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Washington, Thursday, June 10, 1943

**Regulations**

Done at Washington, D. C., this 8th day of June 1943.

**TITLE 7—AGRICULTURE**  
**Chapter VIII—War Food Administration**  
**PART 802—SUGAR DETERMINATIONS**

JESSE W. TAPP,  
*Acting War Food Administrator.*  
[F. R. Doc. 43-9373; Filed, June 9, 1943;  
11:48 a. m.]

**DETERMINATION OF COMMERCIALY RECOVERABLE SUGAR FROM PUERTO RICAN SUGAR-CANE**

**Chapter XI—War Food Administration**  
**PART 1410—LIVESTOCK AND MEATS**  
[FDO 27, Amdt. 3]

Determination of sugar commercially recoverable from sugarcane in Puerto Rico for the 1942-43 crop year, pursuant to the Sugar Act of 1937, as amended.

**JUNE BEEF QUOTAS FOR BUTCHERS**

Food Distribution Order No. 27 (8 F.R. 2785, 4227, 5700), issued by the Secretary of Agriculture on March 5, 1943, is amended by adding immediately after (n) thereof, the following:

§ 1410.4 *Sanitary and other restrictions on slaughter of livestock.* \* \* \*

(o) *Butchers; Establishment of beef quotas for June 1943: adjustment of temporary quotas.* Notwithstanding any other provision of this order, as amended, or any quota, permit to slaughter, temporary quota, increase or adjustment in quota, or exception granted thereunder, the quota of cattle for each butcher for June 1943 shall be:

(1) The number of cattle which he slaughtered in the month of June 1941; or

(2) If he did not slaughter during the month of June 1941, 50 percent of his average monthly slaughter of cattle during the months in which he slaughtered from January 1, 1942, to September 30, 1942.

No provision of this paragraph (o) shall be construed to increase any quota previously granted to any person under any provision of this order.

This order shall become effective at 12:01 a. m., e. w. t., June 9, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 27, 8 F.R. 2785, 4227, 5700)

CHESTER C. DAVIS,  
*War Food Administrator.*  
[F. R. Doc. 43-9372; Filed, June 9, 1943;  
11:48 a. m.]

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.41e *Determination of sugar commercially recoverable from sugarcane in Puerto Rico.* The amount of sugar commercially recoverable from the sugarcane grown on a farm in Puerto Rico and marketed (or processed by the producer) for the extraction of sugar shall be obtained by multiplying the number of short tons of such sugarcane by the number of hundredweights of sugar, raw value, commercially recoverable per ton of such sugarcane, computed in accordance with the applicable provisions of the determination of fair and reasonable prices for the 1942-43 crop of Puerto Rican sugarcane, pursuant to the Sugar Act of 1937, as amended, and the quantity of 96° sugar thereby obtained shall be converted to raw value basis in accordance with the provisions of Title I of the Sugar Act of 1937, as amended.

(Sec. 302, 50 Stat. 910; 7 U.S.C., 1940 ed. 1132; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

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##### Chapter I—Bureau of Animal Industry

##### PART 132—GENERAL REGULATIONS

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**AUTHORITY:** §§ 132.1 to 132.17, inclusive, and §§ 132.50 to 132.69, inclusive, issued under Pub. Law 320, 74th Cong., approved August 24, 1935 (7 U.S.C. 1940 ed. 851 *et seq.*).

##### SUBPART A—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS APPLICABLE TO ANTI-HOG-CHOLERA-SERUM AND HOG-CHOLERA-VIRUS

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

§ 132.2 *Definitions.* As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Law 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 1940 ed. 851 *et seq.*).

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

(c) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

(d) The term "Solicitor" means the Solicitor of the Department.

(e) The term "Bureau" means the Bureau of Animal Industry, United States Department of Agriculture.

(f) The term "FEDERAL REGISTER" means the publication provided for by Public Law, 220, 74th Congress, approved July 26, 1935 (49 Stat. 500, 44 U.S.C. 1940 ed. 301 *et seq.*), and acts supplementary thereto and amendatory thereof.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to the act.

(i) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to the act.

(j) The term "proceeding" means a proceeding upon the basis of which a marketing agreement may be entered into or a marketing order may be issued.

(k) The term "hearing clerk" means the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

(l) The term "presiding officer" means any employee or employees of the Department designated by the Secretary to preside over hearings under the act.

(m) The term "Chief" means the Chief of the Bureau of Animal Industry, United States Department of Agriculture, or any officer or employee of the Bureau of Animal Industry to whom the Chief has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

§ 132.3 *Proposals.* A marketing agreement may be proposed by the Secretary or by any other person. If any person other than the Secretary proposes a marketing agreement, he shall file with the Chief a written application, together with at least four copies of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Chief shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Chief to conclude that the proposed marketing agreement or a marketing order will not tend to effectuate the declared policy of the act, and that a hearing should not be held on the proposal, he shall so advise the person who filed the proposal.

If the investigation and consideration lead the Chief to conclude that the proposed marketing agreement or a marketing order will tend to effectuate the de-

clared policy of the act, he shall recommend to the Secretary that a hearing be held upon the proposal. If the Secretary approves the recommendation, or if the Secretary desires to propose a marketing agreement, or a marketing order, he shall sign and cause to be served a notice of hearing, as hereinafter provided.

§ 132.4 *Institution of proceeding—(a) Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall define the scope of the hearing as specifically as may be practicable; shall contain the complete text or a summary of the major provisions of any proposed marketing agreement or marketing order which may have been formulated by the Secretary or which may have been filed with the Chief, as hereinbefore provided in § 132.3; and shall state the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as hereinafter provided, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances: *Provided, That, in the case of hearings on amendments to marketing agreements or marketing orders, the time of the hearing may be less than 15 days but shall not be less than 3 days after the date of publication of the notice in the FEDERAL REGISTER.*

(b) *Giving notice of hearing.* (1) Upon the filing of the notice of the hearing, the hearing clerk shall give or cause to be given notice of the hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a true copy of the notice of hearing to each of the persons known to the Chief to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers as reasonably will tend to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of such of the several States of the United States and to executive heads of such of the Territories and possessions of the United States as the Chief, having due regard for the subject matter of the proposal and the public interest, shall determine should be notified.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; and failure to give notice in the manner provided in subdivisions (ii), (iii), and (iv) of said subparagraph shall not affect the legality of the notice.

(c) *Proof of the giving of notice.* Proof of the giving of notice (other than by

publication in the FEDERAL REGISTER) shall be by the affidavit or certificate of the person giving the same. Such affidavit or certificate shall be filed with the hearing clerk and the filing thereof shall be noted on the docket of the proceeding.

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

§ 132.6 *Presiding officers—(a) Designation and assignment.* The Secretary shall, from time to time, designate employees of the Department to serve as presiding officers in proceedings under the act. No person who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

(b) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer, in any proceeding assigned to him by the Solicitor, shall have power to:

- (1) rule upon motions and requests;
- (2) change the time and place of hearing, and adjourn the hearing from time to time or from place to place;
- (3) administer oaths and affirmations and take affidavits;
- (4) examine witnesses;
- (5) admit or exclude evidence;
- (6) hear oral argument on facts or law;
- (7) do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

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

§ 132.7 *Motions and requests—(a) General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of a hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

The presiding officer is authorized to rule upon all motions and requests filed or made prior to the transmittal of the record to the Secretary as hereinafter provided. The Secretary shall rule upon all motions and requests filed after that time.

(b) *Certification to Secretary.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to the transmittal of the record to the Secretary,

as hereinafter provided, shall be in the discretion of the presiding officer.

§ 132.8 *Conduct of the hearing*—(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as hereinbefore provided in § 132.4 (relating to the giving of notice of the hearing): *Provided*, That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

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

In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after

notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* The presiding officer shall have noted on the record his designation as presiding officer and the notice of the hearing as filed with the Division of the Federal Register, National Archives. This shall be done by filing as an exhibit for the record a copy of the FEDERAL REGISTER containing such designation and such notice, or a duly certified copy of such designation and notice.

Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall not be permitted, except in the discretion of the presiding officer.

When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

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

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Affidavits.* Affidavits, if relevant and material, shall be received and marked as exhibits, provided they are filed with the presiding officer before the close of the hearing. Every interested person shall be permitted to examine all affidavits which have been so filed and to file counter-affidavits with the presiding officer within a period of time (to be fixed by the presiding officer) not more than 5 days following the close of the hearing. In any event, the Secretary shall consider the lack of opportunity for examination in determining the weight to be attached to statements made in the form of affidavits.

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

or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attached by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(5) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits (including affidavits) shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing), the presiding officer, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

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

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

§ 132.9 *Oral and written arguments.*

(a) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument, when permitted, may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk written arguments or briefs based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material, other than that adduced at the hearing, shall not appear in or be alluded to in briefs, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as hereinbefore provided in § 132.8 (d), he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 132.10 *Filing the transcript of testimony.* The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments or briefs and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer.

§ 132.11 *Copies of the transcript.* A copy of the transcript shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business, but such copy shall remain the property of the Department and may not be removed from said office.

If a personal copy of the transcript is desired, such copy may be obtained upon

written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 132.12 *Chief's report—(a) Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs, the Chief shall cause to be prepared for his signature and shall file with the hearing clerk a report. Such a report shall be prepared by the personnel of the Bureau through which such marketing agreement or marketing order, or both, if executed or issued, would be administered.

(b) *Contents.* The Chief's report shall include: (1) a preliminary statement containing a description of the history of the proceedings, a brief explanation of the major issues developed at the hearing, and proposed conclusions with respect to such issues; and (2) a proposed marketing agreement based upon the evidence introduced at the hearing, if it is concluded that such an agreement should be proposed.

(c) *Exceptions.* If, after examination of the report which has been prepared for his signature, the Chief is of the opinion that the marketing agreement proposed in said report differs substantially from the marketing agreement upon which the hearing was held, and that the execution or issuance of the proposed marketing agreement will give rise to a substantial controversy (by virtue of the variance between the proposed marketing agreement or marketing order and the marketing agreement or marketing order upon which the hearing was held) between the Department and the persons who will become subject to such agreement or marketing order, if such marketing order is issued, notice of the Chief's report and opportunity to file exceptions thereto shall be given. If the Chief determines that such opportunity be given, he shall, immediately following the filing of his report with the hearing clerk, give notice thereof (together with notice of the date fixed by the Chief for the filing of exceptions thereto) in the same manner as hereinbefore provided in § 132.4 (relating to the giving of notice of the hearing). Within a period of time (to be fixed by the Chief, but not to exceed 20 days) after the filing of the report with the hearing clerk, any interested person may then file exceptions to the Chief's proposed marketing agreement and a brief in support of such exceptions. Any such person shall transmit his exceptions, in writing, to the hearing clerk, referring, where practicable, to the related pages of the transcript and suggesting appropriate changes in the proposed marketing agreement.

§ 132.13 *Submission to Secretary.*

The hearing clerk, immediately following the filing of the Chief's report, shall transmit to the Secretary the record of the proceedings. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the transcript of testimony taken at the hearing, together with exhibits filed therein; any written arguments or briefs that may have been filed in con-

nection with the hearing; and the Chief's report: *Provided, however,* That if the Chief provides that opportunity be given to file exceptions to his proposed marketing agreement, as provided in § 132.12 (c), he shall, immediately following the termination of the period for the filing of exceptions to the Chief's proposed marketing agreement, cause to be prepared (by the personnel of the Bureau) for his signature, and shall file with the hearing clerk such revision of the Chief's report as he shall deem to be appropriate in view of the exceptions. Promptly upon the filing of the revision of the Chief's report or upon notification by the Chief that no revision will be made, the hearing clerk shall transmit to the Secretary the record of the proceedings. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any written arguments or briefs that may have been filed in connection with the hearing; the Chief's report; such exceptions and briefs in support thereof as may have been filed pursuant to § 132.12 (c); a statement containing an analysis of such exceptions filed; and the Chief's revised report, if any revision is made.

§ 132.14 *Execution of marketing agreement and issuance of marketing order—(a) Execution of marketing agreements.*

If, after due consideration of the record, the Secretary decides to approve a marketing agreement, he shall announce his tentative approval thereof, and the marketing agreement shall thereupon be filed in the office of the hearing clerk, where a copy thereof shall be available for public inspection, and the Chief shall distribute other copies thereof for execution by the handlers eligible to become parties thereto. If and where such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice herein provided, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement.* Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and the requisite number of handlers, as required by the act, shall have executed the same, he shall also issue a marketing order, which shall regulate the commodity or product involved in the same manner as such marketing agreement.

(c) *Effective date of marketing order.* No marketing order issued pursuant to this paragraph shall become effective less than 3 days after it has been filed with the Division of the Federal Register, National Archives, and, unless a greater number of days is prescribed in a marketing order, such order shall become effective 3 days after it has been so filed.

(d) *Notice of issuance.* After issuance of a marketing order, it shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 132.4 (relating to the giving of notice of hearing).

§ 132.15 *Filing: extension of time; effective date of filing; and computation of time—*(a) *Filing, number of copies.* Except as is provided otherwise herein, all documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extensions of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is transmitted to the Secretary) or by the Secretary (after the record is transmitted to the Secretary), upon request filed, and if, in the judgment of the presiding officer or the Secretary, as the case may be, there is good reason for the extension.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions of this subpart to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

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

§ 132.16 *Discussion of issues, etc., of proceeding prohibited.* Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in a marketing agreement proceeding and prior to the execution of a marketing agreement or the issuance of a marketing order therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however,* That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U. S. Department of Agriculture," the provisions of this section shall prevail.

§ 132.17 *Additional documents to be filed with hearing clerk.* In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for

filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any marketing agreement or marketing order and which the Secretary is required to issue or to approve.

**SUBPART B—RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM MARKETING ORDERS**

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

§ 132.51 *Definitions.* As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 1940 ed. 851 *et seq.*).

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

(c) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

(d) The term "Solicitor" means the Solicitor of the Department.

(e) The term "Bureau" means the Bureau of Animal Industry, United States Department of Agriculture.

(f) The term "Chief" means the Chief of the Bureau of Animal Industry, United States Department of Agriculture, or any officer or employee of the Bureau of Animal Industry to whom the Chief has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

(g) The term "Federal Register" means the publication provided for by Public Act No. 220, 74th Congress, approved July 26, 1935 (44 U.S.C. 1940 ed. 301 *et seq.*), and acts supplementary thereto and amendatory thereof.

(h) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(i) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to the act.

(j) The term "handler" means any person who, by the terms of a marketing order, is subject thereto, or to whom a marketing order is sought to be made applicable.

(k) The term "proceeding" means a proceeding before the Secretary arising under the provisions of Section 608c (15) (A) of Public Law 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 608c (15)), applicable under Public Law 320 74th Congress approved August 24, 1935, to orders issued pursuant to said act.

(l) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(m) The term "party" includes the Department.

(n) The term "hearing clerk" means the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

(o) The term "presiding officer" means any employee of the Department designated by the Secretary to preside over hearings under the act.

(p) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed findings of fact, proposed conclusions, and proposed order.

§ 132.52 *Institution of proceeding—*

(a) *Filing and service of petition.* Any handler desiring to complain that any marketing order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Chief and the Solicitor, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner.

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of.

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order, or the interpretation or application thereof, which are complained of.

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law.

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant.

(6) An affidavit by the petitioner, or, if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition and stating that it is filed in good faith and not for purposes of delay.

(c) *Insufficient petitions; amendments.* The hearing hereinafter provided for shall be held only upon a petition, or the portion thereof, which, as determined by the Chief and approved by the Solicitor, raises a question whether a marketing order, or any term

or provision thereof, or any obligation imposed in connection therewith, is in accordance with law. If the Chief, with the approval of the Solicitor, finds that any petition does not substantially comply, in form and content, with the act or the regulations in this part promulgated thereunder, or is not filed in good faith or is filed for the purposes of delay, the Chief shall so notify the petitioner, and the Chief shall, in the name of the Secretary, dismiss the petition without further procedure: *Provided*, That the petitioner shall be permitted, within 10 days following the mailing of the notice of the insufficiency of the petition, to file a supplemental or an amended petition which does substantially comply, in form and content, with the act and said regulations.

§ 132.53 *Withdrawal of petition.* If, at any time after the petition is filed, the petitioner desires to withdraw the same, he shall file with the hearing clerk (or, if filed during the course of a hearing, with the presiding officer) a written request for permission to withdraw. The Secretary may, in his discretion, thereupon dismiss the petition without further procedure: *Provided*, That, if the request to withdraw is filed after a hearing has been opened, permission to withdraw shall be granted only in exceptional circumstances.

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

§ 132.55 *Presiding officers—(a) Designation and assignment.* The Secretary shall from time to time, designate employees of the Department to serve as presiding officers in proceedings under the act. No person who (1) has any pecuniary interest in the outcome of the proceeding or (2) has participated in the investigation preceding the institution of the proceeding shall serve as presiding officer in such proceeding.

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

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer, in any proceeding assigned to him by the Solicitor, shall have power to:

- (1) Rule upon motions and requests.
- (2) Adjourn the hearing from time to time, and change the time and place of hearing.
- (3) Administer oaths and affirmations and take affidavits.

(4) Issue subpoenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence.

(5) Summon and examine witnesses and receive evidence.

(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions.

(7) Admit or exclude evidence.

(8) Hear oral argument on facts or law.

(9) Consolidate hearings upon two or more petitions pertaining to the same order.

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

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

§ 132.56 *Consolidated hearings.* At the discretion of the Solicitor or the presiding officer, hearings upon two or more petitions pertaining to the same order may be consolidated, and the evidence taken at such consolidated hearing may be embodied in a single record.

§ 132.57 *Intervention.* Intervention in proceedings subject to this subpart shall not be allowed, except that, in the discretion of the Secretary or the presiding officer, any person (other than the petitioner) showing a substantial interest in the outcome of a proceeding shall be permitted to participate in the oral argument and to file a brief.

§ 132.58 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the presiding officer, at any time prior to the commencement of or during the course of the hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (c) the limitation of the number of expert or other witnesses; and (d) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the presiding officer shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the pre-

siding officer may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The presiding officer shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the presiding officer shall submit a written summary for the record if any action is taken.

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

The presiding officer is authorized to rule upon all motions and requests filed or made prior to the transmittal by the hearing clerk to the Secretary of the record as hereinafter provided. The Secretary shall rule upon all motions and requests filed after that time.

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

§ 132.60 *Oral hearings before presiding officer—(a) Time and place.* The Solicitor or the presiding officer shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. If any change in the time or place of hearing becomes necessary, it shall be made by the presiding officer, who, in such event, shall file with the hearing clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

(b) *Appearances—(1) Representation.* In any proceeding under the act, the parties may appear in person or by counsel or other representative. The Department, if represented by counsel, shall be represented by an attorney assigned by the Solicitor of the Department, and such attorney shall present or supervise the presentation of the position of the Department.

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

In case the presiding officer has issued an order precluding a person from further acting as counsel or representative

in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter, the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* If the petitioner, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Secretary, without further procedure, to dismiss the proceeding with or without prejudice, as the Secretary may determine. In the event that the petitioner appears at the hearing and no representative of the Department appears, the presiding officer shall proceed *ex parte* to hear the evidence of the petitioner: *Provided*, That failure on the part of such representative of the Department to appear at a hearing shall not be deemed to be a waiver of the Department's right to file suggested findings of fact, conclusions, and order; to be served with a copy of the presiding officer's report; and to file exceptions with and to submit argument before the Secretary with respect thereto.

(c) *Order of proceeding.* Except as may be determined otherwise by the presiding officer, the petitioner shall proceed first at the hearing.

(d) *Evidence—(1) In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination.

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

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

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

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner hereinafter provided in and subject to the provisions of § 132.61.

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

(5) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

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

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

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

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered.

If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

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

(f) *Transcript.* A copy of the transcript shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Such copy shall remain the property of the Department and may not be removed from said office.

If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 132.61 *Depositions—(a) Procedure in lieu of deposition.* Before any party may be entitled to have testimony taken by deposition, such party shall submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. If, after examination of such affidavit, the other party agrees, or (within 10 days after submission of the affidavit) fails to object, that the affidavit may be used in lieu of the deposition, the presiding officer shall admit the affidavit in evidence and shall not order the deposition to be taken.

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



(c) *Presiding officer's order for taking deposition.* If, after the examination of the application, the presiding officer is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) the time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

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

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

The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the presiding officer, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the provisions of this section may be used in a proceeding under the act if the presiding officer finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a distance greater than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is

unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored to procure the attendance of the witness by subpoena but has been unable to do so; or (5) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If a deposition has been taken, and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition or any part thereof, in evidence.

§ 132.62 *Subpenas—(a) Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpoena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the presiding officer, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

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

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

§ 132.63 *Fees and mileage.* Witnesses who are subpoenaed and who appear in such proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the

United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor, as to witnesses subpoenaed on behalf of the Department, shall be proved before the person issuing the subpoena, and, as to witnesses subpoenaed on behalf of any other party, shall be presented to such party.

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

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

(b) *Suggested findings of facts, conclusions, and orders.* Within 10 days (unless the presiding officer shall have announced at the hearing a shorter or longer period of time) after the transcript has been filed with the hearing clerk, as provided in paragraph (a) of this section, each party may file with the hearing clerk suggested findings of fact, conclusions, and order, based solely upon the evidence of record, and briefs in support thereof.

(c) *Presiding officer's report.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of suggested findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the evidence received at the hearing, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions.* Within a period of time (to be fixed by the presiding officer but not to exceed 20 days) after the filing of the presiding officer's report, the parties may file exceptions to the re-

port. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring, where practicable, to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the presiding officer, as set out in § 132.60, upon which the party wishes to rely, referring, where practicable, to the pertinent pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, it shall be considered that he does not desire to make such oral argument.

(e) *Revision of presiding officer's report.* If exceptions are filed to the presiding officer's report, as provided in paragraph (d) of this section, the presiding officer, after consideration of such exceptions, shall make and file with the hearing clerk a draft of the findings of fact, conclusions, and final order of the Secretary, which shall include such revision of his report as he deems to be appropriate in view of such exceptions.

§ 132.65 *Transmittal of record.* The hearing clerk, immediately following the filing of the revision of the presiding officer's report, or upon notification by the presiding officer that no revision will be made, shall transmit to the Secretary the record of the proceeding. Such record shall include: the petition; motions and requests filed with the hearing clerk, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing conferences; such suggested findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the presiding officer's report; such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding; and the presiding officer's draft of the findings of fact, conclusions, and final order of the Secretary.

§ 132.66 *Argument before Secretary—*  
(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, it shall be considered that he does not desire to make such oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary.

(b) *Briefs.* The parties may, in the discretion of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or in a written brief, shall be limited to the issues raised by the exceptions and statement of objections, or to such issues as

the Secretary may indicate. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit the preparation of adequate argument on all the issues to be argued.

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

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

§ 132.68 *Applications for reopening hearings; for rehearings or rearguments*

*of proceedings; or for reconsideration of orders—*(a) *Petition requisite—*(1) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order shall be made by petition addressed to the Secretary and filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition shall state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen the hearings for the purpose of taking additional evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the order issued pursuant to the proceeding shall be filed within 15 days after the date of the service of such order. Every such petition shall state specifically the matters claimed to have been erroneously decided, and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 10 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce the decision granting or denying the petition. Unless the Secretary shall determine otherwise, the issuance or operation of the order shall not be stayed pending the decision of the Secretary upon the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere in this subpart, shall be followed.

§ 132.69 *Filing; service; extensions of time; effective date of filing; and computation of time—*(a) *Filing; number of copies.* Except as provided otherwise herein, all documents or papers required or authorized in this subpart to be filed with the hearing clerk shall be filed in quadruplicate: *Provided,* That, if there are more than two parties to the proceeding, a sufficient number of additional copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized in this subpart to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Service; proof of service.* Copies of all such papers shall be served upon the parties by the hearing clerk, by the presiding officer, or by some other employee of the Department or by a United States Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the

president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided*, That, if the service is made by registered mail, as outlined in (3) above, proof of service shall be made by the return post-office receipt. The affidavit or post-office receipt contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any document or paper required or authorized in this subpart to be filed may be extended by the presiding officer (before the transmittal of the record to the Secretary) or by the Secretary (after such transmittal), upon request, if, in the judgment of the presiding officer or the Secretary, as the case may be, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper, except a petition filed pursuant to § 132.52, required or authorized under these rules to be filed, shall be deemed to have been filed when it is post-marked or when it is received by the hearing clerk. Any petition filed under § 132.52 shall be deemed to be filed when it is received by the hearing clerk.

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

Done at Washington, D. C., this 18th day of May 1943. Witness my hand and

the seal of the United States Department of Agriculture.

[SEAL] GROVER B. HILL,  
*Acting Secretary of Agriculture.*

Approved: June 2, 1943.

FRANKLIN D. ROOSEVELT,  
*The President of the United States.*

[F. R. Doc. 43-9315; Filed, June 8, 1943;  
11:51 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### Chapter VII—Personnel

#### PART 79—PRESCRIBED SERVICE UNIFORM

##### LAPEL BUTTONS FOR SERVICE

Section 79.58 (d) (5) is amended as follows:

§ 79.58 *Service ribbons, bronze stars, miniatures, lapel buttons, and lapel ribbons.* \* \* \*

(d) *Lapel buttons.* \* \* \*

(5) *For service.* A dexter eagle with wings displayed perched within a ring which displays 13 vertical stripes with a chief, the dexter wing of the eagle behind the ring, the sinister wing in front of the ring, all of blue plastic. (R.S. 1296; 10 U.S.C. 1391) [Par. 58d. A.R. 600-35, November 10, 1941, as amended by C20, May 31, 1943]

[SEAL]

J. A. ULIO,  
*Major General,*  
*The Adjutant General.*

[F. R. Doc. 43-9334; Filed, June 9, 1943;  
10:51 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4639]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOHN F. EBERHARD, ET AL.

§ 3.72 (m10) *Offering deceptive inducements to purchase or deal—Sample, offer or order conformance.* In connection with offer, etc., in commerce, of scientific books, magazines, periodicals or other similar publications, and among other things, as in order set forth (1) representing that purchasers of books, maga-

zines, or periodicals sold by the respondents, or any of them, will receive the books, magazines, or periodicals selected, upon payment of the purchase price, when such purchasers do not receive any of such books, magazines, or periodicals or receive books, magazines, or periodicals other than those selected by such purchasers or receive only part of such selection; or (2) representing that purchasers of subscriptions to magazines or periodicals offered by the respondents, or any of them, will receive the magazines or periodicals so selected, upon payment of the purchase price, when the respondents do not remit the subscription price to the publishers or distributions of the magazines or periodicals selected so that the name of such purchaser can be entered as a subscriber to the magazine or periodical selected; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, John F. Eberhard, et al., Docket 4639, May 24, 1943]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Manufacture or preparation:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods.* In connection with offer, etc., in commerce, of scientific books, magazines, periodicals or other similar publications, and among other things, as in order set forth (1) representing that any book magazine, or periodical is given free to purchasers, which is regularly included in a combination offer with other books, magazines, or periodicals and the price of such item, represented as being free, is included in and made a part of the price regularly and customarily charged for the particular combination offer; (2) representing that any book offered for sale by the respondents, or any of them, is an original, standard, or unabridged edition, or that it is expensively bound and printed when such book is a monograph or condensed article cheaply bound and printed on a cheap grade of paper; or (3) representing as the cus-

tomary or regular price or value of any of respondents' books, any price or value which is in fact in excess of the price at which said books are customarily offered for sale and sold in normal and usual course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, John F. Eberhard, et al., Docket 4639, May 24, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of May, A. D. 1943.

*In the Matter of John F. Eberhard, Walter J. Keavney, and Edmund Diaz, Individuals*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of respondent Edmund Diaz, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and brief filed in support of the complaint; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondents, John F. Eberhard, Walter J. Keavney, and Edmund Diaz, individuals, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of scientific books, magazines, periodicals, or other similar publications in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that purchasers of books, magazines, or periodicals sold by the respondents, or any of them, will receive the books, magazines, or periodicals selected, upon payment of the purchase price, when such purchasers do not receive any of such books, magazines, or periodicals or receive books, magazines, or periodicals other than those selected by such purchasers or receive only part of such selection.

2. Representing that purchasers of subscriptions to magazines or periodicals offered by the respondents, or any of them, will receive the magazines or periodicals so selected, upon payment of the purchase price, when the respondents do not remit the subscription price to the publishers or distributors of the magazines or periodicals selected so that the name of such purchaser can be entered

as a subscriber to the magazine or periodical selected.

3. Representing, that any book magazine, or periodical is given free to purchasers, which is regularly included in a combination offer with other books, magazines, or periodicals and the price of such item, represented as being free, is included in and made a part of the price regularly and customarily charged for the particular combination offer.

4. Representing that any book offered for sale by the respondents, or any of them, is an original, standard, or unabridged edition, or that it is expensively bound and printed when such book is a monograph or condensed article cheaply bound and printed on a cheap grade of paper.

5. Representing as the customary or regular price or value of any of the respondents' books, any price or value which is in fact in excess of the price at which said books are customarily offered for sale and sold in normal and usual course of business.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-9358; Filed, June 9, 1943;  
11:36 a. m.]

[Docket No. 4781]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NEO GRAVURE PRINTING CO., INC., ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (i5) *Offering deceptive inducements to purchase or deal—Opportunities in product or service.* In connection with offer, etc., in commerce, of "Manufacturers' Displays" and "Export Catalogs", and on the part of respondent Printing Co., respondents Eggers & Heinlein and Middleton & Co., export and import concerns and export commission merchants, and respondent Crews, engaged in sale of "Manufacturers' Displays" and "Export Catalogs", and on the part of their agents, etc., and among other things, as in order set forth, representing, directly or by implication (1) that there is a demand from foreign customers of re-

spondent Eggers & Heinlein, Inc., or respondent Middleton & Co., Ltd., for the products sold by manufacturers solicited for advertising to be inserted in said catalogs, or that the operation of the business of said respondents is dependent upon foreign business received by them through the use of such catalogs; or (2) that display advertising in "Export Catalogs" of respondent Eggers & Heinlein, Inc., or respondent Middleton & Co., Ltd., will result in the sale of any substantial quantities of the products of any American manufacturer; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Neo Gravure Printing Co., Inc., et al., Docket 4781, May 24, 1943]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.72 (n10) *Offering deceptive inducements to purchase or deal—Terms and conditions.* In connection with offer, etc., in commerce, of "Manufacturers' Displays" and "Export Catalogs", and on the part of respondent Printing Co., respondents Eggers & Heinlein and Middleton & Co., export and import concerns and export commission merchants, and respondent Crews, engaged in sale of "Manufacturers' Displays" and "Export Catalogs", and on the part of their agents, etc., and among other things, as in order set forth, representing, directly or by implication (1) that said "Export Catalogs" are permanent catalogs or constitute an important feature of the established method used by respondent Eggers & Heinlein, Inc., or respondent Middleton & Co., Ltd., in securing business from foreign customers, or that the use of such catalogs has resulted in an important part of the sales of American merchandise made by said respondents; or (2) that the money paid by manufacturers for insertion of display advertising in respondents' "Export Catalogs" is to be used only for the purpose of paying printing charges, when a part of the money so received is used to pay salesmen's commissions or commissions to respondents in whose names such catalogs are issued, or in payment for lay-outs, translations, copies, bindings, postage or other costs of manufacturing or distribution; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Neo Gravure Printing Co., Inc., et al., Docket 4781, May 24, 1943]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general.* In connection with offer, etc., in commerce, of "Manufacturers' Displays" and "Export Catalogs", and on the part of respondent Printing Co., respondents Eggers & Heinlein and Middleton & Co., export and import concerns and export commission merchants, and respondent Crews, engaged in sale of "Manufacturers' Displays" and "Export Catalogs", and on the part of their agents, etc., and among other things, as in order set forth, representing, directly or by implication, that respondent Marcus A. Crews is connected with the export department of respondent Eggers & Heinlein, Inc., or respondent Middleton & Co., Ltd., or of any other exporter selling merchandise to foreign buyers, or that such department constitutes a useful facility in the sale of merchandise by said respondents to their foreign customers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Neo Gravure Printing Co., Inc., et al., Docket 4781, May 24, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of May, A. D. 1943.

*In the Matter of Neo Gravure Printing Co., Inc., a Corporation; Cuneo Press, Inc., a Corporation; Eggers & Heinlein, Inc., a Corporation; Middleton & Co., Ltd., a Corporation; and Marcus A. Crews, an Individual, Trading as M. A. Crews Co. and as Pioneer Exporters*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents Eggers & Heinlein, Inc., Middleton & Co., Ltd., and Marcus A. Crews, and upon stipulations as to the facts entered into between these respondents and respondent Neo Gravure Printing Co., Inc., and Richard P. Whiteley, Assistant Chief Counsel for the Commission, providing that without further evidence or other intervening procedure the Commission might issue and serve upon said respondents findings as to the facts and conclusions based thereon and an order disposing of the proceeding (the proceeding having heretofore been dismissed as to respondent Cuneo Press, Inc.); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondents, Neo Gravure Printing Co., Inc., a corporation; Eggers & Heinlein, Inc., a corporation; Middleton & Co., Ltd., a corporation, their officers; and Marcus A. Crews, individually and trading as M. A. Crews Co. and as Pioneer Exporters, or trading under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising matter, sometimes called "Manufacturers' Displays," and catalogs, sometimes called "Export Catalogs," do forthwith cease and desist from representing, directly or by implication:

1. That there is a demand from foreign customers of respondent Eggers & Heinlein, Inc., or respondent Middleton & Co., Ltd., for the products sold by manufacturers solicited for advertising to be inserted in said catalogs, or that the operation of the business of said respondents is dependent upon foreign business received by them through the use of such catalogs.

2. That display advertising in "Export Catalogs" of respondent Eggers & Heinlein, Inc., or respondent Middleton & Co., Ltd., will result in the sale of any substantial quantities of the products of any American manufacturer.

3. That said "Export Catalogs" are permanent catalogs or constitute an important feature of the established method used by respondent Eggers & Heinlein, Inc., or respondent Middleton & Co., Ltd., in securing business from foreign customers, or that the use of such catalogs has resulted in an important part of the sales of American merchandise made by said respondents.

4. That the money paid by manufacturers for insertion of display advertising in respondents' "Export Catalogs" is to be used only for the purpose of paying printing charges, when a part of the money so received is used to pay salesmen's commissions or commissions to respondents in whose names such catalogs are issued, or in payment for layouts, translations, copies, bindings, postage or other costs of manufacturing or distribution.

5. That respondent Marcus A. Crews is connected with the export department of respondent Eggers & Heinlein, Inc., or respondent Middleton & Co., Ltd., or of any other exporter selling merchandise to foreign buyers, or that such department constitutes a useful facility in the sale of merchandise by said respondents to their foreign customers.

*It is further ordered,* That the respondents shall, within sixty (60) days after

service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-9359; Filed, June 9, 1943; 11:36 a. m.]

## TITLE 21—FOODS AND DRUGS

### Chapter I—Foods and Drug Administration

#### PART 155—CANNED SHRIMP

##### INSPECTION

Under the authority of section 10A of the Federal Food and Drugs Act (49 Stat. 871; 21 U.S.C. 14a), which remains in force and effect and is applicable to the provisions of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 2 U.S.C. 301 et seq.), and by virtue of the Reorganization Act of 1939 (5 U.S.C. 133), and Reorganization Plan IV,<sup>1</sup> each of the sections hereinafter specified, of the regulations for the inspection of canned shrimp, published in the FEDERAL REGISTER of July 2, 1942,<sup>2</sup> is hereby amended as indicated below:

In § 155.00 (a) "\$150" is changed to "\$184.50."

