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Washington, Friday, March 26, 1943

*The President*

**EXECUTIVE ORDER 9319**

**AMENDING EXECUTIVE ORDER NO. 9276 ENTITLED "ESTABLISHING THE PETROLEUM ADMINISTRATION FOR WAR AND DEFINING ITS FUNCTIONS AND DUTIES"**

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States and Commander in Chief of the Army and Navy, and in order to facilitate the performance of the responsibilities of the Petroleum Administrator, paragraph 7 of Executive Order No. 9276 of December 2, 1942, entitled "Establishing the Petroleum Administration for War and Defining Its Functions and Duties,"<sup>1</sup> is hereby amended to read as follows:

"7. The Administrator may appoint, with the approval of the President, a Deputy Administrator, who shall report directly to the Administrator, and to whom he may delegate any and all power, authority, and discretion conferred upon him by this Order. The Deputy Administrator shall serve as Acting Administrator in the absence of the Administrator. The Administrator and Deputy Administrator may (a) exercise the powers, authority, and discretion conferred upon them by or under the provisions of this Order through such personnel of the Petroleum Administration for War and in such manner as the Administrator or Deputy Administrator may determine, and (b) accept the services of other agencies and officials of the Government in carrying out the purposes of this Order. The Administrator, within the limits of such funds as may be allocated or appropriated for the purpose, may employ necessary personnel and make provision for necessary supplies, facilities, travel, and services."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
March 23, 1943.

[F. R. Doc. 43-4530; Filed, March 24, 1943; 2:55 p. m.]

<sup>1</sup>7 F.R. 10091.

**EXECUTIVE ORDER 9320**

**AMENDING EXECUTIVE ORDER NO. 9108 OF MARCH 21, 1942, DIRECTING THE DIRECTOR OF THE OFFICE OF DEFENSE TRANSPORTATION TO TAKE CONTROL OF THE TOLEDO, PEORIA AND WESTERN RAILROAD COMPANY**

By virtue of the authority vested in me by the Constitution and laws of the United States, and as President of the United States and as Commander in Chief of the Army and Navy, Executive Order No. 9108 of March 21, 1942,<sup>1</sup> directing the Director of the Office of Defense Transportation to take possession of the property, franchises, rights and other assets of the Toledo, Peoria and Western Railroad (therein referred to as the Toledo, Peoria and Western Railroad Company), is hereby amended by inserting, after paragraph 5 thereof, a new paragraph, reading as follows:

"6. As part of the terms and conditions of the possession and operation directed to be taken hereunder, the Director of the Office of Defense Transportation is authorized in his discretion to make advances from the net cash earnings of his operation of the railroad, in such amounts and on such terms as he deems desirable, for the discharge of lawful obligations of the Toledo, Peoria and Western Railroad, and for the preservation of the real and personal property, corporate organization and franchises, rights and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad, but not including payment of executive salaries beyond amounts he deems necessary for the foregoing purposes and not including payment of dividends. Advances pursuant to the authority of this paragraph shall not be repayable before the time of final determination, by settlement or adjudication, of the claim of the Toledo, Peoria and Western Railroad for compensation by reason of action taken pursuant to this order."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
March 24, 1943.

[F. R. Doc. 43-4531; Filed, March 24, 1943; 2:55 p. m.]

<sup>1</sup>7 F.R. 2201.

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#### Regulations

##### TITLE 7—AGRICULTURE

##### Chapter I—Food Distribution Administration

##### PART 52—CANNED FRUITS AND VEGETABLES

##### GRADING AND CERTIFICATION

Pursuant to the authority vested in the Secretary of Agriculture of the United States by Public Law No. 674, 77th Congress, approved July 22, 1942, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes", authorizing the establishment of an inspection service for farm products, the rules and regulations governing the grading and certification of canned fruits and vegetables, as amended (7 CFR 52.1 et seq.) are hereby further amended as follows:

1. By deleting from said rules and regulations the provisions in § 52.57.

2. By renumbering the section subsequent to § 52.57 so as to have said subsequent sections follow in numerical sequence after § 52.56.

3. The provisions hereof shall not affect the rights of any person who, prior to the effective date hereof, filed a declaration of intention pursuant to said § 52.57 of the rules and regulations.

4. The provisions hereof shall be and become effective at 12:01 a. m. e. w. t., March 24, 1943.

Done at Washington, D. C., this 24th day of March 1943. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 43-4551; Filed, March 24, 1943; 4:17 p. m.]

##### Chapter IX—Food Distribution Administration

##### PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

##### HANDLING OF MILK

Order suspending certain provisions of the order, as amended, regulating the handling of milk in the Greater Kansas City Marketing Area.<sup>1</sup>

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

<sup>1</sup> This affects § 913.10.

It is, therefore, ordered, That, effective as of 11:59 p. m., c. w. t., March 31, 1943, the provisions of the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area, which relate to base ratings for producers of milk, as used in the said order, are hereby suspended.

Done at Washington, D. C., this 24th day of March 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,  
Assistant to the  
Secretary of Agriculture.<sup>1</sup>

[F. R. Doc. 43-4552; Filed, March 24, 1943;  
4:17 p. m.]

### Chapter X—Food Production Administration

[FPO 5, Amendment 1]

#### PART 1206—FERTILIZER

##### CHEMICAL FERTILIZER

Section 1206.1 (i) (1) (ii) (8 F.R. 947) is amended to read as set forth below:

§ 1206.1 Chemical fertilizer. \* \* \*

(i) Requirements—(i) Group A crops.

(ii) The requirements of any person for chemical fertilizer containing chemical nitrogen for use on Group A cotton shall be the acreage of such Group A cotton to be grown by such person multiplied by either the rate of application per acre previously used in the 1940-41 or the 1941-42 season on any cotton crop by such person, or previously used in the 1940-41 or the 1941-42 season on any cotton crop on the farm for which fertilizer is being requested, or if information as to neither of such rates of application per acre is available, the rate of application per acre shall be the same as that being used to determine the requirements of persons for Group A cotton on comparable farms in the same areas: *Provided*, That in no case shall the rate of application per acre exceed the rate of application per acre recommended by the State Agricultural Experiment Station for the approved grade (straight or mixed) to be used on Group A cotton.

This amendment shall become effective March 26, 1943.

(E.O. 9280, 7 F.R. 10179)

Done at Washington, D. C. this 24th day of March 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 43-4548; Filed, March 24, 1943;  
4:17 p. m.]

<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).

