi.

Not more than three cars shall be accepted for movement and iced on any one calendar day.

The bills of lading and waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13021; Filed, August 11, 1943; 11:09 a. m.]

[Special Permit 50 Under Service Order 133]

COMMON CARRIER BY RAILROAD

ICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Peoria, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona or California.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 9th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13016; Filed, August 11, 1943; 11:08 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 10, 1943.

Order Number and Name

MPR 177, Order 13, Nate J. Fulop Co.

MPR 121, Order 21, Coalmont Coal & Coke Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13003; Filed, August 11, 1943; 10:38 a. m.]

Regional, State and District Office Orders.

[Region VII Order G–1 Under SR 15]

FLUID MILK IN CERTAIN AREAS OF IDAHO

Order No. G–1 under § 1499.75 (a) (2) (ii) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Formerly Order No. 1). Order modifying maximum wholesale and retail prices for fluid milk in certain areas in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator by § 1499.75 (a) (2) (ii) of the General Maximum Price Regulation, being Supplementary Regulation No. 15, issued by the Office of Price Administration, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered at wholesale and retail in Valley, Washington, Payette, Gem, Adams, Canyon, Ada, Elmore, Gooding, Lincoln, Jerome, Twin Falls, Minidoka, Cassia, Power, Oneida, Bonneville, Franklin, Bannock, Bingham, Blain, Madison, Bear Lake, Caribou, and Fremont counties of the State of Idaho, and in the following municipalities of the State of Idaho which are outside of the counties named: Arco, Mackay, Challis, and Salmon, shall be, from and after the effective date of this order, as follows:
(a) Grade A milk, when sold and delivered under Municipal Regulation, which by ordinance incorporates therein all of the material and substantial terms and provisions of the police regulation commonly referred to as "Standard Milk Ordinance":

Raw milk in glass bottles or paper containers	Grade	Wholesale price	Retail price
		Cents	*Cents*
Gallons	A by S. M. O.	39	45
½ gallons	A by S. M. O.	20	24
Quarts	A by S. M. O.	11	13
Pints	A by S. M. O.	6	7
½ pints	A by S. M. O.	4	

(b) Grade C milk, when not sold and delivered under municipal regulation, which by ordinance incorporates therein all of the material and substantial terms and provisions of the police regulation commonly referred to as "Standard Milk Ordinance":

Raw milk in glass bottles or paper containers	Grad:	Wholesale price	Retail price
		Cents	*Cents*
Gallons	No regulation	35	41
½ gallons	No regulation	18	22
Quarts	No regulation	10	12
Pints	No regulation	5½	6
½ pints	No regulation	3½	

(2) *Definitions.* For the purpose of paragraphs (a) and (b):

(i) "Milk" means cow's milk produced, processed, distributed and sold in bottles or paper containers for consumption in fluid form as whole milk.

(ii) "Valley, Washington, Payette, Gem, Adams, Canyon, Ada, Elmore, Gooding, Lincoln, Jerome, Twin Falls, Minidoka, Cassia, Power, Oneida, Bonneville, Franklin, Bannock, Bingham, Blaine, Madison, Bear Lake, Caribou and Fremont counties of the State of Idaho" mean all of the respective areas lying within the boundaries of the counties named.

(iii) "Arco, Mackay, Challis, and Salmon" means all of the respective areas lying within the corporate limits of those municipalities of the State of Idaho and three miles beyond the corporate limits at all points.

(iv) The abbreviation, "S. M. O." means Standard Milk Ordnance, as adopted by many municipalities throughout the United States.

(3) The sellers affected by this order shall not change their customary allowances, discounts, or other price differentials unless such change results in a lower price.

(4) This order may be revoked, modified, or amended by the Price Administrator or the Regional Administrator at any time.

(5) Each and every distributor of fluid milk whose maximum Price is affected by this order shall file with the Regional Office at Denver, Colorado, periodic reports concerning the prices paid by him to producers, as said Regional Office may deem necessary and appropriate and from time to time require.

(6) This order becomes effective November 25, 1942.

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

Issued this 25th day of November 1942.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–12969; Filed, August 10, 1943; 10:41 a. m.]