In § 155.02 (a) "\$100" is changed to "\$123."

In § 155.12 (a) "four (4) cents" is changed to "six (6) cents" and "\$200" to "\$300."

In § 155.12 (b) "\$100" in each instance where it appears is changed to "\$123;" "\$150" in each instance where it appears is changed to "\$184.50;" "\$3 1/3" is changed to "\$4.10."

These amendments shall become effective upon their publication in the FEDERAL REGISTER but shall apply only to service to be rendered after July 1, 1943. All applications for such service to be rendered after July 1, 1943, shall be submitted in accordance with these regulations as amended hereby.

(Sec. 10A, 49 Stat. 871, sec. 902 (a), 52 Stat. 1059, 53 Stat. 561, Reorganization Plan IV; 21 U.S.C., Sup., 372a, 5 U.S.C., Sup., 133 et seq.)

[SEAL]

WATSON B. MILLER,  
Acting Administrator.

JUNE 8, 1943.

[F. R. Doc. 43-9318; Filed, June 8, 1943; 2:45 p. m.]

<sup>1</sup> 5 F.R. 2421.

<sup>2</sup> 7 F.R. 4945.

TITLE 30—MINERAL RESOURCES  
Chapter III—Bituminous Coal Division  
[Docket No. A-1992]

PART 321—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 1

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for certain mines in District No. 1, and for a change in the rail shipping points for certain other mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifica-

tions and minimum prices for the coals of certain mines in District No. 1 and for change in the rail shipping points for certain other mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which

supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 22, 1943.

[SEAL] DAN H. WHEELER,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

| Mine index No. | Code member                                           | Mine name           | Sub-district No. | Seam            | Shipping point                                   | Railroad     | Freight origin group No. |     |     |   |     |     |
|----------------|-------------------------------------------------------|---------------------|------------------|-----------------|--------------------------------------------------|--------------|--------------------------|-----|-----|---|-----|-----|
|                |                                                       |                     |                  |                 |                                                  |              |                          | 1   | 2   | 3 | 4   | 5   |
| 2679           | Batschelet, H. J., Estate (Harry S. Batschelet, Mgr.) | #1.....             | 3                | B.....          | Westport, Pa.....                                | PRR.....     | 49                       | (†) | (†) | C | (†) | (†) |
| 2680           | Batschelet, H. J., Estate (Harry S. Batschelet, Mgr.) | Batschelet #10..... | 3                | B.....          | Westport, Pa.....                                | PRR.....     | 49                       | (†) | (†) | C | (†) | (†) |
| 2199           | Buckshaw, John R. & A. H. Repine (A. H. Repine)       | J. F. Glasser.....  | 15               | D.....          | Dixonville, Pa.....                              | CT&D.....    | 59                       | (†) | (†) | F | (†) | (†) |
| 2310           | Deabenderfer, Kathia.....                             | Deabenderfer.....   | 15               | D.....          | Dixonville, Pa <sup>1</sup> .....                | CT&D.....    | 59                       | (†) | (†) | F | (†) | (†) |
| 1632           | Koloskee & Son (J. L. Koloskee).....                  | Koloskee.....       | 15               | D.....          | Dixonville, Pa.....                              | CT&D.....    | 59                       | (†) | (†) | F | (†) | (†) |
| 3241           | Lyda, W. J. (Lyda Coal Co.).....                      | Lyda #2.....        | 28               | B.....          | Smith, Pa. <sup>1</sup> .....                    | PRR.....     | 82                       | (†) | (†) | G | (†) | (†) |
| 2582           | Mechtly, M. C.....                                    | Mechtly.....        | 15               | D.....          | Dixonville, Pa.....                              | CT&D.....    | 59                       | (†) | (†) | F | (†) | (†) |
| 1881           | Patton Clay Manufacturing Co.....                     | Patton Clay #1..... | 17               | C.....          | Patton, Pa.....                                  | PRR-NYC..... | 60                       | (†) | (†) | E | (†) | (†) |
| 4000           | Romsburg, P. L.....                                   | LeRoy #2.....       | 41               | Pittsburgh..... | Keystone, Pa.....                                | B&O.....     | 100                      | (†) | (†) | F | (†) | (†) |
| 3188           | Rounsley Coal Co. (Richard W. Rounsley)               | Rounsley #2.....    | 21               | E.....          | Henrietta Colliery No. 1, Pa. <sup>1</sup> ..... | PRR.....     | 45                       | (†) | (†) | F | (†) | (†) |
| 4016           | Russell, S. R. & L. W. & G. Jay Clark (G. Jay Clark)  | B&W #1.....         | 18               | D.....          | Irvona, Pa.....                                  | PRR.....     | 50                       | (†) | (†) | F | (†) | (†) |
| 4017           | Russell, S. R. & L. W. & G. Jay Clark (G. Jay Clark)  | B&W #2.....         | 18               | D.....          | Irvona, Pa.....                                  | PRR.....     | 50                       | (†) | (†) | F | (†) | (†) |
| 487            | Stineman Coal & Coke Co.....                          | Stineman #4.....    | 30               | B.....          | South Fork, Pa.....                              | PRR.....     | 49                       | A   | A   | A | A   | C   |

† Indicates no classifications effective for these Size Groups.  
<sup>1</sup> Indicates change in Shipping Point.  
\* Indicates change in freight origin group.

NOTE: The above listed classifications are applicable only via the Railroads, Shipping Points and Freight Origin Group Numbers shown above. Railroads, Shipping Points and Freight Origin Group Numbers heretofore assigned are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

| Code member index                                    | Mine index No. | Mine             | Sub. district No. | County          | Seam            |                                                      |                                        |                           |                    |                      |
|------------------------------------------------------|----------------|------------------|-------------------|-----------------|-----------------|------------------------------------------------------|----------------------------------------|---------------------------|--------------------|----------------------|
|                                                      |                |                  |                   |                 |                 | All lump coal, double screened, top size 2' and over | Double screened, top size 2' and under | Run of mine, modified R/M | 2' and under slack | 3/4" and under slack |
|                                                      |                |                  |                   |                 |                 | 1                                                    | 2                                      | 3                         | 4                  | 5                    |
| Lutz & McGonigal (L. B. McGonigal)                   | 3986           | Lutz.....        | 9                 | Clinton.....    | C'.....         | (†)                                                  | (†)                                    | 245                       | (†)                | (†)                  |
| Romsburg, P. L.                                      | 4000           | LeRoy #2.....    | 41                | Somerset.....   | Pittsburgh..... | (†)                                                  | (†)                                    | 240                       | (†)                | (†)                  |
| Russell, S. R. & L. W. & G. Jay Clark (G. Jay Clark) | 4016           | B & W #1.....    | 18                | Clearfield..... | D.....          | (†)                                                  | (†)                                    | 240                       | (†)                | (†)                  |
| Russell, S. R. & L. W. & G. Jay Clark (G. Jay Clark) | 4017           | B & W #2.....    | 18                | Clearfield..... | D.....          | (†)                                                  | (†)                                    | 240                       | (†)                | (†)                  |
| Shaffer, P. E. (P. E. Shaffer Coal Co.)              | 4014           | Shaffer #3.....  | 4                 | Clarion.....    | D.....          | 260                                                  | 235                                    | 235                       | 220                | 210                  |
| Stineman Coal & Coke Co.                             | 486            | Stineman #2..... | 30                | Cambria.....    | B.....          | 280                                                  | 255                                    | 255                       | 245                | 235                  |
| Stineman Coal & Coke Co.                             | 487            | Stineman #4..... | 30                | Cambria.....    | B.....          | 290                                                  | 265                                    | 265                       | 255                | 235                  |

† Indicates no prices effective for these Size Groups.

[F. R. Doc. 43-9253; Filed, June 8, 1943; 10:51 a. m.]

[Docket No. A-1993]

PART 321—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 1

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for establishment of price classifications and minimum prices for certain mines in District No. 1 and for a change in railroad shipping points for certain other mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 for which price classifications and minimum prices have not heretofore been prescribed and requesting changes in the railroad shipping points for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by

adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Petitioner requested a change in the railroad shipping point for the coals of Pine Coal Co. Mine, Mine Index No. 3935, of Fred W. Hanning, from Wells Creek to Friedens, Pennsylvania, on the B & O Railroad, Freight Origin Group No. 100. However, no relief is granted herein with respect to said mine since it appears that the relief was granted in Docket No. A-1969.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 22, 1943.

[SEAL] DAN H. WHEELER, Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

(Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers)

| Mine Index No. | Code member                                 | Mine name          | Sub-district No. | Seam | Shipping point     | Railroad | Freight origin No. | 1   | 2   | 3 | 4   | 5   |
|----------------|---------------------------------------------|--------------------|------------------|------|--------------------|----------|--------------------|-----|-----|---|-----|-----|
| 3973           | Haws Coal Company (W. D. Riekert)           | Haws Coal Co.      | 32               | C'   | Holsopple, Pa.     | B&O      | 100                | (†) | (†) | E | (†) | (†) |
| 3997           | Hill Bros. (Coal) (W. D. Hill)              | Hill #2            | 14               | D    | Osceola Mills, Pa. | PRR      | 45                 | (†) | (†) | E | (†) | (†) |
| 4018           | Hill Bros. (Coal) (W. D. Hill)              | Hill #3            | 14               | E    | Osceola Mills, Pa. | PRR      | 45                 | (†) | (†) | F | (†) | (†) |
| 4019           | Lansberry & Son, Abbie E.                   | Sugar Camp         | 8                | C    | Gray, Pa.          | NYC      | 44                 | (†) | (†) | F | (†) | (†) |
| 4020           | Miller, C. F., Fred & Marvin (C. F. Miller) | Miller Coal Co. #4 | 4                | E    | Hawthorn, Pa.      | PRR      | 75                 | (†) | (†) | G | (†) | (†) |
| 2690           | R. & R. Coal Co. (Paul B. Ross)             | Miller (S)         | 22               | E    | Chambersville, Pa. | B&O      | 112                | (†) | (†) | G | (†) | (†) |

† Indicates no classifications in these Size Groups.  
 † Indicates change in Shipping Point.

NOTE: The above classification for Mine Index No. 2690 is applicable only via the respective Railroad, Shipping Point and Freight Origin Group Number shown. Railroads, Shipping Points and Freight Origin Group Numbers heretofore assigned are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

(Prices in cents per net ton for shipment into all market areas)

| Code member index                           | Mine index No. | Mine               | Subdistrict No. | County     | Seam | All lump coal, double screened top size 2' and over |     |     |     |     |
|---------------------------------------------|----------------|--------------------|-----------------|------------|------|-----------------------------------------------------|-----|-----|-----|-----|
|                                             |                |                    |                 |            |      | 1                                                   | 2   | 3   | 4   | 5   |
| Haws Coal Company (W. D. Riekert)           | 3973           | Haws Coal Co.      | 32              | Somerset   | C'   | (†)                                                 | (†) | 245 | (†) | (†) |
| Hill Bros. (Coal) (W. D. Hill)              | 3997           | Hill #2            | 14              | Centre     | D    | (†)                                                 | (†) | 245 | (†) | (†) |
| Hill Bros. (Coal) (W. D. Hill)              | 4018           | Hill #3            | 14              | Centre     | E    | (†)                                                 | (†) | 240 | (†) | (†) |
| Lansberry & Son, Abbie E.                   | 4019           | Sugar Camp         | 8               | Clearfield | C    | (†)                                                 | (†) | 240 | (†) | (†) |
| Miller, C. F., Fred & Marvin (C. F. Miller) | 4020           | Miller Coal Co. #4 | 4               | Clarion    | E    | 260                                                 | 235 | 235 | 220 | 210 |
| Neff, Edward                                | 4001           | Neff               | 32              | Somerset   | B    | (†)                                                 | (†) | 245 | (†) | (†) |
| Roman Brothers (Pete Roman)                 | 4021           | Roman Brothers #2  | 6               | Jefferson  | D    | (†)                                                 | (†) | 245 | (†) | (†) |

† Indicates no prices or classifications effective for these size groups.

[F. R. Doc 43-9254; Filed, June 8, 1943; 10:52 a. m.]

[Docket No. A-1937]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

ORDER GRANTING RELIEF

Order amending order in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for rail and truck

shipments and changes in shipping points for the coals of certain mines in District No. 1.

In the schedule marked Supplement R attached to and made a part of the Order Granting Temporary Relief and Conditionally Providing for Final Relief issued April 15, 1943, 8 F.R. 5704, in the above-entitled matter, the Lichtenfels Mine of Luther Shirley (Shirley Bros.

Coal Company No. 1 and No. 2) Mine Index No. 3200, was shown to be classified "H" only in Size Groups 3 and 4, whereas in Docket No. A-1384, such mine was given an "H" classification in Size Group 1, as well as Size Groups 3 and 4. It appears, therefore, that Supplement R should be corrected, so as to show said mine classified "H" in Size Group 1, as well as in Size Groups 3 and 4.

In the schedules marked Supplement R, § 321.7 (*Alphabetical list of code members*) and Supplement T, § 321.24 (*General prices*), the mine name for the Penna. #17-D Mine of the Pennsylvania Coal and Coke Corporation was inadvertently printed as the Penn. #17-D, instead of Penna. #17-D. It appears, therefore, that this should be corrected.

Accordingly, It is so ordered.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER, Director.

[F. R. Doc. 43-9346; Filed, June 9, 1943; 11:00 a. m.]

[Docket No. A-1994]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT No. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District

Board No. 2 for the establishment of price classifications and minimum prices for rail shipments and changes in the freight origin group numbers and in shipping points for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and changes in the Freight Origin Group Numbers and the shipping points for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the

granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, and § 322.9 (*Special prices—(c) Railroad fuel*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 17, 1943.

-[SEAL]

DAN H. WHEELER,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members—Supplement R-I*

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

| Mine index No. | Code member                            | Mine name        | Seam         | Subdist. No. | Shipping point                                             | Railroad  | Freight origin group No. | Size group Nos. |   |   |   |   |   |   |   |     |     |     |     |     |     |     |     |     |     |     |
|----------------|----------------------------------------|------------------|--------------|--------------|------------------------------------------------------------|-----------|--------------------------|-----------------|---|---|---|---|---|---|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|                |                                        |                  |              |              |                                                            |           |                          | 1               | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  |     |     |     |
| 2201           | Bumble Bee Coal Co. (Emet Diamond).    | Love.....        | Sewiekley... | 3            | Crawford #2 Siding, Pa. <sup>1</sup>                       | PRR-B&O.  | 112                      | J               | J | H | H | H | H | H | H | H   | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) |
| 2641           | Coney Brothers (Thomas Coney).         | Joyce.....       | Pittsburgh.. | 7            | Houston, Pa.; Canonsburg, Pa. <sup>1</sup>                 | PRR.....  | 74                       | O               | C | C | C | F | F | F | F | F   | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) |
| 2681           | Donavan, William M.....                | Hope #3 (d)....  | Sewiekley... | 3            | Hope Mine Siding, Shoaf, Pa.; Fairchance, Pa. <sup>1</sup> | B&O-PRR.  | 114                      | J               | J | H | H | H | H | H | H | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) |
| 994            | Haas, William.....                     | Sterling.....    | Pittsburgh.. | 3            | Dickerson Run, Pa. <sup>1</sup>                            | P&LE..... | 236                      | E               | E | C | C | C | B | B | B | B   | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) |
| 1844           | Jacobs, S. Isaac.....                  | Newcomer #2....  | Sewiekley... | 3            | Newcomer, Pa.; Fairchance, Pa. <sup>1</sup>                | B&O-PRR.  | 114                      | J               | J | H | H | H | H | H | H | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) |
| 595            | Schlegel, August.....                  | Schlegel (s).... | Pittsburgh.. | 7            | Oakdale, Pa. <sup>1</sup>                                  | PRR.....  | 274                      | G               | G | F | F | F | H | H | H | H   | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) |
| 966            | Wyant—Furman Coal Co. (Geo. D. Wyant). | Baird (d).....   | Pittsburgh.. | 3            | Outcrop, Pa. <sup>1</sup>                                  | B&O.....  | 80                       | F               | F | E | E | E | E | E | E | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) |
| 2676           | Wyant—Furman Coal Co. (Geo. D. Wyant). | Baird #2 (s).... | Sewiekley... | 3            | Outcrop, Pa. <sup>1</sup>                                  | B&O.....  | 80                       | J               | J | H | H | H | H | H | H | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) | (+) |

+ Indicates no classifications for these size groups.  
<sup>1</sup> Indicates change in Shipping Point.  
<sup>2</sup> Indicates change in Freight Origin Group numbers.

NOTE: The above classifications are applicable only via the respective Freight Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups shown for these mines. Freight Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups heretofore shown are hereby deleted.

§ 322.9 *Special prices—Railroad fuel—Supplement R-II.*

NOTE: In § 322.9 (c) in Minimum Price Schedule No. 1 add the mine index numbers in groups shown. Group No. 2: 595, 2641; Group No. 6: 994; Group No. 7: 966; Group No. 8: 1844, 2201, 2676, 2681.

NOTE: Canonsburg, Pennsylvania, is established as a temporary Shipping Point for Mine Index No. 2641 until June 1, 1943.

[F. R. Doc. 43-9255; Filed, June 8, 1943; 10:52 a. m.]

[Docket No. A-1995]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition for District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3 and for a change in the shipping

points for the coals of certain other mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3 and for a change in the shipping points for the coals of certain other mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 22, 1943.

[SEAL]

DAN H. WHEELER,  
Director.



TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

| Mine Index No. | Code member                                         | Mine name                      | Seam                        | Shipping point                    | Railroad      | Freight origin group No. | Size group No. |   |   |   |   |   |   |   |   |    |    |     |     |     |     |     |     |
|----------------|-----------------------------------------------------|--------------------------------|-----------------------------|-----------------------------------|---------------|--------------------------|----------------|---|---|---|---|---|---|---|---|----|----|-----|-----|-----|-----|-----|-----|
|                |                                                     |                                |                             |                                   |               |                          | 1              | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12  | 13  | 14  | 15  | 16  |     |
| 107            | Allied Coal Company (Joe J. Zuchowski).             | Allied #1.....                 | M. V. Freeport <sup>1</sup> | Towson, W. Va...                  | WVN...        | 71                       | J              | J | J | J | J | J | J | J | J | J  | J  | (f) | (f) | (f) | (f) | (f) | (f) |
| 1359           | Bogges, H. C. (Delta Coal Co.).                     | Colfax #3 (s)....              | Pittsburgh.....             | Colfax, W. Va....                 | B&O....       | 50                       | F              | F | F | F | F | F | F | F | F | F  | F  | (f) | (f) | (f) | (f) | (f) | (f) |
| 1389           | Bogges, H. C. (Delta Coal Co.).                     | Colfax #3 (s)....              | Pittsburgh.....             | Kingmont, W. Va.                  | Monon. River  |                          | F              | F | F | F | F | F | F | F | F | F  | F  | (f) | (f) | (f) | (f) | (f) | (f) |
| 415            | Cain, M. H. & Co. (M. H. Cain). <sup>1</sup>        | Mt. Tabor #2 (s). <sup>1</sup> | Pittsburgh.....             | Phillip, W. Va....                | B&O....       | 31                       | F              | F | F | F | F | F | F | F | F | F  | F  | (f) | (f) | (f) | (f) | (f) | (f) |
| 1405           | Clark, John A., Jr. <sup>1</sup>                    | Blair.....                     | Sewickley.....              | Everson, W. Va....                | B&O....       | 61                       | J              | J | J | J | J | J | J | J | J | J  | J  | (f) | (f) | (f) | (f) | (f) | (f) |
| 1406           | Clark, John A., Jr. <sup>1</sup>                    | Jackson.....                   | Sewickley.....              | Chiefton, W. Va....               | WM....        | 65                       | J              | J | J | J | J | J | J | J | J | J  | J  | (f) | (f) | (f) | (f) | (f) | (f) |
| 105            | Marrara, Domenick (Kingwood Coal Co.). <sup>1</sup> | Miller #3.....                 | M. V. Freeport.             | Kingwood, W. Va.                  | WVN....       | 71                       | J              | J | J | J | J | J | J | J | J | J  | J  | (f) | (f) | (f) | (f) | (f) | (f) |
| 699            | Nixon, R. S.....                                    | Nixon #1.....                  | Pittsburgh.....             | Frances Mine, W. Va. <sup>3</sup> | B&O....       | 61                       | F              | F | F | F | F | F | F | F | F | F  | F  | (f) | (f) | (f) | (f) | (f) | (f) |
| 8              | Victory Coal Company (S. N. Bartlett). <sup>1</sup> | Bailey #3 (s&d).               | Pittsburgh.....             | Astor, W. Va....                  | B&O....       | 60                       | F              | F | F | F | F | F | F | F | F | F  | F  | (f) | (f) | (f) | (f) | (f) | (f) |
| 783            | Whipkey, D. J. (Whipkey Coal Co.).                  | Whipkey.....                   | Pittsburgh.....             | Granville, W. Va.                 | Monon.. River |                          | F              | F | F | F | F | F | F | F | F | F  | F  | (f) | (f) | (f) | (f) | (f) | (f) |
| 953            | W. & P. Coal Co. <sup>1</sup>                       | Martin.....                    | Sewickley.....              | Maidsville, W. Va. <sup>1</sup>   | Mongh..       | 52                       | J              | J | J | J | J | J | J | J | J | J  | J  | (f) | (f) | (f) | (f) | (f) | (f) |
| 693            | Zuchowski Sullivan Coal Company (J. J. Zuchowski).  | Victory.....                   | M. V. Freeport <sup>1</sup> | Towson, W. Va....                 | WVN....       | 71                       | J              | J | J | J | J | J | J | J | J | J  | J  | (f) | (f) | (f) | (f) | (f) | (f) |

(f) Indicates no classifications for these size groups.

<sup>1</sup> Indicates change in name.

<sup>2</sup> Indicates change in seam.

<sup>3</sup> Indicates change in shipping point.

NOTE: The above classifications are applicable only via the respective Railroads, Shipping Points and Freight Origin Group shown. Railroads, Shipping Points and Freight Origin Groups previously assigned are hereby deleted.

NOTE: For Railroad Fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) and § 323.8 (c) in Minimum Price Schedule No. 1. Group No. 1: 8, 415, 699, 389; Group No. 3: 105, 107, 693; Group No. 4: 953 (a), 1405, 1406. To Note (1) in § 323.8 (f) of the Effective Schedule add Mine Index No. 953. This mine shall be priced at 15¢ less than shown for coal consigned to the Erie, P&LE and New York Central Railroads only.

NOTE: For River and Ex-River shipments Mine Index numbers 783 and 1389 will take the same prices as mines having index numbers 42, 54, 100, 106, 113, 119, 121, 127, 130, 132, 1219, 1226 and 1233 as shown in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3 and Docket No. A-1059 with adjustments thereto.

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

| Code member Index                                    | Mine Index No. | Mine              | Seam                     | County       | Size groups                            |                                              |                                                          |                              |                               |                     |            |
|------------------------------------------------------|----------------|-------------------|--------------------------|--------------|----------------------------------------|----------------------------------------------|----------------------------------------------------------|------------------------------|-------------------------------|---------------------|------------|
|                                                      |                |                   |                          |              | Lump over 2', egg over 2', bottom size | Lump 2', egg 2', bottom size but over 1 1/4" | Lump 1 1/4" and under, egg 1 1/4" and under, bottom size | All nut and pea 2" and under | Run of mine resultant over 2' | 1 1/4" and 2' slack | 3/4" slack |
|                                                      |                |                   |                          |              | 1                                      | 2                                            | 3                                                        | 4                            | 5                             | 6                   | 7          |
| Allied Coal Company (Joe J. Zuchowski).              | 107            | Allied #1..       | M. V. Free <sup>1</sup>  | Preston..... | 245                                    | 245                                          | 245                                                      | 220                          | 220                           | 210                 | 200        |
| Cain, M. H. & Co. (M. H. Cain). <sup>1</sup>         | 415            | Mt. Tabor #2 (s). | Pittsburgh..             | Barbour..... | 243                                    | 238                                          | 238                                                      | 213                          | 213                           | 198                 | 188        |
| Clark, John A., Jr. <sup>1</sup>                     | 1405           | Blair.....        | Sewickley...             | Marion.....  | 228                                    | 223                                          | 223                                                      | 198                          | 198                           | 183                 | 173        |
| Clark, John A., Jr. <sup>1</sup>                     | 1406           | Jackson.....      | Sewickley...             | Marion.....  | 228                                    | 223                                          | 223                                                      | 198                          | 198                           | 183                 | 173        |
| Marrara, Domenick (Kingwood Coal Co.). <sup>1</sup>  | 105            | Miller #3..       | M. V. Free..             | Preston..... | 245                                    | 245                                          | 245                                                      | 220                          | 220                           | 210                 | 200        |
| Mason, Lemuel R., Jr. (Mason Coal Co.). <sup>1</sup> | 849            | Mason #1..        | H. V. Kitt..             | Upshur.....  | 228                                    | 223                                          | 223                                                      | 198                          | 198                           | 188                 | 178        |
| Osborn, Brenne.....                                  | 1416           | Osborn....        | Pittsburgh..             | Lewis.....   | 243                                    | 238                                          | 238                                                      | 213                          | 213                           | 198                 | 188        |
| Victory Coal Company (S. N. Bartlett). <sup>1</sup>  | 8              | Bailey #3 (s&d).  | Pittsburgh..             | Barbour..... | 243                                    | 238                                          | 238                                                      | 213                          | 213                           | 198                 | 188        |
| W. & P. Coal Co. <sup>1</sup>                        | 953            | Martin....        | Sewickley...             | Monongalia.  | 228                                    | 223                                          | 223                                                      | 198                          | 198                           | 183                 | 173        |
| Zuchowski Sullivan Coal Company (J. J. Zuchowski).   | 693            | Victory....       | M. V. Free. <sup>2</sup> | Preston..... | 245                                    | 245                                          | 245                                                      | 220                          | 220                           | 210                 | 200        |

<sup>1</sup> Indicates change in name.

<sup>2</sup> Indicates change in seam.

[F. R. Doc. 43-9256; Filed, June 8, 1943; 10:52 a. m.]

[Docket No. A-1987]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (Low

volatile coals: Alphabetical list of code members) is amended by adding thereto Supplement R, and § 327.34 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in

the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 15, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

| Mine index No. | Code member                      | Mine name   | Sub-district No. | Low volatile seam | Shipping point   | Railroad | Freight origin group No. | Price classification by size group No. |     |     |     |     |     |   |   |     |     |     |     |
|----------------|----------------------------------|-------------|------------------|-------------------|------------------|----------|--------------------------|----------------------------------------|-----|-----|-----|-----|-----|---|---|-----|-----|-----|-----|
|                |                                  |             |                  |                   |                  |          |                          | 1                                      | 2   | 3   | 4   | 5   | 6   | 7 | 8 | 9   | 10  |     |     |
| 341            | Duo Coal Company (R. L. Basuick) | Orient Hill | 1                | Sewell            | Quinwood, W. Va. | N.F.&G.  | 19                       | D                                      | (†) | (†) | (†) | (†) | (†) | B | B | C   | C   | (†) | (†) |
| 340            | Smith, Earl                      | Raymond #1  | 1                | Sewell            | Quinwood, W. Va. | N.F.&G.  | 19                       | D                                      | (†) | (†) | (†) | (†) | (†) | B | B | (†) | (†) | (†) | (†) |
| 342            | Porterfield Coal Company         | Myrtle #2   | 5                | Beckley           | Mullens, W. Va.  | Vgn.     | 14                       | B                                      | (†) | (†) | (†) | (†) | (†) | B | B | (†) | (†) | (†) | (†) |

†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area—Supplement T

| Code member Index                | Mine        | Mine index No. | Subdistrict No. | County     | Seam    | All lump 3/4" or larger, all egg and stove |       | All nut or pea, 1 1/4" top size or smaller |     | Screened M/R | Straight mine run | 1 1/2" screenings | 3/4" screenings |
|----------------------------------|-------------|----------------|-----------------|------------|---------|--------------------------------------------|-------|--------------------------------------------|-----|--------------|-------------------|-------------------|-----------------|
|                                  |             |                |                 |            |         | 1                                          | 2     | 3                                          | 4   |              |                   |                   |                 |
| Duo Coal Company (R. L. Basuick) | Orient Hill | 341            | 1               | Greenbrier | Sewell  | 310                                        | ----- | 300                                        | 235 | 210          | 205               |                   |                 |
| Smith, Earl                      | Raymond #1  | 340            | 1               | Greenbrier | Sewell  | 310                                        | ----- | 300                                        | 235 | -----        | -----             |                   |                 |
| Porterfield Coal Company         | Myrtle #2   | 342            | 5               | Wyoming    | Beckley | 335                                        | ----- | 300                                        | 235 | -----        | -----             |                   |                 |

[F. R. Doc. 43-9258; Filed, June 8, 1943; 10:50 a. m.]

[Docket No. A-1996]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for Mine Index Nos. 343 and 344.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this

Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Ashbury No. 1 Mine, Mine Index No. 343 of George H. Ashbury, and Fireco Mine, Mine Index No. 344 of Leckie Fire Creek Coal Co., in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter temporary relief is granted as follows: Commencing forthwith, § 327.11 (Low volatile coals: Alphabetical list of code members) is amended by adding thereto Supplement R, and § 327.34 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 22, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

| Mine index No. | Code member                | Mine name | Sub-district No. | Low volatile seam | Shipping point  | Railroad | Freight origin group No. | Price classification by size group No. |     |     |     |     |     |   |   |     |     |     |     |
|----------------|----------------------------|-----------|------------------|-------------------|-----------------|----------|--------------------------|----------------------------------------|-----|-----|-----|-----|-----|---|---|-----|-----|-----|-----|
|                |                            |           |                  |                   |                 |          |                          | 1                                      | 2   | 3   | 4   | 5   | 6   | 7 | 8 | 9   | 10  |     |     |
| 343            | Asbury, George H.          | Asbury #1 | 4                | War Creek         | English, W. Va. | N&W      | 30                       | D                                      | (†) | (†) | (†) | (†) | (†) | E | D | (†) | (†) | (†) | (†) |
| 344            | Leckie Fire Creek Coal Co. | Fireco    | 5                | Fire Creek        | Fireco, W. Va.  | Vgn.     | 14                       | D                                      | (†) | (†) | (†) | (†) | (†) | B | B | (†) | (†) | (†) | (†) |

†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area—  
Supplement T

| Code member index              | Mine           | Mine index No. | Subdistrict No. | County       | Seam         | All lump ¾" or larger, all egg and stove |       | Screened M/R | Straight mine run | 1¼" screenings |       |
|--------------------------------|----------------|----------------|-----------------|--------------|--------------|------------------------------------------|-------|--------------|-------------------|----------------|-------|
|                                |                |                |                 |              |              | 1                                        | 2     |              |                   | 3              | 4     |
| Asbury, George H.....          | Asbury #1..... | 343            | 4               | McDowell..   | War Creek..  | .....                                    | ..... | 270          | 215               | .....          | ..... |
| Leckie Fire Creek Coal Co..... | Fireco.....    | 344            | 5               | Raleigh..... | Fire Creek.. | 310                                      | ..... | 300          | 235               | 215            | 210   |

[F. R. Doc. 43-9257; Filed, June 8, 1943; 10:50 a. m.]

[Docket No. A-1569, Part II]

PART 329—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 9

MEMORANDUM OPINION AND ORDER  
REVISING PRICES

Memorandum opinion and order of the Director in the matter of the petition of District Board No. 9 for the revision of minimum prices for the coals of the Wolf Hills Mine (Mine Index No. 530) of Wolf Hills Coal Company for truck shipments.

This proceeding was instituted upon a petition<sup>1</sup> filed July 31, 1942 with the Bituminous Coal Division by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition herein requested that the minimum prices for shipment by truck established for the coals in Size Groups 1-4, inclusive, produced at the Wolf Hills Mine (Mine Index No. 530) of the Wolf Hills Coal Company, be increased 30 cents per ton.

Pursuant to appropriate order and after due notice to interested persons, a hearing in this matter was held on September 22, 1942, before Floyd McGowan, 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-examine witnesses and otherwise be heard. Petitioner appeared and at the conclusion of the hearing waived the preparation and filing of a report by the Examiner. The matter was thereupon submitted to me.

The Wolf Hills Mine (Mine Index No. 530) of the Wolf Hills Coal Company, with seven other mines<sup>2</sup> forms a group

of truck mines, located in the northern part of Henderson County, Kentucky, the coals of which are mined from the No. 9 seam and compete with one another principally in Henderson, Kentucky, and Evansville, Indiana. According to Thomas H. Green, the member of District Board 9 representing Henderson County truck mines, and the only witness at the hearing, the coal produced at the Wolf Hills Mine<sup>3</sup> is analogous in structure, quality and consumer acceptability and is "practically the same coal" as that produced by these seven truck mines in the competitive group. In addition, the Wolf Hills Mine in its location has a decided advantage over these seven mines, since it is closer to the main market of Evansville, Indiana, and, except for the Keystone Mine (Mine Index No. 42) is closer to Henderson than any other Henderson County mine. The Wolf Hills Mine is three miles distant from the city limits both of Henderson and Evansville; whereas the other mines in the group are five to ten miles distant from these markets.

The witness explained that due to a misapprehension on the part of the district board as to the location of the Wolf Hills Mine in the so-called Hebbardsville district in southern Henderson County and in the belief that it had to haul its coals longer and over rougher terrain for shipment into Henderson and Evansville, minimum prices were established for Wolf Hills Mine coals in Size Groups 1 to 4, inclusive, identical with the prices established for coals, similarly sized, produced by truck mines in the Hebbardsville district, and 30 cents per ton lower than the coals in similar sizes produced by the northern Henderson County truck mines, referred to above, with which the Wolf Hills Mine comes into direct com-

Hill Coal Company, Hot Stuff Mine (Mine Index No. 274) of J. L. Nicholson & Sons, Inc., Wilson Bros. Mine (Mine Index No. 278) of Wilson Brothers (formerly B. N. Robards), Keystone Mine (Mine Index No. 42) of Tri-State Coal Company (formerly Southland Coal Company), and Zion Mine (Mine Index No. 280) of Zion Coal Co., Inc.

<sup>3</sup>The record discloses that approximately 30,000 tons are produced annually at Mine Index No. 530. This output is sold entirely for delivery by truck.

petition. Dissatisfaction with this minimum price differential between the Wolf Hills Mine coals in Size Groups 1 to 4, inclusive, and similarly sized coals produced by these northern Henderson County truck mines has always existed.<sup>4</sup> The Wolf Hills Mine coals in Size Groups 1 to 4, inclusive, have been sold at 30 cents a ton higher than their applicable minimum prices, and at the prices equal to those of similarly sized coals produced by the northern Henderson County mines until Maximum Price Regulation No. 120 established ceiling prices for truck shipment for District 9 coals at a level 25 cents above effective minimum prices, requiring a 5 cent decrease in the market prices of Wolf Hills Mine coals.