### Chapter XI—Food Distribution Administration

[FDO 18-2]

#### PART 1415—IMPORTED FOODS

##### TEA QUOTAS, REPORTS, AND RECORDS FOR PACKERS AND WHOLESALERS

Pursuant to the authority vested in me by Food Distribution Order No. 18 (8 F.R. 1778), issued by the Secretary of Agriculture of the United States on February 6, 1943, under the authority of Executive Order No. 9280, dated December 5, 1942, and in order to effectuate the purposes of such orders, *It is hereby ordered*, As follows:

§ 1415.4 Tea quotas, reports, and records. (a) For the quarterly period beginning on April 1, 1943, and for each subsequent quarterly period of three months, tea quotas, subject to any increase pursuant to (b) hereof, shall be as follows:

(1) The acceptance quota for any packer shall be one and one-third times the amount of his delivery quota under (a) (2) hereof.

(2) The delivery quota for any packer, in any quarterly period of three months, shall be 50 percent of his "net deliveries" (as defined in said Food Distribution Order No. 18) of tea during the corresponding quarterly period of three months in 1941 or 100 percent of his said net deliveries in the corresponding quarterly period of three months in 1942, whichever is the greater.

(3) Any packer who, during the first quarterly period of three months in 1943, finds it impossible to deliver his entire quota for the first quarterly period of three months in 1943 may carry over into the second quarterly period of three months in 1943 any such undelivered balance and deliver, in such second quarterly period, the aforesaid undelivered balance in addition to the respective packer's quota for the second quarterly period.

(4) The acceptance quota for any wholesale receiver shall be 50 percent of his "net deliveries" (as defined in said Food Distribution Order No. 18) of tea during the corresponding quarterly period of three months in 1941 or 100 percent of his said net deliveries in the corresponding quarterly period of 1942, whichever is the greater.

(5) Any wholesale receiver whose permissible acceptance quota for the first quarterly period of three months in 1943 was in excess of his actual acceptances may add to his acceptance quota for the second quarterly period and accept during said second quarterly period the amount by which his permissible acceptance quota for the first quarterly period exceeded actual acceptances.

(b) Any person who (1) computes a quota under (a) hereof on the basis of

the specified 1941 base period and not on the basis of the 1942 base period, and (2) directly or indirectly serves any county or other area designated in Schedule D (§ 1407.244) of Rationing Order 3 (7 F.R. 6937, 10845) of the Office of Price Administration, as amended, is hereby assigned a supplementary quota for each such area. Such supplementary quota, available only for ultimate distribution in the particular increased-population area referred to in said Schedule D of Rationing Order 3, shall be computed by determining the amount of his quota under (a) hereof, by determining the portion of that amount allocable to deliveries to or for each such area, and by applying to that portion the percentage of population increase designated, in said Schedule D of Rationing Order 3, for that area for periods commencing on or after January 1, 1943.

(c) All tea accepted by any packer or wholesale receiver and all tea delivered by any packer, on or after January 1, 1943, shall be charged against the acceptance, delivery, or supplementary quota of the respective packer or wholesale receiver, as the case may be, for the respective quarterly period in which such tea was delivered or accepted, as aforesaid.

(d) Within 10 days after the end of each quarterly period, each packer shall report, by letter, to the Director the total quantity of any quota-exempt deliveries of tea made by him during that quarterly period of three months in connection with each class of persons under the provisions of § 1415.2 (c) (4) of Food Distribution Order No. 18. Each packer and each wholesale receiver, respectively, participating in any transaction to which this order is applicable shall maintain such records for at least two years (or for such other periods of time as the Director may designate) as will disclose his total monthly inventory of tea and the monthly deliveries of tea made by him, if he is a packer, or accepted by him, if he is a wholesale receiver. If the sales slips, invoices, bills, or other instruments or records customarily kept by him are sufficient to furnish the information specified herein, no additional record system need be installed to meet the requirements hereof (these record-keeping and reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

(e) This order shall take effect at 12:01 a. m., e. w. t., April 1, 1943.

(E.O. 9280, 7 F.R. 10179; F.D.O. 18, 8 F.R. 1778)

Issued this 23d day of March 1943.

[SEAL] C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-4550; Filed, March 24, 1943;  
4:17 p. m.]

bers) is amended by adding thereto Supplement R-II, § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I, and § 328.42 (General prices for low volatile coals) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points appearing in the aforesaid Supplement R, for mines mentioned therein are effective in place of the shipping points heretofore established for these mines.

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: March 4, 1943.

Dated: March 4, 1943. DAN H. WHEELER, Director.

the matter of the petition of District Board No. 8 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. 8.

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. 8; 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 § 328.11 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 328.21 (Alphabetical list of code members).

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

part of and in opposition to the application, I have found that the nature and exigencies of operations in this industry make it necessary and advisable for the successful prosecution of the war to determine that the provisions of section IA (1) of Executive Order 9240 shall not apply to the sugar processing industry as defined in this order.

Now, therefore, by virtue of the power vested in me by Executive Order 9248, It is ordered, That in the case of an employer engaged in the processing of sugar beets or sugar-cane into sugar (but not refined sugar) or into syrup, the provisions of section IA (1) of Executive Order 9240 shall not apply to his employees in any place of employment where he is so engaged.

Dated: March 24, 1943. FRANCES PERKINS, Secretary of Labor.

FRANCES PERKINS, Secretary of Labor.

TITLE 30—MINERAL RESOURCES Chapter III—Bituminous Coal Division [Docket No. A-18661]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

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 328, Minimum Price Schedule for District No. 8 and supplements thereto.

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Table with columns: Mine Index No., Code member, Mine name, High volatile seam, Subdistrict No., Shipping point, Railroad, Freight origin group No., and a grid for price classifications by size group Nos. (1-27) for destinations other than Great Lakes and for Great Lakes cargo only.