[Region VII Order G–1 Under SR 15, Amdt. 1]

FLUID MILK IN CERTAIN AREAS OF IDAHO

Amendment No. 1 to Order No. G–1 under § 1499.75 (a) (2) (ii) of Supplementary Regulation No. 15 to the General Maximum Price Regulation (Formerly Order No. 1). Adjustment of maximum wholesale and retail prices for fluid milk in certain areas in the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That:

1. Paragraph (1) of Order No. G–1 modifying maximum wholesale and retail prices for fluid milk for certain areas in the State of Idaho, issued November 25, 1942, be and the same hereby is amended by adding to the areas therein specified as the area covered by said order all of the counties of Malheur and Harney in the State of Oregon.

2. *Effective date.* This Amendment No. 1 to Order No. G–1 shall become effective at 12: 01 a. m. on May 17, 1943.

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

Issued this 11th day of May 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. 43–12970; Filed, August 10, 1943; 10:42 a. m.]

[Region VII Order G–1 Under MPR 280]

FLUID MILK IN MONTANA

Order No. G–1 isued under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for the State of Montana.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered:*

(a) *Fluid milk sold at wholesale other than in glass or paper containers in the State of Montana.* The provisions of Maximum Price Regulation No. 280, shall not from and after the effective date of this Order No. G–1 apply to fluid milk sold at wholesale other than in glass or paper containers to stores, restaurants, and institutions in the State of Montana. Maximum prices for such sales in the State of Montana are set in Revised Order No. G–12, issued under § 1499.18 (c) of the General Maximum Price Regulation, by this Regional Office simultaneously herewith, and effective simultaneously herewith.

(b) *Right to amend or revoke.* This Order No. G–1 may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(c) *Effective date.* This Order No. G–1 becomes effective at 12:01 a. m. on March 29, 1943.

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

Issued this 29th day of March 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–12968; Filed, August 10, 1943; 10:42 a. m.]

[Region VII Order G–2 Under MPR 280]

FLUID MILK IN NEW MEXICO

Order No. G–2 under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered:*

(a) *Fluid milk sold at wholesale other than in glass or paper containers in the State of New Mexico.* The provisions of Maximum Price Regulation No. 280 shall not from and after the effective date of this order No. G–2 apply to fluid milk sold at wholesale other than in glass or

paper containers to stores, restaurants and institutions in the State of New Mexico. Maximum prices for such sales in the State of New Mexico are set in Order No. G-36 issued under § 1499.18 (c) of the General Maximum Price Regulation by this Regional Office simultaneously herewith and effective simultaneously herewith.

(b) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(c) *Effective date.* This order shall become effective at 12:01 a. m. on April 8, 1943.

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

Issued this 7th day of April 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12971; Filed, August 10, 1943; 10:43 a. m.]

[Region VII Order G-3 Under SR 15]

MILK IN SOUTHERN UTAH

PART I OF ORDER MODIFYING THE SERVICE CHARGES OF CONTRACT CARRIERS WHO TRUCK MILK IN THE SOUTHERN UTAH AREA

Order No. G-3 issued in three parts under § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and the approval of the Washington Office of the Office of Price Administration, *It is hereby ordered:*

(1) a. That the maximum rates and charges for the contract carriers who operate under milk hauling contracts with the Nelson Ricks Creamery Company and make deliveries to its plants or stations at Spanish Fork, Aurora, Elsinore, Loa and Manti, Utah, over the milk routes severally designated below by number, such number being the number used by said Nelson Ricks Creamery Company for identifying said milk routes in the written description of all milk routes operated by it as heretofore submitted to and filed with the State Price Officer of the Office of Price Administration for the State of Utah at Salt Lake City, Utah, shall be the following specified rates and charges per cwt. of milk hauled:

Route No.:	*Rate per cwt. (cents)*
73	32
75	18
76	33
78	22
79	20
80	17
81	29
82	25
83	26

b. The maximum rates and charges for hauling milk over any other route operated by said Nelson Ricks Creamery Company shall remain as now fixed and determined by the General Maximum Price Regulation and is not changed, modified or in any way affected by this order.

(2) *Definition.* "Southern Utah area" means all of the counties in the State of Utah as follows: Beaver, Carbon, Doggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Summit, Tooele, Uintah, San Juan, Utah, Wasatch, Washington, Wayne, Sandy, Draper, West Jordan, Magna and Salt Lake.