The record establishes that the coal in Size Group 1 to 4, inclusive, produced by the Wolf Hills Mine is comparable in quality and consumer acceptability, and is competitive with similarly sized coals produced by the seven truck mines in northern Henderson County. In view of the entire record, I find that the minimum prices for truck shipment applicable to the Wolf Hills Mine coal in Size Groups 1 to 4, inclusive, should be increased to equal the minimum prices for truck shipment applicable to similarly sized coals produced at these seven northern Henderson County mines, in order that relative market values may be reflected as nearly as possible and fair competitive opportunities among producers in northern Henderson County may be preserved.<sup>5</sup> I find further that such price adjustment complies with the standards set forth in Sections 4 II (a) and (b) of the Act and is required to effectuate the purposes thereof. Upon the basis of the above findings of fact, and the entire record in this proceeding:

*It is hereby ordered,* That effective as of the date hereof, § 329.24 (*General prices in cents per net ton for shipment into any market area*) in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipment is amended by revising the effective minimum prices

<sup>4</sup>Upon the establishment of the lower minimum prices for the Wolf Hills Mine coal, all the mines in Henderson County petitioned the district board to request an increase of those prices to a parity with the minimum prices of coals produced by the northern Henderson County truck mines; on December 6, 1940, the district board instituted such a proceeding (Docket No. A-463) which was dismissed August 13, 1941, without prejudice, for procedural reasons. It also appears that although the Wolf Hills Coal Company has twice requested the district board to request an upward revision of Wolf Hills Mine coals in Size Groups 1 to 4, inclusive, the district board "delayed action on this matter through an oversight."

<sup>5</sup>It was also asserted that the minimum prices hitherto effective for Wolf Hills Mine coals in Size Groups 1 to 4, inclusive, placed at an unfair competitive disadvantage the coals produced in the Booneville District in District 11 moving into Evansville. Since no evidence was adduced as to the quality of the Booneville District coals or their effective minimum prices, it is unnecessary to pass upon the competitive relationship hitherto existing between Wolf Hills Mine coals and the Booneville District coals.

<sup>1</sup>In Docket No. A-1569 the petition requested the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District 9. By order, dated August 18, 1942, 7 F.R. 6823, temporary and conditionally final relief was granted as requested in the petition. No relief was granted the Wolf Hills Mine and that portion of Docket No. A-1569 relating thereto was severed from the remainder of Docket No. A-1569, designated Part II, and scheduled for hearing.

<sup>2</sup>These mines are Anthoston Mine (Mine Index No. 268), of Anthoston Coal Company, Eastin Mine (Mine Index No. 271) of George S. Eastin (Eastin Coal Company), Graham Hill Mine (Mine Index No. 272) of Graham

for the coals produced by the Wolf Hills Mine (Mine Index No. 530) of the Wolf Hills Coal Company in Size Groups 1 to 4, inclusive, as follows:

| Price..... | Size groups |        |        |        |
|------------|-------------|--------|--------|--------|
|            | 1           | 2      | 3      | 4*     |
|            | \$2.40      | \$2.40 | \$2.30 | \$2.20 |

\* These minimum prices for truck shipment reflect the general 5 cent increase in price for District No. 9, directed by Order of the Director in General Docket 21, effective October 1, 1942, 7 F.R. 7859.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9345; Filed, June 9, 1943; 11:02 a. m.]

[Docket No. A-2003]

PART 331—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 11.

ORDER GRANTING RELIEF\*

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for Mine Index Nos. 1392 and 1388.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Booker Mine, Mine Index No. 1392, of Sherman Booker and Maybaugh Mine, Mine Index No. 1388, of Boyer, Clint & Son Coal Company, in District No. 11, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 22, 1943.

[SEAL] DAN H. WHEELER,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11  
NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas—*  
Supplement T

| Code member index                | Mine Index No. | Mine        | Seam | Prices and size group Nos. |     |     |     |     |     |     |     |     |            |     |     |     |    |  |  |  |  |  |  |
|----------------------------------|----------------|-------------|------|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|------------|-----|-----|-----|----|--|--|--|--|--|--|
|                                  |                |             |      | 1                          | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10, 11, 12 | 13  | 14  | 15  | 16 |  |  |  |  |  |  |
| GREENE COUNTY                    |                |             |      |                            |     |     |     |     |     |     |     |     |            |     |     |     |    |  |  |  |  |  |  |
| Booker, Sherman.....             | 1392           | Booker..... | 4    | 280                        | 275 | 270 | 260 | 255 | 250 | 220 | 220 | 195 | 185        | 165 | 155 | 105 | 75 |  |  |  |  |  |  |
| OWEN COUNTY                      |                |             |      |                            |     |     |     |     |     |     |     |     |            |     |     |     |    |  |  |  |  |  |  |
| Boyer, Clint & Son Coal Company. | 1388           | Maybaugh..  | B    | 315                        | 290 | 270 | 260 | 255 | 250 | 220 | 220 | 200 | 190        | 160 | 150 | 85  | 55 |  |  |  |  |  |  |

[F. R. Doc. 43-9260; Filed, June 8, 1943; 10:53 a. m.]

[Docket No. A-2007]

PART 331—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 11

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for Mine Index No. 401.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Sunshine Mine, Mine Index No. 401, of Sunshine Coal Company (Bruce Koenig), in District No. 11 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipments into all market areas—*  
Supplement T

| Code member index                    | Mine Index No. | Mine          | Seam | Prices and size group Nos. |            |     |     |     |     |     |     |     |        |  |  |  |  |  |  |  |  |  |  |
|--------------------------------------|----------------|---------------|------|----------------------------|------------|-----|-----|-----|-----|-----|-----|-----|--------|--|--|--|--|--|--|--|--|--|--|
|                                      |                |               |      | 17                         | 18, 19, 20 | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28, 29 |  |  |  |  |  |  |  |  |  |  |
| ENOX COUNTY                          |                |               |      |                            |            |     |     |     |     |     |     |     |        |  |  |  |  |  |  |  |  |  |  |
| Sunshine Coal Company (Bruce Koenig) | 401            | Sunshine..... | 6    | 190                        | 185        | 190 | 180 | 180 | 170 | 140 | 150 | 140 | 110    |  |  |  |  |  |  |  |  |  |  |

[F. R. Doc. 43-9261; Filed, June 8, 1943; 10:53 a. m.]

[Docket No. A-2001]

PART 332—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 12

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 22, 1943.

[SEAL] DAN H. WHEELER,  
Director.

the matter of the petition of District Board No. 12 for the establishment of price classifications and minimum prices for Mine Index Nos. 259 and 848.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this

Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Cedar Creek Coal Co. Mine, Mine Index No. 259, of Cedar Creek Coal Company (Wm. Pellegrino) and Flagler No. 4 Mine, Mine Index No. 848, of Dunreath Coal Company (M. B. McConville), in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (Alphabetical list of code members) is amended by adding thereto Supplement R and

§ 332.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: May 27, 1943.

[SEAL] DAN H. WHEELER, Director.

(4) An illegitimate child (also an illegitimate unborn child from the date of its conception), but only if the man has been judicially ordered or decreed to contribute to such child's support, has been judicially decreed to be the putative father of such child, or has acknowledged pursuant to law that he is the father of such child; and

(5) A person who is supported in good faith by the registrant in a relationship similar to that of parent and child; but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

(b) The term "parent" includes a person who is supported in good faith by the registrant in a relationship similar to that of child and parent.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, Director.

JUNE 8, 1943.

[F. R. Doc. 43-9319; Filed, June 8, 1943; 4:10 p. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 Alphabetical list of code members—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups]

| Code member                           | Mine index No. | Mine name              | Mine origin group   | Originating railroad | Mine origin group No. |
|---------------------------------------|----------------|------------------------|---------------------|----------------------|-----------------------|
| Cedar Creek Coal Co. (Wm. Pellegrino) | 259            | * Cedar Creek Coal Co. | Williamson          | CRI&P                | 24                    |
| Dunreath Coal Co. (M. B. McConville)  | 848            | * Flagler #4           | {Bussey<br>Flagler} | {CB&Q-Wab.<br>CB&Q}  | 82                    |

\*Indicates mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 General prices in cents per net ton for shipment into all market areas—Supplement T

| Code member index                    | Mine index No. | Mine          | Price group No. | County    |       |              |                     |                               |          |                                |                                |                                    |                                         |           |
|--------------------------------------|----------------|---------------|-----------------|-----------|-------|--------------|---------------------|-------------------------------|----------|--------------------------------|--------------------------------|------------------------------------|-----------------------------------------|-----------|
|                                      |                |               |                 |           | Chunk | Standard ump | Egg, 8 x 2', 6 x 2' | Small egg, 4 x 2', 3 x 1 1/2' | Mine run | Nut, 2 x 1 1/4", 1 1/4" x 3/4" | Dom. stoker, 1 1/4", 1 x 3/16" | Screenings, 2", 1 1/2", 1 1/4" x 0 | Ind. stoker, Cr. 2", 1 1/2", 1 1/4" x 0 | 5/16" x 0 |
|                                      |                |               |                 |           | 1     | 2            | 3                   | 4                             | 5        | 6                              | 7                              | 8                                  | 9                                       | 10        |
| Dunreath Coal Co. (M. B. McConville) | 848            | Flagler #4... | 18              | Marion... | 305   | 295          | 285                 | 275                           | 275      | 275                            | 275                            | 165                                | 225                                     | 105       |

[F. R. Doc. 43-9262; Filed, June 8, 1943; 10:50 a. m.]

Chapter IX—War Production Board

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), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

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

[Amendment 1 to Priorities Regulation 3, as Amended June 4, 1943]

Section 944.23 Priorities Regulation 3 is hereby amended in the following respects:

a. Item 4 on List C is amended to read as follows:

4. Combinations of cotton, wool or synthetic yarn, or cotton, wool or synthetic woven, felted, knitted or braided fabrics. M-73; M-148; M-166; M-298; M-328; P-131.

b. Item 6 on List C is amended to read as follows:

6. Cotton yarn or cotton woven, knitted or braided fabric. P-116; P-131; M-107; M-134; M-148; M-166; M-207; M-218; M-298; M-328; L-282.

c. Item 12 on List C is amended to read as follows:

12. Synthetic yarn or synthetic woven, knitted or braided fabric. M-148; M-166; M-328; P-131.

d. Item 15 on List C is amended to read as follows:

15. Wool, wool yarn or wool woven, knitted, felted or braided fabric. M-73; M-148; M-328; P-131.

Issued this 9th day of June 1943.

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

[F. R. Doc. 43-9335; Filed, June 9, 1943; 11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 157, 2d Ed]

PART 622—CLASSIFICATION

CERTAIN RELATIVES DEFINED

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512,

Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraphs (a) and (b) of § 622.33 to read as follows:

§ 622.33 Certain relatives defined. (a)

The term "child" includes:

(1) A legitimate child (also a legitimate unborn child from the date of its conception);

(2) A child legally adopted;

(3) A stepchild, if a member of a man's household, including a stepchild who continues as a member of the man's household after death of the mother or termination of the marriage;

## PART 962—IRON AND STEEL

[General Preference Order M-21, as Amended June 9, 1943]

Section 962.1 *General Preference Order M-21*, as heretofore amended, is hereby further amended to read as follows:

(a) *Purpose and scope.* This is the basic order covering the distribution of steel and iron products. Other rules for distribution, as well as for production and use, are contained in other War Production Board orders and regulations, which must also be complied with, except to the extent that their provisions are inconsistent with this order. With respect to steel, attention is called particularly to the various CMP regulations and to other orders in the M-21 series.

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

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule 1. The term includes all types of second quality material and shearings (including material in the listed forms and shapes which is salvaged or recovered therefrom), except when sold as scrap within the maximum prices for scrap established by the Office of Price Administration.

(2) "Iron products" means cast iron pipe and all other iron castings, gray and malleable (rough as cast), including all items of ferrous foundry manufacture not classified as steel.

(3) "Producer" means any person who produces steel or iron products.

(c) *Deliveries of iron products and steel forgings.* Iron products and carbon or alloy steel forgings may not be delivered except:

(1) On orders bearing a preference rating of A-10 or higher, or

(2) As permitted under Priorities Regulation No. 13, or

(3) As specifically authorized or directed in writing by the War Production Board.

(d) *Deliveries of other steel products.* Other steel may not be delivered except:

(1) On authorized controlled material orders, or

(2) As permitted under Priorities Regulation No. 13, or

(3) By distributors as permitted under CMP Regulation No. 4, or

(4) To distributors as permitted under Order M-21-b-1 or M-21-b-2, or

(5) As specifically authorized or directed in writing by the War Production Board.

(e) *Identification of purchase orders—*

(1) *Iron products and steel forgings.* Iron products and carbon and alloy steel forgings are obtained on preference rated orders, and purchase orders for these products must be accompanied by a certification of the applicable rating as required by War Production Board regulations. In addition, such purchase orders should be identified in terms of the program for which the products will be used. Therefore, a person purchasing any of these products from a producer must furnish with his purchase order the CMP allotment number or symbol which has been assigned to him for acquiring controlled materials needed for the same

program. If the purchaser has no such allotment number or symbol, his purchase order should carry a statement in substantially the following form:

No CMP allotment number or symbol applicable.

No producer shall accept an order for, or make delivery of, iron products or carbon or alloy steel forgings unless a CMP allotment number or symbol, or the above statement, accompanies the purchase order.

(2) *Other steel.* Each purchaser of steel other than forgings shall furnish with his purchase order such information as may be required by applicable War Production Board regulations or orders.

(f) *Special directions.* The War Production Board may from time to time issue special directions to any person or persons as to the type, description, amount, source, or destination of steel or iron products to be produced, delivered, or acquired by such person or persons.

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

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

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to Steel Division, War Production Board, Washington, D. C., Ref: M-21.

(j) *Effective date.* This order, as amended, shall become effective July 1, 1943.

Issued this 9th day of June 1943.

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

## SCHEDULE 1

Bars, cold finished.  
Bars, hot rolled.  
Ingots, billets, blooms, slabs, die blocks, tube rounds, skelp and sheet and tin bar.  
Pipe, including threaded couplings of the types normally supplied on threaded pipe by pipe mills.  
Plates.  
Rails and track accessories, including rail joints, track spikes, frogs and switches, gage rods, guard rails, guard rail clamps, nut locks, rail anchors, switch stands, mine ties, tie plates, track bolts and rail braces.  
Sheets and strip.  
Steel castings.  
Steel forgings.  
Structural shapes and piling.  
Tin plate, terne plate and tin mill blackplate.  
Tubing.  
Wheels, tires and axles.  
Wire rods.

Wire and wire products, including drawn wire, barbed and twisted wire, woven and welded wire fence (except chain link fence), wire nails (including lead-headed nails), wire staples (for fence and poultry netting only), wire bale ties, wire rope and strand, welded steel wire reinforcing mesh, wire netting.

[F. R. Doc. 43-9336; Filed, June 9, 1943; 11:04 a. m.]

## PART 962—IRON AND STEEL

[Interpretation 1, as Amended June 9, 1943, of General Preference Order M-21]

Interpretation No. 1 of § 962.1 *General Preference Order M-21* is hereby amended to read as follows:

The terms "Steel" and "Iron products" as defined in General Preference Order M-21, as amended, do not include material which has been in use or service, nor material salvaged or recovered therefrom. The terms do include all types of second quality material, shearings, etc., whether generated in a producer's plant, or in the plant of a manufacturer or fabricator, (as well as material in the listed forms and shapes which is salvaged therefrom), except that such material when sold as scrap within OPA ceilings is not considered "Steel" or "Iron products".

For example, the restrictions of Order M-21 apply to side and end shearings, wire shorts and similar products generated at a steel mill. They also apply to the plate croppings generated at a shipyard or in the course of any other fabricating operation. Such material may be sold as scrap at scrap prices free of the restrictions of the order, but if such scrap material is salvaged by sorting or by some processing operation, it cannot be disposed of in any of the listed forms or shapes except in compliance with the order.

On the other hand, the restrictions of the order do not apply to used material such as line pipe which has been in use by an oil company for a period of time and is then picked up and reclaimed, or structural steel which is salvaged from a demolished building.

Issued this 9th day of June 1943.

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

[F. R. Doc. 43-9336; Filed, June 9, 1943; 11:04 a. m.]

## PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

[General Preference Order M-28 as Amended June 5, 1943]

Whereas, the national defense requirements have created a shortage of chlorinated hydrocarbon refrigerants for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution thereof. Now, therefore, *It is hereby ordered, That:*

§ 970.1 *General Preference Order M-28—(a) Definitions.* For the purposes of this order:

<sup>1</sup>This document is a restatement of Amendment 2 of M-28 which appeared in the FEDERAL REGISTER of June 8, 1943, page 7546, and reflects the order in its completed form as of June 5, 1943.

(1) "Chlorinated hydrocarbon refrigerants" means trichloromonofluoromethane, dichlorodifluoromethane, dichloromonofluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoroethane.

(2) "Person" means any person, firm, corporation, or other form of business enterprise.

(3) "Producer" means any person engaged in the production of chlorinated hydrocarbon refrigerants and includes any person who has chlorinated hydrocarbon refrigerants produced for him pursuant to toll agreement.

(4) "Defense order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(a) 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 Commission for Aeronautics, the Office of Scientific Research and Development;

(b) 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.

(ii) Any contract or order placed by any agency of the United States Government for delivery to, or for the account of, the government of any country listed above or any other country 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).

(iii) Any other contract or order to which the War Production Board assigns a preference rating of A-10 or higher.

(iv) Any contract or order placed or offered by any person for the delivery of any material all of which is to be physically incorporated into material or equipment to be delivered under specific contracts or orders included under (i), (ii), and (iii) above.

(b) *Preference ratings and directions.* Deliveries of chlorinated hydrocarbon refrigerants shall be made in accordance with the following directions:

(1) Deliveries under defense orders shall be made in preference to deliveries under all other orders whenever, and to the extent, necessary to assure fulfillment of the delivery schedule, specified in such defense orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AAA, AA-1, AA-2, AA-2X, AA-3, AA-4, etc.; A-1-a, A-1-b, etc.; A-2, A-3, etc.; B-1, B-2, etc.

(3) Deliveries under all defense orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A-10.

(4) Defense orders for chlorinated hydrocarbon refrigerants, whether or not accompanied by a preference rating certificate, must be accepted and fulfilled

in preference to any other contracts or purchase orders for such material, subject to the following provisions:

(i) Defense orders must be accepted even if acceptance will render impossible, or result in deferment of, (a) deliveries under non-defense orders previously accepted, or (b) deliveries under defense orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the War Production Board;

(ii) Defense orders need not be accepted:

(a) If delivery on schedule thereunder would be impossible by reason of the requirements of defense orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the War Production Board;

(b) If the person seeking to place the defense order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against defense orders in establishing such prices or terms;

(c) If the chlorinated hydrocarbon refrigerants ordered are not of the kinds usually produced or capable of being produced by the person to whom the defense order is offered;

(d) If such defense orders specify deliveries within fifteen days, and if compliance with such delivery dates would require the termination before completion of a specific production schedule already commenced.

(c) *Directions with respect to residual supply.* After providing for all deliveries under defense orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, producers shall make deliveries of chlorinated hydrocarbon refrigerants under other contracts or orders in accordance with the following directions:

(1) Non-defense uses of chlorinated hydrocarbon refrigerants shall be divided into the following four classifications:

(i) Classification I—Maintenance of refrigeration equipment already installed. Maintenance of air conditioning equipment already installed in hospitals, clinics, and sanatoria.

(ii) Classification II—Maintenance of industrial air conditioning already installed.

(iii) Classification III—Maintenance of air conditioning equipment already installed, not included in Classifications I and II.

(iv) Classification IV—Manufacture of new refrigeration equipment. Manufacture of new air conditioning equipment.

(2) Supplies of chlorinated hydrocarbon refrigerants for non-defense uses, enumerated in Classification I, shall be given primary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classification I, supplies for non-defense uses enumerated under Classification II shall be given secondary preference. If it appears, in any month, that the available supply for that

month will exceed the amount estimated to be required for the uses enumerated under Classifications I and II, supplies for non-defense uses enumerated under Classification III shall be given tertiary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classifications I, II, and III, the residual supply shall be divided among users enumerated under Classification IV. If it appears, in any month, that the available supply for any classification is less than the existing demand in that classification, producers of such refrigerants shall allocate the available supply ratably among the users in accordance with the average monthly consumption by such users during the period July 1, 1940, to June 30, 1941.

(d) *Restriction on deliveries.* Notwithstanding the provisions of paragraphs (b) and (c) above, and notwithstanding the provisions of any other order, rule or regulation of the War Production Board, no person shall sell or otherwise transfer or deliver any chlorinated hydrocarbon refrigerants except in accordance with the following directions:

(1) (i) On and after June 5, 1943 no producer, dealer or any other person shall sell or otherwise transfer or deliver any chlorinated hydrocarbon refrigerants to any other person for installation or use in any air-conditioning system which is a "comfort cooling system", as defined under paragraph (d) (1) (ii) of this order; and no person shall purchase or receive delivery or transfer of any chlorinated hydrocarbon refrigerants for installation or use in any "comfort cooling system".

(ii) For the purposes of this paragraph (d) "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 (a) any such system used to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (b) 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 (c) 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).

(2) No distributor of such refrigerants, and no dealer or other person who furnishes such refrigerants to any person acquiring the same for use as refrigerants, shall sell or other transfer or deliver any such refrigerants otherwise than in accordance with the following directions: Orders for such refrigerants shall be divided, commencing June 5, 1943, into the following three classifications:

(i) *Classification I*: Maintenance of refrigeration equipment already installed. Maintenance of air conditioning equipment already installed in hospitals, clinics, and sanitariums.

(ii) *Classification II*: Maintenance of industrial air conditioning already installed.

(iii) *Classification III*: Manufacture of new refrigeration equipment. Manufacture of new air conditioning equipment for industrial air conditioning.

Supplies of such refrigerants for uses enumerated in Classification I shall be given primary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classification I, supplies for uses enumerated under Classification II shall be given secondary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classifications I and II, the residual supply shall be divided among users enumerated under Classification III. If it appears, in any month, that the available supply for any classification is less than the existing demand in that classification, the distributor or dealer shall allocate the available supply ratably

among the users in accordance with the average monthly consumption by such users during the period from July 1, 1940, to June 30, 1941.

(3) Producers of such refrigerants shall make deliveries thereof for use in refrigeration or air conditioning equipment in accordance with the foregoing directions, as set forth in (d) (2) above for distributors, dealers and other persons delivering such refrigerants to persons acquiring the same for use, unless and until otherwise authorized or directed by the War Production Board.

(e) *Doubtful cases*. Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a defense order, the matter should be referred to the War Production Board for determination with a statement of all pertinent facts.

(f) *Excessive inventories*. The preferences and preference ratings granted by this order shall not be used to accumulate excessive inventories.

(g) *Records, information, and inspection*. All persons affected by this order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of chlorinated hydrocarbon refrigerants, and of the details of all transactions in any way regulated or affected by this order. Such records shall include the dates of all contracts or orders accepted; the delivery dates specified in such contracts or orders, and in any preference rating certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as shall be required from time to time. No reports or questionnaires are to be filed by any person until so requested and until forms therefor are prescribed by the War Production Board.

(h) *Appeal*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board by addressing a letter to the War Production Board, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may

thereupon take such action as it deems appropriate.

Issued this 5th day of June 1943.

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

[F. R. Doc. 43-9337; Filed, June 9, 1943; 11:04 a. m.]

PART 1107—TRACK-LAYING TRACTORS AND AUXILIARY EQUIPMENT

[Supplementary Limitation Order L-53-a as Amended June 9, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities necessary to produce track-laying tractors of certain specifications 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:

§ 1107.2 *Supplementary Limitation Order L-53-a—(a) Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

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

(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) "Producer" means any person engaged in the manufacture of track-laying tractors.

(3) "Track-laying tractor" means a vehicle powered by an internal combustion engine, used for pushing or pulling heavy loads and obtaining traction from a crawler or track-type device.

(c) *General restrictions*. (1) During the period commencing April 1, 1942, and ending August 31, 1942, no producer shall produce any of the particular models of track-laying tractors designated below in excess of the number of such models set opposite its name:

| Name of producer                | Number | Models      |
|---------------------------------|--------|-------------|
| Caterpillar Tractor Co.....     | 1,000  | D-2 or K-2  |
| International Harvester Co..... | 600    | TD-5 or T-6 |
| Allis-Chalmers Mfg. Co.....     | 1,000  | M.          |
| Cleveland Tractor Co.....       | 435    | A or H.     |

Any producer named may, however, produce during such period any number of any single model set opposite its name provided its aggregate production during such period of all models set opposite its name does not exceed the number set opposite its name and provided further that the Cleveland Tractor Co. shall in no event produce more than 100 Model A's.



(2) On and after September 1, 1942, no producer shall produce any model designated in paragraph (c) (1) above or any model of substantially the same specifications or weight as any model so designated unless specifically authorized in writing by the War Production Board.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(e) *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.

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

(g) *Violations or false statements.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the War Production Board is guilty of a criminal offense punishable by fine and imprisonment (Pub. No. 507, 77th Cong., 2d Sess., approved March 28, 1942; and 18 U.S.C. 80). Any person committing such an offense or willfully falsifying any records which he is required to keep by the terms of this order may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any materials or facilities subject to allocation.

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action, if any, as it deems appropriate by the amendment of this order or otherwise.

(i) *Communications.* All communications concerning this order shall be addressed to War Production Board, Washington, D. C., Ref.: L-53-a.

Issued this 9th day of June 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-9338; Filed, June 9, 1943; 11:04 a. m.]

PART 1276—PLYWOOD

[Limitation Order L-150 as Amended June 9, 1943]

SOFTWOOD PLYWOOD SCHEDULING

Section 1276.1 *Limitation Order L-150* is amended to read as follows:

No. 114—4

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

§ 1276.1 *Limitation Order L-150*—(a) *Definitions.* For the purposes of this order:

(1) "Softwood plywood" shall mean a built-up board of laminated veneers of any species of softwood united with a bonding agent, produced in the states of Washington, Oregon or California.

(2) "Producer" shall mean any manufacturer of softwood plywood to the extent that such manufacturer produces softwood plywood in the states of Washington, Oregon or California.

(b) *Deliveries of softwood plywood.* (1) On or before June 15, 1943, and on or before the 15th day of each succeeding calendar month, every producer shall file, in triplicate, a report on Form WPB-2531 showing his production and delivery schedule for softwood plywood for the calendar month immediately following such filing.

(2) On and after July 1, 1943, each producer shall deliver softwood plywood only in accordance with the schedule filed pursuant to paragraph (b) (1), as the same may be changed by the War Production Board.

(c) *Placing and acceptance of orders for softwood plywood.* (1) On and after July 1, 1943, no person shall place an order with a producer, and no producer shall accept an order, for any softwood plywood unless accompanied by a specific authorization of the War Production Board. Such authorization may specify the manufacturer with whom the order may be placed. Applications for such authorization shall be made to the War Production Board by the person seeking to place an order on Form WPB-2532. On or before July 10, 1943, and on or before the 10th day of each succeeding calendar month, any person who desires to place an order for softwood plywood shall file, in quadruplicate, an application on Form WPB-2532.

(2) Any order so authorized shall be accepted by the producer with whom it is so placed, providing it meets his regularly established prices and terms. Delivery shall be made in accordance with the terms of such order as authorized notwithstanding any preference rating which other orders may bear or any directive, order or regulation of the War Production Board, unless specific exception to this order is made therein.

(3) If it becomes impossible for any producer to maintain production and delivery of softwood plywood in accordance with any schedule approved by the War Production Board he shall notify the War Production Board by letter in triplicate, and unless otherwise directed by the War Production Board he shall postpone production and delivery only to the extent required by the circumstances caus-

ing his failure to maintain production and delivery as reported to the War Production Board.

(d) *Other allocation and scheduling action.* With respect to softwood plywood, the War Production Board may, notwithstanding any order, preference rating, directive, rule or regulation of the War Production Board:

(1) Direct the return or cancellation of any order on the books of a producer;

(2) Direct changes in the delivery or production schedule of a producer;

(3) Allocate orders placed with one producer to another producer;

(4) Revoke any authorization to place an order granted by it pursuant to this order; or

(5) Take such other action as it deems necessary with respect to the placing of orders for, or the production or delivery of, softwood plywood.

(e) *Application of other orders and regulations.* This order does not relieve any person from complying with the provisions of any other order, directive, rule or regulation of the War Production Board, except as specifically provided in this order.

(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 reports and forms required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Lumber and Lumber Products Division, War Production Board, Washington, D. C. Ref.: L-150.

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

(i) *Intra-company deliveries.* The prohibitions and restrictions contained in this order shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division or section of the same or any other business enterprise under common ownership or control; and each such affiliate, subsidiary, branch, division or section shall for the purposes of this order be deemed a separate person.

Issued this 9th day of June 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-9339; Filed, June 9, 1943; 11:04 a. m.]

**PART 3087—ELECTRICAL INDICATING INSTRUMENTS<sup>1</sup>**

[General Limitation Order L-203, as Amended June 9, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the production of electrical indicating instruments 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:

§ 3087.1 *General Limitation Order L-203—(a) Definitions.* For the purpose of this order:

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

(2) "Manufacturer" means any person engaged in the production, assembly or fabrication of electrical indicating instruments.

(3) "Electrical indicating instrument" ("meter") means a measuring mechanism the pointer of which responds to a change in an electrical quantity. The term shall include instrument mechanisms and instrument relays made therefrom; also, small panel, switchboard, portable, and aircraft electrical instruments. The term shall not include:

(i) Any multi-purpose portable instrument capable of measuring more than one electrical quantity and embraced within the classification of electronic test equipment in General Scheduling Order M-293;

(ii) Any instrument made with metal bearings and normally used in automotive vehicles or mobile construction machinery;

(iii) Any electrical aircraft self-synchronous indicator or transmitter.

(4) "Approved order" means any order which is embraced within any one of the following categories: *Provided*, That no order shall be brought within the provisions of subparagraphs (i), (ii) or (iv) of this paragraph (a) (4) by the subdivision thereof or by any subdivision of requirements:

(i) Any order for less than 500 identical electrical indicating instruments which conform to the ranges and dimensions established and prescribed for "Electrical indicating instruments" by American War Standard C39.2—1943, as approved January 8, 1943, and published by American Standards Association;

(ii) Any order for less than 500 identical electrical indicating instruments of flange diameter, height, or width exceeding 3½";

(iii) Any order for polarized vane non-jewelled instruments;

(iv) Any order for less than 500 identical electrical indicating instruments which conform to approved United States Army or Navy specifications specified on the order;

(v) Any order authorized in writing by the War Production Board on Form WPB-1682.

<sup>1</sup> Formerly Part 3087—Combat Measuring Instruments.

(b) *Restrictions on acceptance and delivery of orders.* (1) No person shall place on a manufacturer and no manufacturer shall accept any order for electrical indicating instruments other than an approved order.

(2) No manufacturer shall deliver, and no person shall accept delivery from any manufacturer of any electrical indicating instruments in fulfillment of any order placed hereafter unless such order is an approved order.

(3) Any person who places, accepts or fills an order authorized on Form WPB-1682 shall comply with such restrictions and conditions as may be specified thereon.

(c) *Production equipment.* No manufacturer shall produce, or cause to be produced, fabricated or assembled, any tools, jigs, dies or other production machinery or equipment designed for the manufacture or production of electrical indicating instruments of types, ranges, sizes and specifications not embraced within the categories of approved orders defined in paragraphs (a) (4) (i) or (a) (4) (iv) hereof: *Provided, however*, That the provisions of this paragraph shall not apply to the maintenance, repair, replacement or improvement of existing tools, dies, jigs, and other production machinery equipment. The provisions of this paragraph shall not apply with respect to the manufacture of polarized vane non-jewelled instruments or instruments of flange diameter, height or width exceeding 3½".

(d) *Scheduling.* On or before the fifteenth day of each calendar month every manufacturer shall file with the War Production Board his proposed delivery schedule for electrical indicating instruments for the following month, and such other information as is required thereby on Form WPB-1685. The delivery schedule for the calendar month following the filing shall be deemed to be approved by the War Production Board upon receipt thereof, unless and until the War Production Board shall otherwise direct, and shall be deemed a frozen schedule within the meaning of Priorities Regulation 18. No manufacturer shall alter any such approved delivery schedule except pursuant to a written direction of the War Production Board which identifies the frozen schedule and states on its face that it is an amendment of that schedule.

(e) *Special directions and exemptions.* (1) The War Production Board may from time to time issue in writing in respect to electrical indicating instruments special orders or directions which:

(i) Alter or freeze delivery or production schedules, in whole or in part;

(ii) Direct the cancellation of any order held by any manufacturer;

(iii) Allocate any unfilled order from one manufacturer to another manufacturer;

(iv) Direct the delivery of any electrical indicating instrument in production or completed to any person at the established price and terms;

(v) Authorize exception or departure from any of the provisions of paragraph (c) hereof; or

(vi) Take such other action as it deems necessary with respect to the placing of orders for, or the production or delivery of electrical indicating instruments or any component parts thereof.

(2) The provisions of this order, other than the provisions of paragraph (e) (1), shall in no event be construed to apply to the maintenance or repair of electrical indicating instruments, nor to purchase orders for component parts of electrical indicating instruments required for the maintenance or repair thereof.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to the provisions of all regulations of the War Production Board, except that to the extent of any conflict or inconsistency therewith the provisions hereof shall control.

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

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

(i) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to War Production Board, Radio and Radar Division, Washington, D. C. Ref: L-203.

Issued this 9th day of June 1943.

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

[F. R. Doc. 43-9340; Filed, June 9, 1943; 11:04 a. m.]

**PART 3264—ELECTRICAL DISTRIBUTION EQUIPMENT**

[General Conservation Order L-300]

**SMALL AIR CIRCUIT BREAKERS**

The fulfillment of requirements for defense of the United States has created a shortage in the supply of materials and in the facilities used in the production of small air circuit breakers, 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.

§ 3264.1 *General Conservation Order L-300—(a) Definitions.* For the purpose of this order:

(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) "Circuit breaker" means any new two or three-pole small air circuit breaker having a quick-make, quick-break operating mechanism, with a single handle for operating all poles, completely enclosed in a molded composition or plastic housing, and having a rating not in excess of 600 amperes or 600 volts, and a rated interrupting capacity of not less than 5,000 nor more than 25,000 R. M. S. amperes. The term "quick-make, quick-break" operating mechanism means a mechanism, which is a built-in part of the circuit breaker, so designed that the rate of contact motion while actually making or breaking the circuit cannot be changed by manipulation of the handle.

(3) "Manufacturer" means any person to the extent that he is engaged in the business of manufacturing circuit breakers as defined herein.

(4) "Trip element" means an assembly of two or three bimetallic or magnetic devices which function at a predetermined value of current or time to trip a latch mechanism permitting a spring to open simultaneously all of the poles of the circuit breaker.

(5) "Frame size" means the maximum ampere rating for the particular size of circuit breaker mechanism.

(b) *Restrictions on acceptance and delivery of orders.* On and after June 24, 1943, no person shall accept any order for any circuit breaker or deliver any circuit breaker in fulfillment of any order unless the order bears a preference rating of AA-5 or higher.

(c) *Restrictions on manufacture.* (1) On and after June 24, 1943, no manufacturer shall accept any order or commence manufacture in fulfillment of any order for a circuit breaker unless such circuit breaker is to be manufactured in accordance with the standards prescribed in subparagraph (2) below. On and after August 8, 1943, no manufacturer shall deliver any circuit breaker unless it has been manufactured in accordance with such standards. The limitations and restrictions of this subparagraph (1) shall not apply to any order for or delivery of any circuit breaker which was completely fabricated and assembled on June 24, 1943.

(2) Except as otherwise provided in subparagraph (1) above, circuit breakers shall be manufactured in compliance with the following standards:

(i) They shall be fabricated and assembled only in the frame size and with the trip element rating specified in Schedule A hereto.

(ii) Circuit breakers so designated in Schedule A shall include only trip elements for instantaneous operation.