[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	High voltage seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																											
								For destinations other than Great Lakes													For Great Lakes cargo only.														
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
5510	Franks & Whited (B. C. Franks)	Franks & Whited	Widow Kennedy	7	Raven, Va.	N&W	20	K	K	K	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E		
1181	Fucate, Milford	Milford Fucate	Elkhorn	1	Mayking, Ky.	L&N	62	K	K	K	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E		
80	Gibson Fuel Company, Incorporated	Calvin	Low Splint	7	Bundy, Va. <sup>1</sup>	Sou	202	K	K	K	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E		
206	Harvey Coal Corporation	Harvey No. 6	Hazard No. 6	3	Harveyton, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	
221	Hatfield-Campbell Creek Coal Co., The	Glomawr	Hazard No. 7	3	Glomawr, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	
803	Hazard Mining Company, c/o Rees Bleddell	Hazard Mining Company	Hazard No. 4	3	Hazard, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	
5778	Hibbard, Oscar	Hibbard	Horse Creek	6	Sibert, Ky.	L&N	111	M	M	M	K	K	K	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	
169	Jeanne Francis Coal Company	Jeanne Francis	Hazard No. 4	3	Strongheart, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	
1112	Josephine Elkhorn Coal Company (Luther H. Shivel)	Roberts No. 2	Elkhorn No. 1	1	Dinwood, Ky.	O&O	61	H	H	H	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E		
312	Mallory Coal Company	Mallory No. 2	Eagle	5	Landville, W. Va. <sup>2</sup>	C&O	150	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	
315	Mallory Coal Company	Mallory No. 5	Dowdell	5	Landville, W. Va. <sup>3</sup>	C&O	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5930	Montgomery, J. S.	Montgomery No. 2	"A"	3	Cumberland, Ky.	L&N	80	L	L	L	H	G	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
5924	O'Roark, John (O'Roark Coal Company)	O'Roark	Harlan	2	Cumberland, Ky.	L&N	80	O	O	O	L	K	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
385	Raccoon Coal Corporation	Raccoon	Hazard No. 4	3	Montico, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5161	Rector, J. K.	J. R. Rector Coal Co.	Widow Kennedy	7	Raven, Va.	N&W	20	K	K	K	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	
425	Seuddy Mining Company	Seuddy	Hazard No. 4 & 7	3	Seuddy, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
1359	Van Zandt, Blaine	Blaine Van Zandt	"C"	3	Cumberland, Ky.	L&N	80	E	E	E	D	C	C	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
5872	Webb & Keen (Roy Webb)	Webb & Keen	Jawbone	8	Raven, Va.	N&W	20	M	M	M	K	K	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
502	Wisconsin Coal Corp.	Wisconsin	Hazard No. 4 & 7	3	Wiscoal, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

<sup>1</sup> Denotes new shipping point.  
<sup>2</sup> Denotes new shipping point.  
<sup>3</sup> Denotes new shipping point.  
<sup>4</sup> Indicates change in seam designation.  
<sup>5</sup> Indicates no classification effective for these size groups.  
 \* Indicates previously classified these size groups.

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T-I—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes										
				Lump over 4' x 6', egg	Lump 2' and under, egg 3' x 6'	Lump 1/2' and under, egg 2' x 4', egg 2' x 3'	Stove 3' and under, nut 2' and under	Straight mine run	2' and under slack	3/4' and under slack				
SUBDISTRICT No. 3—HAZARD—Continued														
Merida Brothers (Chester Merida)	Merida	5714	Knob	285	265	230	240	225	220	200	170	165		
SUBDISTRICT No. 6.—SOUTHERN APPALACHIAN														
Bennett, Matt & Deber (Matt Bennett)	Bennett's	5907	Blue Gem	355	335	255	280	245	245	245	165	160		
Helton, Lewis	Helton	5903	Jellico	275	255	245	245	225	235	176	170			
LAUREL COUNTY, KY.														
Phelps, Sam	Phelps No. 2	5914	Horse Creek	285	265	240	240	225	230	175	170			
ROCKCASTLE COUNTY, KY.														
Finley, Lloyd	Randolph-Finley	5918	No. 3	285	265	240	240	225	230	175	170			
WHITLEY COUNTY, KY.														
Adkins, Carl	Adkins	5926	Jellico	305	285	245	260	235	235	190	185			
FENTRESS COUNTY, TENN.														
Powell, E.	Big Jim No. 1	5904	Bon Air No. 2	270	230	225	230	205	215	155	150			

1 Indicates change in seam designation.

\* Indicates these size groups previously classified.

§ 328.42 General prices for low volatile coals—Supplement T-II

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

Code member index	Mine	Mine Index No.	Seam	Base sizes										
				All lump	1	2	3	4	5	6	7	8		
SUB-DISTRICT No. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILMAMSON DISTRICTS														
Smith, Dale	Dale Smith	5912	Red Ash	325	325	320	320	270	300	235	175	170		
TAZEWELL COUNTY, VA.														

[F. R. Doc. 43-4520; Filed, March 24, 1943; 11:16 a. m.]

§ 328.21 Alphabetical list of code members—Supplement R-II

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

Mine Index No.	Code member	Mine name	Subdistrict 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
5912	Smith, Dale	Dale Smith	9	Red Ash	Doran, Va.	N&W	21	C	C	D	D	A	A	H	H	H	H

FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T-I

Code member index	Mine	Mine Index No.	Seam	Base sizes										
				Lump over 4' x 6', egg	Lump 2' and under, egg 3' x 6'	Lump 1/2' and under, egg 2' x 4', egg 2' x 3'	Stove 3' and under, nut 2' and under	Straight mine run	2' and under slack	3/4' and under slack				
SUBDISTRICT No. 1—BIG SANDY-ELKHORN														
GREENUP COUNTY, KY.														
Boggs, Orville	Melvin	5949	Clod	285	265	230	240	225	220	170	165			
Virgin, Edward	Virgin	5910	Clod	285	265	230	240	225	220	170	165			
LETCHER COUNTY, KY.														
Collier, Everett	Parsons	5950	"B"	295	275	240	240	225	230	180	175			
PIKE COUNTY, KY.														
Chloe Elkhorn Coal Company, Inc. (O. W. Thompson)	Chloe Creek No. 2	5913	Elkhorn No. 3	295	275	240	250	235	220	190	185			
SUBDISTRICT No. 2—HARLAN HARLAN COUNTY, KY.														
O'Roark, John (O'Roark Coal Company)	O'Roark	5924	Harlan	290	270	245	250	230	225	195	190			
SUBDISTRICT No. 3—HAZARD BREATHITT COUNTY, KY.														
Smith, Logan	Smith	3009	Knob	285	265	230	225	210	220	165	160			
LETCHER COUNTY, KY.														
Montgomery, J. S.	Montgomery No. 2	5930	"A"	290	270	245	250	230	235	195	190			
Sparkman, W. M.	V. B. Coal Co.	5830	"B"	265	275	240	240	225	230	180	175			
PERRY COUNTY, KY.														
Scuddy Mining Company	Scuddy	425	Hazard No. 4 & 71	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	
Stidham, James	Stidham	5908	Hazard No. 4	265	275	240	245	225	230	175	170			

[Docket No. A-1628]

**PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8**

**ORDER GRANTING RELIEF**

Order granting permanent relief in the matter of the petition of District Board No. 8 for a change in the price classifications and minimum prices for rail and truck shipments for the coals produced by certain mines in the Red Ash Seam in Southern Appalachian Subdistrict of

District No. 8 for shipment to all market areas.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that the price classifications and minimum prices of the coals of High Point Coal Company, operating the High Point No. 2 Mine (Mine Index No. 242), the Diamond Coal Mining Company, operating the Diamond No. 3 Mine (Mine Index No.