(3) Because of the unavoidable delays in the processing of this application, permission is hereby granted to use the rates established hereby for all hauling and transportation done on and after December 1, 1942.

(4) This order is a temporary order and shall ipso facto cease and determine, and be of no force and effect whatsoever from and after 12:01 a. m. of April 1, 1943.

(5) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

PART II OF ORDER MODIFYING THE SERVICE CHARGES OF CONTRACT CARRIERS WHO TRUCK MILK IN THE SOUTHERN UTAH AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and the approval of the Washington Office of the Office of Price Administration, *It is hereby ordered:*

(1) a. That the maximum rates and charges for the contract carriers who operate under milk hauling contracts with Western Creamery Company of Monroe, Utah, over the milk routes severally designated below by number, such number being the number used by said Western Creamery Company for identifying said milk routes in the written description of all milk routes operated by it as heretofore submitted to and filed with the State Price Officer of the Office of Price Administration for the State of Utah at Salt Lake City, Utah, shall be the following specified rates and charges per cwt. of milk hauled.

Route No.:	*Rate per cwt. (cents)*
84	23
85	34
87	27
89	27
90	13

b. The maximum rates and charges for hauling milk over any other route operated by said Western Creamery Company shall remain as now fixed and determined by the General Maximum Price Regulation and is not changed, modified or in any way affected by this order.

(2) *Definition.* "Southern Utah area" means all of the counties in the State of Utah as follows: Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Summit, Tooele, Uintah, San Juan, Utah, Wasatch, Washington, Wayne, Sandy, Draper, West Jordan, Magna and Salt Lake.

(3) Because of the unavoidable delays in the processing of this application, permission is hereby granted to use the rates established hereby for all hauling and transportation done on and after December 1, 1942.

(4) This order is a temporary order and shall ipso facto cease and determine, and be of no force and effect whatsoever from and after 12:01 a. m. of April 1, 1943.

(5) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

PART III OF ORDER MODIFYING THE SERVICE CHARGES OF CONTRACT CARRIERS WHO TRUCK MILK IN THE SOUTHERN UTAH AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, § 1499.75 (a) (3) of Supplementary Regulation 15 to the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and the approval of the Washington Office of the Office of Price Administration, *It is hereby ordered:*

(1) a. That the maximum rates and charges for the contract carriers who operate under milk hauling contracts with the Brooklawn Creamery Company, Beaver, Delta and Mt. Pleasant, Utah, over the milk routes severally designated below by number, such number being the number used by said Brooklawn Creamery Company for identifying said milk routes in the written description of all milk routes operated by it as heretofore submitted to and filed with the State Price Officer of the Office of Price Administration for the State of Utah at Salt Lake City, Utah, shall be the following specified rates and charges per cwt. of milk hauled:

Route No.:	*Rate per cwt. (cents)*
95	33
96	34
97	20
98	17
101	11
102	11
103	17
104	21
105	14
106	23
107	15
109	21

b. The maximum rates and charges for hauling milk over any other route

operated by said Brooklawn Creamery Company shall remain as now fixed and determined by the General Maximum Price Regulation and is not changed, modified or in any way affected by this order.

(2) *Definition.* "Southern Utah area" means all of the counties in the State of Utah as follows: Beaver, Carbon, Doggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Summit, Tooele, Uintah, San Juan, Utah, Wasatch, Washington, Wayne, Sandy, Draper, West Jordan, Magna and Salt Lake.

(3) Because of the unavoidable delays in the processing of this application, permission is hereby granted to use the rates established hereby for all hauling and transportation done on and after December 1, 1942.

(4) This order is a temporary order and shall ipso facto cease and determine, and be of no force and effect whatsoever from and after 12:01 a. m. of April 1, 1943.

(5) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued February 8, 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12957; Filed, August 10, 1943; 10:40 a. m.]

[Region VII Order G-29 Under 18 (c), Amdt. 1]

FLUID MILK IN SOUTHERN IDAHO

Amendment No. 1 to Order No. G-29 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of retail prices for fluid milk sold in half pint containers in the southern Idaho area of the State of Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered,* That:

1. Order No. G-29 issued on April 3, 1943, be and the same hereby is amended by adding to the southern Idaho area as specified in paragraph (2) as being the area covered by said order all of the counties of Malheur and Harney in the State of Oregon.