(iii) All poles of a circuit breaker trip element shall be calibrated for the same current and time value.

(iv) All trip elements of a circuit breaker shall be calibrated for operation in an ambient temperature of 25° C.

(v) No circuit breaker shall be fabricated or assembled with the following attachments:

- (a) Shunt trip.
- (b) Undervoltage trip.
- (c) Auxiliary switches for indication.
- (d) Bell alarm switch.
- (e) Reverse power.
- (f) Reverse current.
- (g) Motor driven or solenoid type operating mechanism for remote control.

(d) *Restrictions on testing.* No manufacturer shall supply test data or perform tests other than those prescribed for circuit breakers in Federal Specification W-P-131A issued September 26, 1941 and published by the United States Government Printing Office, or Navy Specification 17B1 of latest effective issue.

(e) *Exemptions.* The limitations and restrictions of paragraph (c) shall not apply to (1) any circuit breaker delivered for use on board any vessel, or on any field generator, owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or (2) any circuit breakers delivered for use on tanks, aircraft, ordnance equipment, or radar equipment.

(f) *Miscellaneous provisions—*(1) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(2) *Violations.* Any person who willfully violates any provision of this order, or who willfully furnishes false information to the War Production Board in connection with this order 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 by the War Production Board.

(3) *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.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C. Ref.: L-300.

Issued this 9th day of June 1943.

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

SCHEDULE A

[Permitted frame sizes and trip element ratings under paragraph (C) (2)]

| Frame size:                                                                         | Trip element rating <sup>1</sup><br>(amperes) |
|-------------------------------------------------------------------------------------|-----------------------------------------------|
| 50 ampere-----                                                                      | 15                                            |
|                                                                                     | 20                                            |
|                                                                                     | 25                                            |
|                                                                                     | 35                                            |
|                                                                                     | 50                                            |
|                                                                                     | 75                                            |
|                                                                                     | 100                                           |
|                                                                                     | 125                                           |
| 100 ampere-----                                                                     | 150                                           |
|                                                                                     | 175                                           |
|                                                                                     | 200                                           |
|                                                                                     | 225                                           |
|                                                                                     | 250                                           |
|                                                                                     | 275                                           |
|                                                                                     | 300                                           |
|                                                                                     | 350                                           |
| 225 ampere-----                                                                     | 400                                           |
|                                                                                     | 500                                           |
|                                                                                     | 600                                           |
|                                                                                     | 750                                           |
|                                                                                     | 900                                           |
|                                                                                     | 1000                                          |
|                                                                                     | 1250                                          |
|                                                                                     | 1500                                          |
| 600 ampere (15,000 ampere interrupting capacity maximum)-----                       | 2000                                          |
|                                                                                     | 2500                                          |
|                                                                                     | 3000                                          |
|                                                                                     | 3500                                          |
|                                                                                     | 4000                                          |
|                                                                                     | 5000                                          |
|                                                                                     | 6000                                          |
|                                                                                     | 7500                                          |
| 600 ampere (over 15,000 and up to 25,000 ampere interrupting capacity maximum)----- | 10000                                         |
|                                                                                     | 12500                                         |
|                                                                                     | 15000                                         |
|                                                                                     | 17500                                         |
|                                                                                     | 20000                                         |
|                                                                                     | 25000                                         |
|                                                                                     | 30000                                         |
|                                                                                     | 35000                                         |

<sup>1</sup> Continuous rating.

<sup>2</sup> Only instantaneous trip.

[F. R. Doc. 43-9341; Filed, June 9, 1943; 11:04 a. m.]

Chapter XI—Office of Price Administration

PART 1335—CHEMICALS

[MPR 354, Amdt. 3]

COPPER SULPHATE

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

Section 1335.1001 (b) (2) is amended to read as follows:

(2) No person, other than an agricultural consumer, shall buy or receive any copper sulphate in the course of trade or business at prices higher than the maximum prices established by this regulation.

This amendment shall become effective June 14, 1943.

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

<sup>1</sup> 8 F.R. 3943, 5309, 6176.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9321; Filed, June 8, 1943;  
4:57 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Rev. MPR 130, Amdt. 3]

NEWSPRINT PAPER

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

Revised Maximum Price Regulation 130 is amended in the following respects:

1. The title of the regulation is amended to read "Newsprint Paper".

2. Section 1347.274 is amended to read as follows:

§ 1347.274 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order. No person shall buy or receive newsprint paper at prices higher than the maximum prices set forth in Appendices A and B of this regulation, unless his seller has complied with the provisions of this section.

3. Section 1347.281 (a) (3) is amended to read as follows:

(3) "Super standard" newsprint paper is a quality of standard newsprint paper which has been especially manufactured and processed in a manner to render it more suitable than ordinary standard newsprint paper for printing by the rotogravure process.

4. Section 1347.281 (a) (4) is amended to read as follows:

(4) "Manufacturer" means any person who manufactures newsprint paper, and includes an agent and a person affiliated with a manufacturer through

any community of ownership, who distributes or sells such manufacturer's newsprint paper, excluding, however, any person who comes within the definition of a merchant set forth in this section.

5. Section 1347.281 (a) (5) is amended to read as follows:

(5) "Merchant" means any person who buys and resells newsprint paper except (i) retailers and (ii) manufacturers buying newsprint paper from another manufacturer and reselling it. "Merchant" also includes a manufacturer selling newsprint paper of his own manufacture, and a person affiliated with such manufacturer through any community of ownership if, and only if, the Office of Price Administration shall find upon application filed with it, that such person operates as a bona fide merchant.

6. Section 1347.281 (a) (13) is amended to read as follows:

(13) "Export sale" means any "export" or "export sale" as defined in the Second Revised Maximum Export Price Regulation,<sup>1</sup> or any amendment or revision thereof.

7. Section 1347.281 (a) (17) is added to read as follows:

(17) "Other newsprint paper" means newsprint paper which is identical in all respects with standard newsprint paper as defined in this section, except in the size of the rolls and sheets. Such paper includes, but is not limited to side run news, counter rolls, counter sheets and cut sizes.

8. Section 1347.281 (a) (18) is added to read as follows:

(18) "Standard price" means the price regularly quoted by the manufacturer at the date of the merchant's sale, or if the manufacturer does not have a regularly quoted price, then the price which he most recently quoted to the merchant making the sale. Such price may not, however, exceed the maximum price established by this regulation at which purchases from the manufacturer may be made.

9. Section 1347.283 (d) (1) (i) is amended to read as follows:

(i) The standard price to merchants f. o. b. mill, lowest carload rate of freight allowed to destination, of the manufacturer from whom the merchant has purchased the paper, plus the applicable charges for conversion and differential for super standard quality, if any, but exclusive of any mark-up paid to another merchant.

10. Section 1347.283 (e) is reissued to read as follows:

(e) *Sales for export.* (1) Maximum prices for standard newsprint paper sold for export by any person shall in no event exceed the sum of the following:

(i) The manufacturer's maximum price at the normal port of export of the mill at which the paper was made, or the normal port of the merchant if the

shipment is made by a merchant from his warehouse stock.

(ii) Such conversion charges or super standard differential as may properly be charged in the particular case, pursuant to paragraphs (b) and (c) of this section, plus, where one or more merchants sell the paper for export, an amount not in excess of the appropriate merchant's mark-up provided in paragraph (d) of this section.

(iii) If the paper is to be shipped from an emergency port, the difference between the lowest carload rate of freight from the mill to the mill's normal port of export, and to actual emergency port of exit, or, if the paper is shipped from a merchant's warehouse, the difference between such freight to the merchant's normal port and to the actual emergency port.

11. Section 1347.284, *Appendix B*, is added to read as follows:

§ 1347.284 *Appendix B: Maximum prices for other newsprint paper.* (a) The maximum prices per ton for other newsprint paper sold either in carload or less than carload quantities are the same as the maximum prices for standard newsprint paper established in Appendix A of this regulation, and all of the provisions of this regulation relating to standard newsprint paper are hereby made applicable to the purchase, sale and delivery of other newsprint paper except as in this Appendix B specifically provided:

(1) *Import duty.* The maximum prices established by this regulation shall include all import duty.

(2) *Merchants' maximum selling prices.* This regulation shall not apply to merchants' sales of newsprint used for wrapping and packaging purposes only. Such sales are subject to Maximum Price Regulation 349—Distributors' Maximum Prices for Certain Coarse Paper Products.

(3) *Side run news sold for woodpulp.* This regulation shall not apply to sales of side run news for use in making woodpulp. Such sales are subject to Maximum Price Regulation 114—Woodpulp.

This amendment shall become effective June 14, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9322; Filed, June 8, 1943;  
4:57 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 238, Amdt. 3]

FIXED MARK-UP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

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

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

<sup>1</sup> 7 F.R. 9251, 10255; 8 F.R. 1586, 2670.

<sup>2</sup> 8 F.R. 4132, 5987.

<sup>3</sup> 8 F.R. 6125, 6424.

Revised Maximum Price Regulation No. 238 is amended in the following respects:

1. Section 20a is added to read as follows:

**Sec. 20a Change in suppliers' maximum prices.** If the Office of Price Administration changes a supplier's maximum price for an item covered by this regulation, it may direct that retailers shall recalculate their maximum prices for the item. Ordinarily, written notice instructing the retailer to recalculate his price will come from the manufacturer or supplier or will be enclosed in or attached to the carton, case or barrel containing the item. After actually receiving the item for the first time with such notice, retailers must, before making any sales of the item, recalculate their maximum price for the item in accordance with Section 3 based on the "net cost" of that delivery and record such price on the invoice covering that delivery. The notice received by retailers must be preserved. Even though later shipments are received with the same notice, the maximum price cannot be recalculated again.

2. Section 7 is amended by inserting after the phrase "under section 4", the phrase "or section 20a".

This amendment shall become effective June 14, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9326; Filed, June 8, 1943;  
5:01 p. m.]

#### PART 1361—FARM EQUIPMENT

[MPR 246,<sup>1</sup> Amdt. 6]

##### MANUFACTURERS AND WHOLESALE PRICES FOR FARM EQUIPMENT

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

Maximum Price Regulation 246 is amended in the following respects:

1. Section 1361.54 (a) (4) is amended to read as follows:

(4) To the extent that the price-determining method includes freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942 or current freight rates, whichever are lower.

2. Section 1361.54 (e) is added to read as follows:

(e) Notwithstanding the provisions of paragraph (c) of this section, for any item of farm equipment sold, offered for sale, or delivered on and after June 14, 1943, for which a maximum price has been established in accordance with paragraph (a) and such price has been based in part upon railroad freight rates

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

<sup>1</sup> 7 F.R. 8587, 9039, 8948; 8 F.R. 236, 544, 6045, 6425.

in effect on March 31, 1942, the maximum price shall be reduced by an amount equal to the difference between railroad freight figured on the basis of rates in effect on March 31, 1942, and freight figured on the basis of current railroad freight rates.

This amendment shall become effective June 14, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9327; Filed, June 8, 1943;  
5:00 p. m.]

#### PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136<sup>1</sup> as Amended, Amdt. 90]

##### MACHINES AND PARTS, AND MACHINERY SERVICES

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

Maximum Price Regulation 136, as amended, is amended in the following respects:

1. Section 1390.7 (a) (5) is amended to read as follows:

(5) To the extent that the price-determining method includes freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942, or current freight rates, whichever are lower, for outbound shipments for the mode of transportation actually used and for inbound shipments for the mode of transportation actually used and from the actual point of origin.

2. Section 1390.10 (c) (3) is added to read as follows:

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, where any machine or part listed in § 1390.33, Appendix B, is sold on a delivered basis and delivered by railroad, the maximum price shall be reduced by an amount equal to the difference between railroad freight figured on the basis of rates in effect on March 31, 1942, and freight figured on the basis of current railroad freight rates.

This amendment shall become effective June 14, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9323; Filed, June 8, 1943;  
4:58 p. m.]

<sup>1</sup> 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 6973, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370, 3848, 4341, 4476, 4515, 4516, 4524, 4787, 5567, 5306, 5746, 5818, 6359, 6614, 7106.

#### PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 351,<sup>1</sup> Amdt. 2]

##### FERROUS FORGINGS

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

Maximum Price Regulation 351 is amended in the following respects:

1. Section 1390.206 (d) is added to read as follows:

(d) Notwithstanding the provisions of paragraph (b) of this section, for any ferrous forging sold, offered for sale, or delivered on or after June 14, 1943, for which a maximum price has been established in accordance with paragraph (b), and such price has been based in part upon railroad freight rates in effect on March 31, 1942, the maximum price shall be reduced by an amount equal to the difference between railroad freight figured on the basis of rates in effect on March 31, 1942, and freight figured on the basis of current railroad freight rates.

2. Section 1390.207 (a) (4) is amended to read as follows:

(4) To the extent that the price-determining method includes or is based on freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942, or current freight rates, whichever are lower, for the mode of transportation actually used and from the actual point of origin or to the actual destination.

This amendment shall become effective June 14, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9324; Filed, June 8, 1943;  
4:58 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,<sup>2</sup> Amdt. 40]

##### COFFEE

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

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

1. Section 1407.992 (a) (2) is amended to read as follows:

(2) A single retail establishment whose gross sales of all meats, groceries, fruits, vegetables, and similar products made from such establishment during December 1942, or during any single calendar month since December 1942, were more than \$2500.00, or which receives coffee stamps or certificates from and makes transfers to consumers by mail; or

2. Section 1407.1022 is amended to read as follows:

<sup>1</sup> 8 F.R. 3784.

<sup>2</sup> 8 F.R. 3400, 3843, 4486, 4519, 4977, 4892, 5318, 5480, 5486, 5818, 5846, 7198, 7267.

§ 1407.1022 *Mail orders.* Notwithstanding anything to the contrary contained in Ration Order No. 12: (a) A consumer who orders roasted coffee by mail may detach a coffee stamp from his war ration book and send it with his order. A retailer or wholesaler may transfer roasted coffee to consumers by mail if certificates or detached coffee stamps are received with the order. Coffee stamps or certificates which are received after the last date on which they are good in the hands of the consumer who sent them may be accepted and roasted coffee may be transferred against them if the envelope in which they are enclosed is postmarked on or before that date.

(b) If a retailer or wholesaler who has received a coffee stamp or certificate from a consumer fails to transfer to him roasted coffee in an amount equal in weight value to the coffee stamp or certificate, he shall issue and send to the consumer a check in weight value equal to the amount of roasted coffee which he has not transferred against such coffee stamp or certificate but which he is then authorized to transfer to such consumer against such coffee stamp or certificate.

(c) Before accepting coffee stamps from and making transfers to consumers by mail, any retailer or wholesaler who wishes to do so must notify, in writing, the District Office for the place where his principal business office is located (or, where there is no District Office, the State Office). The notice must give his name and principal business address, the name and address of each establishment from which he will make transfers to consumers by mail and must contain an estimate of the dollar volume of his mail order deliveries of roasted coffee to consumers during 1942. He may not make any such transfers until he has given such notice. Beginning June 1, 1943, he must keep a record of the dollar volume or weight value of his transfers of roasted coffee to consumers by mail.

(d) No retailer may receive coffee stamps or certificates from and make transfers to consumers by mail unless he has a ration bank account.

This amendment shall become effective June 14, 1943.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10129; WPB Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9325; Filed, June 8, 1943;  
4:57 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 246 Under § 1499.18 (b) of GMPR]

THE DERBY COMPANY

Order No. 246 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GF3-943.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1846 *Adjustment of maximum prices for sales of certain industrial soaps by The Derby Company of Lawrence, Massachusetts.* (a) The maximum prices for sales of the industrial soaps listed below by The Derby Company, having its principal offices at 49 Blanchard Street, Lawrence, Massachusetts, shall be as follows:

| Item:                        | Per lb.,<br>containers<br>included<br>(cents) |
|------------------------------|-----------------------------------------------|
| Badger Flakes.....           | 12.375                                        |
| Formula #10 Soap Flakes..... | 18.125                                        |
| Formula #25 Soap Flakes..... | 14.750                                        |
| Red Label Soap Flakes.....   | 12.375                                        |
| Likol Flakes.....            | 15.250                                        |

(b) All discounts, allowances, trade practices, and practices with regard to the payment of transportation costs in effect during March 1942 upon sales by The Derby Company of the industrial soaps listed in paragraph (a) shall apply to the maximum prices there set forth.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 246 (§ 1499.1846) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

This order shall become effective June 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 9th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9361; Filed, June 9, 1943;  
11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 546 Under § 1499.3 (b) of GMPR]

M. LIVINGSTON AND COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1984 *Authorization of maximum prices for sales of "Blendwell" manufactured by M. Livingston and Company, Paducah, Kentucky.* (a) On and after June 10, 1943, the maximum delivered price at which M. Livingston and Company is permitted to sell and purchasers are permitted to buy its new product composed of rye, cereal, and chicory, known as "Blendwell" shall be 14½¢ per pound in one pound bags.

(b) The maximum price established under the provisions of the preceding paragraph are to any class of purchaser in any quantity. Customary deductions for prompt payment or cash as heretofore allowed upon sales of coffee must be allowed on sales of "Blendwell."

(c) Retailers of "Blendwell" shall determine the maximum prices at which they are permitted to sell and purchasers are permitted to buy by applying the provisions of Maximum Price Regulation No. 238, as amended.

(d) This order may be revoked or amended by the Administrator at any time.

(e) This Order No. 546 (§ 1499.1984) shall become effective June 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 9th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9362; Filed, June 9, 1943;  
11:43 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 547 Under § 1499.3 (b) of GMPR]

CO-OPERATIVE OLIVE PRODUCTS ASSOCIATION,  
INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1985 *Approval of maximum prices for Cal-Crest Olive Oil, manufactured by the Co-operative Olive Products Association, Inc.—(a) Sales by the Co-operative Olive Products Association, Inc.—(1) Maximum Prices.* The maximum delivered prices for sales to retailers of Cal-Crest Olive Oil, manufactured by the Co-operative Olive Products Association, Inc. of Fresno, California, are established as set forth below:

| Size:     | Price, delivered,<br>per dozen |
|-----------|--------------------------------|
| 2 oz..... | \$1.77                         |
| 4 oz..... | 3.10                           |
| ½ pt..... | 5.73                           |
| 1 pt..... | 11.13                          |
| 1 qt..... | 22.00                          |

(a) The discounts heretofore customarily allowed by the H. J. Heinz Company on sales of grocery products to retailers, shall be allowed from the above prices on sales of Cal-Crest Olive Oil.

(b) *Notice.* Co-operative Olive Products Association, Inc. shall give notice in writing to each and every retailer to whom it sells Cal-Crest Olive Oil, of the maximum prices hereby fixed, which notice shall be given at or prior to the time that it delivers its first shipment of Cal-Crest Olive Oil to each such retailer, and which notice shall be in the following form:

The Office of Price Administration has fixed the following maximum prices for sales of Cal-Crest Olive Oil to retailers:

| Size:     | Price,<br>delivered,<br>per dozen |
|-----------|-----------------------------------|
| 2 oz..... | \$1.77                            |
| 4 oz..... | 3.10                              |
| ½ pt..... | 5.73                              |
| 1 pt..... | 11.13                             |
| 1 qt..... | 22.00                             |

The discounts customarily allowed by H. J. Heinz Company on sales of other grocery products must be allowed from the above prices on sales of Cal-Crest Olive Oil.

Your maximum price on retail sales is to be determined under the General Maximum Price Regulation (your highest March 1942 price for the most similar commodity sold by you at that time or, if you did not sell olive oil in March 1942, the highest March 1942 price of your

most closely competitive seller who did sell olive oil then).

(c) Co-operative Olive Oil Products Inc. shall within thirty days of the date of this order return to each purchaser, out of any proceeds heretofore received by it for sales of Cal-Crest Olive Oil and deposited by it in escrow, that sum by which the prices received by it for said olive oil exceed those allowed by this order.

(d) This Order No. 547 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 547 (§ 1499.1985) shall become effective June 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 9th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9363; Filed, June 9, 1943; 11:43 a. m.]

[Order 548 Under § 1499.3 (b) of GMPR]

PART 1499—COMMODITIES AND SERVICES

FEDERAL SURPLUS COMMODITY CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1986 *Authorization of maximum prices for citrus marmalade made under contract with the Federal Surplus Commodity Corporation—(a) Transactions excepted from price control.* Transactions between the Federal Surplus Commodity Corporation and contract packers concerning the manufacture of citrus marmalade for that agency or the sale by it to contract packers are not subject to price control.

A "contract packer" is a person who manufactures citrus marmalade for the Federal Surplus Commodity Corporation from orange and grapefruit pulp supplied by that agency, and who repurchases the finished product for resale.

(b) *Maximum prices for contract packers.* The contract packer's maximum prices per dozen, f. o. b. factory, for citrus marmalade made under contract with the Federal Surplus Commodity Corporation shall be:

Maximum price  
(per dozen)

Two-pound glass jar..... \$2.65

(c) *Maximum prices for contract packers who also perform a wholesale service.* A contract packer who, under any of the circumstances outlined below, sells citrus marmalade made under contract with the Federal Surplus Commodity Corporation shall figure his maximum price in such case by adding together the following three factors:

(1) The maximum price named for the item, f. o. b. factory.

(2) The following markup over the f. o. b. factory price:

1½ per cent, if he is a "retailer-owned cooperative", that is, either a non-profit organization of a corporation, 51 per cent of the stock of which is owned by its retailer customers, and which distributes the commodity to its retailer members. This markup may be added only in sales to its retailer members.

(In sales to institutional users or independent retail stores which are not members of the cooperative, he may add the appropriate markup provided in the following paragraphs.)

14 per cent, if he is not a "retailer-owned cooperative", but he distributes the commodity for resale by independent retail stores or to institutional users and he does not deliver to these purchasers. This markup may be added only when the secondary packer is selling to these classes of purchasers.

19 per cent, if he is not a "retailer cooperative" but he distributes the commodity for resale by independent retail stores or to institutional users and he does deliver to these purchasers. This markup may be added only for the particular quantities of the item which are actually delivered to these classes of purchasers.

(3) The freight, if any, incurred from plant to local distribution point.

(d) *Maximum prices for contract packers who also perform the retail service.* A contract packer who sells citrus marmalade made under contract with the Federal Surplus Commodity Corporation directly to ultimate consumers other than commercial, industrial or institutional users, shall figure separate maximum prices for sales to these purchasers, by adding in each case the following three factors: (1) the maximum price named for the item, f. o. b. plant; (2) a markup over the f. o. b. plant price of 31 per cent; and (3) the freight, if any, incurred from plant to local distribution point.

(e) *Maximum prices for distributors other than wholesalers and retailers.* The maximum price, f. o. b. shipping point, of a distributor other than a wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is a person other than a contract packer who purchases the commodity and resells it without processing it. Wholesalers and retailers of citrus marmalade are priced under Revised Maximum Price Regulations Nos. 237 and 238, respectively.

(f) *Maintenance of customary discounts and allowances.* Sellers shall maintain the discounts, allowances and price differentials which they customarily maintain on other marmalade, preserves, jams and jellies sold by them unless a change results in the same or a lower price.

This amendment shall become effective June 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 9th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9364; Filed, June 9, 1943; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 549 Under § 1499.3 (b) of GMPR]

MARTIN DENNIS COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1987 *Approval of maximum prices for Acidolene 377, manufactured by The Martin Dennis Company—(a) Sales by The Martin Dennis Company—(1) Maximum prices.* The maximum prices, f. o. b. producer's plant, for sales of Acidolene 377 by The Martin Dennis Company of Newark, New Jersey, are established as set forth below:

|                                                                                                                         | Cents<br>per pound |
|-------------------------------------------------------------------------------------------------------------------------|--------------------|
| Acidolene 377, sold to persons within the forty-eight states of the United States or the District of Columbia.....      | 12.58              |
| Acidolene 377, sold to persons outside of the forty-eight states of the United States and the District of Columbia..... | 13.08              |

(b) This Order No. 549 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 549 (§ 1499.1987) shall become effective June 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 9th day of June 1943.

GEORGE J. BURKE,  
Administrator.

[F. R. Doc. 43-9365; Filed, June 9, 1943; 11:42 a. m.]

PART 1306—IRON AND STEEL

[RPS 49, Amdt. 15]

RESALE OF IRON OR STEEL PRODUCTS

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

Revised Price Schedule No. 49 is amended in the following respects:

1. Section 1306.157 (1) is amended to read as follows:

(1) "Freight" or "freight as customarily charged" means that type of freight, either all rail, rail and water, or all water, which is customarily used and which may be used to arrive most economically at the place of delivery. This term does not include other means of transportation; such as, but not limited to, express delivery, truck delivery, or special services provided by rail carriers.

2. Section 1306.159 (f) is amended to read as follows:

(f) *Maximum delivered prices for dislocated tonnage.* For dislocated tonnage, as defined in § 1306.157 (f), out of warehouse stock, the maximum delivered price for iron and steel products so shipped shall be the highest of the following alternatives:

(1) The seller's maximum price for shipments out of his own city or free delivery area (that is, his country price) as established in this Revised Price Schedule No. 49, plus freight from shipping point to destination, less an allowance at the rate of \$0.15 per 100 pounds; or

(2) The seller's maximum price for shipments out of his own city or free delivery area (that is, his country price)

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

<sup>1</sup> 7 F.R. 1300, 1836, 2132, 2473, 2540, 2682, 3930, 3893, 4342, 5176, 6893, 6935, 8948, 10844; 8 F.R. 319, 1583, 2388.

as established in this Revised Price Schedule No. 49, plus transportation charges actually paid for shipment from such shipping point to destination, less an allowance at the rate of \$0.25 per 100 pounds; or

(3) The seller's maximum price as established in Section 1306.159 (b): *Provided*, That the maximum delivered prices for dislocated tonnage shall not apply to shipments of pipe or tubular goods, and that on all shipments of standard pipe, seamless pipe, water well casing, large O. D. pipe, line pipe and wrought iron pipe originating from jobber's stocks in the States of Arizona, Washington, Idaho, Montana, Oregon, Wyoming, Nevada, Utah, Colorado, California, New Mexico and Texas (El Paso and Pecos only) and shipped to points within the above mentioned states or to points West of the 103rd meridian, within the States of North Dakota, South Dakota, Nebraska and Texas, any freight actually paid in excess of the sum of thirty (30) cents per 100 pounds may be charged, notwithstanding that freight equalization of more than this amount may be required by the provisions of § 1306.159 (i) (1) and (2), establishing maximum delivered prices at such points of delivery.

3. In § 1306.164 (c), Table I, Base Prices for Rejects, the prices for galvanized sheets for the cities specified below are amended as follows:

|                        |        |
|------------------------|--------|
| Detroit.....           | \$4.49 |
| Chicago (City).....    | 4.70   |
| Chicago (Country)..... | 4.70   |
| Milwaukee.....         | 4.73   |
| St. Paul.....          | 4.73   |
| St. Louis.....         | 4.56   |

4. In § 1306.164 (c), Table II, Base Prices for Wasters, the prices for galvanized sheets for the cities specified below are amended as follows:

|                        |        |
|------------------------|--------|
| Detroit.....           | \$3.99 |
| Chicago (City).....    | 4.18   |
| Chicago (Country)..... | 4.18   |
| Milwaukee.....         | 4.21   |
| St. Paul.....          | 4.20   |
| St. Louis.....         | 4.06   |

5. In § 1306.164 (c), Table III, Base Prices for Waste Wasters and Offal, the prices for galvanized sheets for the cities specified below are amended as follows:

|                        |        |
|------------------------|--------|
| Detroit.....           | \$3.74 |
| Chicago (City).....    | 3.92   |
| Chicago (Country)..... | 3.92   |
| Milwaukee.....         | 3.95   |
| St. Paul.....          | 3.94   |
| St. Louis.....         | 3.80   |

6. In § 1306.164 (c), Table IV, Base Prices for Side and End Shearings, the prices for galvanized sheets for the cities specified below are amended as follows:

|                        |        |
|------------------------|--------|
| Detroit.....           | \$3.24 |
| Chicago (City).....    | 3.39   |
| Chicago (Country)..... | 3.39   |
| Milwaukee.....         | 3.42   |
| St. Paul.....          | 3.41   |
| St. Louis.....         | 3.30   |

7. In § 1306.164 (d), Table VI, Base Prices for Sheets and Plates Sheared to Specifications to Both Length and Width, the prices for galvanized sheets for the cities specified below are amended as follows:

|                     |        |
|---------------------|--------|
| Detroit.....        | \$5.16 |
| Chicago (City)..... | 5.40   |

|                        |        |
|------------------------|--------|
| Chicago (Country)..... | \$5.40 |
| Milwaukee.....         | 5.44   |
| St. Paul.....          | 5.43   |
| St. Louis.....         | 5.25   |

8. In § 1306.164 (d), Table VII, Base Prices for Sheets and Plates Sheared to Specifications to Length Only or to Width Only, the prices for galvanized sheets for the cities specified below are amended as follows:

|                        |        |
|------------------------|--------|
| Detroit.....           | \$4.94 |
| Chicago (City).....    | 5.17   |
| Chicago (Country)..... | 5.17   |
| Milwaukee.....         | 5.21   |
| St. Paul.....          | 5.20   |
| St. Louis.....         | 5.02   |

9. Section 1306.164 (c) (2) (iii) is amended to read as follows:

(iii) For any shipment which qualifies as dislocated tonnage as defined in § 1306.157 (f), the delivered base price shall be the highest of the following alternatives:

(a) The delivered country base price as established under subdivision (i) or (ii) above for the city from which shipment is made, plus freight from shipping point to destination, less an allowance at the rate of \$0.15 per 100 pounds; or

(b) The delivered country base price as established under subdivision (i) or (ii) above for the city from which shipment is made, plus transportation charges actually paid for shipment from shipping point to destination, less an allowance at the rate of \$0.25 per 100 pounds; or

(c) The delivered base price as established in (i) or (ii) above.

10. Section 1306.164 (d) (2) (iii) is amended to read as follows:

(iii) For any shipment which qualifies as dislocated tonnage as defined in § 1306.157 (f), the delivered base price shall be the highest of the following alternatives:

(a) The delivered country base price as established under subdivision (i) or (ii) above for the city from which shipment is made, plus freight from shipping point to destination, less an allowance at the rate of \$0.15 per 100 pounds; or

(b) The delivered country base price as established under subdivision (i) or (ii) above for the city from which shipment is made, plus transportation charges actually paid for shipment from shipping point to destination, less an allowance at the rate of \$0.25 per 100 pounds; or

(c) The delivered base price as established in (i) or (ii) above.

11. Section 1306.165 (a) (8) is amended to read as follows:

(8) *Maximum delivered prices for shipments from a shipping point within a zone to a destination within another zone.* The maximum delivered price for shipments from a shipping point within a zone to a destination within another zone shall be the highest of the following three alternatives:

(i) The zone shipping point price plus freight from shipping point to destination, less an allowance at the rate of \$0.15 per 100 pounds; or

(ii) The zone shipping point price plus transportation charges actually paid for shipment from shipping point to destina-

tion, less an allowance at the rate of \$0.25 per 100 pounds; or

(iii) The zone destination price for the zone into which shipment is made.

12. Section 1306.165 (a) (9) is amended to read as follows:

(9) *Maximum delivered prices for shipments from a shipping point within a zone to a destination within a non-zoned area.* The maximum delivered price for a shipment from a shipping point within a zone to a destination within a non-zoned area shall be the highest of the following alternatives:

(i) Seller's own zone shipping point price plus freight from shipping point to destination, less an allowance at the rate of \$0.15 per 100 pounds; or

(ii) Seller's own zone shipping point price plus transportation charges actually paid for shipment from shipping point to destination, less an allowance at the rate of \$0.25 per 100 pounds; or

(iii) The lowest combination price at destination as determined under § 1306.159, Appendix A (b).

13. Section 1306.165 (a) (10) is amended to read as follows:

(10) *Maximum delivered prices for shipments from a shipping point within a non-zoned area to a destination within a zone.* The maximum delivered price for a shipment from a shipping point within a non-zoned area to a destination within a zone shall be the highest of the following alternatives:

(i) The zone destination price; or

(ii) The seller's country price at the city from which shipment is made, as established under § 1306.159 (a), plus freight from such shipping point to destination, less an allowance at the rate of \$0.15 per 100 pounds; or

(iii) The seller's country price at the city from which shipment is made, as established under § 1306.159 (a), plus transportation charges actually paid for shipment from shipping point to destination, less an allowance at the rate of \$0.25 per 100 pounds.

14. Section 1306.164 (f) (1) (i) (a) is amended to read as follows:

(1) For a quantity of less than 40,000 pounds.

(i) For all products except cold rolled strip.

(a) To determine the quantity charge or deduction under subdivision (b) below, combine the weight of material on all orders of one day from one person for shipment to one destination, regardless of how shipments may be split by seller for his own convenience or at the buyer's request. No person shall subdivide his requirements into small or partial orders for the purpose of circumventing the provisions of this paragraph, and similarly, no seller shall require, or assist in, such subdivision.

15. Section 1306.164 (f) (1) (ii) (a) is amended to read as follows:

(ii) For cold rolled strip only.

(a) To determine the quantity charge or deduction under subdivision (b) below, combine the weight on all orders for one gauge, width, temper, and finish, of one day from one person for shipment to one destination, regardless of how



shipments may be split by the seller for his own convenience or at the buyer's request. No person shall subdivide his requirements into small or partial orders for the purpose of circumventing the provisions of this paragraph and, similarly, no seller shall require, or assist in, such subdivision.

This amendment shall become effective June 21, 1943.

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

Issued this 9th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9375; Filed, June 9, 1943; 12:16 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417, 4417a, 4418, 4426, 4429, 4430, 4433, 4437, 4482, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167 (46 U.S.C. 375, 391, 391a, 392, 404, 407, 408, 411, 413, 475, 481, 489, 367, 526-526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed.

Subchapter F—Marine Engineering  
PART 51—MATERIALS

1. Part 51 is amended by the addition of §§ 51.11a-1 to 51.11a-19, inclusive, *Welded and seamless steel pipe*, and §§ 51.11b-1 to 51.11b-19, inclusive, *Electric-resistance welded steel pipe*, reading as follows, immediately following § 51.11-9:

*Welded and Seamless Steel Pipe*

NOTE: In substantial agreement with A.S.T.M. Designation A 53-42 Certified Material—Class B.

§ 51.11a-1 *Scope.* (a) These specifications cover black and hot-dipped-galvanized welded and seamless steel pipe. Pipe ordered under these specifications is intended for coiling, bending, flanging, and other special purposes, and is suitable for fusion welding. Butt-welded pipe is not intended for flanging. The purposes for which the pipe is intended should be stated in the order. When seamless or electric-resistance-welded pipe is ordered for close coiling, cold bending, or for forge welding, Grade A shall be specified.

(b) *Galvanized pipe.* When pipe ordered under specifications is to be galvanized, the tension, flattening, and bend tests shall be made on the base material before galvanizing.

NOTE: If impracticable to make the physical tests on the base material before galvanizing, such tests may be made on galvanized samples, and any flaking or cracking of the zinc coating shall not be considered cause for rejection.

§ 51.11a-2 *Process.* (a) The steel for both welded and seamless pipe shall be

made by one or more of the following processes; open-hearth, electric-furnace, or acid-bessemer.<sup>7</sup> The steel for furnace-welded pipe shall be of soft weldable quality.

(b) Furnace-welded pipe 2 in. and under in nominal diameter may be butt-welded, unless otherwise specified. Furnace-welded pipe over 2 in. in nominal diameter shall be lap-welded.