**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 328, Minimum Price Schedule in District No. 8 and supplements thereto.

165), and Block Coal and Coke Company, operating the Block No. 3 Mine (Mine Index No. 560), code members in District 8, in Size Groups 1 to 7, inclusive, for rail shipment, in Size Groups 1 to 6, inclusive for lake shipment, and in Size Groups 1, 2, and 4 for truck shipment, should be revised, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That, effective fifteen (15) days from the date hereof

§ 328.11 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof.

Dated: March 9, 1943.

[SEAL] DAN H. WHEELER, Director.

**FOR ALL SHIPMENTS EXCEPT TRUCK**

**§ 328.11 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	High volatile seam	Sub district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																											
								For destinations other than Great Lakes										For Great Lakes cargo only																	
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
560	Block Coal & Coke Corporation.	Block No. 3	Red Ash	6	Block, Tenn.	Sou.	180	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
165	Diamond Coal Mining Company, The.	Diamond No. 3	Red Ash	6	Hickey, Tenn.	Sou.	180	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
242	High Point Coal Co.	No. 2	Red Ash	6	Caryville, Tenn.	Sou.	40	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

\*Indicates these size groups previously classified.

**FOR TRUCK SHIPMENTS**

**§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T**

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN				Lump over 2', egg	Lump 2' and under, egg 3' x 6'	Lump 3' and under, egg 3' x 6'	Lump 3' and under, egg 2' x 4', egg 2' x 5', egg 2'	Stove 3' and under, nut 2' and under,	Straight mine run	2' and under, slack	3' and under, slack
Block Coal & Coke Corporation.	Block No. 3	560	Red Ash	320	300	(*)	270	(*)	(*)	(*)	(*)
Diamond Coal Mining Co., The.	Diamond No. 3	165	Red Ash	320	300	(*)	270	(*)	(*)	(*)	(*)
High Point Coal Co.	No. 2	242	Red Ash	320	300	(*)	270	(*)	(*)	(*)	(*)

\*Indicates these size groups previously classified.

[F. R. Doc. 43-4518; Filed, March 24, 1943; 11:15 a. m.]

†Indicates no classification effective for these size groups.

**TITLE 30—MINERAL RESOURCES**

**Chapter III—Bituminous Coal Division**

[Docket No. A-1857]

**PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1**

**ORDER GRANTING RELIEF**

Order granting motion to amend petition, amending petition, 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 and for other relief.

An original petition, pursuant to section 4 II (d) of the Act, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines located in District No. 1; changes in the shipping points for the coals produced by W. R. Cowan & S. A. Copenhaver (S.

A. Copenhaver) at the Copenhaver No. 2 Mine, Mine Index No. 583, and by H. C. Bonner at the Arcadia No. 96 Mine, Mine Index No. 3744, respectively, and correction of the rail loading designation for the coals produced by Morris Run Coal Mining Company, at its Morris Run (Bloss) Mine, Mine Index No. 335, and its Morris Run (Seymour) Mine, Mine Index No. 455; and

A motion having been filed herein by the above-named party, requesting that the original petition heretofore filed herein be amended by deleting therefrom the proposals therein contained with respect to the coal produced by the Brothers Valley Coal Co. at its Reed No. 2 Mine, for the reason that this mine has been heretofore classified and priced as Reed No. 2 Mine, Mine Index No. 3894, by the Order issued in Docket No. A-1807 on January 8, 1943; 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

**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. dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified (M)	2" and under slack	1/2" and under slack
Broadtop Coal & Lumber Co., Inc.	3924	Eade #2	39	Bedford	Fulton	(1)	(1)	260	(1)	(1)
Brubaker, L. E. (L. E. Brubaker Coal Co.)	3938	Brubaker	5	Jefferson	E	(1)	(1)	235	(1)	(1)
Buterbaugh, M. R.	3927	Buterbaugh #2	5	Jefferson	D	(1)	(1)	245	(1)	(1)
Hartle, Edward & Earl Hartle (Edward Hartle)	3834	Hartle & Hartzel	1	Clanton	B	255	240	240	260	220
Lansberry & Son, Abbie E. (Lansberry & Son)	3923	Lansberry #1	8	Clearfield	B	270	245	245	235	225
McMeekin, James	2816	Sugar Bush	5	Jefferson	E	(1)	(1)	225	(1)	(1)
M. M. L. Coal Company (Walter Leshner)	3915	Brady	7	Clearfield	E	(1)	(1)	240	(1)	(1)
R. & R. Coal Company (Paul B. Ross)	3919	McWilliams #1	11	Armstrong	E	(1)	(1)	235	225	210
Schnars Coal Co., R. R. (Seese, Samuel, Mrs. Brookdale Coal Company)	3904	Belfast #2	14	Centre	B	(1)	(1)	235	(1)	(1)
St. Clair, Robert & Kenneth Leasure (Robert St. Clair)	3905	St. Clair	2015	Brookdale	C	270	(1)	235	235	(1)
Spencer, Harlen	3925	Olive	6	Jefferson	D	(1)	(1)	245	(1)	(1)
Witherow, R. L. & W. R. (R. L. Witherow)	3880	Mill Creek (Strip)	1	Jefferson	B	265	240	240	220	220

Indicates no classifications effective for these size groups.  
 \*Note: Coal in this size group previously classified and priced.

[F. R. Doc. 43-4519; Filed, March 24, 1943; 11:16 a. m.]

**[Dockets Nos. A-1828, A-1842 and A-1844]**  
**PART 323—MINIMUM PRICE SCHEDULE;**  
**DISTRICT NO. 3**

**ORDER GRANTING RELIEF**

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 3 for the establishment of price classifications and minimum prices and for changes in shipping points and freight origin group numbers for the coals of certain mines in District No. 3; and in the matter of the petition of Mountaineer Engineering Company, a code member in District No. 3, for a change in the shipping point for the coals of its Cottrell Mine located in District No. 3.

Original petitions having been duly filed with this Division by the above-named parties, pursuant to section 4 II

(d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and changes in the shipping points and Freight Origin Group Numbers for the coals of certain mines in District No. 3; and

It appearing that the above-entitled petitions raise similar and related issues and that a reasonable showing of necessity has been made for the granting of temporary relief in the manner herein after set forth; and

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

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

It is ordered, That the above-entitled petitions be, and the same hereby are, consolidated.