2. *Effective date.* This Amendment No. 1 to Order No. G-29 shall become effective at 12:01 a. m. on May 17, 1943.

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

Issued this 11th day of May 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-12958; Filed, August 10, 1943; 10:44 a. m.]

[Region VII Order G-36 Under 18 (c)]

FLUID MILK IN NEW MEXICO

Order No. G-36 under § 1499.18 (c) of the General Maximum Price Regulation. General order modifying wholesale and retail prices for fluid milk in the State of New Mexico.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *All previous adjustment orders revoked and superseded.* The following adjustment orders heretofore promulgated by this Regional Office either for individuals or specified areas in the State of New Mexico; namely, Order No. VII-18 (a)-NM-10, effective December 8, 1942; Order No. VII-73 (a)-8, effective November 4, 1942; Order No. 16, Docket No. VII-73 (a)-16, effective October 31, 1942; Order No. G-2, Docket No. VII-18 (c)-2, effective December 1, 1942, and Amendment No. 1 thereto, effective January 12, 1943; Order No. G-9, Docket No. VII-18 (c)-32, effective January 12, 1943, and Amendment No. 1 thereto, effective January 18, 1943; Order No. G-11, Docket No. VII-18 (c)-38, effective January 30, 1943, and Amendment No. 1 thereto, effective March 15, 1943; Order No. G-14, Docket No. VII-18 (c)-46, effective February 6, 1943; Order No. G-15, Docket No. VII-18 (c)-47, effective February 8, 1943; Order No. G-17, Docket No. VII-18 (c)-51, effective February 15, 1943; Order No. G-18, Docket No. VII-18 (c)-53, effective February 18, 1943; Order No. G-19, Docket No. VII-18 (c)-54, effective February 19, 1943; Order No. G-21, Docket No. VII-18 (c)-23, effective March 16, 1943; Order No. G-22, Docket No. VII-18 (c)-65, effective March 16, 1943, and Order No. G-23, Docket No. VII-18 (c)-66, effective March 15, 1943, shall be, and the same hereby are, revoked and superseded as of the effective date of this Order No. G-36, but without prejudice in any manner whatsoever to the prosecution of or imposition of sanctions against any person who may have violated any one or more of said orders prior to its revocation.

(b) *State of New Mexico divided into seven districts.* For the purpose of this order No. G-36, the State of New Mexico is hereby divided into seven districts to be known as District No. 1, District No. 2, District No. 3, District No. 4, District No. 5, District No. 6 and District No. 7, as hereinafter defined.

(1) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 1 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 1 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:	*Cents*	*Cents*
½ pints	3½	6
Pints	6	8
Quarts	11	13
Half gallons	21	25
	In any suitable container	In any suitable container
In bulk:	*Cents*	*Cents*
Gallons	40	48
Buttermilk:		
Quarts	10	12
Half gallons	19	21
In bulk:		
Gallons	36	44

(2) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 2 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 2 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:	*Cents*	*Cents*
½ pints	3½	6
Pints	7	9
Quarts	11½	13½
Half gallons	22	27
	In any suitable container	In any suitable container
In bulk:	*Cents*	*Cents*
Gallons	42	50
	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Buttermilk:	*Cents*	*Cents*
Quarts	10½	12½
Half gallons	20	23
In bulk:		
Gallons	38	46

(3) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 3 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 3 of the State of New Mexico shall, from and after the effective date of this Order No. G-36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:	*Cents*	*Cents*
½ pints	3¾	6
Pints	7	9
Quarts	12	14
Half gallons	23	26
	In any suitable container	In any suitable container
In bulk:	*Cents*	*Cents*
Gallons	44	52
Buttermilk:		
Quarts	11	13
Half gallons	21	27
In bulk:		
Gallons	40	48

(4) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 4 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 4 of the State of New Mexico shall, from and after the effective date of this Order No. G–36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:	*Cents*	*Cents*
½ pints	3¾	6
Pints	7	9
Quarts	12½	14½
Half gallons	23	27
	In any suitable container	In any suitable container
In bulk:	*Cents*	*Cents*
Gallons	46	54
Buttermilk:		
Quarts	11½	13½
Half gallons	19	23
In bulk:		
Gallons	42	50