§ 51.11a-3 *Chemical composition.* The steel shall conform to the following ladle analysis requirement as to chemical composition:

|                                      | Lap-welded | Seamless or electric-resistance-welded |
|--------------------------------------|------------|----------------------------------------|
| Phosphorus, max., percent:           |            |                                        |
| Open-hearth or electric-furnace..... | 0.06       | 0.045                                  |
| Acid-bessemer.....                   |            | 0.11                                   |

§ 51.11a-4 *Check analysis.* An analysis of two pipes from each lot of 500 lengths or fraction thereof may be made by the inspector. Drillings for analysis shall be taken from several points around each pipe selected for analysis. The phosphorus content of open-hearth or electric-furnace steel thus determined shall not exceed that specified in § 51.11a-3 by more than 25 percent. For acid-bessemer seamless or electric-resistance-welded steel pipe, the phosphorus content shall not exceed the maximum specified in § 51.11a-3.

§ 51.11a-5 *Tensile properties.* (a) The material shall conform to the requirements as to tensile properties prescribed in Table I.

(b) The yield point shall be determined by the drop of the beam or halt in the gage of the testing machine, or other approved method.

TABLE I—TENSILE REQUIREMENTS

|                                                                                                                                                                        | Furnace-welded |                                 | Seamless or electric-resistance-welded |         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------------------|----------------------------------------|---------|
|                                                                                                                                                                        | Acid-Bessemer  | Open hearth or electric furnace | Grade A                                | Grade B |
| Tensile strength, min., psi.....                                                                                                                                       | 50,000         | 45,000                          | 48,000                                 | 60,000  |
| Yield point, min., psi.....                                                                                                                                            | 30,000         | 25,000                          | 30,000                                 | 35,000  |
| Elongation in 8 in., min. percent.....                                                                                                                                 | 18             | 20                              |                                        |         |
| Elongation in 2 in., min. percent.....                                                                                                                                 |                | 30                              |                                        |         |
| Elongation, minimum:                                                                                                                                                   |                |                                 |                                        |         |
| Basic min. elongation for walls 3/16 in. and over in thickness, longitudinal strip tests, and for all small sizes tested in full section.....                          |                |                                 | 35                                     | 30      |
| When standard round 2-in. gage length test specimen is used.....                                                                                                       |                |                                 | 28                                     | 22      |
| For longitudinal strip tests a deduction for each 1/2 in. decrease in wall thickness below 3/16 in. from the basic minimum elongation of the following percentage..... |                |                                 | 1.75                                   | 1.50    |

<sup>1</sup> Gage distances for measuring elongation on furnace-welded pipe of nominal sizes 3/4 in. and smaller shall be as follows:

| Nominal size:         | Gage length |
|-----------------------|-------------|
| 3/4 and 1 1/2 in..... | 6 in.       |
| 3/8 and 1/2 in.....   | 4 in.       |
| 1/8 in.....           | 2 in.       |

<sup>2</sup> When specimen shown in Fig. M-2 is used; See § 51.11a-9 (a).  
<sup>3</sup> The following table gives the computed minimum values:

| Wall thickness, inches | Elongation, min. percent |         |
|------------------------|--------------------------|---------|
|                        | Grade A                  | Grade B |
| 3/16 (0.3125).....     | 35.00                    | 30.00   |
| 5/32 (0.281).....      | 33.25                    | 28.50   |
| 3/4 (0.250).....       | 31.50                    | 27.00   |
| 7/32 (0.2187).....     | 29.75                    | 25.50   |
| 3/16 (0.1875).....     | 28.00                    | 24.00   |
| 5/32 (0.156).....      | 26.25                    | 22.50   |
| 1/8 (0.125).....       | 24.50                    | 21.00   |
| 5/32 (0.0937).....     | 22.75                    | 19.50   |
| 3/16 (0.0625).....     | 21.00                    | 18.00   |

§ 51.11a-6 *Bending properties.* For pipe 2 in. and under in nominal diameter, a sufficient length of pipe shall stand being bent cold through 90 deg. around a cylindrical mandrel, the diameter of which is twelve times the nominal diameter of the pipe, without developing cracks at any portion and without opening the weld. When ordered for close coiling, the pipe shall stand being bent cold through 180 deg. around a cylindrical mandrel, the diameter of which is eight times the nominal diameter of the pipe, without failure. Double extra

strong pipe over 1 1/4 in. in diameter need not be subject to the bend test.

§ 51.11a-7 *Flattening test.* (a) The flattening test shall be made on standard weight and extra strong pipe over 2 in. in nominal diameter. It shall not be required for double extra strong pipe.

(b) For lap-welded and butt-welded pipe the test section shall be 4 to 6 inches in length and the weld shall be located 45 deg. from the line of direction of the applied force.

(c) For electric-resistance-welded pipe, the test section shall be 4 to 6 inches

<sup>7</sup> Pipe fabricated from steel manufactured by the acid-bessemer process may be used on vessels subject to the jurisdiction of the Coast Guard where the pressure does not ex-

ceed 350 pounds per square inch and/or the temperature does not exceed 450° F. and provided that the pipe is not to be bent, coiled, flanged or otherwise worked.

in length and the weld shall be located 90 deg. from the line of direction of the applied force.

(d) For seamless pipe the test section shall not be less than 2½ inches in length.

(e) The test shall consist in flattening a section of pipe between parallel plates until the opposite walls meet. For welded pipe, no opening in the weld shall take place until the distance between the plates is less than three-

fourths of the original outside diameter for butt-weld, or two-thirds the outside diameter for lap-weld and electric-resistance-weld, and no cracks or breaks in the metal elsewhere than in the weld shall occur until the distance between the plates is less than shown below. For seamless pipe no breaks or cracks in the metal, shall occur until the distance between the plates is less than that shown below:

| Kind of pipe                                        | Distance between plates "S"                             |
|-----------------------------------------------------|---------------------------------------------------------|
| For butt-welded pipe.....                           | 60 percent of outside diameter                          |
| For lap-welded pipe.....                            | One-third of the outside diameter                       |
| For electric-resistance-welded pipe Grades A and B. | One-third of the outside diameter                       |
| For seamless pipe Grades A and B.....               | To the distance "S" developed by the following formula: |

$$S = \frac{(1+e)t}{e+t/D}$$

Where:

- S=Distance between flattening plates in inches,  
 t=Nominal wall thickness of pipe in inches,  
 D=Actual outside diameter of pipe in inches, and  
 e=Deformation per unit length (constant for a given grade of steel, 0.09 for grade A and 0.07 for grade B.

TABLE II.—HYDROSTATIC TEST PRESSURES FOR WELDED AND SEAMLESS STEEL PIPE<sup>1</sup>  
 [Pressures expressed in pounds per square inch]

| Size (nominal inside diameter) inches | "Standard Weight" pipe |                        |         | "Extra Strong" pipe |                        |         | "Double Extra Strong" pipe |                        |         |
|---------------------------------------|------------------------|------------------------|---------|---------------------|------------------------|---------|----------------------------|------------------------|---------|
|                                       | Butt-welded            | Lap-welded and Grade A | Grade B | Butt-welded         | Lap-welded and Grade A | Grade B | Butt-welded                | Lap-welded and Grade A | Grade B |
| ¼ to 1, incl.....                     | 700                    | 700                    | 700     | 850                 | 850                    | 850     | 1,000                      | 1,000                  | 1,000   |
| 1¼ to 3, incl.....                    | 800                    | 1,000                  | 1,100   | 1,100               | 1,500                  | 1,600   | 1,200                      | 1,800                  | 1,900   |
| 3½ to 6, incl.....                    |                        | 1,200                  | 1,300   |                     | 1,700                  | 1,800   |                            | 2,000                  | 2,100   |
| 8.....                                |                        | 1,200                  | 1,300   |                     | 1,700                  | 2,400   |                            | 2,800                  | 2,800   |
| 10 to 12, incl.....                   |                        | 1,000                  | 1,200   |                     | 1,600                  | 1,900   |                            |                        |         |

<sup>1</sup> For pipe over 12 inches in nominal pipe size, the test pressures should be calculated by the formula

$$P = \frac{2St}{D}; \text{ where}$$

P=Pressure in pounds per square inch, S=fiber stress, 60 percent of the specified yield point, t=thickness of wall in inches, and D=outside diameter in inches.

<sup>2</sup> Lap-welded pipe is not made below the 1¼ inch size.

<sup>3</sup> Seamless pipe in these small sizes will probably need to be cold drawn.

§ 51.11a-8 *Hydrostatic test.* Each length of pipe shall be tested at the mill to the hydrostatic pressures prescribed in Table II. Welded pipe 2 in. and larger shall be jarred near one end while under test pressure.

§ 51.11a-9 *Test specimens.* (a) Tension test specimens shall be cut longitudinally from the pipe and not flattened between gage marks. The sides of specimens shall be parallel between gage marks. If desired, the tension test specimen may consist of a full section of the pipe. When impracticable to pull a test specimen in full thickness the standard 2-in. gage length tension test specimen shown in Fig. M-2 may be used.

(b) Test specimens for the bend and flattening tests shall consist of sections cut from a pipe. Specimens for flattening tests shall be smooth on the ends and free from burrs, except when made on crop ends taken from welded pipe.

(c) All specimens shall be tested at room temperature.

§ 51.11a-10 *Number of tests.* (a) One of each of the tests specified in §§ 51.11a-5, 51.11a-6 and 51.11a-7 shall be made on one length of pipe from each lot of 500 lengths or fraction thereof of each size.

(b) In the case of welded pipe ordered for "flanging" the crop ends cut from each length shall stand the flattening test specified in § 51.11a-7 (a).

(c) Each length of pipe shall be subjected to the Hydrostatic test specified in § 51.11a-8 (a).

§ 51.11a-11 *Retests.* (a) If the results of the physical tests of any lot do not conform to the requirements specified in §§ 51.11a-5, 51.11a-6 and 51.11a-7, retests may be made on additional pipe of double the original number from the same lot, each of which shall conform to the requirements specified.

(b) If any section fails when flattening tests are made on the crop ends of each length of welded pipe, other pieces from the length may be cut until satisfactory tests are obtained, otherwise the length shall be rejected.

§ 51.11a-12 *Standard weights.* (a) The standard weights with the corresponding wall thicknesses for pipe of various nominal inside diameters are prescribed in Table III.

(b) Nipples shall be cut from pipe of the same weight and quality described in these specifications.

§ 51.11a-13 *Permissible variations in weight and dimensions—(a) Weight.* The weight of the pipe shall not vary from that prescribed in Table III by more than plus or minus 5 percent for standard weight and extra strong pipe nor more than plus or minus 10 percent for double extra strong pipe.

(b) *Diameter.* For pipe 1½ in. and under in nominal diameter, the outside diameter at any point shall not vary more than ¼ in. over nor more than ½ in. under the standard specified. For pipe 2 in. and over in nominal diameter, the outside diameter shall not vary more than plus or minus 1 percent from the standard specified.

(c) *Thickness.* The minimum wall thickness at any point shall be not more than 12.5 percent under the nominal wall thickness specified.

§ 51.11a-14 *Lengths.* Unless otherwise specified, pipe lengths shall be in accordance with the following regular practice:

(a) Standard weight pipe shall be in random lengths of 16 to 22 feet, but not more than 5 percent of the total number of lengths may be "Jointers", which are two pieces coupled together. When ordered with plain ends, 5 percent may be in lengths of 12 to 16 feet.

(b) Extra strong and double extra strong pipe shall be in random lengths of 12 to 22 feet. Five percent may be in lengths of 6 to 12 feet.

§ 51.11a-15 *Workmanship.* Unless otherwise specified, pipe shall conform to the following regular practice:

(a) *Ends.* Each end of standard weight welded pipe shall be threaded. Extra strong welded pipe and standard weight and extra strong seamless pipe and all double extra strong pipe shall be furnished with plain ends.

(b) *Threads.* All threads shall be in accordance with the American Standard Pipe Thread, and cut so as to make a tight joint when the pipe is tested at the mill to the specified internal hydrostatic pressure. The variation from the standard, when tested with the standard working gage, shall not exceed one and one-half turns either way.

(c) *Couplings.* Each length of threaded pipe shall be provided with one coupling, having clean-cut threads of such a pitch diameter as to make a tight joint. Couplings may be of wrought iron or steel.

§ 51.11a-16 *Finish.* The finished pipe shall be reasonably straight and free from injurious defects. All burrs at the ends of the pipe shall be removed.

§ 51.11a-16 *Finish.* The finished pipe pipe shall be legibly marked by rolling, stamping, or stenciling to show the name or brand of the manufacturer; the type of pipe (that is, lap-welded, electric-resistance-welded A, electric-resistance-welded B, seamless A, or seamless B; where acid-bessemer steel is used in seamless or electric-resistance-welded pipe, the word "bessemer" shall be added before the letter A or B); XS for extra strong, XXS for double extra strong; ASTM A 53; the length, and the hydro-

static test pressure in pounds per square inch; except that for small diameter pipe which is bundled, this information may be marked on a tag securely attached to each bundle.

§ 51.11a-18 *Inspection.* The inspector shall have free entry, at all times while work is being performed, to all parts of the manufacturer's works that concern the manufacture of the material ordered. The manufacturer shall afford the inspector, without charge, all reasonable facilities to satisfy him that the

material is being furnished in accordance with these specifications. All tests (except check analysis) and inspection shall be made at the place of the manufacture prior to shipment, unless otherwise specified, and shall be so conducted as not to interfere unnecessarily with the operation of the works.

§ 51.11a-19 *Rejection.* Each length of pipe that develops injurious defects during shop working or application operations will be rejected, and the manufacturer shall be notified.

same manner as when taken from the finished pipe. Drillings for analysis shall be taken from several points around each pipe, or across each piece of skelp, selected for analysis. The chemical composition thus determined shall conform to the requirements specified in § 51.11b-3.

(b) *Retests.* If the analysis of either length of pipe or length of skelp does not conform to the requirements specified in § 51.11b-3, analyses of two additional lengths from the same lot shall be made, each of which shall conform to the requirements specified.

§ 51.11b-6 *Tensile properties.* (a) The material shall conform to the following requirements as to tensile properties:

|                                         | Grade A | Grade B |
|-----------------------------------------|---------|---------|
| Tensile strength, min., psi.....        | 48,000  | 60,000  |
| Yield point, min., psi.....             | 30,000  | 35,000  |
| Elongation in 2 in., min., percent..... | 30      | 25      |

(b) The yield point shall be determined by the drop of the beam or halt in the gage of the testing machine, or other approved method.

(c) The test specimen taken across the weld shall show a tensile strength not less than the minimum tensile strength specified for the grade of pipe ordered. This test will not be required for pipe under 6 in. in outside diameter.

§ 51.11b-7 *Flattening test.* Both crop ends from each length of pipe shall be flattened between parallel plates with the weld at the point of maximum bending until opposite walls of the pipe meet. No opening in the weld shall take place until the distance between the plates is less than two-thirds of the original outside diameter of the pipe. No cracks or breaks in the metal elsewhere than in the weld shall occur until the distance between the plates is less than one-third of the original outside diameter of the pipe, but in no case less than five times the thickness of the pipe wall. Evidence of lamination or burnt material shall not develop during the entire flattening process, and the weld shall not show injurious defects.

§ 51.11b-8 *Hydrostatic test.* (a) Each length of pipe shall be tested at the mill to a hydrostatic pressure calculated from the following formula, provided that in no case shall the test pressure exceed 2500 psi.:

$$P = \frac{2 St}{D}$$

where:

- P=minimum hydrostatic test pressure in pounds per square inch.
- S=allowable fiber stress (16,000 to 18,000 psi for grade A and 20,000 to 22,000 psi for grade B, but in no case shall the stress produced exceed 80 percent of the specified yield point).
- t=wall thickness in inches, and
- D=outside diameter in inches.

(b) The hydrostatic pressure shall be maintained for not less than 5 sec. and while under test pressure, the pipe shall be jarred near both ends with a 2-lb. hammer or its equivalent.

TABLE III—STANDARD WEIGHTS AND DIMENSIONS OF WELDED AND SEAMLESS STEEL PIPE<sup>1</sup>

NOTE: Where more than one weight is listed under the same size and class, the order should definitely specify the wall thickness desired.

| Size (nominal inside diameter), inches | Outside diameter, inches | Number of threads per inch | "Standard Weight" pipe |                                                                  |                   |                                                                  | "Extra Strong" pipe |                                                 |                   |                                                 | "Double Extra Strong" <sup>2</sup> pipe |                                                 |  |  |
|----------------------------------------|--------------------------|----------------------------|------------------------|------------------------------------------------------------------|-------------------|------------------------------------------------------------------|---------------------|-------------------------------------------------|-------------------|-------------------------------------------------|-----------------------------------------|-------------------------------------------------|--|--|
|                                        |                          |                            | Schedule 30            |                                                                  | Schedule 40       |                                                                  | Schedule 60         |                                                 | Schedule 80       |                                                 | Thickness, inches                       | Weight of pipe per linear foot, plain ends, lb. |  |  |
|                                        |                          |                            | Thickness, inches      | Weight of pipe per linear foot, threaded and with couplings, lb. | Thickness, inches | Weight of pipe per linear foot, threaded and with couplings, lb. | Thickness, inches   | Weight of pipe per linear foot, plain ends, lb. | Thickness, inches | Weight of pipe per linear foot, plain ends, lb. |                                         |                                                 |  |  |
| 1/2                                    | 0.405                    | 27                         |                        |                                                                  | 0.068             | 0.25                                                             |                     |                                                 | 0.095             | 0.31                                            |                                         |                                                 |  |  |
| 3/8                                    | 0.540                    | 18                         |                        |                                                                  | 0.088             | 0.43                                                             |                     |                                                 | 0.119             | 0.54                                            |                                         |                                                 |  |  |
| 1/2                                    | 0.675                    | 18                         |                        |                                                                  | 0.091             | 0.57                                                             |                     |                                                 | 0.126             | 0.74                                            |                                         |                                                 |  |  |
| 3/4                                    | 0.840                    | 14                         |                        |                                                                  | 0.109             | 0.85                                                             |                     |                                                 | 0.147             | 1.09                                            | 0.294                                   | 1.71                                            |  |  |
| 1                                      | 1.050                    | 14                         |                        |                                                                  | 0.113             | 1.13                                                             |                     |                                                 | 0.154             | 1.47                                            | 0.308                                   | 2.44                                            |  |  |
| 1 1/8                                  | 1.315                    | 11 1/2                     |                        |                                                                  | 0.133             | 1.68                                                             |                     |                                                 | 0.179             | 2.17                                            | 0.358                                   | 3.66                                            |  |  |
| 1 1/2                                  | 1.600                    | 11 1/2                     |                        |                                                                  | 0.140             | 2.28                                                             |                     |                                                 | 0.191             | 3.00                                            | 0.382                                   | 5.21                                            |  |  |
| 1 3/4                                  | 1.900                    | 11 1/2                     |                        |                                                                  | 0.145             | 2.73                                                             |                     |                                                 | 0.200             | 3.63                                            | 0.400                                   | 6.41                                            |  |  |
| 2                                      | 2.375                    | 11 1/2                     |                        |                                                                  | 0.154             | 3.68                                                             |                     |                                                 | 0.218             | 5.02                                            | 0.436                                   | 9.03                                            |  |  |
| 2 1/2                                  | 2.875                    | 8                          |                        |                                                                  | 0.203             | 5.82                                                             |                     |                                                 | 0.276             | 7.66                                            | 0.552                                   | 13.70                                           |  |  |
| 3                                      | 3.500                    | 8                          |                        |                                                                  | 0.216             | 7.62                                                             |                     |                                                 | 0.300             | 10.25                                           | 0.600                                   | 18.58                                           |  |  |
| 3 1/2                                  | 4.000                    | 8                          |                        |                                                                  | 0.226             | 9.20                                                             |                     |                                                 | 0.318             | 12.51                                           | 0.636                                   | 22.55                                           |  |  |
| 4                                      | 4.500                    | 8                          |                        |                                                                  | 0.237             | 10.89                                                            |                     |                                                 | 0.337             | 14.98                                           | 0.674                                   | 27.54                                           |  |  |
| 5                                      | 5.563                    | 8                          |                        |                                                                  | 0.258             | 14.81                                                            |                     |                                                 | 0.375             | 20.78                                           | 0.750                                   | 38.55                                           |  |  |
| 6                                      | 6.625                    | 8                          |                        |                                                                  | 0.280             | 19.19                                                            |                     |                                                 | 0.432             | 28.57                                           | 0.864                                   | 53.16                                           |  |  |
| 8                                      | 8.625                    | 8                          | 0.277                  | 25.00                                                            | 0.322             | 28.81                                                            |                     |                                                 | 0.500             | 43.39                                           | 0.875                                   | 72.42                                           |  |  |
| 10                                     | 10.750                   | 8                          | 0.307                  | 35.00                                                            | 0.365             | 41.13                                                            | 0.500               | 54.74                                           |                   |                                                 |                                         |                                                 |  |  |
| 12                                     | 12.750                   | 8                          | 0.330                  | 45.00                                                            | 0.375             | 50.71                                                            | 0.500               | 65.41                                           |                   |                                                 |                                         |                                                 |  |  |

<sup>1</sup> Sizes larger than those shown in the table are measured by their outside diameter. These larger sizes will be furnished with plain ends, unless otherwise specified. The weights will correspond to the manufacturers' published standards although it is possible to calculate the theoretical weights for any given size and wall thickness on the basis of 1 cu. in. of steel weighing 0.2833 lb.

<sup>2</sup> The American Standard for Wrought-Iron and Wrought-Steel Pipe (ASA No. B36.10-1939) has assigned no schedule number to "Double Extra Strong" pipe.

<sup>3</sup> Standard weight pipe 10 in. in nominal size is also available with 0.279 in. wall thickness, but this wall is not covered by a schedule number.

<sup>4</sup> Owing to a departure from the "Standard Weight" and "Extra Strong" wall thicknesses for the 12 in. nominal size Schedule 40 and 60, in Table 2 of the American Standard for Wrought-Iron and Wrought-Steel Pipe (ASA No. B36.10-1939) the regular "Standard" and "Extra Strong" wall thicknesses (0.375 in. and 0.500 in.) have been substituted

**Electric-Resistance-Welded Steel Pipe**

NOTE: In substantial agreement with A. S. T. M. Designation A 135-42, Certified material—Class B.

§ 51.11b-1 *Scope.* These specifications cover two grades of electric-resistance-welded steel pipe 30 in. and under in diameter. The pipe is intended for conveying liquid, gas, or vapor; and only grade A is adapted for flanging and bending. The suitability of pipe for various purposes is somewhat dependent upon its dimensions, properties, and conditions of service, so that the purpose for which the pipe is intended should be stated in the order.

§ 51.11b-2 *Process.* Unless otherwise specified, the steel shall be made by either or both of the following processes: open-hearth or electric-furnace.

§ 51.11b-3 *Chemical composition.* The steel shall conform to the following requirements as to chemical composition:

Phosphorus, max., percent..... 0.045  
Sulfur, max., percent..... 0.060

§ 51.11b-4 *Ladle analysis.* An analysis of each melt of steel shall be made by the manufacturer to determine the percentages of the elements specified in § 51.11b-3. This analysis shall be made from a test ingot taken during the pouring of the melt. When requested by the inspector, the chemical composition thus determined shall be reported to the inspector and shall conform to the requirements specified in § 51.11b-3.

§ 51.11b-5 *Check analysis.* (a) Analyses of two pipes from each lot of 400 lengths or fraction thereof of each size under 6 in., from each lot of 200 lengths or fraction thereof of each size 6 to 20 in., and from each lot of 100 lengths or fraction thereof of each size over 20 to 30 in., may be made by the inspector from the finished pipe. By agreement between the manufacturer and the inspector, the analysis may be made on the skelp and the number shall be determined in the

§ 51.11b-9 *Test specimens.* (a) The longitudinal tension test specimen shall be taken from the end of the pipe, or by agreement between the manufacturer and the inspector may be taken from the skelp, at a point approximately 90 deg. from the weld, and shall not be flattened between gage marks. The transverse tension test specimen, if required by the inspector, shall be taken across the weld and from the same end of the pipe as the longitudinal test specimen. The sides of each specimen shall be parallel between gage marks. When impracticable to pull a test specimen in full thickness the standard 2-in. gage length tension test specimen shown in Fig. M-2 may be used.

(b) All specimens shall be tested at room temperature.

§ 51.11b-10 *Number of tests.* (a) One longitudinal tension test shall be made on one length from each lot of 400 lengths or fraction thereof of each size under 6 in., and one longitudinal and, if required by the inspector, one transverse tension test on one length from each lot of 200 lengths or fraction thereof of each size 6 to 20 in., and on one length from each lot of 100 lengths or fraction thereof of each size over 20 to 30 inches. When taken from the skelp the number of tests shall be determined in the same manner as when taken from the finished pipe.

(b) If any test specimen shows defective machining or develops flaws not associated with the welding, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.11b-6 (a) and any part of the fracture is more than  $\frac{3}{4}$  inch from the center of the gage length of a 2-inch specimen, as indicated by scribe scratches marked on the specimen before testing the specimen may be discarded and another substituted.

(d) The flattening test specified in § 51.11b-7 shall be made on both crop ends cut from each length of pipe.

(e) Each length of pipe shall be subjected to the hydrostatic test specified in § 51.11b-8.

§ 51.11b-11 *Retests.* (a) If the results of the tension tests of any lot do not conform to the requirements specified in § 51.11b-6, retests of two additional length from the same lot shall be made, each of which shall conform to the requirements specified.

(b) If any section fails when flattening tests are made on the crop ends of each length of pipe, other pieces from the length may be cut until satisfactory tests are obtained, otherwise the length shall be rejected. Precautions shall be taken so that crop ends may be identified with respect to the length from which they were cut.

§ 51.11b-12 *Permissible variations in weight and dimensions—*(a) *Weight.*

The weight of any length of pipe shall not vary more than 3.5 percent under or 10 percent over that specified, but the carload weight shall be not more than 1.75 percent under the nominal weight.

(b) *Diameter.* The outside diameter shall not vary more than plus or minus 1 percent from the nominal size specified.

(c) *Thickness.* The minimum wall thickness at any point shall be not more than 12.5 percent under the nominal wall thickness specified.

§ 51.11b-13 *Lengths.* Unless otherwise specified, pipe shall be furnished in lengths averaging 38 ft. or over, with a minimum length of 20 feet, but not more than 5 percent may be under 32 ft. Jointers made by welding are permissible. When threaded pipe is ordered, jointers shall be made by threading and shall not exceed 5 percent of the order.

§ 51.11b-14 *Workmanship—*(a) *Ends, plain end pipe.* Unless otherwise specified, plain end pipe for use with the Dresser or Dayton type coupling shall be reamed both outside and inside sufficiently to remove all burrs. Plain end pipe for welding shall be beveled on the outside to an angle of 37.5 deg. with a width of flat at the end of the pipe of  $\frac{1}{16}$  plus or minus  $\frac{1}{32}$  in. When material is ordered beveled to any other than a 37.5 deg. angle it should be understood that the angle is to be measured from a line drawn perpendicular to the axis of the pipe. This means that a greater amount of material is removed with a 60-deg. angle than with a 37.5-deg. angle. Pipe shall be sufficiently free from indentations, projections, or roll marks for a distance of 8 inches from the end of the pipe to make a tight joint with the rubber gasket type of coupling. All plain end pipe intended for Dresser or Dayton type joints or for welding, sizes  $10\frac{3}{4}$  inches and smaller in outside diameter, shall be not more than  $\frac{1}{32}$  in. smaller than the nominal outside diameter for a distance of 8 inches from the end of the pipe and shall permit the passing for a distance of 8 inches of a ring gage which has a bore  $\frac{1}{16}$  in. larger than the nominal outside diameter of the pipe. Sizes larger than  $10\frac{3}{4}$  in. in outside diameter shall be not more than  $\frac{1}{32}$  in. smaller than the nominal outside diameter for a distance of 8 in. from the end of the pipe and shall permit the passing for a distance of 8 in. of a ring gage which has a bore  $\frac{3}{32}$  in. larger than the nominal outside diameter of the pipe.

(b) *Ends, threaded pipe.* Each end of threaded pipe shall be reamed to remove all burrs. All threads shall be in accordance with the American Standard Pipe Threads and cut so as to make a tight joint when the pipe is tested at the mill to the specified internal hydrostatic pressure. The variation from the standard, when tested with the standard working gage, shall not exceed one and one-half turns either way. Pipe shall

not be rounded-out by hammering in order to get a full thread. There shall be not more than two black threads for  $\frac{3}{4}$  in. taper among the perfect threads. Black threads should not be confused with imperfect threads, such as those torn, shaven, or broken.

(c) *Couplings.* Each length of threaded pipe shall be provided with one coupling, having clean-cut threads of such a pitch diameter as to make a tight joint.

§ 51.11b-15 *Finish.* (a) The finished pipe shall be reasonably straight and free from injurious defects. Defects in excess of 12.5 percent of the nominal wall thickness shall be considered injurious.

(b) *Repair by welding.* Injurious defects in the pipe wall, provided their depth does not exceed one-third the specified wall thickness, shall be repaired by electric welding. Defects in the welds such as sweats or leaks, unless otherwise specified shall be repaired or the piece rejected at the option of the manufacturer. Repairs of this nature shall be made by completely removing the defect, cleaning the cavity, and then electric welding.

(c) All repaired pipe shall be retested hydrostatically in accordance with § 51.11b-8.

§ 51.11b-16 *Marking.* Each length of pipe shall be legibly marked with appropriate symbols by stenciling, stamping, or rolling to show by whom manufactured, the grade of pipe, and that it conforms to these specifications.

§ 51.11b-17 *Protective coating.* After the pipe has been subjected to the hydrostatic test, and if required by the inspector, it shall be thoroughly cleaned of all dirt, oil, grease, loose scale, and rust; then dried, and given a protective coating of the kind and in the manner specified by the inspector.

§ 51.11b-18 *Inspection.* The inspector shall have free entry, at all times while work is being performed, to all parts of the manufacturer's works that concern the manufacture of the material ordered. The manufacturer shall afford the inspector, without charge, all reasonable facilities to satisfy him that the material is being furnished in accordance with these specifications. All tests (except check analysis) and inspection shall be made at the place of manufacture prior to shipment, unless otherwise specified, and shall be so conducted as not to interfere unnecessarily with the operation of the works.

§ 51.11b-19 *Rejection.* Each length of pipe that develops injurious defects during shop working or application operations will be rejected, and the manufacturer shall be notified.

2. The table in § 51.12-7 is amended to read as follows:

§ 51.12-7 *Hydrostatic tests.* \* \* \*

HYDROSTATIC PRESSURES FOR WELDED WROUGHT-IRON PIPE  
[Pressures expressed in pounds per square inch]

| Size (nominal inside diameter), inches | "Standard Weight" pipe                                             |                       | "Extra Strong" pipe                               |                       |                       | "Double Extra Strong" pipe |  |
|----------------------------------------|--------------------------------------------------------------------|-----------------------|---------------------------------------------------|-----------------------|-----------------------|----------------------------|--|
|                                        | Weight of pipe per linear foot threaded and with couplings, pounds | Butt-weld<br>Lap-weld | Weight of pipe per linear foot plain ends, pounds | Butt-weld<br>Lap-weld | Butt-weld<br>Lap-weld | Butt-weld<br>Lap-weld      |  |
| 1/4                                    |                                                                    | 700                   |                                                   | 700                   |                       |                            |  |
| 1/2                                    |                                                                    | 700                   |                                                   | 700                   |                       |                            |  |
| 3/4                                    |                                                                    | 700                   |                                                   | 700                   |                       |                            |  |
| 1                                      |                                                                    | 700                   |                                                   | 700                   |                       |                            |  |
| 1 1/4                                  |                                                                    | 700                   |                                                   | 700                   |                       |                            |  |
| 1 1/2                                  |                                                                    | 1,000                 |                                                   | 1,500                 | 2,500                 | 2,200                      |  |
| 2                                      |                                                                    | 1,000                 |                                                   | 1,500                 | 2,500                 | 2,200                      |  |
| 2 1/2                                  |                                                                    | 1,000                 |                                                   | 1,500                 | 2,500                 | 2,200                      |  |
| 3                                      |                                                                    | 1,000                 |                                                   | 1,500                 | 2,500                 | 2,200                      |  |
| 3 1/2                                  |                                                                    | 1,000                 |                                                   | 1,500                 | 2,500                 | 2,200                      |  |
| 4                                      |                                                                    | 1,000                 |                                                   | 1,500                 | 2,500                 | 2,200                      |  |
| 5                                      |                                                                    | 1,000                 |                                                   | 1,500                 | 2,500                 | 2,200                      |  |
| 6                                      |                                                                    | 1,000                 |                                                   | 1,500                 | 2,500                 | 2,200                      |  |
| 8                                      | 25.00                                                              | 800                   |                                                   |                       |                       | 2,000                      |  |
| 10                                     | 28.81                                                              | 1,000                 | 43.39                                             |                       | 1,500                 |                            |  |
| 12                                     | 32.00                                                              | 600                   |                                                   |                       |                       |                            |  |
| 14                                     | 35.00                                                              | 700                   |                                                   |                       |                       |                            |  |
| 16                                     | 41.13                                                              | 500                   | 54.74                                             |                       | 1,000                 |                            |  |
| 18                                     | 45.00                                                              | 600                   |                                                   |                       |                       |                            |  |
| 20                                     | 50.71                                                              | 800                   | 65.42                                             |                       | 1,000                 |                            |  |

holes or other openings shall be calculated as set forth in § 52.3-3 (c). For other than riveted joints, the applicable values of E listed below shall be used in the above formulas:

- 1.0 for seamless shells.
- 0.9 for Class I fusion welded shells (§ 56.20-4), and for brazed unfired pressure vessels (§§ 57.21-18 to 57.21-23 inclusive).
- 0.8 for Class II fusion welded shells (§ 56.20-6).
- 0.7 for shells of forge-welded construction.
- 0.65 for Class III fusion welded shells (§ 56.20-7) not less than 1/4 inch thick where the longitudinal joint is of the double welded butt type.
- 0.55 for Class III fusion welded shells where the longitudinal joint is of the single welded butt or double welded lap type.

3. Section 52.5-3 (b) is amended by changing Formulas (11) and (12) and by adding a new symbol designation reading as follows:

§ 52.5-3 Computations. \* \* \*  
(b) Dished heads. \* \* \*

$$W = \frac{2ST}{RF} \tag{11}$$

and

$$T = \frac{WRF}{2S} \tag{12}$$

- F = 8.33 for plate construction
- 10.0 for cast steel
- 12.0 for cast iron

4. Section 52.12-3 (a) is amended to read as follows:

§ 52.12-3 Computations. (a) The maximum allowable working pressure and minimum thickness of seamless and electric-resistance butt-welded carbon and alloy steel boiler and superheater tubes subject to internal pressure shall be computed by the formulas:

$$W = \frac{20,700 (T-0.4)}{D} - 300 \tag{46a}$$

$$W = \frac{27,600 (T-0.04)}{D} - 400 \tag{46b}$$

$$W = \frac{2.3 ST}{D} - \frac{S}{30} \tag{47}$$

- Where W = Maximum allowable working pressure in pounds per square inch.
- T = Minimum thickness of tube wall in inches.
- D = External diameter of tube in inches.
- S = Value in Table C-6 corresponding with operating temperature.

NOTE 1: Formula (46a) shall be used for low carbon tubes and Formula (46b) for medium carbon tubes.

Note 2: No tube shall be allowed a working pressure in excess of that permitted by Formula (47) with the value of S taken from Table C-6, for the material from which the tubes are made, at a temperature not less than the maximum mean wall temperature of the tube, but not less than 750° F.