It is further ordered, That the pleadings in opposition to the original petitions 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: March 11, 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 num.	Code member	Mine name	Sub-dist. number	Seam	Shipping point	Railroad	Freight origin group number	1	2	3	4	5
3744	Bonner, H. C.	Arcadia #96	12	E	Anita, Pa. 2	PRR	150	(1)	(1)	G	(1)	(1)
3927	Buterbaugh, M. R.	Buterbaugh #2	5	D	Coal Glen, Pa.	B&O	113	(1)	(1)	E	(1)	(1)
583	Copenhaver, S. A., & W. R. Cowan (S. A. Copenhaver)	Copenhaver #2	11	E	Timblin, Pa. 2	P&S	119	G	G	G	G	H
2163	Hilli, Robert A.	Corduroy (Strip)	27	A	Dean, Pa.	PRR	52	(1)	(1)	F	(1)	(1)
3923	Lansberry & Son, Abbie E.	Lansberry #1	8	B	Gray, Pa.	NYC	44	E	E	E	E	E
335	Morris Run Coal Mining Company (Bloss)	Morris Run	3	Bloss	Morris Run, Pa.	Erle-NYC	133	C	C	C	C	C
455	Morris Run Coal Mining Company (Inour)	Morris Run	3	Scymour	Morris Run, Pa.	Erle-NYC	133	H	H	H	H	H
3919	R. & R. Coal Company (Paul B. Ross)	McWilliams #1 (s)	11	E	McWilliams, Pa.	P&S	119	(1)	(1)	G	G	H
3904	Schnars Coal Co., R. R.	Belfast #2	14	B	Phillipsburg, Pa.	NYC	44	(1)	(1)	G	(1)	(1)
3925	Spencer, Harlen	Olive	6	D	Anita, Pa.	PRR	50	(1)	(1)	E	E	E

† Indicates no classification effective for these size groups.  
 † Change in name.  
 ‡ Change in shipping point.  
 § Change in F. O. G.

NOTE: The above prices are applicable only via the respective freight Origin Groups, Shipping Points and Railroads shown for the respective mines. Freight Origin Groups, Shipping Points and Railroads previously assigned to these mines are no longer applicable.



erning 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 otherwise ordered.

Dated: February 26, 1943.

[SEAL] DAN H. WHEELER, Director.

plements R-I and R-V for certain mines are effective in lieu of the shipping points and Freight Origin Group Numbers heretofore established for said mines.

*It is further ordered,* That pleadings in opposition to the original petitions 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 rules and regulations governing...

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-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	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				
498	Aitold Coals (Jay I. Snoderly)	Ned (S)	Pittsburgh	Wilsonburg, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F					
494	B & H Coal Co. (E. H. Burke)	Country Club (S)	Pittsburgh	Bridgeport, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F				
1376	Baker, David H., Jr.	Baker Coal Co.	Pittsburgh	Gassaway, W. Va.	B&O	32	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F			
636	Davis Coal Company (Everett J. Davis)	Viropra	Pittsburgh	Bingamon Jet, W. Va.	WM.	65	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F		
1364	Gallard Coal & Coke Co.	Ashcraft (S)	Pittsburgh	Rosebud, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
497	Keeley Construction Company	Keeley #1 (S)	Pittsburgh	Clarksburg, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
537	Sritchefield, D. L.	Sritchefield #3 I	Pittsburgh	Bingamon Jet, W. Va.	WM.	65	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
485	Vincent Coal Co., Inc.	Furner #1 (S)	Pittsburgh	Wolf Summit, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
496	Vincent Coal Co., Inc.	Furner #2 (S)	Pittsburgh	Wolf Summit, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
285	Weddell, James C. (Black Diamond Coal Co.)	Clelland #4 (S)	Pittsburgh	Kingsmont, W. Va.	B&O	50	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F

† Indicates change in name.

‡ Indicates no classifications and prices effective for these size groups.

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II.

NOTE: For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule.

set forth in § 323.8 (c) in Minimum Price Schedule.

Group No. 1: 285, 494, 495, 496, 497, 498, 636, 937, 1364, 1376.

§ 323.8 Special prices (a) Bunker fuel—tidewater—Supplement R-IV.

NOTE: Add to § 323.8 (a) in Minimum Price Schedule the following:

Bunker fuel—Tidewater.

Freight origin group Nos.	Run of mine classification	F. o. b. mine price
10-11.....	D	224

Docket Nos. A-1828, A-1842, and A-1844.

§ 323.6 Alphabetical list of code members—Supplement R-V

[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 Nos.																			
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16				
386	Consolidation Coal Company	Consol. #22-D (S)	Pittsburgh	Monroah, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
482	Mountaineer Engineering Co.	Cottrell (S)	Pittsburgh	Fairmont, W. Va.	B&O	50	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE
1522	Woolridge Coal Company	Richwood #1	Bewell	Holcomb, W. Va.	B&O	10	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

† Indicates change in name.

‡ Indicates no classifications and prices effective for these size groups.

NOTE. The above prices for Mine Index No. 386, 482, and 522 are applicable only via the respective Freight Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups shown for the respective mines. Freight Origin Groups, Shipping Point, Railroads and Railroad Fuel Groups shown in previous schedules are hereby deleted.

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement VI.

NOTE. For railroad fuel prices add these mine index numbers to the respective groups

set forth in § 323.8 (b) in Minimum Price Schedule.

Group No. 1. 386, 482; Group No. 5. 522.

§ 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports.—Supplement R-VII.

NOTE. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule.

Group No. 1. 886, 482; Group No. 5. 522.

DISTRICT NO. 3

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

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

Code number 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 1/2" and under, egg 1 1/4" and under, bottom size	All out 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
Altidel Coals (Jay I. Snoderly).	498	Ned (S).....	Pittsburgh....	Harrison..	243	238	238	213	213	198	188
B & H Coal Co. (E. H. Burke).	494	Country Club (S).	Pittsburgh....	Harrison..	243	238	238	213	213	198	188
Consolidation Coal Company.	386	Consol. (S) 1.....	#22-D Pitts- burgh.	Marion....	243	238	238	213	213	198	188
Davis Coal Company (Everett J. Davis) 1	636	Viropa.....	Pittsburgh....	Harrison..	243	238	238	218	213	198	188
Faulkner, J. W. 1	409	Wade Rhodes....	Pittsburgh....	Lewis.....	243	238	238	213	213	198	188
Galiardi Coal & Coke Co.	1364	Ashcraft (S).....	Pittsburgh....	Harrison..	243	238	238	213	213	198	188
Keeley Construction Company.	497	Keeley #1 (S).....	Pittsburgh....	Harrison..	243	238	238	213	213	198	188
Seritchfield, D. L. 1	937	Seritchfield #3....	Pittsburgh....	Harrison..	243	238	238	213	213	198	188
Vincent Coal Co., Inc.	495	Furner #1 (S).....	Pittsburgh....	Harrison..	243	238	238	213	213	198	188
Vincent Coal Co., Inc.	496	Furner #2 (S).....	Pittsburgh....	Harrison..	243	238	238	213	213	198	188
Weddell, James C. (Black Diamond Coal Co.) 1	285	Clelland #4 (S)....	Pittsburgh....	Harrison..	243	238	238	213	213	198	188
Woolridge Coal Company. 1	522	Richwood #1.....	Sewell.....	Nicholas..	273	268	268	243	243	233	213