(5) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 5 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 5 of the State of New Mexico shall, from and after the effective date of this Order No. G–36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:	*Cents*	*Cents*
½ pints	4	6
Pints	7½	9
Quarts	13	15
Half gallons	24	28
	In any suitable container	In any suitable container
In bulk:	*Cents*	*Cents*
Gallons	48	56
Buttermilk:		
Quarts	12	14
Half gallons	22	24
In bulk:		
Gallons	44	52

(6) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 6 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 6 of the State of New Mexico shall, from and after the effective date of this Order No. G–36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:	*Cents*	*Cents*
½ pints	4¼	7
Pints	8	10
Quarts	14	16
Half gallons	26	30
	In any suitable container	In any suitable container
In bulk:	*Cents*	*Cents*
Gallons	52	60
Buttermilk:		
Quarts	13	15
Half gallons	24	28
In bulk:		
Gallons	48	56

(7) *Maximum prices for fluid milk and buttermilk at wholesale and retail in District No. 7 of the State of New Mexico.* The maximum prices for fluid milk and buttermilk sold at wholesale in glass bottles or paper containers in a quantity less than one gallon, and sold in bulk by the gallon, and sold at retail in glass bottles or paper containers or in bulk in District No. 7 of the State of New Mexico shall, from and after the effective date of this Order No. G–36, be as follows:

Container size	Wholesale price in glass bottles or paper containers	Retail price in glass bottles or paper containers or in bulk
Milk:	*Cents*	*Cents*
½ pints	4.5	7
Pints	8	10
Quarts	15	17
Half gallons	28	32
	In any suitable container	In any suitable container
In bulk:	*Cents*	*Cents*
Gallons	56	64
Buttermilk:		
Quarts	14	16
Half gallons	26	30
In bulk:		
Gallons	52	60

(c) *Fractional price adjustments.* In computing the price for any item of milk or buttermilk, fractions of a cent shall be adjusted upward to the next whole cent if the fraction is ½ cent or more, and shall be adjusted downward to the next whole cent if the fraction is less than ½ cent.

(d) *Higher established maximum prices may be maintained.* Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that are higher than the prices fixed by this Order No. G–36, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(e) *Customary discounts, allowances and differentials need not be maintained.* From and after the effective date of this Order No. G–36 it shall not be obligatory upon any seller of fluid milk or buttermilk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this Order No. G–36 if he so desires.

(f) *Notice to be given purchaser upon first sale at higher price.* Any person making a first sale of milk or buttermilk in pint or quart containers at retail to any customer at the higher price established for quarts and pints at retail by this Order No. G–36 shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

By Order No. G–36 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. April 15, 1943, the maximum price of milk (or buttermilk) sold in quarts and pints at retail in this area of the State of New Mexico, has been modified to permit sales at __ ¢ per quart, and __ ¢ per pint.

(g) *Monthly reports required by certain sellers.* Sellers and distributors of fluid milk, other than retail stores, who hereafter adjust any price for fluid milk upward upon the authority of this order No. G–36 shall, on or before the 20th day of May and the 20th day of June, A. D. 1943, but not thereafter unless expressly so directed by the Regional Administrator, report to the State office of the Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the first fifteen days of May and the first fifteen days of June, respectively, and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State office of the Office of Price Administration to determine whether or not the price increase hereby granted has been proportionately and equitably passed on to the producer.

(h) *Interdistributor sales and purchases from producers are exempt.* This Order No. G–36 does not apply to or in any manner affect sales of milk or buttermilk made by one distributor or wholesaler to another distributor or wholesaler, or to a purchase made from a producer under Maximum Price Regulation No. 329.

(i) *Applicability of the General Maximum Price Regulation.* Insofar as the

same are not contradictory of or inconsistent with any of the provisions of this Order No. G–36, the definitions and explanations set forth in § 1499.20 of the General Maximum Price Regulation and the terms and provisions of said General Maximum Price Regulation shall apply to and are hereby deemed to be a part of this order No. G–36 to the same extent as if rewritten herein.