As a matter of convenience the following table has been computed from Formula (46a).

5. Table C-3 is amended to read as follows:

PART 52—CONSTRUCTION

1. Section 52.1-1 (k) is amended to read as follows:

§ 52.1-1 Definitions. \* \* \*

(k) Within the meaning of these rules, pressure refers to the gage pressure or the pressure above the atmosphere in pounds per square inch. Design pressure is the theoretical bursting pressure of the weakest part of a boiler, pressure vessel, or piping divided by its factor of safety. The maximum allowable working pressure of a boiler and its superheater shall be considered as the highest setting of the safety valves on the drum.

2. Section 52.2-3 is amended to read as follows:

§ 52.2-3 Computations and factors of safety. (a) Cylindrical shells shall be in accordance with the following relations of pressure and thickness, provided that shell plates for boilers shall not be less than 1/4 inch thick. Where the thickness of the shell does not exceed 10 percent of the inside radius, Formula (1) shall be used; where the thickness exceeds 10 percent of the inside radius Formula (2) may be used.

$$W = \frac{STE}{RF} \tag{1}$$

$$W = \frac{SE (R_o^2 - R^2)}{F (R_o^2 + R^2)} \tag{2}$$

Where W = maximum allowable working pressure in pounds per square inch.

S = minimum of the range of tensile strength of the shell material.

T = minimum thickness of the shell in inches.

R = inside radius of the shell in inches.

R<sub>o</sub> = outside radius of the shell in inches.

E = minimum efficiency of the longitudinal joint (or relative strength of ligament between tube holes or other openings, whichever is least). (See paragraph (b) and §§ 52.2-4 to 52.2-6 inclusive, §§ 52.3-3, 52.3-4 (g), 52.9-2, 56.20-4 (b), 56.20-6 (b), 56.20-7 (c) and 57.21-20.)

F = Factor of safety, which shall not be less than the following:

- 4.0 for shells, not exposed to fire or products of combustion, which are seamless forged or have riveted double butt strap longitudinal joints.
- 4.25 for steam or water drums of seamless or hammer welded pipe not exposed to fire or products of combustion, and for water drums of water tube boilers, other than fusion welded water drums.
- 4.5 for shells of the above-mentioned types, except water drums of water tube boilers, which are exposed to fire or the products of combustion whether bare or covered with heat-resisting material; also for fusion welded drums for all purposes.
- 5.0 for shells of brazed construction.
- 6.0 for shells, the longitudinal joints of which are riveted lap construction.
- 10.0 for cast steel for shells of unfired pressure vessels where the thickness is not less than 3/16 inch and does not exceed 2 inches.
- 12.0 for cast iron for shells of unfired pressure vessels where the working pressure does not exceed 30 pounds per square inch and the thickness is not less than 1/4 inch.

(b) The efficiency factor E for riveted joints and for ligaments between tube

TABLE C-3.—MAXIMUM ALLOWABLE WORKING PRESSURE FOR SEAMLESS AND ELECTRIC-RESISTANCE WELDED LOW CARBON STEEL TUBES SUBJECT TO INTERNAL PRESSURE

| Outside diameter in inches | Maximum allowable working pressure in pounds per square inch nearest B. W. G. number and thickness of tube wall in inches |             |             |             |             |             |             |             |            |            |            |            |            |            |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|------------|------------|------------|------------|------------|
|                            | 17<br>0.055                                                                                                               | 16<br>0.065 | 15<br>0.075 | 14<br>0.085 | 13<br>0.095 | 12<br>0.105 | 11<br>0.120 | 10<br>0.135 | 9<br>0.150 | 8<br>0.165 | 7<br>0.180 | 6<br>0.200 | 5<br>0.220 | 4<br>0.240 |
| 0.50                       | 530                                                                                                                       | 740         | 1,150       | 1,570       | 1,980       |             |             |             |            |            |            |            |            |            |
| 0.75                       | 120                                                                                                                       | 390         | 670         | 950         | 1,220       | 1,500       | 1,910       |             |            |            |            |            |            |            |
| 1.00                       |                                                                                                                           | 220         | 430         | 640         | 840         | 1,050       | 1,360       | 1,670       | 1,980      |            |            |            |            |            |
| 1.125                      |                                                                                                                           | 160         | 350         | 530         | 720         | 900         | 1,180       | 1,450       | 1,730      | 2,000      |            |            |            |            |
| 1.25                       |                                                                                                                           | 120         | 280         | 450         | 620         | 780         | 1,030       | 1,280       | 1,530      | 1,770      | 2,020      |            |            |            |
| 1.50                       |                                                                                                                           |             | 190         | 330         | 460         | 600         | 810         | 1,020       | 1,220      | 1,430      | 1,640      | 1,910      |            |            |
| 1.75                       |                                                                                                                           |             |             | 240         | 360         | 470         | 650         | 830         | 1,010      | 1,180      | 1,360      | 1,600      | 1,830      |            |
| 2.00                       |                                                                                                                           |             |             | 170         | 270         | 380         | 530         | 690         | 840        | 1,000      | 1,150      | 1,360      | 1,570      | 1,770      |
| 2.25                       |                                                                                                                           |             |             |             | 210         | 300         | 440         | 580         | 720        | 850        | 990        | 1,180      | 1,360      | 1,540      |
| 2.50                       |                                                                                                                           |             |             |             | 160         | 240         | 370         | 490         | 620        | 740        | 860        | 1,030      | 1,200      | 1,360      |
| 2.75                       |                                                                                                                           |             |             |             | 120         | 190         | 310         | 420         | 530        | 650        | 760        | 910        | 1,060      | 1,210      |
| 3.00                       |                                                                                                                           |             |             |             |             | 150         | 260         | 360         | 460        | 570        | 670        | 810        | 950        | 1,080      |
| 3.25                       |                                                                                                                           |             |             |             |             |             | 210         | 310         | 410        | 500        | 600        | 720        | 850        | 960        |
| 3.50                       |                                                                                                                           |             |             |             |             |             | 180         | 270         | 360        | 440        | 530        | 650        | 770        | 890        |
| 3.75                       |                                                                                                                           |             |             |             |             |             | 150         | 230         | 310        | 390        | 480        | 590        | 700        | 810        |
| 4.00                       |                                                                                                                           |             |             |             |             |             |             | 200         | 270        | 350        | 430        | 530        | 640        | 740        |
| 4.50                       |                                                                                                                           |             |             |             |             |             |             |             | 210        | 280        | 350        | 440        | 530        | 620        |
| 5.00                       |                                                                                                                           |             |             |             |             |             |             |             | 160        | 220        | 280        | 370        | 450        | 530        |

5. Table C-6 reading as follows, is added immediately following Table C-5:

TABLE C-6—VALUES OF "S"

| Type of material             | Maximum operating temperatures degrees F. |       |       |       |       |       |      |       |
|------------------------------|-------------------------------------------|-------|-------|-------|-------|-------|------|-------|
|                              | 650                                       | 700   | 750   | 800   | 850   | 900   | 950  | 1000  |
| 51.9 Grade A seamless        | 9400                                      | 9000  | 8150  | 7150  | 5850  | 4400  | 2600 | ----- |
| 51.9a Grade A welded         | 8000                                      | 7650  | 6950  | 6100  | 4950  | 3750  | 2200 | ----- |
| 51.9a Grade C welded         | 10200                                     | 9700  | 8450  | 7050  | 5400  | 3750  | 2200 | ----- |
| 51.9a Grade D welded         | 8000                                      | 7650  | 7300  | 6700  | 5800  | 4750  | 3250 | 1700  |
| 51.10 low carbon seamless    | 9400                                      | 9000  | 8600  | 7900  | 6800  | 5600  | 3800 | 2000  |
| 51.10 medium carbon seamless | 12000                                     | 11400 | 10400 | 9100  | 7400  | 5600  | 3800 | 2000  |
| 51.10 Grade T1               | 11000                                     | 11000 | 11000 | 10750 | 10500 | 10000 | 8000 | 4400  |
| 51.10 Grade T1a              | 12000                                     | 12000 | 12000 | 11500 | 11000 | 10000 | 8000 | 4400  |

6. Section 52.13-4 is amended by deleting the introductory sentence and by relettering paragraphs (c) and (d) to be paragraphs (b) and (c) respectively, and by substituting the following new paragraph (a) for the present paragraphs (a) and (b):

§ 52.13-4 *Computations.* (a) The maximum allowable working pressure of cylindrical headers shall be determined by Formulas (1) or (2).

7. Section 52.13-5 (b) is amended to read as follows:

§ 52.13-5 *Detail requirements.*

(b) An approved safety valve shall be installed on the outlet header of all superheaters, the diameter of which shall be not less than 1½ inches. Such safety valve may be set to relieve at a pressure below the settings of the drum safety valves, and its relieving capacity at the reduced pressure may be included in determining the total relieving capacity of the safety valves for the boiler as a whole, provided there are no intervening valves between the drum and the superheater and provided the discharge capacity of the safety valves on the drum is at least 75 percent of the total required capacity for the entire boiler.

8. Section 52.14-3 (f) is amended to read as follows:

§ 52.14-3 *Computations.*

(f) The total capacity of the safety valve installation as guaranteed by the manufacturer, including the superheater safety valve subject to the provisions of § 52.13-5 (b), shall be not less than the manufacturer's guaranteed maximum

generating capacity of the boiler, or the calculated capacity in accordance with paragraph (b) of this section.

9. Section 52.14-4 (a) is amended to read as follows:

§ 52.14-4 *Installation.* (a) The steam drum of every boiler shall be equipped with not less than two safety valves of equal size. On those river steamers whose boilers are connected in batteries without means of shutting off one boiler from another, each battery or boiler shall be treated as a single boiler and equipped with not less than two safety valves of equal size.

10. Section 52.15-3 *Main and auxiliary stop valves* is deleted.

11. Section 52.15-9 (h) (5) is amended to read as follows:

§ 52.15-9 *Fusible plugs.*

(h) (5) The lowest permissible water level for all water tube boilers shall be determined at the time drawings of the boilers are submitted for approval.

12. Section 52.16-3 (b) is amended to read as follows:

§ 52.16-3 *Materials and workmanship.*

(b) Cast iron, conforming to the requirements of §§ 51.18-1 to 51.18-10, for appurtenances and appliances not subject to shock, provided the maximum allowable working pressure does not exceed 30 pounds per square inch and the temperature is not in excess of 450° F. This pressure limitation of 30 pounds per square inch does not apply to steam

traps. For pipe fittings and valves see § 55.19-3.

13. Section 52.16-4 is amended by deleting paragraphs (b) and (c), and relettering paragraph (d) to be paragraph (b) and by changing paragraph (a) to read as follows:

§ 52.16-4 *Computations.* (a) The maximum allowable working pressure on cylindrical shells of steel plate or cast steel shall be computed by formulas in § 52.2 and the heads by formulas in § 52.5.

PART 55—PIPING SYSTEMS

1. Section 55.19-3 is amended by adding a new paragraph (y) reading as follows:

§ 55.19-3 *Detail requirements; piping systems.*

(y) Superheater outlet flanges and superheated and desuperheated steam piping direct from the boiler shall be designed for not less than the maximum pressure and temperature to which they may be exposed in service under normal sustained operating conditions. Occasional increases in pressure and/or temperature are unavoidable and may be permitted without changing the normal design provided the increase of stress in the piping due to the temporary conditions does not exceed 15 percent during 10 percent of the operating period or 20 percent during one percent of the operating period.

2. Section 55.19-6 (b) is amended by deleting the words "in Class I" in the first sentence and by changing the constants "C" to read as follows:

§ 55.19-6 *Class I piping.*

(b) *Computations.*

- C=Allowance for threading, mechanical strength and/or corrosion in inches.
- C=0.065 for plain end steel or wrought iron pipe or tubing for sizes above 1 inch.
- C=0.05 for plain end steel or wrought iron pipe or tubing for sizes 1 inch and below.
- C=0.05 for threaded pipe ¾ inch and smaller.
- C=Depth of thread "h" for threaded pipe ½ inch and larger.
- C=Depth of groove for grooved pipe.
- C=0.00 for plain end, nonferrous pipe or tubing.

NOTE 1: Plain end pipe or tubing includes that joined by flared compression couplings, lap (Van Stone) joints, brazing and by welding, i. e., by any method which does not reduce the wall thickness at the joint.

NOTE 2: The depth of thread "h" may be determined by the formula  $h=0.8n$  where  $n$ =the number of threads per inch, "h"=.100", .0696" and .0571" for 8, 11½ and 14 threads per inch, respectively.

NOTE 3: The value of W in the formula shall not be taken at less than 125 pounds for any condition of service or material.

PART 56—FUSION WELDING

1. Section 56.20-1 (f) is amended to read as follows:

§ 56.20-1 *Scope.*

(f) Longitudinal joints of corrugated furnaces may be made by any approved process of fusion welding, provided the welding complies with the requirements of § 56.20-4 for Class I welding as modified by the provisions of § 52.11-4 (g).

2. Section 56.20-4 (c) is amended by changing the first sentence thereof to read as follows:

§ 56.20-4 Class I. \* \* \*

(c) *Test plates for longitudinal seams.* For drums having one or more longitudinal seams, at least one set of test plates shall be provided for each drum when welded separately, or for each 50 feet of aggregate longitudinal seams when a number of shells of the same design and grade of material are welded in succession on the same order and by the same welder or welders.

3. Paragraph (c) of § 56.20-10 *Joints* is deleted.

4. Section 56.20-13 (i) is amended to read as follows:

§ 56.20-13 *Stress relieving.* \* \* \*

(i) *Nozzles and other welded attachments for which stress relief is required may be locally stress relieved by heating a circumferential band around the entire shell with the attachment at the middle of the band and the width of the band at least 12 times the shell thickness plus the width of the attachment.*

PART 57—SUPPLEMENTARY DATA AND REQUIREMENTS

1. Section 57.21-2 is amended by deleting Forms 935A, 935B, 935C, 935D, and 935E, by relettering Form 935F to Form NCG-935A and by changing Form 935 and the remainder of the section to read as follows:

§ 57.21-2 *Forms and affidavits.* All boilers shall be certified to by the manufacturer on Form NCG 935. Form 935A shall be used for the certification of Class B materials.

Form NCG 935

AFFIDAVIT OF MANUFACTURER OF MARINE BOILERS

U. S. COAST GUARD

State of \_\_\_\_\_ County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
I, the undersigned, \_\_\_\_\_,  
(Name)

hereby certified that I am \_\_\_\_\_  
(Title)  
of the \_\_\_\_\_ boiler manufac-  
(Name of Company)  
turer, located at \_\_\_\_\_, that  
(City and State)

I am authorized to make this affidavit, and that boiler No. \_\_\_\_\_ (U. S. Coast Guard No. \_\_\_\_\_) of our manufacture being furnished for installation on the vessel \_\_\_\_\_ at \_\_\_\_\_ is in  
(City and State)

all respects constructed in accordance with the requirements of the Rules and Regulations of the Commandant, U. S. Coast Guard, applicable thereto.

(Signature) \_\_\_\_\_  
Subscribed and \_\_\_\_\_ to be  
(Sworn or affirmed)  
fore me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_

(Signature) \_\_\_\_\_  
Notary Public

[SEAL]

2. Section 57.21-20 is amended to read as follows:

§ 57.21-20 *Computations.* The maximum allowable working pressure of brazed unfired pressure vessels shall be determined in accordance with the re-

quirements of § 52.2-3 for cylindrical shells, using a factor of safety of 5 and a joint efficiency of 0.9, and in accordance with the requirements of § 52.5-3 for dished heads.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

1. Section 59.52 is amended by the addition of a new paragraph (m) reading as follows:

§ 59.52 *Equipment for life rafts.* \* \* \*

(m) *Boathook.* One boathook of clear-grain white ash not less than 8' long by 1½" in diameter, with a sharp hook and prong.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

1. Section 60.45 is amended by the addition of a new paragraph (m) reading as follows:

§ 60.45 *Equipment for life rafts.* \* \* \*

(m) *Boathook.* (See § 59.52 (m) of this chapter which is identical with this section.)

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

1. Section 153.7 is amended by changing the headnote to read as follows:

§ 153.7 *Additional equipment for life rafts approved prior to 15 March, 1943, for ocean and coastwise vessels.*

2. Part 153 is amended by the addition of a new section No. 153.7a which reads as follows:

§ 153.7a *Equipment for life rafts approved on and after 15 March 1943.* The provisions of § 59.52 of this chapter, with respect to equipment for life rafts on ocean and coastwise vessels, are suspended for the duration of the emergency insofar as they were applicable to life rafts approved on and after 15 March 1943, shall be equipped as follows:

(a) *Blankets.* Four blankets in waterproof covers.

(b) *Boathook.* One boathook of clear-grain white ash not less than 8' long by 1½" in diameter, with a sharp hook and prong.

(c) *Bucket.* One galvanized iron bucket of not less than two gallon capacity with lanyard attached.

(d) *Canvas hood and protective curtain.* Portable spray curtains shall be provided on all sides extending at least 12 inches above the seats. An easily rigged windbreaker and canopy shall also be provided to protect the occupants from the weather and to enclose and cover the area within the bulwark. The canopy shall be so arranged that it can be used to catch rain water. The side curtains shall be provided with means to allow rowing the raft when the curtains are in place.

(e) *Chart.* A Hydrographic Office (U. S. Navy) pilot chart, reasonably current, of the waters navigated, in a water-

tight container (similar to a sounding tube case).

(f) *Compass.* One efficient liquid compass with not less than a 2-inch card.

(g) *Daytime distress signals.* At least four approved daytime distress signals.

(h) *Distress signals.* Twelve self-igniting red lights, or approved equivalent, in a watertight metal case, container to be same as required for lifeboats.

(i) *Ditty bag.* One canvas bag containing sailmaker's palm, needle, sail twine, marline, and marline spike.

(j) *Drain plugs.* One plug for each drain hole and two spare plugs accessible from either side of raft.

(k) *Drinking cups.* Two enameled, or otherwise suitable, drinking cups. One of the cups shall be suitably marked for measuring in one-half ounce sections for extracting water from container and rationing water.

(l) *Electric water light.* One electric water light of approved type with lanyard for attaching to the raft.

(m) *First-aid kit.* One first-aid kit consisting of the equipment as listed below, packed in a substantial metal or otherwise suitable container. The container shall be watertight when closed and of substantial construction not easily damaged or rendered non-watertight. It shall maintain its watertightness when submerged at least one foot deep in water maintained at approximately 70° F. for a period of two hours. Items of equipment in the first-aid kit provided for life rafts shall be as follows:

- 1 unit, 2" bandage compress, 4 per unit.
- 1 unit, 1" adhesive compress, each containing 16 compresses.
- 1 unit, 3 eye pads, adhesive strips, 3 tubes eye dressing not less than ½ oz. each.
- 1 unit, ammonia inhalant, 4 tubes, each 2 cc. per tube, and 4 drinking cups.
- 2 units, containing tourniquet and forceps.
- 1 unit, 3 vials of iodine, 10 cc. each.
- 2 units, 3 oz. tannic acid jelly in not less than 2 tubes (10% tannic acid with 5% sulphadiazine).
- 1 unit, triangular bandage.

Where one unit is specified above, it shall be contained in a single carton of the dimensions set forth below. Where two units are specified, they shall be contained in two single cartons or one durable carton of the dimensions set forth below:

|                    | Length | Width  | Depth  |
|--------------------|--------|--------|--------|
|                    | Inches | Inches | Inches |
| Single carton..... | 4      | 2½     | ¾      |
| Double carton..... | 4      | 2½     | 1¼     |

(n) *Fishing kit.* One approved fishing kit.

(o) *Flashlight.* One approved flashlight with one extra lamp in a watertight metal case, and one extra set of batteries.

(p) *Hatchet.* One single-edged hatchet with lanyard attached.

(q) *Illuminating oil.* One gallon illuminating oil in oil-tight metal container.

(r) *Lantern.* One lantern with two extra lamp wicks. (Oil to be stowed separately—not in lantern.)

(s) *Life line.* One life line properly secured entirely around the sides and

ends of the raft, festooned in bights not longer than 3 feet with seine float in each bight. Suitable hand rails may be substituted for life line and seine floats.

(t) *Life preservers.* Two approved life preservers.

(u) *Line.* At least 15 fathoms of 12-thread manilla.

NOTE: Where the manilla rope specified is not obtainable, sisal or jute of a size to provide equivalent breaking strength may be substituted.

(v) *Massage oil.* One gallon of oil of a type suitable for massaging the feet and legs.

(w) *Mast and sails.* A suitable mast with one good mainsail and one jib sail, with proper gear for each. Sails shall be yellow or bright orange in color.

(x) *Matches.* At least two boxes, each containing not less than three dozen friction matches in a watertight container.

(y) *Oars.* Five oars, minimum length eight feet.

(z) *Painter.* One painter of manilla rope not less than 2 3/4" in circumference and a length not less than three times the distance between the boat deck and the light draft.

NOTE: Where the manilla rope specified is not obtainable, sisal or jute of a size to provide equivalent breaking strength may be substituted.

(aa) *Provisions.* The following provisions shall be provided for each person the raft is certified to carry:

(1) Fourteen ounces of biscuits known as "Type C" ration covered by U. S. Army specifications.

(2) Fourteen ounces of pemmican covered by specifications for U. S. Navy Aircraft Emergency Ration Pemmican.

(3) Fourteen ounces of chocolate tablets in waterproof packages or containers, or an additional fourteen ounces of biscuits "Type C" rations covered by U. S. Army specifications.

(4) Fourteen ounces of milk tablets in waterproof packages or containers.

(5) The provisions shall be stowed in airtight receptacles.

(6) Equivalents in calorific value may be substituted for pemmican required by item (2) and the milk tablets required by item (4) or both, provided that the substitutes and packing are satisfactory for life raft use. Samples of proposed substitutes shall be submitted to the Commandant for approval.

(bb) *Rowlocks.* Five rowlocks with chains connected for attachment near sockets, one for use with a steering car.

(cc) *Sea anchor.* One sea anchor constructed of not less than #4 canvas, at least 3 feet in diameter.

(dd) *Signaling mirrors.* Two approved mirrors in a water-tight container plainly marked "Signaling Mirrors".

(ee) *Signal pistol.* A signal pistol outfit consisting of an approved pistol with lanyard, and 12 approved parachute red signal cartridges, all contained in a watertight metal case properly marked.

(ff) *Storm oil.* One container holding 1 gallon of vegetable or animal oil so constructed that the oil can be easily distributed on the water, and so ar-

ranged that it can be attached to the sea anchor.

(gg) *Water.* A quantity of water equal to ten quarts per person divided in at least two containers of approximately equal capacity.

(hh) *Wooden plugs.* Twenty-five soft wood plugs 3" long, tapered from 1/4" to 3/4" diameter.

#### MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

##### *Life Preserver*

Adult kapok quilted type life preserver, Approval No. B-187, (Dwg. No. 2-102, dated 7 August 1942) manufactured by Wilber & Son, San Francisco, Cal. (For general use and for use in conjunction with rubber lifesaving suits.)

##### *Bilge Pump*

Semi-rotary hand operated bilge pump, No. 58-6 (Size U.S.C.G. No. 2) for lifeboats not exceeding 700 cubic feet capacity (Dwg. No. 58-A-6, dated 5 April, 1943), manufactured by The F. E. Myers & Bro. Company, Ashland, Ohio.

##### *Water Light*

Younglight automatic electric water light (Dwg. No. 1711, dated 17 March, 1943), manufactured by L. A. Young Spring & Wire Corporation, Oakland, Cal.

R. R. WAESCHE,  
Commandant.

JUNE 7, 1943.

[F. R. Doc. 43-9252; Filed, June 8, 1943; 10:30 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[Service Order 129]

#### PART 95—CAR SERVICE

##### ICE IN REFRIGERATOR CARS, SUSPENSION OF TARIFF FOR REMOVAL BY CONSIGNEE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of June, A. D. 1943.

It appearing that considerable delay is being encountered because of failure of consignees to remove ice used in the body of a refrigerator car and that failure to remove such body ice is due in part to the provision of section 2 of Rule 32 of the Consolidated Freight Classification requiring payment of freight charges on body ice if taken by the consignee; the Commission is of the opinion that an emergency exists requiring immediate action: *It is ordered, That:*

§ 95.310 *Body ice in refrigerator cars, removal by consignee—(a) Suspension of tariff.* The operation of section 2 of Rule 32 of Consolidated Freight Classifi-

cation No. 15, supplements thereto or reissues thereof, is hereby suspended until further order of the Commission insofar as it requires charges to be collected on ice loaded in the body of a refrigerator car on the basis of the actual weight of the ice if taken from a refrigerator car by the consignee.

(b) *Announcement of suspension.* Each railroad party to the Consolidated Freight Classification, or its agent, shall publish, file, and post a supplement to each of its tariffs affected by this order in substantial compliance with the provisions of Rule 9 (k) of Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered,* That this order shall become effective June 15 and remain in force until further order of the Commission; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-9360; Filed, June 9, 1943; 11:39 a. m.]

## Chapter II—Office of Defense Transportation

[General Order ODT 25A]

### PART 502—DIRECTION OF TRAFFIC MOVEMENT

#### SUBPART H—OPERATION OF VESSELS ON THE GREAT LAKES

Pursuant to Executive Order 8989, and in order to assure maximum utilization of the facilities, services, and equipment of carriers by water craft on the Great Lakes for the preferential transportation of material of war and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to expedite the movement and provide for the maximum flow of such traffic; and to conserve and providently utilize the transportation facilities and services of carriers by water craft, the attainment of which purposes is essential to the successful prosecution of the war, General Order ODT 25 (7 F.R. 7981) shall be superseded, and, *It is hereby ordered, That:*

Sec.  
502.75 Definitions.  
502.76 Permits required.  
502.77 Application for special permits.  
502.78 Certification of vessels.  
502.79 Control of vessels.



|        |                              |
|--------|------------------------------|
| Sec.   |                              |
| 502.80 | Exemptions.                  |
| 502.81 | Federal Reports Act of 1942. |
| 502.82 | Communications.              |

AUTHORITY: §§ 502.75 to 502.82, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.75 *Definitions.* As used in this order (§§ 502.75-502.82) or in any order, certificate, or permit issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(b) "Vessel" means any water craft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, as a means of transportation, by water, of property other than liquid cargo in bulk, and which is documented under the laws of the United States or owned by a citizen of the United States or which is engaged in transportation, by water, of property between points and places in the United States;

(c) "Vessel of the self-unloader belt type" means any vessel equipped with a belt conveyor self-unloading device;

(d) "Ore type vessel" means any vessel certified by the Office of Defense Transportation as capable of transporting iron ore.

§ 502.76 *Permits required.* No person shall operate any vessel on the Great Lakes except in the transportation of such property, from and to such points and places, as may be authorized by a general or special permit issued by the Office of Defense Transportation.

§ 502.77 *Application for special permits.* Application for the issuance of a special permit shall be made in writing to the Great Lakes Carriers Division, Office of Defense Transportation, 2209 Terminal Tower, Cleveland, Ohio, and shall be in such form and contain such information as the Office of Defense Transportation shall require.

§ 502.78 *Certification of vessels.* The Office of Defense Transportation may from time to time determine the type of cargo that any vessel operated on the Great Lakes is capable of transporting, and certify such determination by the issuance of a certificate with respect to any such vessel.

§ 502.79 *Control of vessels.* (a) Whenever the Office of Defense Transportation shall deem it advisable to the prosecution of the war, or in the public interest, any person having possession or control of any vessel operating on the Great Lakes, notwithstanding any contract, charter, subcharter, lease or other commitment, express or implied, with respect to the use or operation of such vessel, shall cause such vessel (1) to be operated in such manner, for such

purposes, and between such points and ports, or (2) to be chartered, leased or rented by any such person to such other person or persons, as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the use of any such vessel, so directed to be chartered, leased, or rented, or unless the amount of such compensation shall have been determined by a Federal or State agency having jurisdiction in the premises, such compensation shall be in an amount determined by the Office of Defense Transportation to be just and equitable, subject to any applicable maximum price established by any competent governmental authority.

(b) The provisions of this § 502.79 shall not be so construed or applied as to require any person operating a vessel to perform any transportation service the performance of which by such person is not authorized or sanctioned by law.

§ 502.80 *Exemptions.* The provisions of this order shall not apply to:

(a) The transportation by vessel of property consigned by or to the United States or any department or agency thereof;

(b) Any vessel while engaged in trailer or semi-trailer ferry service;

(c) Any vessel having a gross registered tonnage of less than 1,000 tons;

(d) Any passenger ship or railroad car ferry;

(e) Any vessel while engaged in the transportation of iron ore;

(f) Any vessel while engaged in the transportation of coal, provided the transportation of the coal has been authorized by a special permit issued pursuant to the provisions of General Order ODT 9A (8 F.R. 6381).

§ 502.81 *Federal Reports Act of 1942.* This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific recording or reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 502.82 *Communications.* Communications concerning this order should refer to "General Order ODT 25A" and unless otherwise directed should be addressed to the Great Lakes Carriers Division, Office of Defense Transportation, 2209 Terminal Tower, Cleveland, Ohio.

This General Order ODT 25A shall become effective June 14, 1943.

General Order ODT 25 and Suspension Order ODT 25-4 (8 F.R. 5822) are hereby revoked as of the effective date of this General Order ODT 25A.

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

JOSEPH B. EASTMAN,  
Director, Office of  
Defense Transportation.

[F. R. Doc. 43-9374; Filed, June 9, 1943; 11:55 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. A-1921, Part II]

#### DISTRICT BOARD 1

#### NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 1 for permission to mix coals of certain mines in District No. 1.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered,* That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 1, 1943, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 25, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 1, requesting

that if coals within each of the following groups are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification and when such mixtures are sold, the invoices shall properly identify the coals in the mixture:

Mine Index Nos. 3762 and 3763 of Brookwood Shaft, Inc., c/o W. O. Gulbranson, and Mine Index Nos. 224 and 225 of W. O. Gulbranson, Inc.

Galentine Mine (Mine Index No. 3960) of Paul J. Armstrong and Mine Index No. 1023 of Ridge Coal Co. in which Paul J. Armstrong is a partner.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9348; Filed, June 9, 1943;  
11:00 a. m.]

[Docket No. A-1938]

HAROLD WILL COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Harold Will Coal Company, operating the Harold Will Coal Company Mine, Mine Index No. 2238, for the approval of agreement to purchase the entire output of the Hoffman Mine, Mine Index No. 1269 of Mrs. Hazel W. Davis, located in District No. 1, and for permission to mix the coals of these mines.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered,* That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 1, 1943, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section

4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 25, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Harold Will Coal Company, Harold Will Coal Company Mine, Mine Index No. 2238, filed with the Division, requesting the approval of an agreement to purchase the entire output of the Hoffman Mine, Mine Index No. 1269 of Mrs. Hazel W. Davis, and for permission to mix the coals of these mines.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9349; Filed, June 9, 1943;  
11:00 a. m.]

[Docket No. A-1969]

ROYS SMITHING COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Roys Smithing Coal Company, for approval of agreement to purchase and mix coals produced by certain mines in District No. 1.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered,* That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 2, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this pro-

ceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 25, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by Roys Smithing Coal Company requesting the approval of an agreement to purchase and mix the coals of the following mines with the coals of Roy No. 1 Mine, Mine Index No. 447; Burk & Williams Mine, Mine Index No. 789, of Burk & Williams (Charles H. Burk); The Pine Coal Co. Mine, Mine Index No. 3935, of Fred W. Hanning; Mostoller No. 2 Mine, Mine Index No. 3264, of M. M. Mostoller; and the Merle Mine, Mine Index No. 3492, of W. E. Stutzman & Sons.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9350; Filed, June 9, 1943;  
11:00 a. m.]

[Docket Nos. A-2006; A-2006, Part II]

DISTRICT BOARD 2

MEMORANDUM OPINION AND ORDER AND  
NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines, Docket No. A-2006; in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for Mine Index No. 2706, Docket No. A-2006, Part II.

The original petition in the above-entitled matter filed with the Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requests among other matters, the establishment of temporary and permanent price classifications and minimum prices for the coals of the Salina (S) Mine, Mine Index No. 2706, of M. M. and T. V. Bowman, in District No. 2. It appears, however, that no final determination should be made at this time with respect to the relief requested for the coals of this mine, for the reason that insufficient facts have been presented upon which to base a final determination. In view of the foregoing, it is deemed advisable at this time to grant only temporarily the request of

petitioner in so far as it relates to Mine Index No. 2706.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; no petitions of intervention having been filed with the Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A-2006 relating to the Salina (S) Mine, Mine Index No. 2706, of M. M. and T. V. Bowman be, and it hereby is, severed from the remainder of that Docket and designated as Docket No. A-2006, Part II.

It is further ordered, That a hearing in Docket No. A-2006, Part II, under the applicable provisions of the Act and the rules of the Division be held on July 15, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street, Northwest, Washington, D. C. On such day the Chief of the Records Section, in Room 502, will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in this matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any persons desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 10, 1943.

All persons are hereby notified that the hearing in Docket No. A-2006, Part II, and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 2 for the establishment of the following price classifications and minimum prices for the coals of the Salina (S) Mine, Mine Index No. 2706, of M. M. and T. V. Bowman:

FOR ALL SHIPMENTS EXCEPT TRUCK

| Proposed classification..... | Size group |   |   |   |   |   |   |   |   | R. R. fuel |
|------------------------------|------------|---|---|---|---|---|---|---|---|------------|
|                              | 1          | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |            |
| E                            | E          | D | D | D | D | E | E | E |   | 20         |

FOR TRUCK SHIPMENTS

| Proposed minimum price..... | Size group |     |     |     |     |     |     |     |     |     |    |
|-----------------------------|------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
|                             | 1          | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11 |
| 295                         | 285        | 275 | 255 | 245 | 240 | 235 | 235 | 215 | 205 | 195 |    |

It is further ordered, That pending further order, temporary relief is granted as follows: Commencing forthwith the Schedules of Effective Minimum Prices for District No. 2 For All Shipments Except Truck and for Truck Shipments are supplemented to include the price classifications, minimum prices and other matters set forth in the schedules marked Supplement R and Supplement T annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: June 5, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9351; Filed, June 9, 1943; 11:00 a. m.]

[Docket No. B-375]

FLAT CREEK COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 4, 1943, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 8, 1943, by the Bituminous Coal Producers Board for District No. 9, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Flat Creek Coal Company (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 13, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Madisonville, Kentucky.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any

adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that the Code Member, whose address is Providence, Kentucky, and whose Code Membership became effective as of June 21, 1937, operating the Flat Creek Mine, Mine Index No. 30, located in Hopkins County, Kentucky, in District No. 9, has wilfully violated the Bituminous Coal Code and regulations made thereunder, as follows:

1. Part II (e) of the Code and Rule 1 of section XI of the Marketing Rules and Regulations—by selling to William H. Chandler, Jr. Coals, a registered distributor, of Memphis, Tennessee, for resale and delivery by rail to the Tri-State Compress Company, Memphis, Tennessee, on or about November 2, 1940, approximately 50.35 net tons of 3 x 1 1/4" (Size Group 6) coal, which was substituted on an order for 2 x 1 1/4" coal, without approval thereof by the Director and without any application for such approval having been filed as required by the above mentioned rule, at \$1.60 per net ton, whereas the minimum price thereof was \$1.70 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck.