1 Indicates change in name.

[F. R. Doc. 43-4521; Filed, March 24, 1943; 11:16 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

PURCHASER'S LICENSE FOR SPECIFIED FIREWORKS

§ 303.7 General purchaser's license for limited quantities of specified fireworks manufactured before January 1, 1943. A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (55 Stat. 863), to any individual not forbidden by Presidential or War Department proclamation, or regulations of the Attorney General, to possess explosives, authorizing him to purchase, possess, and use for amusement a combined total at any one time of not more than 10 pounds of the following described fireworks: colored lights, dipped sticks, paper caps in which

the explosives content per cap is not more than 0.15 grains, smoke pots, snakes which do not contain any mercury salt, sparklers, torches, fountains and mines in which no explosive is used except as a propellant or expellant and no part of the contents of which will carry more than 15 feet in any direction, and wheels of which no part of the contents will carry more than 15 feet in any direction.

This general license applies only to fireworks manufactured before January 1, 1943. It relieves persons covered by it from the duty of applying for and securing individual licenses. It does not relieve anyone who sells or distributes fireworks to such persons from the duty of keeping records of such transactions as prescribed by the Act or the regulations issued under the Act or from any other obligation with respect to explosives imposed by the Act or the regulations.

This general license does not supersede any State or local law forbidding or regulating the purchase, possession or use of fireworks.

This general license expires at midnight, July 10, 1943, unless sooner terminated.

R. R. SAYERS,  
Director, Bureau of Mines.

The foregoing general license is approved, and all regulations inconsistent therewith are waived.

Dated: March 19, 1943.

MICHAEL W. STRAUSS,  
First Assistant Secretary,  
Department of the Interior.

[F. R. Doc. 43-4590; Filed, March 25, 1943; 11:44 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control  
[Amendment 36]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Part 801—General Regulations is hereby amended by adding the following new section:

§ 801.15 Prohibited exportations to certain consignees. The exportation from the United States of all commodities enumerated in § 801.2 of this subchapter and all technical data as defined in § 806.1 of this subchapter to any member of the armed forces of an enemy country, who is a prisoner of war, or to any interned national of an enemy country, is hereby prohibited, regardless of destination, unless and until an individual license authorizing such exportation shall have been issued by the Office of Exports.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 40, 8 F.R. 1938)

Dated: March 24, 1943.

A. N. ZIEGLER,  
Acting Chief of Office,  
Office of Exports.

[F. R. Doc. 43-4567; Filed, March 25, 1943; 11:03 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Amendment 1 to WPB Reg. 1 as Amended March 24, 1943]

RATIFICATION AND CONFIRMATION OF PRIOR ACTIONS, ETC.

Section 903.0, WPB Regulation No. 1, as amended March 24, 1943 [8 F.R. 3666] is hereby further amended by adding an additional paragraph as follows:

(e) All existing rules, regulations, orders, directives, directions, certificates, delegations of authority and other actions taken by or under authority of the

Director General for Operations or of his predecessors, the Director of Industry Operations of the War Production Board or the Director of Priorities of the Office of Production Management, or by the Rubber Director or the Director of War Utilities, are hereby ratified and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended, and any references therein or in any rule, regulation, order, directive, direction, certificate or other action hereafter issued or taken, to action taken by the Director General for Operations, the Director of Industry Operations, the Director of Priorities, the Rubber Director or the Director of War Utilities shall be deemed to be references to action taken pursuant to this regulation, as amended, Pending the adoption and preparation of revised forms, and until otherwise ordered, rules, regulations, orders, directives, directions, certificates, delegations or other actions hereafter issued or taken in the name of the Director General for Operations, the Rubber Director or the Director of War Utilities in any manner heretofore or hereafter authorized shall be valid for all purposes to the same extent as if issued or taken in the manner prescribed in this regulation as amended.

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

Issued March 25, 1943.

C. E. WILSON,  
Executive Vice Chairman.

[F. R. Doc. 43-4581; Filed, March 25, 1943; 11:30 a. m.]

**Subchapter B—Executive Vice Chairman**

**AUTHORITY:** Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

**PART 1080—TEAK**

[Revocation of General Preference Order M-83]

Section 1080.1 *General Preference Order No. M-83* is hereby revoked.

Issued this 25th day of March 1943.

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

[F. R. Doc. 43-4582; Filed, March 25, 1943; 11:29 a. m.]

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

[Interpretation 1 of General Preference Order M-84, as Amended]

The following official interpretation is hereby issued with respect to the mean-

ing of General Preference Order M-84, as amended:

Section 1090.1, General Preference Order M-84, in paragraph (d) (4) prohibits processors of agave fiber from processing or selling or delivering agave cordage except for certain end uses specified in that paragraph. Paragraph (d) (5) of the same order provides that each purchaser of agave cordage must furnish his seller a certificate in a form set out in that paragraph, and prohibits any person from selling or delivering any agave cordage without obtaining a certificate in the prescribed form. The signer of the certificate is required to represent to the seller and the War Production Board that the agave cordage covered by the certificate will be used or sold only for purposes authorized in paragraph (d) (4). A question has been raised whether paragraph (d) (5) extends the limitation of paragraph (d) (4), so that agave cordage produced by a foreign processor not under the limitations of the order is permitted to be sold only for purposes permitted by paragraph (d) (4).

The restrictions of paragraph (d) (5) do not apply to cordage manufactured in a foreign country by a processor not subject to the order. Such cordage may be sold or delivered in the United States without regard to paragraph (d) (4). It is of course subject to paragraph (d) (3), to any orders of the War Production Board issued pursuant to paragraph (h), and (since it is listed on List 2 of Order M-63) to any conditions on importation imposed by the War Production Board pursuant to paragraph (b) of Order M-63.

Issued this 25th day of March 1943.

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

[F. R. Doc. 43-4583; Filed, March 25, 1943; 11:29 a. m.]