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

(1) "Milk" means cow's milk produced, processed or raw, and distributed and sold at wholesale in glass bottles or paper containers in quantities of less than one gallon, and in bulk in quantities of one gallon or more, and sold at retail in glass bottles or paper containers or in bulk for human consumption as sweet whole milk and containing not less than 3.25% butterfat content and being of approved grade.

(2) "Buttermilk" means cultured buttermilk produced by inoculating skim milk with lactic acid forming bacteria until a lactic acid content of ½ of 1% or more is obtained.

(3) "Producer" means a farmer or other person or representative who owns, superintends, manages or otherwise controls the operation of a farm or tract of land on which milk is produced.

(4) "District No. 1 of the State of New Mexico" means all of the counties of Harding, Mora, Rio Arriba, San Juan and Taos, in said State.

(5) "District No. 2 of the State of New Mexico" means all of the counties of Curry, De Baca, Roosevelt, in said State.

(6) "District No. 3 of the State of New Mexico" means all of the counties of Colfax, Quay, San Miguel, Torrance, Union and Guadalupe, with the exception of the municipality of Vaughn, in said State.

(7) "District No. 4 of the State of New Mexico" means all of the counties of Bernalillo, Chaves, Eddy, Lea, and that part of Valencia County lying south of a line drawn parallel with U. S. Highway No. 66 and being at all points a distance of 10 miles south of the center line of said highway in the State of New Mexico.

(8) "District No. 5 of the State of New Mexico" means all of the counties of Catron, Dona Ana, Lincoln, Otero, Sandoval, Sierra, and all that part of Valencia County lying north of a line drawn parallel with U. S. Highway No. 66 and being a distance of 10 miles south of the center line of said highway at all points; the municipality of Vaughn in Guadalupe County and all of Socorro County except the municipality of Magdalena in the State of New Mexico.

(9) "District No. 6 of the State of New Mexico" means all of the counties of Hidalgo, Luna, McKinley, Santa Fe, and the municipality of Magdalena in the county of Socorro of the State of New Mexico.

(10) "District No. 7 of the State of New Mexico" means the county of Grant in the State of New Mexico.

(k) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(l) *Effective date.* This order shall become effective as of 12.01 a. m. on April 15, 1943.

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

Issued this 13th day of April 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43–12959; Filed, August 10, 1943; 10:43 a. m.]

[Region VII Order G–37 Under 18 (c)]

CERTAIN CARRIERS IN STEAMBOAT SPRINGS AREA, COLO.

Order No. G–37 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of maximum prices for certain carriers other than common carriers in the Steamboat Springs area of the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, the prices for hauling milk from producers in the Steamboat Springs area of the State of Colorado to Steamboat Springs are hereby modified as set forth below.

(a) *Supplementary Regulation No. 15 is inadequate.* Upon the facts and circumstances disclosed by the investigation of this particular matter the Regional Administrator hereby finds and determines that Supplementary Regulation No. 15 is not adequate to meet the exigencies of the situation, and therefore instead of processing this adjustment under § 1499.75 (a) (3), it is being processed under § 1499.18 (c) of the General Maximum Price Regulation.

(b) *Specific maximum prices.* From and after the effective date of this order the maximum price or rate to be charged by a carrier other than a common carrier for transporting milk from any point of production in the Steamboat Springs area of the State of Colorado, to any place within the municipality of Steamboat Springs, and for transporting milk from any place in Steamboat Springs to a production point in said area, shall be as follows:

(1) For transporting milk in containers from points of production to Steamboat Springs—30¢ per cwt.

(2) For transporting milk in containers from Steamboat Springs to points of production—30¢ per cwt.: *Provided, however,* That empty containers shall be transported from Steamboat Springs to points of production without any further or additional charge whatsoever.

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

(1) "Milk" means cow's milk, sweet or sour, as placed in a container by a producer, and as returned in a container by the purchaser to a producer.

(2) "Steamboat Springs area" means all that area within the counties of Routt and Moffat in the State of Colorado, from which milk as produced on the farm or dairy is transported to Steamboat Springs, Colorado.