2. Part 4 II (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations,

December 27, 1940 to June 30, 1941, inclusive, at prices below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck, as amended by temporary

supplement "R" annexed to and made a part of the order of the Director dated November 28, 1940, in Docket No. A-257, which supplement became final by order of the Director in said Docket dated January 10, 1941:

| Date     | Purchaser                                   | Tons | Size invoiced | Actual size shipped | Sales price f. o. b. mine | Effective minimum price f. o. b. mine |
|----------|---------------------------------------------|------|---------------|---------------------|---------------------------|---------------------------------------|
| 12-28-40 | Ill. Cent. R. R.                            | 41   | M/R           | 2 x 1 1/4"          | \$1.65                    | \$1.80                                |
| 2-7-41   | Federal Compress & Whse. Co., Hughes, Ark.  | 47   | 3 x 1 1/4"    | 3 x 2"              | 1.70                      | 1.75                                  |
| 2-12-41  | Dyersburg Oil Mill                          | 48   | 2 x 1 1/4"    | 3 x 1 1/4"          | 1.60                      | 1.70                                  |
| 2-20-41  | Federal Compress & Whse. Co., Como, Miss.   | 47   | 2 x 1 1/4"    | 3 x 2"              | 1.60                      | 1.75                                  |
| 2-21-41  | Federal Compress & Whse. Co., McGehee, Ark. | 47   | 3 x 1 1/4"    | 3 x 1 1/4"          | 1.70                      | 1.60                                  |
| 3-5-41   | U. S. Army, Fort Sheridan, Ill.             | 49   | 0 x 2"        | 6 x 3"              | 1.60                      | 1.70                                  |
| 3-25-41  | U. S. Army, Fort Sheridan, Ill.             | 52   | 6 x 2"        | 6 x 2"              | 1.69                      | 1.69                                  |
| 3-14-41  | Ill. Cent. R. R.                            | 54   | M/R           | 6 x 2"              | 1.65                      | 1.60                                  |
| 3-17-41  | Ill. Cent. R. R.                            | 56   | M/R           | 6" lump             | 1.65                      | 1.80                                  |
| 6-3-41   | Ill. Cent. R. R.                            | 42   | M/R           | 3 x 1 1/4"          | 1.65                      | 1.60                                  |
| 6-4-41   | Ill. Cent. R. R.                            | 49   | M/R           | 3 x 1 1/4"          | 1.65                      | 1.80                                  |
| 6-4-41   | Ill. Cent. R. R.                            | 49   | M/R           | 3 x 1 1/4"          | 1.65                      | 1.80                                  |
| 6-13-41  | Ill. Cent. R. R.                            | 45   | M/R           | 3 x 1 1/4"          | 1.65                      | 1.80                                  |
| 6-2-41   | Columbus & Greenville R. R.                 | 56   | M/R           | 6 x 3"              | 1.40                      | 1.80                                  |
| 6-4-41   | Columbus & Greenville R. R.                 | 48   | M/R           | 3 x 1 1/4"          | 1.40                      | 1.80                                  |
| 6-4-41   | Columbus & Greenville R. R.                 | 48   | M/R           | 3 x 1 1/4"          | 1.40                      | 1.80                                  |
| 6-30-41  | Columbus & Greenville R. R.                 | 55   | M/R           | 3 x 1 1/4"          | 1.40                      | 1.80                                  |
| 6-30-41  | Columbus & Greenville R. R.                 | 47   | M/R           | 3 x 1 1/4"          | 1.40                      | 1.80                                  |
| 6-30-41  | Columbus & Greenville R. R.                 | 48   | M/R           | 3 x 1 1/4"          | 1.40                      | 1.80                                  |

Dated: June 8, 1943.  
[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9352; Filed, June 9, 1943; 11:01 a. m.]

[No. 2]

M. A. HANNA CO.

APPROVAL OF APPLICATION

The Division has approved on the date shown below, application filed pursuant to Rule 10 of section II of the Marketing Rules and Regulations or § 304.19 (e), § 304.12 (b) (8) and § 304.10 of the Rules and Regulations for the Registration of Distributors. The following listing will be supplemented monthly.

| Docket No. | Applicant                             | Affiliated company                                    | Effective date |
|------------|---------------------------------------|-------------------------------------------------------|----------------|
| 1837-FD    | The M. A. Hanna Co., Cleveland, Ohio. | Empire-Hanna Coal Co. Ltd., Toronto, Ontario, Canada. | 5-8-43         |

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9347; Filed, June 9, 1943; 11:00 a. m.]

[Docket No. B-380]  
PINE HILL MINING CO.

NOTICE OF AND ORDER FOR HEARING

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized, in appropriate cases, to file complaints of violations of the Bituminous Coal Code (the "Code"), and regulations made thereunder.

(b) Intentionally misrepresenting, by way of invoicing, the sizes of coal produced at the aforesaid mine, including the tonnage tabulated in subparagraph (a) above, in addition to approximately 11,251 tons of coal sold during the period from December 3, 1940 through June 24, 1941, to various purchasers through said code member's sales agent, the Kirkpatrick Coal Company, by failing to invoice such coal under the sizes actually loaded and under the price classifications designated therefor, as set forth in the said Schedule, as amended.

3. By letter, dated January 9, 1943, the Division notified the district board that unless it took action in this matter, the Division would take such action in lieu of the board, as it determined to be appropriate.

4. The district board has not taken action in this matter.

5. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by the Act, then the Division may take such action in lieu of the district board.

6. The district board having failed to take action, as authorized or required by the Act, on the matters hereinbefore de-

scribed, the Division finds it necessary in the proper administration of the Act, to take action thereon in lieu of the district board, as herein provided, for the purpose of determining:

- (a) Whether the code member has wilfully violated Part II (e) and (i) 8 of the Code, Rule 8 of section XIII and Rule 2 of section XII of the Marketing Rules and Regulations; and
  - (b) Whether, in the event that the code member is found to have violated any provision of the Code or any regulation made thereunder, an order should be entered revoking the code membership of the code member, or directing it to cease and desist from violating the Code or regulations made thereunder.
- It is therefore ordered, That a hearing pursuant to section 4 II (j), 5 (b) and 6 (a) and other pertinent provisions of the Act to be held on July 12, 1943, at 10:00 a. m., at a hearing room of the Division at the Circuit Court Room, Madisonville, Kentucky, to determine whether the aforementioned code member has wilfully violated any provision of the Code or any regulation made thereunder in connection with the transactions heretofore described and whether the code membership of said code mem-

ber should be revoked, or an order should be entered directing the code member to cease and desist from violating the Code and regulations made thereunder.

*It is further ordered*, That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice is hereby given that answer setting forth the position of the code member with reference to the matters hereinbefore described shall be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the code member; and that any failure to file an answer within such time, unless otherwise ordered, shall be deemed to be an admission by the code member of the transactions as hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice of such hearing is hereby given to said code member and to all other persons or entities having an interest in this proceeding. Application for disposition of this proceeding without formal hearing and intervening petitions may be filed as provided by the Rules of Practice and Procedure before the Division in such matters.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically mentioned, other matters incidental or related thereto whether raised by amendment, petition for intervention or otherwise, and all persons are cautioned to be guided accordingly.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9353; Filed, June 9, 1943;  
11:01 a. m.]

[Docket No. B-379]

JOSEPH G. MICHAELS

NOTICE OF AND ORDER FOR HEARING

1. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Bituminous Coal Code (the "Code"), and regulations made thereunder.

2. The Bituminous Coal Division (the "Division"), on October 29, 1941, referred to the Bituminous Coal Producers Board for District No. 1, information in its possession bearing on whether violations of the Code and regulations made thereun-

der have been willfully committed by Joseph G. Michaels, a code member since June 20, 1940 (the "Code Member"), operator of the Michaels Mine, Mine Index No. 623, located in District No. 1, Clearfield County, Pennsylvania, in connection with:

Sales to R. S. Walker, trading as the Bradford Coal Company, a code member, Bigler, Pennsylvania, during the period April 15 through May 1941, of approximately 488 net tons of run of mine coal (Size Group No. 3) produced at said mine, at prices ranging from \$1.85 to \$2.10 per net ton f. o. b. certain railroad cars at Bradford #4 railroad siding, located at Surveyor, Pennsylvania, whereas the railroad facilities for rail shipments for coal produced at said mine was and is known as Bald Hill, located at Le Contes Mills, Pennsylvania; and said coal was priced at \$2.25 per net ton f. o. b. said Bald Hill railroad shipping facilities as set forth in temporary Schedule A, annexed to and made part of the order in Docket No. A. 57, dated October 8, 1940, Granting Temporary Relief and Supplementing the Schedule of Effective Minimum Prices for District No. 1, for All Shipments Except Truck; and

Whether in connection with the above transactions the code member violated the order of the Director dated October 9, 1940, in General Docket No. 19, through the sales of coal for which prices, temporary or final, had not been established for shipment by rail from the above-mentioned Bradford #4 railroad siding.

3. The District Board has not taken action in this matter.

4. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by the Act, then the Division may take such action in lieu of the district board.

5. The District Board having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as herein provided, for the purpose of determining:

(a) Whether the Code Member has willfully violated the order of the Director dated October 9, 1940, in General Docket No. 19; and

(b) Whether, in the event that the Code Member is found to have violated any provision of the Code or any regulation made thereunder, an order should be entered revoking the code membership of said Joseph G. Michaels, or directing him to cease and desist from violating the Code, or regulations made thereunder.

*It is therefore ordered*, That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a) and other pertinent provisions of the Act, be held on July 16, 1943, at 10 a. m., at a hearing room of the Division at the Clearfield County Court House, Clearfield, Penna., to determine whether the aforementioned Code Member has willfully violated any provisions of the Code or any regulation made thereunder in connection with the transactions heretofore described, and whether the code membership of said Code Member

should be revoked, or an order should be entered directing him to cease and desist from violating the Code or regulations made thereunder.

*It is further ordered*, That Charles O. Fowler, or any other officer or officers of the Division, duly designated for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice is hereby given that an answer setting forth the position of the Code Member on the matters hereinbefore described, shall be filed with the Division within twenty (20) days after the date of service of copy hereof on said Code Member; and the failure to file answer within such period, unless otherwise ordered, shall be deemed to be an admission by him of the matters hereinbefore described and his consent to the entry of an appropriate order on the basis of the facts stated.

Notice of such hearing is hereby given to said Code Member and to all other persons or entities having an interest in this proceeding. Application for disposition of this proceeding without formal hearing and intervening petitions may be filed as provided by the Rules of Practice and Procedure before the Division in such matters.

All persons are notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically mentioned, other matters incidental or related thereto whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9354; Filed, June 9, 1943;  
11:01 a. m.]

[Docket Nos. A-2010, A-2010 Part II]

DISTRICT BOARD 10

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NUMBERS AND GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for Mine Index No. 1629, Docket No. A-2010.

In the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for Mine Index No. 1629, for all shipments except truck, Docket No. A-2010 Part II.

The original petition in the above-entitled matter, which was filed with

the Division by District Board No. 10 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests, among other things, the establishment of temporary and permanent price classifications and minimum prices for the coals of New Coal Co. Mine, Mine Index No. 1629 of New Coal Company in District No. 10, for All Shipments Except Truck, and also requests that no exceptions be allowed with respect to locomotive fuel sold to off-line railroads. Although sufficient facts are not presented in the petition to justify the granting of the relief in the manner requested, a reasonable necessity appears for the granting of temporary relief in the manner hereinafter set forth.

Accordingly, temporary price classifications and minimum prices are established for the coals produced at Mine Index No. 1629 for All Shipments Except Truck, as requested in the original petition, and in addition thereto railroad locomotive fuel Price Exceptions 2-H, 9, 61 and 64 are made applicable to the coals of this mine. These Price Exceptions are applicable to the coals produced at all mines in Price Group No. 1, Freight Origin Group No. 133, in District No. 10 for which minimum prices have been established for All Shipments Except Truck; and since this mine is in Price Group No. 1, Freight Origin Group No. 133, the relief granted herein affords this mine the same competitive opportunity available to all other rail mines in the same price group and in the same freight origin group.

Now, therefore, it is ordered, That the portion of Docket No. A-2010 relating to the establishment of price classifications and minimum prices for the coals of New Coal Co. Mine, Mine Index No. 1629 of New Coal Company, in District No. 10, for All Shipments Except Truck, be, and it hereby is, severed from the remainder of Docket No. A-2010, and designated as Docket No. A-2010, Part II.

It is further ordered, That pending further order, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck is supplemented to include the price classifications, minimum prices and other matter set forth in the schedule marked Supplement R annexed hereto and made a part hereof.

An order scheduling a hearing for the purpose of adducing facts upon which final relief in this matter may be based will be issued in due course.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9355; Filed, June 9, 1943;  
11:02 a. m.]

[Docket No. B-288]

STROTH BROS. COAL COMPANY

MEMORANDUM OPINION AND ORDER TO CEASE  
AND DESIST

In the matter of A. W. Stroth, H. F. Stroth, L. B. Stroth, I. C. Stroth, and R. R. Stroth, individually and as Copartners

doing business under the name and style of Stroth Bros. Coal Company, code members.

On April 17, 1943, after notice and hearing, Edward J. Hayes, a duly designated Examiner of the Division, submitted a Report in which he found that code members, A. W. Stroth, H. F. Stroth, L. B. Stroth, I. C. Stroth and R. R. Stroth, individually and as copartners doing business under the name and style of Stroth Bros. Coal Company, operating the Stroth No. 6 Mine (Mine Index No. 2369), located in Vinton County, Ohio, in District 4, willfully violated:

(1) The order of the Director in General Docket No. 19, dated October 9, 1940, by the sale and delivery by truck, from October 15 to December 15, 1940, of 956.53 tons of mine run coal, produced at code members' mine to the MacArthur Brick Company, MacArthur, Ohio, at a delivered price of \$2.00 per ton, whereas prices, temporary or final, had not been established by the Division for said coal; and

(2) Sections 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code, the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, and Price Instruction No. 6, as contained in Supplement No. 1 of said Schedule by the sale and delivery by truck from July 1 to December 15, 1941, of 4,474.65 tons of mine run coal, and from December 16 to 31, 1941, of 253.85 tons of said coal, to said purchaser at delivered prices of \$2.00 and \$2.25 per ton, respectively, whereas the effective minimum price for said coal plus the actual cost of transportation thereof amounted to \$2.35 per ton. The Examiner recommended that an order be entered requiring code members to cease and desist from violation of sections 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code, the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, and Price Instruction No. 6, as contained in Supplement No. 1 of said Schedule, and the order of the Director in General Docket No. 19, dated October 9, 1940, or from otherwise violating the Act, the Code and orders, rules and regulations issued thereunder.

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. No exceptions have been filed.

I have considered the report of the Examiner and I find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law and recommendations set forth in the report and upon the entire record in this proceeding,

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That A. W. Stroth, H. F. Stroth, L. B. Stroth, I. C. Stroth, and R. R. Stroth, individually and as copartners doing business under

the name and style of Stroth Bros. Coal Company, operating the Stroth No. 6 Mine (Mine Index No. 2369), located in Vinton County, Ohio, their agents, employees, representatives, successors and assigns and all persons acting or claiming to act on their behalf or interest, cease and desist from violating sections 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code, the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, and Price Instruction No. 6, as contained in Supplement No. 1 of said Schedule, and the order of the Director in General Docket No. 19, dated October 9, 1940, or from otherwise violating the provisions of the Act, the Code or orders, rules and regulations issued thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a United States Circuit Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-9356; Filed, June 9, 1943;  
11:02 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4963]

PAUL, RICE & LEVY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of June, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 21, 1943, at ten o'clock in the forenoon of that day (Central Standard Time) in Room 713, Pere Marquette Building, New Orleans, Louisiana.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-9357; Filed, June 9, 1943;  
11:35 a. m.]

## DEPARTMENT OF AGRICULTURE.

## War Food Administration.

[P. &amp; S. Docket 1558]

## MISSISSIPPI VALLEY STOCK YARDS CO.

## ORDER OF INQUIRY AND SUSPENSION, AND NOTICE OF HEARING BEFORE THE WAR FOOD ADMINISTRATION, LIVESTOCK AND MEATS BRANCH.

In the matter of Carroll P. Poland, doing business as the Mississippi Valley Stock Yards Company, respondent.

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.), and the following allegations are made:

1. The respondent is engaged in the business of conducting or operating a stockyard at St. Louis, in the State of Missouri, which stockyard has been ascertained by the Secretary of Agriculture to be a "stockyard" within the definition thereof as used in the act, and which has been posted as such by the Secretary of Agriculture under the act.

2. In accordance with the requirements of the Packers and Stockyards Act, the respondent has heretofore filed and put into effect schedules of rates and charges for its services.

3. On or about April 26, 1943, the respondent made, filed and published, effective May 25, 1943, a new schedule of rates and charges, designated as Tariff No. 6, providing for rates and charges which are materially greater than those set forth in the schedule now on file. Subsequently, the respondent agreed to postpone the effective date of such tariff until June 10, 1943. On April 26, 1943, the respondent gave notice of the proposed increases in rates to the Office of Price Administration as required by the amendment to the Emergency Price Control Act, 1942 (Pub. Law No. 729, 77th Cong.), effective October 2, 1942, Executive Order No. 9250 (7 F.R. 7871), and Directive No. 1 of the Director of Economic Stabilization (7 F.R. 8758), under the provisions of which said tariff can not lawfully become effective until the expiration of 30 days after the date of the notice.

4. Upon examination of the records and other information in the possession of the Department of Agriculture, there is reason to believe that the increases proposed by such new schedule are not justified, and that such increases are, in fact, unreasonable and unlawful.

It is concluded that a proceeding under Title III of the act should be had for the purpose of determining the reasonableness and lawfulness of the rates and charges proposed in Tariff No. 6 filed by the respondent and that pending a hearing and decision in such proceeding, the operation of such tariff should be suspended and its use deferred.

It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges, and whether any stockyard service is rendered by the re-

spondent without making a lawful charge therefor.

*It is therefore ordered*, That the operation and use of the tariff filed by the respondent on April 26, 1943, and designated as Tariff No. 6, shall be, and it hereby is, suspended and deferred until the expiration of thirty days beyond the time when such tariff would otherwise go into effect.

*It is further ordered*, That notice to the respondent shall be, and is hereby, given that a hearing concerning the allegations made herein will be held before an examiner at a time and place of which the respondent will have at least ten days' notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things alleged as may be relevant and material.

*It is further ordered*, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the hearing clerk, Office of the Solicitor, Washington, D. C., within 20 days from the date of the publication of this order.

*It is further ordered*, That a copy hereof be served upon the respondent by registered mail.

*It is further ordered*, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of June 1943.

[SEAL] THOMAS J. FLAVIN,  
Assistant to Secretary of Agriculture.

[F. R. Doc. 43-9320; Filed, June 8, 1943;  
4:33 p. m.]

## DEPARTMENT OF LABOR.

## Wage and Hour Division.

## LEARNER EMPLOYMENT CERTIFICATES

## ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective June 7th and 8th, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates

<sup>1</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Crescent Paper Box Factory, Inc., New Orleans, Louisiana; Paper Products; 16 learners (T); Press Feeder, S & S Wrapping Machine Operator, Staying Machine Operator, and Labeling Machine Operator for a learning period of 240 hours at 35¢ per hour until December 7, 1943.

Michael Shack, 101 Monroe Street, Garfield, New Jersey; Embroidery; 2 learners (T); Spanner-helper for a learning period of 240 hours at 30¢ per hour until December 8, 1943.

Signed at New York, N. Y., this 8th day of June 1943.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-9332; Filed, June 9, 1943;  
9:32 a. m.]

## LEARNER EMPLOYMENT CERTIFICATES

## ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER at here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulation, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

*Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry*

Angeles Apparel Company, 834 South Broadway, Los Angeles, California; Blouses, play clothes, housecoats and robes, slack suits; 5 learners (T); effective June 8, 1943, expiring June 8, 1944.

Colonial Togs, Legett & Clark Streets, Scranton, Pennsylvania; Snow suits; ten percent (T); effective June 7, 1943, expiring June 7, 1944.

S. Liebovitz & Sons, Inc.; Wisconsin Street, Tower City, Pennsylvania; Men's shirts; 10 learners (T); effective June 16, 1943, expiring June 16, 1944.

S. Liebovitz & Sons, Inc., Cedar Street, Kutztown, Pennsylvania; Men's sport shirts; 5 learners (T); effective June 26, 1943, expiring June 26, 1944.

More Manufacturing Company, 224 South Market Street, Chicago, Illinois; Quilted robes, housecoats, sportswear; 7 learners (T); effective June 9, 1943, expiring June 9, 1944.

Rhoades Manufacturing Company, 1324 Washington Street, St. Louis, Missouri; Cotton wash dresses; 10 learners (T); effective June 16, 1943, expiring June 16, 1944.

Shawnee Garment Company, Plymouth, Pennsylvania; Ladies dresses; 10 learners (T); effective June 7, 1943, expiring June 7, 1944.

Trostle Garment Company, Walnut Street, Mt. Holly Springs, Pennsylvania; Ladies cotton work dresses; 10 learners (T); effective June 26, 1943, expiring June 26, 1944.

Uniform Garment Manufacturing Company, 325 South Main Street, Fort Worth, Texas; Cotton and rayon uniforms; 5 learners (T); effective June 5, 1943, expiring June 5, 1944.

Wayne Garment Company, Main & Center Streets, Forest City, Pennsylvania; Children's woolen, part woolens and cotton outerwear; 10 learners (T); effective June 5, 1943, expiring June 5, 1944.

#### Hosiery Industry

Glenn Hosiery Company, Box 866, High Point, North Carolina; Seamless; ten percent (A. T.); effective June 9, 1943, expiring December 9, 1943.

Van Raalte Company, Inc., Athens, Tennessee; Full-fashioned; ten percent (A. T.); effective June 16, 1943, expiring December 16, 1943.

#### Gloves Industry

Marinette Knitting Mills, Pierce Avenue, Marinette, Wisconsin; Knit wool gloves; 5 learners (A. T.); effective June 10, 1943, expiring November 18, 1943.

#### Knitted Wear Industry

Glory Knitting Mills, Penn & Willow Avenue, Robesonia, Pennsylvania; Sweaters for civilian use; knit shirts, wristlets, hose tops, fabric for War Department; five percent (T); effective June 7, 1943, expiring June 7, 1944.

Tamaqua Underwear Company, Inc., Rear 207 Centre Street, Tamaqua, Pennsylvania; Men's T. Shirts, Ladies' peds, and underwear; 25 learners (A. T.) effective June 15, 1943, expiring December 3, 1943.

#### Textile Industry

A. D. Juilliard & Company, Inc., Dallas Mills Division, Dallas, Georgia; Cotton yarns for weaving; 3 percent (T); effective June 9, 1943, expiring June 9, 1944.

Signed at New York, N. Y., this 8th day of June 1943.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-9333; Filed, June 9, 1943; 9:32 a. m.]

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1259]

G. & W. HELLER CO. INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Victor F. Opalski, whose last known address is Belgradplatz, Vienna, Austria, is a citizen of Germany and a national of a designated enemy country (Germany);

2. Finding that G. & W. Heller Co. Inc., New York, New York, is a corporation organized under the laws of the State of New York, and is a business enterprise within the United States;

3. Finding that 114 shares of \$100 par value common capital stock of the aforesaid corporation are registered in the name of Henry William Drath, Great Neck, New York and are beneficially owned by said Victor F. Opalski;

4. Finding that the aforesaid 114 shares of stock constitute all of the outstanding capital stock of said corporation and represent ownership of said business enterprise;

5. Finding, therefore, that said business enterprise is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated

enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on April 20, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9281; Filed, June 8, 1943; 11:25 a. m.]

[Vesting Order 1415]

#### PROPERTY OF GRETCHEN KOSTER

Re: Mortgage on real property, a claim, and bank account, owned by Gretchen Koster.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Gretchen Koster is a resident of Germany, whose last known address is Fortificatimstrasse 191, Ruestringer, Germany, and is a national of a designated enemy country (Germany);

2. Finding that said Gretchen Koster is the owner of the property described in subparagraph 3 hereof;



3. Finding that the property described as follows:

a. All right, title and interest, of Gretchen Koster in and to any and all obligations, contingent or otherwise and whether or not matured, which are secured by a first mortgage recorded in the County Clerk's Office of Bergen County, New Jersey, in Liber 1684, of Mortgages, Page 523, including, but not limited to, all security rights, in and to any and all collateral (including the aforesaid first mortgage), for any or all of such obligations and the right to enforce and collect such obligations, and the right to the possession of all notes, bonds and other instruments evidencing such obligations,

b. All right, title, interest and claim, of any name or nature whatsoever of Gretchen Koster, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Gretchen Koster:

(1) By Peter Blege, Inc., 527 Broad Avenue, Ridgefield, New Jersey, and represented on the books of Peter Blege, Inc. as a credit balance due Gretchen Koster, and

(2) By the Manhattan Savings Bank of New York, including particularly a bank account in said bank, which is due and owing to and held for and in the name of Gretchen Koster,

including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time

as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 6, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-9282; Filed June 8, 1943;  
11:22 a. m.]

[Vesting Order 1416]

JAPANESE CHAMBER OF COMMERCE OF NEW YORK, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Japanese Chamber of Commerce of New York, Inc. is a membership corporation organized under the laws of the State of New York and is a business enterprise within the United States;

2. Finding that substantially all the members of Japanese Chamber of Commerce of New York, Inc. were corporations part or all of the capital stock of which has been vested by, or which are now under supervision of, the Alien Property Custodian pursuant to vesting orders and supervisory orders duly issued under Executive Order No. 9095, as amended;

3. Finding that the officers and directors of Japanese Chamber of Commerce of New York, Inc., with one exception, are all subjects of Japan, all of whom have either been repatriated to Japan or are now interned in the United States and are nationals of a designated enemy country (Japan);

4. Finding that a substantial part of the income of Japanese Chamber of Commerce of New York, Inc. was contributed by the Japanese Government;

5. Determining that Japanese Chamber of Commerce of New York, Inc. is acting or purporting to act directly or indirectly for the benefit or on behalf of a designated enemy country (Japan) or nationals thereof, and is a national of a designated enemy country (Japan);

6. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Japanese Chamber of Commerce of New York, Inc.,

is property of a business enterprise within the United States which is a national of a designated enemy country (Japan);

7. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 6 hereof, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 6, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-9283; Filed, June 8, 1943;  
11:25 a. m.]

[Vesting Order 1418]

ATLANTIC-PACIFIC TRADING CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Atlantic-Pacific Trading Corporation, New York, New York, is a corporation organized under the laws of the State of Delaware, and is a business enterprise within the United States;

2. Finding that 200 shares of \$50 par value common capital stock of Atlantic-Pacific Trading Corporation are registered in the name of Irving S. Freedman, c/o Katz and Sommerich, 120 Broadway, New York, New York, and are beneficially owned by Cementia Holding, A. G. of Zurich, Switzerland;

3. Finding that said 200 shares constitute all of the issued and outstanding capital stock of Atlantic-Pacific Trading Corporation, and represent ownership thereof;

4. Finding that said Cementia Holding, A. G. is on The Proclaimed List of Certain Blocked Nationals and is acting or purporting to act directly or indirectly for the benefit or on behalf of Ungarische Allgemeine Kreditbank of Hungary and Rumania which is a national of designated enemy countries (Hungary and Rumania);

5. Finding, therefore, that said Cementia Holding, A. G. is a national of designated enemy countries (Hungary and Rumania);

6. Finding, therefore, that Atlantic-Pacific Trading Corporation is a national of designated enemy countries (Hungary and Rumania);

7. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Cementia Holding, A. G. in and to all obligations, contingent or otherwise and whether or not matured, owing to it by said Atlantic-Pacific Trading Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and collect such obligations,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of designated enemy countries (Hungary and Rumania);

8. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy countries (Hungary and Rumania);

9. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

10. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 200 shares of capital stock described in subparagraph 2 and the property described in subparagraph 7 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such actions should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The term "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 6, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9234; Filed, June 8, 1943; 11:25 a. m.]

[Vesting Order 1419]

MASCHINENFABRIK CARL ZANGS A. G., ET AL.

Re: Machinery stored in East Newark, New Jersey, owned by Maschinenfabrik Carl Zangs A. G., Werdohler Pumpenfabrik Paul Hillebrand and Simon A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Maschinenfabrik Carl Zangs A. G., Werdohler Pumpenfabrik Paul Hillebrand and Simon A. G., are business enterprises, organized and existing under the laws of Germany, whose principal places of business are located in Germany, and are nationals of a designated enemy country (Germany);

2. Finding that Maschinenfabrik Carl Zangs A. G. is the owner of the property described in subparagraph 5-a hereof;

3. Finding that Werdohler Pumpenfabrik Paul Hillebrand is the owner of the property described in subparagraph 5-b hereof;

4. Finding that Simon A. G. is the owner of the property described in subparagraph 5-c hereof;

5. Finding that the property described as follows:

a. Textile machinery and parts for Jacquard machines stored in the warehouse of J. J. Krehbiel Company, Inc., 900 Passaic Avenue, East Newark, New Jersey, and held for Maschinenfabrik Carl Zangs A. G.;

b. Approximately 40 rayon spinning pumps and parts therefor, packed in 4 cases marked W. P. 2886, 2887, 2888 and 4140, stored in the warehouse of J. J. Krehbiel Company, Inc., 900 Passaic Avenue, East Newark, New Jersey, and held for Werdohler Pumpenfabrik Paul Hillebrand;

c. Machinery consisting of various replacement parts for soap machines, packed in one case marked SAG 31733, stored in the warehouse of J. J. Krehbiel Company, Inc., 900 Passaic Avenue, East Newark, New Jersey, and held for Simon A. G.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 6, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9285; Filed, June 8, 1943; 11:22 a. m.]

[Vesting Order 1448]

LAWRENCE FACCARO, ET AL.

Re: Real property located in Memphis, Tennessee, and bank accounts, owned by Lawrence Faccaro, Steve Faccaro, Josephine Faccaro and Pete Faccaro.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Lawrence Faccaro, Steve Faccaro, Josephine Faccaro and Pete Faccaro are citizens of Italy, whose last known addresses are Via Garibaldi 8, Bassignana, Italy, and are nationals of a designated enemy country (Italy);

2. Finding that Lawrence Faccaro owns a one-third interest, Steve Faccaro owns a one-third interest, Josephine Faccaro owns a one-ninth interest and Pete Faccaro owns a two-ninths interest, in the real property described in subparagraph 3-a below, and that they own the bank accounts described in subparagraph 3-b below;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Lawrence Faccaro, Steve Faccaro, Josephine Faccaro and Pete Faccaro, and each of them, and of such other nationals of designated enemy countries who are the heirs, devisees, legatees, representatives, successors and assigns of Joseph Faccaro, deceased, and each of them, in and to the real property situated in Memphis, Shelby County, Tennessee, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all the fixtures, improvements and appurtenances thereto, and any and all claims of the aforesaid persons, and each of them, for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Lawrence Faccaro, Steve Faccaro, Josephine Faccaro and Pete Faccaro, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them, or any of them, by the National Bank of Commerce, Memphis, Tennessee, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and

collect such obligations, and including particularly four bank accounts in said bank in the names of Lawrence Faccaro, Elmer Harris, Agent; Steve Faccaro, Elmer Harris, Agent; Josephine Faccaro, Elmer Harris, Agent; and Pete Faccaro, Elmer Harris, Agent; which are due and owing to, and held for, Lawrence Faccaro, Steve Faccaro, Josephine Faccaro and Pete Faccaro, respectively,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 11, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

EXHIBIT A

All that lot or parcel of land lying or being in Shelby County, Tennessee, described as follows:

Lots Nos. Seventeen (17) and Twenty-three (23) Block No. Eleven (11) of Brinkley and Snowden Subdivision, as per plat of record in Plat Book 1 page 38 of the Register's Office of Shelby County, Tennessee;

Beginning at the southwest corner of Jackson Avenue and North Decatur Street; running thence south with North Decatur Street three hundred and thirteen (313) feet to Greenlaw Avenue; thence west with Greenlaw Avenue sixty (60) feet; thence north three hundred and five and fourth tenths (305.4) feet to Jackson Avenue; thence east with Jackson Avenue sixty and seven tenths (60.7) feet to the point of beginning.

[F. R. Doc. 43-9286; Filed, June 8, 1943; 11:25 a. m.]

[Vesting Order 1449]

REAL PROPERTY OWNED BY ANTON PROHASKA AND JULIA PROHASKA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Anton Prohaska and Julia Prohaska, his wife, are residents of Germany, whose last known addresses are Vienna, Germany, and are nationals of a designated enemy country (Germany);

2. Finding that Anton Prohaska and Julia Prohaska, his wife, are the owners of the real property hereinafter described in subparagraph 3;

3. Finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Anton Prohaska and Julia Prohaska, his wife, and each of them, in and to that certain real property situated at 104 Maplewood Street, Houston, Texas, particularly described as Lots Numbered Four (4), in Block Numbered Thirty-five (35) of Oaklawn Addition to the City of Houston, Harris County, Texas, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Anton and Julia Prohaska for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 11, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9287; Filed, June 8, 1943; 11:26 a. m.]

[Vesting Order 1457]

ELSIE RINGS

Re: Real property, fire insurance policies and bank accounts owned by Elsie Rings.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Elsie Rings is a resident of Germany, whose last known address is Matzkirch uber Ratibor, Germany, and is a national of a designated enemy country (Germany);

2. Finding that said Elsie Rings is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Elsie Rings, in and to that certain real property known as 3762 Olinville Avenue, in the County of Bronx, City and State of New York, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto and any and all claims of Elsie Rings for rents, refunds, benefits, or for other payments arising from the ownership of such property,

b. All right, title and interest of Elsie Rings in, to and under fire insurance policies numbered 409884, 409876 and 409894, issued by the Boston Insurance Company of Boston, Massachusetts, through Hugo Wabst, underwriting agent, 115 East Lincoln Avenue, Mount Vernon, New York, insuring the premises at 3762 Olinville Avenue, Bronx, New York, referred to in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Elsie Rings in and to any and all obligations contingent or otherwise and whether or not matured owing to her by the Bank for Savings, 1201 Third Avenue, New York, New York; the Central Savings Bank, 73rd Street and Broadway, New York, New York; and the Manhattan Savings Bank, 154 East 86th Street, New York, New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly:

(i) Savings Account No. B-7184 in the Bank for Savings, 1201 Third Avenue, New York, New York,

(ii) Savings Account No. 82788 in the Central Savings Bank, 73rd Street and Broadway, New York, New York, and

(iii) Savings Account No. 607854 in the Manhattan Savings Bank, 154 East 86th Street, New York, New York,

all of which accounts are due and owing to, and held for and in the name of Elsie Rings, is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 13, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

EXHIBIT A

All that lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Bronx, in the County of Bronx, City and State of New York, bounded and described as follows:

Beginning at a point on the easterly side of 2nd Avenue as laid down on a certain map entitled "Map of Olinville" which avenue is also known as Pleasant and Olinville Avenues at a point distant 600 feet north from

the intersection of the easterly side of said Second Avenue with the northerly side of 2nd Street on said map, also known as 216th Street; running thence easterly at right angles with the easterly side of said 2nd Avenue 99.85 feet to the division line between Lots 66 and 109 on said map of Olinville, thence northerly along said division line 75 feet, thence westerly parallel with 2nd Street 99.85 feet to the easterly side of 2nd Avenue on said map; thence southerly along said easterly side of said 2nd Avenue 75 feet to the point or place of beginning. Save and except therefrom that part of the said premises which the City of New York has taken for the opening and widening of the said Second or (Pleasant Avenue) Avenue.

[F. R. Doc. 43-9288; Filed, June 8, 1943; 11:26 a. m.]