**PART 1095—COMMUNICATIONS**

[Revocation of General Conservation Order L-50, as Amended]

General Conservation Order L-50, as Amended (§ 1095.1) is hereby revoked and shall be superseded by Utilities Order U-2.

Issued this 25th day of March 1943.

J. A. KRUG,  
Director, Office of War Utilities.

[F. R. Doc. 43-4584; Filed, March 25, 1943; 11:29 a. m.]

**PART 3212—BUSWAYS**

[General Limitation Order L-273]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper and other materials 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:

§ 3212.1 *General Limitation Order L-273—(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) "Manufacture" means to fabricate, process or assemble materials into busway.

(3) "Busway" means any bus duct, busway, or other device for the transmission and distribution of electric energy at 600 volts or less, and consisting of prefabricated (factory fabricated) sections or units made up of rigid copper conductors of any shape or arrangement, separated by insulators or insulating material and enclosed in a case or attached to a supporting framework, and assembled into a connected system in the course of installation, and includes plug-in devices, feed-in boxes, over-current protective devices, and any other parts designed for use therewith.

(i) "Plug-in type busway" means busway having a case (or framework) designed primarily to afford protection against accidental contact and/or extra rigidity for use with plug-in devices; and

(ii) "Feeder type busway" means busway having a case (or framework) affording mechanical protection and rigidity for the support normally required, but designed primarily to assure maximum current carrying capacity without excessive temperature rise.

(iii) The term "busway" shall not include

(a) Busway designed for use with movable or rolling trolleys; or

(b) Busway having a cross-sectional area per conductor of less than 50,000 circular mills; or

(c) Extensions of any size or type of busway or conductors not exceeding ten feet in length furnished as an integral part of a switchboard, panelboard, or distribution transformer bank; or

(d) Step type busway designed to be used as a distribution center wherein provision is made to tap branch circuit wiring to over-current protective devices directly from the busway conductors through the use of lugs bolted on such conductors, and not having provision for the use of plug-in devices.

(b) *Restrictions on acceptance of orders, and deliveries.* On and after April 5, 1943, no manufacturer, dealer or other person shall accept any order for any new busway, or deliver any busway under any order tendered before or after that date, unless such order bears a preference rating of AA-5 or higher.

(c) *Restrictions on mechanical and electrical design.* Except as otherwise provided in paragraph (d) of this order, no person shall manufacture or deliver, and no person shall accept delivery of, any busway which is not manufactured in accordance with the following restrictions:

(1) (i) *Plug-in type busway.* No person shall manufacture any plug-in type busway having any line or phase copper conductors of any size except the sizes designated below, and such busway shall not contain more than the specified quantities of steel per linear foot:

Reference No.	Nominal ampere rating	Copper circular mill area for conductor	Conductor tolerance	Steel maximum lbs. per linear foot
<i>Plug-in type</i>				
1.....	250	134,000	±5	4.5
2.....	400	301,000	±5	4.5
3.....	600	472,000	±5	4.5

Provided, that no person shall manufacture any such busway, with provision for the use of plug-in devices, of larger size or capacity than Size No. 3 above unless and until specifically authorized to do so by the War Production Board pursuant to paragraph (d) of this order; and if authorized, the sizes of copper conductors used shall conform to the conductor sizes, and the steel used therein per linear foot shall not exceed the quantities specified below for corresponding sizes of feeder type busway.

(ii) *Feeder type busway.* No person shall manufacture any feeder type busway having any line or phase copper conductors of any size except the sizes designated below, and such busway shall not contain more than the specified quantities of steel per linear foot:

Reference No.	Nominal ampere rating	Copper circular mill area per conductor	Conductor tolerance	Steel maximum lbs. per linear foot
<i>Feeder Type</i>				
1.....	250	134,000	±5	4.5
2.....	400	301,000	±5	4.5
3.....	600	472,000	±5	4.5
4.....	800	637,000	±5	6.0
5.....	1,000	957,000	±5	6.0
6.....	1,350	1,273,000	±5	7.0
7.....	1,600	1,480,000	±5	8.0
8.....	2,000	1,914,000	±5	8.0
9.....	3,000	3,190,000	±5	9.0
10.....	4,000	5,104,000	±5	10.0

Provided, that no person shall manufacture any feeder type busway in Sizes 9 or 10 above unless and until specifically authorized to do so by the War Production Board, pursuant to paragraph (d) of this order, after it has been demonstrated to the satisfaction of the latter that the use of runs of smaller size feeder type busway would not be practicable.

(iii) For the purpose of this order, the "nominal ampere rating" shall be deemed to indicate the approximate capacity of the designated size of busway under average installation conditions and continuous operation, but shall not be construed to prohibit the use of the designated size for carrying a load in excess of, or less than, such nominal ampere rating; and the "steel maximum lbs. per linear foot" shall mean the permitted average weight in pounds of steel per linear foot included in the case (or framework), insulator supports, covers, nuts, bolts, straps, and

other hardware, but excluding any hangers, or other supporting members which are used for attaching the busway to the structure in which installed.

(2) (i) No person shall manufacture more than one model or design of plug-in type busway, or of feeder type busway, in any of the sizes provided for under the preceding paragraph (c) (1), except that any person may produce not more than two models or designs in Size No. 1 of plug-in type busway. The use of any of the following types or arrangements of busway parts shall not be deemed to constitute a separate model or design within any of the sizes provided for under the preceding paragraph (c) (1):

(a) Conductors in single phase, two pole; three phase, three pole; three phase, four wire; two phase, four wire, or two phase, five wire;

(b) Use, or non-use, of plug-in or ventilating openings in Sizes No. 1 to No. 3 inclusive, of any busway;

(c) Use of additional sealing compound to afford weatherproof construction;

(d) Variations in length of sections, or in size or shape of such associated fittings as elbows, crosses, tees, connections between busway sections of different sizes or types, or special end construction to fit switchboards, panelboards and other devices not a part of the busway system.

(ii) After April 24, 1943, no person shall manufacture any plug-in type or feeder type busway, in any size, or of any design or model, unless and until he has first filed with the War Production Board on Form PD-834 a description of the size and model or design of such busway. Such description shall clearly set forth the following information with regard to such busway:

(a) Nominal cross-sectional dimensions of line or phase copper conductors;

(b) Average weight in pounds of steel used per linear foot, computed in accordance with (c) (1) (iii) above;

(c) Insulator spacing when ten foot sections are used;

(d) Type of plating or finish used on bus bar;

(e) Type of paint or finish used on case or framework;

(f) Case design with nominal dimensions and thickness, U. S. S. gauge, of the busway case (or framework).