(d) *Applicability of other regulations.* Unless contradictory of or inconsistent with the terms and provisions of this Order No. G–37, all of the terms and provisions of the General Maximum Price Regulation, and particularly the definitions set forth in § 1499.20 thereof, shall apply to and be deemed to be a part of this Order No. G–37 to the same extent and with like force and effect as if re-written herein.

(e) *Right to revoke or amend.* This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(f) *Effective date.* This order shall become effective as of 12:01 a. m. on April 1, 1943.

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

Issued this 19th day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–12960; Filed, August 10, 1943; 10:43 a. m.]

[Region VII Order G–38 Under 18 (c)]

SUGAR BEET MOLASSES IN SAN LUIS VALLEY, COLO.

Order No. G–38 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of maximum prices for sugar beet molasses in the San Luis Valley of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, the prices for sugar beet molasses in the San Luis Valley of the State of Colorado when sold direct to feeders are hereby modified as set forth below:

(a) *Specific maximum prices for sales direct to feeders.* From and after the effective date of this order the maximum prices to be charged for sugar beet molasses sold direct to feeders in the San Luis Valley of the State of Colorado shall be as follows:

(1) For sugar beet molasses when sold and delivered in bulk as unprocessed sugar beet molasses—$34.80 per ton, or $1.74 per cwt. f. o. b. seller's mill or elevator.

(2) For sugar beet molasses when processed by the seller in his mixing plant with grain or other concentrates furnished by the feeder—$36.80 per ton, or $1.84 per cwt. of sugar beet molasses actually used in processing.

(b) *Definitions.* (1) "Sugar beet molasses" means beet sugar final molasses which is obtained by further processing beet sugar molasses obtained in the manufacture of beet sugar.

(2) "Unprocessed sugar beet molasses" means sugar beet molasses unmixed with grain or other animal food concentrate and unchanged from the state in which it exists when produced as a by-product in the manufacture of beet sugar.

(3) "Processed sugar beet molasses" means the sugar beet molasses consumed when mixed with grain or other animal food concentrate furnished by a buyer for that purpose and in accordance with the directions of such buyer.

(4) "San Luis Valley of the State of Colorado" means all of that area contained within the boundaries of the counties of Saguache, Rio Grande, Alamosa,

Conejos and Costilla, of the State of Colorado.

(c) *Applicability of other regulations.* Unless contradictory of or inconsistent with the terms and provisions of this Order No. G–38, all of the terms and provisions of the General Maximum Price Regulation, and particularly the definitions set forth in § 1499.20 thereof, shall apply to and be deemed to be a part of this Order No. G–38 to the same extent and with like force and effect as if rewritten herein.

(d) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(e) *Effective date.* This order shall become effective as of 12:01 a. m. on May 1, 1943.

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

Issued this 26th day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–12961; Filed, August 10, 1943; 10:42 a. m.]

[Region V Order G–2 Under MPR 329]

FLUID MILK IN DALLAS REGION

Order No. G–2 under Maximum Price Regulation No. 329 (formerly General Order No. 2). Purchases of milk from producers for resale as fluid milk. Modification of prices in Region V.

For the reasons set forth in the opinion issued simultaneously herewith, and under authority vested in the Regional Administrator, Region V, Office of Price Administration, by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) Any purchaser of milk located in Region V, of the Office of Price Administration, whose purchases of milk are regulated by Maximum Price Regulation No. 329, shall, after the effective date of this order, be permitted to determine his maximum prices in either one of the following manners:

(1) Take the maximum price for the particular purchase arrived at in accordance with the provisions of Maximum Price Regulation No. 329.

(2) Take the specific maximum prices provided in this subsection (2) as follows:

(i) Where not less than 50 per cent of the sales of approved fluid milk, in containers of one gallon or less, are made by a purchaser in any one of Areas A, 1A, 1, 2A, 2, or 3, as these areas are defined in Amendment No. 133 to Supplementary Regulation No. 14 of the General Maximum Price Regulation; the maximum price which such purchaser may pay for milk in any transaction regulated by Maximum Price Regulation No. 329 shall be the dollars and cents price per hundred weight, for the appropriate area, found in the following table, 4 per cent butterfat test, delivered to the plant making such purchases.