[Vesting Order 1458]

REAL PROPERTY AND BANK ACCOUNT OWNED BY JENNIE SECKELY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Jennie Seckely is a resident of Hungary, whose last known address is Budapest, Hungary, and is a national of a designated enemy country (Hungary);

2. Finding that Jennie Seckely is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable of Jennie Seckely in and to each and all of the parcels of real property hereinafter described, together with all fixtures, improvements and appurtenances thereto and any and all claims of Jennie Seckely for rents, refunds, benefits or other payments arising from the ownership of such real property, such parcels being described as follows:

(i) That certain real property situated in the County of LaMoure, State of North Dakota, and particularly described as the East Half and Southwest Quarter (E $\frac{1}{2}$  and SW $\frac{1}{4}$ ) of Section Twenty-eight (28) in Township One Hundred Thirty-four (134) North, of Range Sixty-two (62) West of the 5th P. M., and

(ii) That certain real property situated in the County of LaMoure, State of North Dakota, and particularly described as Lots Seven (7) and Eight (8), in Block Twenty-three (23), South side Addition to the City of LaMoure, LaMoure County, North Dakota,

b. All right, title, interest and claim of any name or nature whatsoever of Jennie Seckely in and to a checking account in The First State Bank of LaMoure, LaMoure, North Dakota, which bank account is due and owing to, and held for, Jennie Seckely in the name of Jennie Seckely, National of Hungary, Ida A. Neverman, Agent, LaMoure, North Dakota, including but not limited to all security rights in and to any and all collateral for such obligation, and the right to enforce and collect such obligation,

is property within the United States owned or controlled by a national of a designated enemy country (Hungary);

4. Determining that the property described in subparagraph 3b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Hungary);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 13, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9289; Filed, June 8, 1943; 11:26 a. m.]

[Vesting Order 1522]

ESTATE OF IDA BOEHME

In re: Estate of Ida Boehme, deceased; File D-28-1525; E. T. sec. 195.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Walter Boehme, 1100 Desplaines Avenue, Forest Park, Illinois, Administrator with the Will Annexed, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

[Vesting Order 1524]

| Nationals                                                        | Last known address                                   |
|------------------------------------------------------------------|------------------------------------------------------|
| Elsbeth Forte.....                                               | 8 Niebergallstrasse, Berlin, Germany.                |
| Franz Boehme.....                                                | 5 Dietrich Schaferweg, Berlin, Steglitz, Germany.    |
| Kurt Boehme.....                                                 | 28 Neukandenburg, Mieckey, Germany.                  |
| Peter Frank.....                                                 | 8 Niebergallstrasse, Berlin, Ropeinck, Germany.      |
| Sibylle Schonberger (Frank), also known as Sibylee Schoenberger. | 61 Weddigenweg, Berlin, Lichterfelde, West, Germany. |

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elsbeth Forte, Franz Boehme, Kurt Boehme, Peter Frank and Sibylle Schonberger (Frank), also known as Sibylee Schoenberger, and each of them, in and to the estate of Ida Boehme, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if any when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9290; Filed, June 8, 1943; 11:27 a. m.]

[Vesting Order 1523]

TRUST UNDER WILL OF ELIZABETH C. ARCHBALD

In re: Trust under will of Elizabeth C. Archbald, deceased; File D-66-45; E. T. sec. 1123.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

ESTATE OF PETRO BARRANCO

In re: Estate of Petro Barranco, deceased; File D-38-1108; E. T. sec. 2537.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Hector J. Ciotti, Administrator, d. b. n., acting under the judicial supervision of the Orphans' Court of Baltimore City, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

| Nationals:                      | Last known address |
|---------------------------------|--------------------|
| Salvatore Emanuel Barranco..... | Italy.             |
| Giuseppe Barranco.....          | Italy.             |
| Agostina Barranco.....          | Italy.             |
| Giovanni Barranco.....          | Italy.             |
| Caterina Barranco.....          | Italy.             |
| Concetta Barranco.....          | Italy.             |
| Rosa Barranco.....              | Italy.             |
| Maria Barranco.....             | Italy.             |
| Rosario Barranco.....           | Italy.             |
| Vinzenza Barranco.....          | Italy.             |

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Salvatore Emanuel Barranco, Giuseppe Barranco, Agostina Barranco, Giovanni Barranco, Caterina Barranco, Concetta Barranco, Rosa Barranco, Maria Barranco, Rosario Barranco and Vinzenza Barranco, and each of them, in and to the estate of Petro Barranco, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Robert W. Archbald, Jr., Trustee, acting under the judicial supervision of the Orphans' Court of Lackawanna County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

| National:          | Last known address |
|--------------------|--------------------|
| Anna Archbald..... | Italy.             |

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Archbald in and to the Trust Estate created under the will of Elizabeth C. Archbald, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9291; Filed, June 8, 1943; 11:27 a. m.]

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9292; Filed, June 8, 1943;  
11:27 a. m.]

[Vesting Order 1525]

ESTATE OF GOTTLIEB BUERKLE

In re: Estate of Gottlieb Buerkle, deceased; File D-28-2146; E. T. sec. 2691.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis J. Bergson, Jr., Administrator, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

| Nationals:                  | Last known address |
|-----------------------------|--------------------|
| Louise Barbara Depping..... | Germany.           |
| Karl Buerkle.....           | Germany.           |
| Ernst Buerkle.....          | Germany.           |
| Gustav Buerkle.....         | Germany.           |
| Albert Buerkle.....         | Germany.           |
| Jakob Buerkle.....          | Germany.           |
| Johann Jordon.....          | Germany.           |

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louise Barbara Depping, Karl Buerkle, Ernst Buerkle, Gustav Buerkle, Albert Buerkle, Jakob Buerkle and Johann Jordon, and each of them, in and to the estate of Gottlieb Buerkle, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9293; Filed, June 8, 1943;  
11:27 a. m.]

[Vesting Order 1526]

ESTATE OF CARMELA CEFALOGGI

In re: Estate of Carmela Cefalogli, deceased; File D-38-586; E. T. sec. 6283.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Michele Macchiaroli, Administrator of the Estate of Carmela Cefalogli, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

| National:                   | Last known address |
|-----------------------------|--------------------|
| Michelangelo Cefalogli..... | Italy.             |

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Michelangelo Cefalogli in and to the Estate of Carmela Cefalogli, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return

should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9294; Filed, June 8, 1943;  
11:27 a. m.]

[Vesting Order 1527]

TRUSTS UNDER WILL OF ZILLA D. DE NIVERNAIS, ETC.

In re: Trusts under the will of Zilla D. de Nivernais, a. k. a. Zilla de Nivernais; Zilla Dumouriez de Nivernais; Zilla Dumouriez; Daisy Z. Dumouriez and Mary Curtis, deceased; File D-39-1512; E. T. sec. 2541.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Wells Fargo Bank & Union Trust Company, Trustee, acting under the judicial supervision of the Superior Court in and for the County of San Mateo, California;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

| Nationals:          | Last known address |
|---------------------|--------------------|
| Sadaji O'Hara.....  | Japan.             |
| Kiyashi O'Hara..... | Japan.             |
| Hirashi O'Hara..... | Japan.             |
| Tadashi O'Hara..... | Japan.             |

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Sadaji O'Hara, Kiyashi O'Hara, Hirashi O'Hara and Tadashi O'Hara, and each of them, in and to the Trusts Estates created under the Will of Zilla D. de Nivernais, a. k. a. Zilla de Nivernais; Zilla Dumouriez de Nivernais; Zilla Dumouriez; Daisy Z. Dumouriez and Mary Curtis, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account, or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-9295; Filed, June 8, 1943; 11:28 a. m.]

[Vesting Order 1528]

ESTATE OF GIOVANNI D'ILARIO

In re: Estate of Giovanni D'Ilario, deceased; File D-38-587; E. T. sec. 6284.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Michele Macchiaroli, Administrator of the Estate of Giovanni D'Ilario, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Table with 2 columns: Name and Last known address. Includes Filomena D'Ilario, Luigi D'Ilario, Gelsomina D'Ilario, and Masimo D'Ilario, all from Italy.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Filomena D'Ilario, Luigi D'Ilario, Gelsomina D'Ilario and Masimo D'Ilario and each of them, in and to the Estate of Giovanni D'Ilario, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-9296; Filed June 8, 1943; 11:28 a. m.]

[Vesting Order 1529]

ESTATE OF ROSINA B. DORN

In re: Estate of Rosina B. Dorn, deceased; File D-28-2163; E. T. sec. 2800.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Andrew G. Kraus, as Executor, acting under the judicial supervision of the Circuit Court for the County of Multnomah, Oregon;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

Table with 2 columns: Name and Last known address. Includes Emma Mathieson Gross from Germany.

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Mathieson Gross in and to the Estate of Rosina B. Dorn, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-9297; Filed, June 8, 1943; 11:28 a. m.]

[Vesting Order 1530]

TRUST UNDER WILL OF WALTHER FAUSTEN

In re: Trust under the will of Walther Fausten, deceased; File D-28-6463; E. T. sec. 3394.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the National Bank of Germantown and Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Table with 2 columns: Name and Last known address. Includes Christine Emilie Fausten (Germany), Fausten, and Marion C. Fausten (Germany).

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires

that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Christine Emilie Fausten, also known as Caecilie (Caecile) Fausten and Marion C. Fausten and each of them in and to a trust created under the will of Walther Fausten, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9298; Filed, June 8, 1943;  
11:28 a. m.]

[Vesting Order 1531]

ESTATE OF MORRIS GEORGE

In re: Estate of Morris George, deceased; File D-66-448; E.T. sec. 3310.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interest hereinafter described are property which is in the process of administration by the Register of Wills and Clerk of the Probate Court, Washington, D. C., acting under the judicial supervision of the United States District Court, District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:

|                       |          |
|-----------------------|----------|
| Grete Salomon.....    | Germany. |
| Walter Coblenzer..... | Germany. |
| Anna Weyl.....        | Germany. |
| Henry Weinberg.....   | Germany. |
| Trude Steinberg.....  | Germany. |

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Grete Salomon, Walter Coblenzer, Anna Weyl, Henry Weinberg and Trude Steinberg, and each of them, in and to the Estate of Morris George, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9299; Filed, June 8, 1943;  
11:29 a. m.]

[Vesting Order 1532]

ESTATE OF ALBERTINE HEDWIG E. HECHT

In re: Estate of Albertine Hedwig E. Hecht, also known as Hedwig Hecht, deceased; File D-28-2212; E. T. sec. 3150.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Last known address

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Phil C. Katz, Public Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

|                      |                    |
|----------------------|--------------------|
| National:            | Last known Address |
| Charlotte Hecht..... | Germany.           |

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Charlotte Hecht in and to the Estate of Albertine Hedwig E. Hecht, also known as Hedwig Hecht deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9300; Filed, June 8, 1943;  
11:29 a. m.]

[Vesting Order 1533]

TRUST UNDER WILL OF WALTER E. HERING

In re: Trust under will of Walter E. Hering, deceased; File D-28-2222; E. T. sec. 2983.



Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

[Vesting Order No. 1534]

**TRUST UNDER WILL OF CLEMENTINE HIRSCH**

In re: Trust under will of Clementine Hirsch, deceased; File D-28-2211; E. T. sec. 2984.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interest hereinafter described are property which in the process of administration by Morton E. Fleischer, Trustee, acting under the judicial supervision of the Probate Court of the State of South Carolina, in and for the County of Kershaw;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

|                                     |                           |
|-------------------------------------|---------------------------|
| Nationals:                          | <i>Last known address</i> |
| Mrs. Bertha Hirsch.....             | Germany.                  |
| Miss Clementine (Clementina) Mayer. | Germany.                  |

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all actions, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Bertha Hirsch and Miss Clementine (Clementina) Mayer, and each of them, in and to the Trust Estate created under the Will of Clementine Hirsch, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-9302; Filed, June 8, 1943; 11:29 a. m.]

[Vesting Order 1535]

**LIQUIDATION OF INTEGRITY TRUST COMPANY**

In re: Liquidation of Integrity Trust Company, File D-28-1866; E. T. sec. 1277.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Secretary of Banking, Commonwealth of Pennsylvania, Receiver of Integrity Trust Company, acting under the Court of Common Pleas, Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

|                       |                           |
|-----------------------|---------------------------|
| Nationals:            | <i>Last known address</i> |
| Johanna Demmerle..... | Germany.                  |
| Else Demmerle.....    | Germany.                  |

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

|                       |          |
|-----------------------|----------|
| Cash as follows:      |          |
| Johanna Demmerle..... | \$184.85 |
| Else Demmerle.....    | 184.85   |

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity-Philadelphia Trust Company, George F. Fish, Harry R. Keen and Phillip C. Snow, Trustees, acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

|                                |                           |
|--------------------------------|---------------------------|
| Nationals:                     | <i>Last known address</i> |
| Martha Buchheim-Bielefeld..... | Germany.                  |
| Hermine Buchheim.....          | Germany.                  |

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martha Buchheim-Bielefeld and Hermine Buchheim, and each of them, in and to the Trust Estate created under the Will of Walter E. Hering, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-9301; Filed, June 8, 1943; 11:29 a. m.]

may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9303; Filed, June 8, 1943;  
11:30 a. m.]

[Vesting Order 1536]

ESTATE OF GEORGE YACHIYO ET AL.

In re: The Estate and Guardianship of George, Yachiyo and Chiyoko Kawaguchi, minors, File D-66-471; E. T. sec. 2923.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Bank of America National Trust and Savings Association, 650 South Spring Street, Los Angeles, California, Guardian, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

| Nationals:             | Last known address: |
|------------------------|---------------------|
| Yachiyo Kawaguchi..... | Japan.              |
| Chiyoko Kawaguchi..... | Japan.              |

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Yachiyo Kawaguchi and Chiyoko Kawaguchi, and each of them, in and to the Estate and Guardianship of George, Yachiyo and Chiyoko Kawaguchi, minors,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9304; Filed, June 8, 1943;  
11:30 a. m.]

[Vesting Order 1537]

ESTATE OF JOHN KILIAN

In re: Estate of John Killian, deceased; File D-28-2261; E. T. sec. 2939.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louisa Gibbs and Helen Glaum, Executrices of the Estate of John Killian, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

| Nationals:         | Last known address |
|--------------------|--------------------|
| Georg Killian..... | Germany.           |
| Maria Killian..... | Germany.           |

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Georg Killian and Maria Killian and each of them, in and to the Estate of John Killian, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9305; Filed, June 8, 1943;  
11:30 a. m.]

[Vesting Order 1538]

ESTATE OF FREDERICK LOEHR, SR.

In re: Estate of Frederick Loehrs, Sr., deceased; File D-28-1607; E. T. sec. 363.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Frederick Loehrs, Jr., executor, acting under the judicial supervision of the Union County Orphans' Court of Union County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

| Nationals:           | Last known address |
|----------------------|--------------------|
| Fritz Sauerbrei..... | Germany.           |
| Fritz Hubert.....    | Germany.           |

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Fritz Sauerbrei and Fritz Hubert and each of them in and to the Estate of Frederick Loehrs, Sr., deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds

thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9306; Filed, June 8, 1943; 11:30 a. m.]

[Vesting Order 1539]

TRUST UNDER WILL OF JOHN P. MONKS

In re: Trust under the will of John P. Monks, deceased; File No. D-28-2512; E. T. sec. 4440.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by B. Devereux Barker and Archibald G. Monks, as trustees, and Frederick J. Dillon, First Judge of Probate for Suffolk County, Massachusetts, as depository, acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

|                          |                           |
|--------------------------|---------------------------|
| Nationals:               | <i>Last known address</i> |
| Eberhard Hempel.....     | Germany.                  |
| Elisabeth S. Hempel..... | Germany.                  |

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eberhard Hempel and Elisabeth S. Hempel, and each of them, in and to the trust under the will of John P. Monks, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an ap-

propriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9307; Filed, June 8, 1943; 11:31 a. m.]

[Vesting Order 1540]

OHMER FARE REGISTER COMPANY

In re: Bankruptcy proceedings: in the matter of Ohmer Fare Register Company, a corporation, debtor, in proceedings for the reorganization of a corporation; File F-28-6090; E. T. sec. 5255.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by F. E. Henry, Jr., Disinterested Trustee, and R. L. Hubler, Co-Trustee, acting under the judicial supervision of the United States District Court for the Southern District of Ohio, Western Division;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

|                                                                           |                           |
|---------------------------------------------------------------------------|---------------------------|
| National:                                                                 | <i>Last known address</i> |
| Klenzle Taxameter Villengen (Schwarz-Und Apparate, A.G. . wald), Germany. |                           |

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) Claim in the amount of \$2,362.69, together with all interest now payable or which may become payable thereon, of Klenzle Taxameter Und Apparate, A. G. against the Ohmer Fare Register Company, a Corporation,

Debtor, In Proceedings for the Reorganization of a Corporation,

(b) All right, title, interest and claim of any kind or character whatsoever of Klenzle Taxameter Und Apparate, A. G. in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by the aforesaid Ohmer Fare Register Company, a Corporation, Debtor, In Proceedings for the Reorganization of a Corporation,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9308; Filed June 8, 1943; 11:31 a. m.]

[Vesting Order 1541]

TRUST UNDER WILL OF HANS R. PETERS

In re: Trust under the will of Hans R. Peters, deceased; File D-28-2344; E. T. sec. 3405.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the American Trust Company, Executor and Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Sonoma;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

|                  |                           |
|------------------|---------------------------|
| National:        | <i>Last known address</i> |
| Meta Nissen..... | Germany.                  |

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Meta Nissen in and to the Trust Estate created under the will of Hans R. Peters, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9309; Filed, June 8, 1943;  
11:31 a. m.]

[Vesting Order 1542]

ESTATE OF FIDELE PIGNATELLO

In re: Estate of Fidele Pignatello, deceased; File D-38-501; E. T. sec. 5614.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph Morrell and Louis Morrell, Executors of the estate of Fidele Pignatello, deceased, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National: Last known address  
Filomina Pignatello..... Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national

interest of the United States requires that such person be treated as a national of a designated enemy country, Italy, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Filomina Pignatello in and to the Estate of Fidele Pignatello, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9310; Filed, June 8, 1943;  
11:31 a. m.]

[Vesting Order 1543]

ESTATE OF MARGHERITA ZEREGA

In re: Estate of Margherita Zerega, deceased; File D-38-1164; E. T. sec. 3893.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Register of Wills and Clerk of the Probate Court, Washington, D. C., acting under the judicial supervision of the U. S. District Court, District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals: Last known Address  
David Zerega..... Italy.  
Mary Zerega..... Italy.  
Terensia Bertoli..... Italy.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of David Zerega, Mary Zerega and Terensia Bertoli, and each of them, in and to the estate of Margherita Zerega, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9311; Filed, June 8, 1943;  
11:31 a. m.]

[Amdt. to Vesting Order 155]

CERTAIN SECURITIES OF A. J. STERN & CIE

Whereas, the undersigned by Vesting Order Number 155 dated September 19, 1942, vested certain securities, which are listed and described in Exhibit A attached to said Order and made a part thereof, which securities the undersigned found in said Vesting Order to be property subject to litigation pending in the Supreme Court of the State of New York in and for the County of New York;

Whereas, by order and judgment entered at a Special Term Part III thereof, of the Supreme Court of the State of New York, held in and for the County of New York, at the County Court House, Borough of Manhattan, City of New York in said County, on the 12th day of March 1943, signed by Hon. Ferdinand Pecora,

Justice of the Supreme Court, the said securities were ordered to be delivered to the Alien Property Custodian together with all dividends collected from said specific personal property subsequent to the 2nd day of April 1942, to and including the date of such surrender and delivery; and

Whereas the said securities were delivered to the Federal Reserve Bank of New York, Safekeeping Department, for the account of the Alien Property Custodian on March 26, 1943;

Now, therefore, the said Vesting Order Number 155 is hereby amended as follows and not otherwise:

By adding to the phrase "Those certain securities listed and described in Exhibit A attached hereto and made a part hereof", the following words: "together with all dividends collected from said specific personal property subsequent to the 2nd day of April 1942, to and including March 26, 1943".

All other provisions of said Vesting Order Number 155 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C. on May 27, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-9280; Filed, June 8, 1943; 11:22 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

TRANSPORTATION AND DELIVERY OF FLOWERS IN LEXINGTON, KY.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 6968), Mrs. David B. Honaker, doing business as Honaker-Florist; James K. Keller, doing business as Keller-Florist; Keller-Oram Co., Inc.; and Michler-Florist, Inc., all of Lexington, Kentucky, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Lexington.

The participants in the plan propose to eliminate wasteful operations in the transportation of flowers and related articles by pooling the use of their trucks. Each of the participants will operate its truck over fixed routes every fourth day (Sundays excluded), making deliveries for all of the participants. On Sundays the participants will continue to make their own deliveries. The proposed schedule may be varied when required by holidays or emergencies. Trucks of the three participants which are not

being operated in the scheduled service on a particular day may be used to make deliveries which can not be handled by the scheduled service. The driver of the scheduled truck on one day will serve as a helper or "jumper" on the following day. Joint selling activities are not contemplated; and the participants will not use the plan as a means of obtaining information concerning the business of each other.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

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

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 43-9369; Filed, June 9, 1943; 11:46 a. m.]

TRANSPORTATION AND DELIVERY OF GROCERIES IN JEFFERSON CITY, MO.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 6968), A. C. Marston and 35 other retail grocers, named in Appendix A hereto, have filed with the Office of Defense Transportation for approval an amended joint action plan relating to the transportation and delivery by motor vehicle of groceries and related articles in Jefferson City, Missouri, and contiguous municipalities.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of groceries and related articles by restricting deliveries to not more than 5 days a week (generally excluding Thursday and Sunday deliveries); by making not more than one delivery trip a day to each section of town, except as authorized by order of the Office of Defense Transportation; and by limiting deliveries on a particular day to articles ordered or purchased prior to 11 a. m. of that day. They estimate that effectuation of the plan will result in savings of approximately 50,000 truck-miles a year.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will ac-

complish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

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

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

APPENDIX A

| Name                                               | Address                |
|----------------------------------------------------|------------------------|
| A. C. Marston                                      | 1117 W. Dunklin St.    |
| P. & C. Super Market<br>(J. A. Glover, 1911 Ella). | 115 E. Dunklin St.     |
| Glover's Market (J. A. Glover, 1911 Ella).         | Cherry and Miller Sts. |
| H. E. Ferguson                                     | 901 Jefferson St.      |
| Anton H. Diemler                                   | 504 Madison St.        |
| Michael C. Porting<br>(Mike's Model Market).       | 502 Clark Ave.         |
| Dudenhoeffer Grocery<br>(Louis DeBroeck).          | 435 Clark Ave.         |
| Kleene Brothers                                    | 501 W. Main St.        |
| Madison Market                                     | 431 Madison            |
| Voss Market                                        | 807 W. Dunklin St.     |
| A. F. Renn                                         | 1109 E. Atchison St.   |
| H. A. Buehrle                                      | 101 Boonville Rd.      |
| H. J. Neutzler                                     | 1217 Monroe St.        |
| John Newsam                                        | 1211 Monroe St.        |
| Schulte Food Store (A. H. Schulte).                | 700 E. McCarty St.     |
| Park Market (L. H. Schrimpf).                      | 913 St. Mary's Blvd.   |
| Richmond Hill Grocery<br>(O. J. Graessle).         | Bolivar and W. Main.   |
| James C. Roark                                     | 718 Ohio St.           |
| R. E. Dorr                                         | 931 W. High St.        |
| Becker Bros. Grocery<br>(A. C. Becker).            | 400 Brooks             |
| Vossen Grocery                                     | 205 W. Miller St.      |
| Wm. J. Hirschman                                   | 1201 Monroe St.        |
| J. F. Pember                                       | 1136 E. Dunklin St.    |
| Service Grocery                                    | 504 Linn St.           |
| Lee's Market (Lee Rackers).                        | 301 Ash St.            |
| P. C. Mayens                                       | 912 E. High St.        |
| J. R. Strobel                                      | 118 Polk St.           |
| Paul's Grocery                                     | 1701 Hough St.         |
| A. J. Hardin                                       | 700 E. High St.        |
| Schwartz Bros. (Delmonico).                        | 300 E. High St.        |
| Jule Oldtman                                       | 1409 W. Main St.       |
| Eddie Prenger                                      | 1824 W. Main St.       |
| E. A. Hess                                         | 628 E. High St.        |
| H. C. Rademann                                     | 830 Broadway St.       |
| Wendell E. Koerner<br>(Kroger Manager).            | 330 W. McCarty.        |
| Reusser & Payne<br>(Thelma Reusser).               | 221 E. High St.        |

[F. R. Doc. 43-9370; Filed, June 9, 1943; 11:46 a. m.]

TRANSPORTATION AND DELIVERY OF FLOWERS IN LEXINGTON, KY.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently

utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 6968), Ashland Florist, Frank McMullen Florist, Jordan Florist, Phoenix Flower Shop and Howard & Heafey have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicles of flowers and related articles in Lexington, Kentucky.

The five named florists plan to eliminate wasteful operations in the transportation of flowers and related articles by pooling the use of their trucks. Participants in the plan will deliver all of their less-than-truckload shipments to a designated consolidation point. Each day one of the participants will distribute to destinations all shipments brought to the consolidation point before 1:00 p. m. In every series of six delivery days such distribution service will be performed by Howard & Heafey on two days and by each of the four other participants on one day. Single order and special deliveries will be eliminated. No call-backs will be made on a single day to the same house or building, except in connection with funerals. Capacity loads will be delivered directly to destinations. On special dance occasions involving two or three participants deliveries will be co-operatively made. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

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

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-9371; Filed, June 9, 1943;  
11:46 a. m.]

#### OFFICE OF PRICE ADMINISTRATION

[Order 33 Under Rev. MPR 169]

NEW MEXICO AND CERTAIN COUNTIES IN  
TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE  
AREAS

Order No. 33 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Pursuant to § 1364.405 (b) of Revised Maximum Price Regulation No. 169, I find that a critical shortage of meat has

occurred in (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico, because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Each of the foregoing areas is hereby designated a critical area, and the Regional Administrators for the Fifth and Seventh Regions, respectively, or any district manager authorized by either of them, may in writing authorize sellers to charge and receive for beef or veal carcasses and wholesale cuts and processed products sold to buyers in (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico, the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller, the Regional Administrators or the District Manager authorized by either of them, shall determine the actual added cost of transportation as follows. He shall ascertain the method of transportation which the seller proposes to use in transporting meat to (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, or (2) the state of New Mexico and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico.

This designation shall remain in effect to and including 1943 unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective as of June 1, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9330; Filed, June 8, 1943;  
5:00 p. m.]

[Order 36 Under Rev. MPR 148]

NEW MEXICO AND CERTAIN COUNTIES IN  
TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE  
AREAS

Order No. 36 under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

Pursuant to § 1364.23 (b) of Revised Maximum Price Regulation No. 148, I find that a critical shortage of meat has occurred in (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico, because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Each of the foregoing areas is hereby designated a critical area, and the Regional Administrators for the Fifth and Seventh Regions, respectively, or any district manager authorized by either of them, may in writing authorize sellers to charge and receive, for dressed hogs and wholesale pork cuts and processed products sold to buyers in (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico, the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller, the Regional Administrators or the District Manager authorized by either of them, shall determine the actual added cost of transportation as follows. He shall ascertain the method of transportation which the seller proposes to use in transporting meat to (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, or (2) the state of New Mexico and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, or (2) the state of New Mexico and the costs of such transportation, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico.

This designation shall remain in effect to and including 1943 unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective as of June 1, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9331; Filed, June 8, 1943;  
5:00 p. m.]

[Order 3 Under Rev. MPR 239]

NEW MEXICO AND CERTAIN COUNTIES IN  
TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE  
AREAS

Order No. 3 under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

Pursuant to § 1364.155 (b) of Revised Maximum Price Regulation No. 239, I find that a critical shortage of meat has occurred in (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico, because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Each of the foregoing areas is hereby designated a critical area, and the Regional Administrators for the Fifth and Seventh Regions, respectively, or any district manager authorized by either of them, may in writing authorize sellers to charge and receive, for lamb and mutton carcasses and cuts at wholesale and retail and processed products sold to buyers in (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico, the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller, the Regional Administrators or the District Manager authorized by either of them, shall determine the actual added cost of transportation as follows. He shall ascertain the method of transportation which the seller proposes to use in transporting meat to (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico and the costs of such transportation. To the extent that these costs exceed the differences between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in (1) the counties of Presidio, Brewster, Reeves,

Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at (1) the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, and (2) the state of New Mexico.

This designation shall remain in effect to and including 1943 unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective as of June 1, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9329; Filed, June 8, 1943;  
5:00 p. m.]

[Order 1 Under Rev. MPR 239, Amdt. 1]

ARIZONA

DESIGNATION AS CRITICAL MEAT SHORTAGE  
AREA

Amendment No. 1 to Order No. 1 under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

The second paragraph of Order No. 1 to Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including August 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of June 1, 1943.

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

Issued this 8th day of June 1943.

GEORGE J. BURKE,  
Acting Administrator.

[F. R. Doc. 43-9328; Filed, June 8, 1943;  
5:00 p. m.]

SECURITIES AND EXCHANGE COM-  
MISSION.

[File Nos. 70-725, 59-11, 59-17, 54-25]

NORTHERN INDIANA PUBLIC SERVICE COM-  
PANY, ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER  
FOR HEARING AND ORDER FOR CONSOLIDA-  
TION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of June 1943.

In the matter of Northern Indiana Public Service Company, La Porte Heat Corporation, File No. 70-725; The United Light and Power Company, et al., La Porte Gas and Electric Company, File Nos. 59-11, 59-17, 54-25, Application No. 16.

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Light and Power Company ("Power"), a registered holding company, and its subsidiary La Porte Gas and Electric Company ("La Porte"), and by Northern Indiana Public Service Company ("Northern"), a subsidiary of Clarence A. Southerland and J. Samuel Hartt, Trustees of Midland Utilities Company, a registered holding company, and La Porte Heat Corporation ("Heat Corporation"), a subsidiary of Northern Indiana Public Service Company. All interested persons are referred to such documents which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

La Porte and Northern have entered into an agreement for the sale and purchase of the electric and gas properties and related assets of La Porte for a consideration of \$2,200,000 in cash, plus certain adjustments approximating an additional \$189,000. The electric and gas properties are used to supply electricity and gas to the public in the city of La Porte, Indiana, and electric services in the Town of Westville, the unincorporated communities of Pinhook, Pinola and Door Village, and adjacent rural territory, all in La Porte County, Indiana.

La Porte and Heat Corporation have entered into an agreement for the sale and purchase of the heat properties and related assets of La Porte for a consideration of \$300,000 in cash, plus certain adjustments approximating an additional \$49,000. The heat property is used to supply heat to the public in the City of La Porte, Indiana.

La Porte, after receiving the proceeds of the sale of its properties, and after having paid its indebtedness, including its demand note and open account indebtedness owing to Power, will liquidate and dissolve and distribute all its remaining assets to Power, and Power will surrender to La Porte all of La Porte's outstanding capital stock. Upon the liquidation of La Porte, Power will assume such contingent or unliquidated liabilities of La Porte, if any, as may be owing to the public, except those assumed by Northern.

Heat Corporation proposes to issue and sell, at \$100 per share, 3750 shares of its common stock to Northern. Heat Corporation will use the cash received from the sale of its common stock to purchase from La Porte the heat utility plant and related assets of such company as set forth above.

Northern proposes to issue and sell its First Mortgage Bonds, Series B, dated February 1, 1943, and due February 1, 1973, in the principal amount of \$800,000 and serial notes of a maturity of ten years or less in the principal amount of

\$600,000, or, in lieu thereof, to extend the maturity of serial notes in the principal amount of \$600,000 heretofore issued and now outstanding. The proceeds from the sale of these securities, together with treasury funds, will be used by Northern to purchase the electric and gas utility plant and related assets of La Porte, as set forth above, and the 3,750 shares of common stock of Heat Corporation.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It further appearing that all of the foregoing matters are related and involve common questions of law and fact, and that evidence offered in respect of each of the matters may have a bearing on the others, and that substantial savings of time, effort, and expense, and substantial progress toward the speedy and effective carrying out of the purposes of the Act and of the applicable provisions thereof will result if the hearings in said matters are consolidated so that they may be heard as one matter, and that evidence adduced in each matter may stand as evidence in the other for all purposes;

*It is hereby ordered,* That the said matters be consolidated for hearing and that a hearing on such consolidated matters under the applicable provisions of said Act and rules of the Commission promulgated thereunder be held on June 25, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at which time the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted.

*It is further ordered,* That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered,* That, without limiting the scope of the issues presented by said applications and declarations otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration for the sale of the properties and related assets of La Porte is reasonable and bears a fair relation to the sums invested in or the earning capacity of such assets;

2. Whether the proposed acquisition by Heat Corporation of the heat utility plant of La Porte, and the proposed acquisition by Northern and the sale by Heat Corporation of common stock of Heat Corporation satisfied the standards of sections 10 and 12 (f) of the Act;

3. Whether the issue and sale of First Mortgage Bonds and serial notes by Northern, and common stock by Heat Corporation, are exempt from the provisions of section 6 (a) of the Act by virtue of the provisions of section 6 (b) thereof, and if such exemption is available, whether any terms and conditions should be imposed;

4. Whether the accounting entries to be made in connection with the proposed transactions, including specifically the disposition of the depreciation fund applicable to the properties of La Porte, are consistent with sound and accepted accounting principles and practices and the pertinent accounting rules and regulations of the Commission;

5. Whether any terms or conditions are necessary to be imposed to insure compliance with the provisions of the Public Utility Holding Company Act of 1935 and rules, regulations or orders thereunder;

6. Generally, whether the action proposed to be taken complies in all respects with all pertinent requirements of the Act and the rules, regulations or orders promulgated thereunder.

The declarants and applicants have specified sections 6 (b), 9 (a), 10 and 12 as being applicable to the proposed transactions and have represented that the acquisition by Northern of the electric and gas properties of La Porte is exempt from the provisions of section 9 (a) of the Act by virtue of the provisions of section 9 (b) (1) thereof.

Notice of such hearing is hereby given to declarants and applicants and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers, said notice to declarants and applicants to be given by mailing a copy of this notice thereto, and to all other persons such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in such proceeding shall file with the Secretary of the Commission, on or before June 19, 1943, his request therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-9317; Filed, June 8, 1943;  
12:39 p. m.]

#### WAR PRODUCTION BOARD.

[Certificate 77]

#### TRANSPORTATION AND DELIVERY OF FLOWERS IN LEXINGTON, KY.

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Honaker-Florist and others named therein with respect to the transportation and delivery of flow-

ers and related articles by motor vehicle in Lexington, Kentucky.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

JUNE 7, 1943.

[F. R. Doc. 43-9366; Filed, June 9, 1943;  
11:46 a. m.]

[Certificate 78]

#### TRANSPORTATION AND DELIVERY OF GRO- CERIES IN JEFFERSON CITY, MO.

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of groceries by motor vehicle in Jefferson City, Missouri, and contiguous municipalities.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

JUNE 7, 1943.

[F. R. Doc. 43-9367; Filed, June 9, 1943;  
11:46 a. m.]

[Certificate 79]

#### TRANSPORTATION AND DELIVERY OF FLOWERS IN LEXINGTON, KY.

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Ashland Florist and others named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in Lexington, Kentucky.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

JUNE 7, 1943.

[F. R. Doc. 43-9368; Filed, June 9, 1943;  
11:46 a. m.]

<sup>1</sup> *Supra.*