(ii) Prices herein provided are delivered prices and can be charged only if delivery is accepted by the purchaser at the plant for which the milk is purchased and from which plant 50 percent or more of the total sales of approved fluid milk are made in the area used as a basis for determining the price which the purchaser can pay.

(iii) If delivery is accepted at a point other than such plant, a reduction in price equivalent to the actual cost of transportation from point of delivery to such purchaser's plant must be made.

	Areas A	Areas 1A	Areas 1	Areas 2A	Areas 2	Areas 3
Per cwt.	$3.95	$3.75	$3.55	$3.35	$3.15	$2.95

(iv) Any purchaser of milk electing to use the maximum prices provided by this subsection (2) of section (a) of this order shall adjust such maximum prices for differences in butterfat contents as follows:

(*a*) Where the butterfat test of the milk actually purchased is less than 4 per cent, the maximum prices provided above shall be reduced by 5¢ for each 1/10 of 1 per cent that such butterfat test is less than 4 per cent.

(*b*) Where the butterfat test of the milk actually purchased is more than 4 per cent, the maximum prices provided above shall be increased by 5¢, or the highest differential which the particular purchaser paid the particular producer at any time during the month of January, 1943, whichever is higher, for each 1/10 of 1 per cent that such butterfat test is more than 4 per cent.

(v) No purchaser electing to price under this subsection (2) of section (a) of this order shall participate in any change of customary allowances, discounts, price differentials, or other trade practices applicable to purchases made by him unless such change results in a lower price.

(vi) "Purchaser" when applied to persons selling approved fluid milk from more than one plant shall mean the particular plant for which such milk is purchased.

(b) This order does not apply to any purchases wherein a minimum producer's price is established under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and the maximum prices for such purchases shall be determined in accordance with Maximum Price Regulation No. 329.

(c) Except as specifically provided in this order, and for the types of purchases for which specific provision is made, the provisions of Maximum Price Regulation No. 329 are in no way affected and shall continue to remain in full force and effect.

(d) This order may be revoked, amended, or corrected at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 shall apply to the terms used herein, except that where terms are used in reference to Amendment No. 133 to Supplementary Regulation No. 14 of the General Maximum Price Regulation, the definitions contained in § 1499.73 (a) (1) (vi) (*b*) of the General Maximum Price Regulation shall apply to the terms used herein.

(f) This order shall become effective on the 13th day of March, 1943, and unless sooner revoked, shall terminate upon the termination of Maximum Price Regulation No. 329.

(g) General Order No. I under Maximum Price Regulation No. 329 is hereby revoked and replaced and superseded by the provisions of this Order No. G–2 under Maximum Price Regulation No. 329.

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

Issued this the 12th day of March, 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 43–12989; Filed, August 10, 1943; 4:28 p. m.]

WAR PRODUCTION BOARD.

C. A. BRILHART HARDWARE CO.

CONSENT ORDER

Charles A. Brilhart, doing business under the name of C. A. Brilhart Hardware Company, located at 236 South Broadway, Scottdale, Pennsylvania, was charged in a letter dated April 13, 1943 from the Regional Compliance Chief of the Cleveland Regional Office of the War Production Board with having sold and/or delivered to ultimate consumers new Metal Plumbing and Heating Equipment in violation of Limitation Order L–79 and Preference Rating Order P–84 and with having transferred Domestic Electric Ranges to ultimate consumers in violation of Limitation Order L–23–b. These violations have been admitted by Charles A. Brilhart and he has consented to the issuance of the below Order.

Wherefore, upon agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner,

It is hereby ordered, That:

(a) Charles A. Brilhart, doing business as C. A. Brilhart Hardware Company or otherwise, his successors or assigns, are hereby prohibited from selling and/or delivering any New Metal Heating Equipment or New Metal Plumbing Equipment, as defined in Limitation Order No. L–79, and from transferring any New Domestic Electric Range, as defined in Limitation Order No. L–23–b, to ultimate consumers, unless hereafter specifically authorized in writing by the Regional Director of the Cleveland Regional Office of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Charles A. Brilhart, doing business as C. A. Brilhart Hardware Company or otherwise, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on issuance and shall expire on October 31, 1943.

Issued this 11th day of August 1943.

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

[F. R. Doc. 43–13051; Filed, August 11, 1943; 11:10 a. m.]