The models or designs so described shall constitute the standard models or designs adopted by the manufacturer as those which he proposes to manufacture in accordance with paragraph (c) (2) (i) above.

(iii) Except as permitted under paragraph (c) (2) (i), no person shall alter or change any such model or design manufactured by him to such an extent that it does not substantially conform to the description adopted and furnished by him pursuant to this order, or manufac-

ture any busway of any other model or design for any particular installation, unless and until he has been specifically authorized to do so by the War Production Board, pursuant to paragraph (d) of this order, after it has been demonstrated to the satisfaction of the latter that such change of the standard model or design would result in the conservation of additional quantities of steel or other critical materials, or the more effective utilization of labor or production facilities without increase in the use of such materials, or that the manufacture of an exceptional model or design is essential on account of the exceptional installation conditions of the particular installation.

The application for such specific authorization shall be made on Form PD-834 if a new standard model is proposed, or by letter if a variance for a particular installation is requested, and shall include a description of the proposed model or design as specified above under (c) (2) (ii). If such authorization is granted, all busway manufactured pursuant thereto shall be in conformity with such description, and if a new standard model or design is thereby established in any size for a particular manufacturer, such model or design shall replace his former model or design in such size.

(3) No person shall manufacture any feeder type busway unless it is so designed that any designated size will carry, under continuous duty, a full power load equivalent to the nominal ampere rating for such size as indicated under paragraph (c) (1) (ii) above, and without exceeding a temperature rise of 70° C. in any part of the conductors when the busway is so placed in various horizontal positions that the maximum temperature rise in any conductor is attained at the heat saturation point (when measured for "hot-spot" temperatures in accordance with American Institute of Electrical Engineers Standards, "A. I. E. E. No. 1, June 1940").

(4) No person shall manufacture any plug-in type or feeder type busway which contains in, or as a plating or finish on, the case (or framework), nuts, bolts, washers, name plates or identification plates any of the following materials: aluminum, copper, chromium, nickel, cadmium, or zinc, or alloys thereof.

(d) *Authorizations.* Application for authorization by the War Production Board under paragraphs (c) (1) (i), or (c) (1) (ii), or for a particular installation under (c) (2) (iii) above, shall be made by the manufacturer, by letter, in triplicate, setting forth facts sufficient to enable the War Production Board to determine the necessity or justification for such an authorization.

(e) *Exemptions.* The restrictions and limitations of paragraph (c) of this order shall not apply:

(1) To the manufacture and delivery of any plug-in type or feeder type bus-

way delivered pursuant to an order accepted prior to April 5, 1943, provided such delivery is made prior to May 24, 1943.

(2) To the use of component parts of busway which on April 5, 1943, had been fabricated or processed to the extent that use in conformity with this order would be impractical; or

(3) Until 90 days after April 5, 1943, to the manufacture or delivery of any busway to be delivered for the direct use of, the Army, Navy, Maritime Commission, or War Shipping Administration, to the extent that any applicable specifications of any such organization require construction, design or materials not in accordance with the provisions of this order. As used in this paragraph, the terms "Army", "Navy", "Maritime Commission", and "War Shipping Administration" shall not include any privately operated plants or shipyards financed by any of those organizations, or operated on a cost-plus-fixed-fee basis.

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

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

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.

(3) *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 request.

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

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

(6) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General In-

dustrial Equipment Division, Washington, D. C., Ref.: L-273.

Issued this 25th day of March 1943.

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

[F. R. Doc. 43-4585; Filed, March 25, 1943;  
11:29 a. m.]

#### PART 3218—FERROCOLUMBIUM

[General Preference Order M-296]

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

§ 3218.1 *General Preference Order M-296—(a) Definition.* For the purpose of this order:

(1) "Ferrocolumbium" means any alloy containing 45 percent or more by weight of the element columbium.

(b) *Restrictions on use of ferrocolumbium.* No person shall melt or otherwise process ferrocolumbium except as specifically authorized by the War Production Board.

(c) *Restrictions on deliveries.* No person shall deliver or accept delivery of ferrocolumbium without the specific authorization of the War Production Board. The War Production Board will, from time to time, allocate the supply of ferrocolumbium and specifically direct the manner and quantities in which deliveries thereof to particular persons or for particular uses shall be made or withheld. Such allocations and directions will be made primarily to insure the satisfaction of all war requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(d) *Application for specific authorization.* Application for specific authorization to acquire or to melt or otherwise process ferrocolumbium shall be made on Form PD-391 or PD-707 or such other form as may be, from time to time, prescribed for the purpose, and in addition each applicant for such permission shall report on Form PD-805. Applications and reports shall be filed at such time and in such manner as may be required by the instructions accompanying the appropriate forms prescribed by the War Production Board.

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

(f) *Violations.* Any person who willfully violates any provision of this order,

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

(g) *Communications to War Production Board.* All reports and applications required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Steel Division, Ferro-Alloys Branch, Washington, D. C., Reference M-296.

Issued this 25th day of March 1943.

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

[F. R. Doc. 43-4586; Filed, March 25, 1943;  
11:29 a. m.]

#### Subchapter C—Director, Offices of War Utilities

#### PART 4500—ELECTRIC, GAS, WATER, AND STEAM UTILITIES: MATERIALS

[Supplementary Utilities Order U-1-c as Amended March 24, 1943]

Supplementary Utilities Order U-1-c is hereby amended to read as follows:

§ 4500.4 *Supplementary Utilities Order U-1-c—Connections to serve farm production equipment.* Notwithstanding the provisions of paragraph (b) of Utilities Order U-1, electric service connections may be made by producers to permit the operation of farm production equipment, *Provided*, That all of the following conditions are satisfied:

(a) The prospective consumer possesses one of the following types of electric farm equipment of sufficient capacity for the use contemplated, or can obtain such equipment without priorities assistance, or a preference rating of AA-5 or better has been assigned to deliveries of such equipment to him:

- (1) Water pump for livestock.
- (2) Milking machine.
- (3) Milk cooler.
- (4) Incubator.
- (5) Brooder.
- (6) Feed grinder.
- (7) Milk sterilizer.

(b) There is no other means of operating such equipment on the premises.

(c) The length of such connection will not exceed 100 feet per animal unit determined in accordance with Schedule I annexed hereto, and will not exceed 5,000 feet total length, except upon specific authorization from the Director, Office of War Utilities.

(d) The prospective consumer will use electric service to operate equipment

for farm production, and has livestock on hand which, together with his estimated production of livestock for market, aggregates not less than 5 animal units, determined in accordance with Schedule I annexed hereto.

(e) Primary lines are single phase and are constructed of:

(1) No. 6 galvanized steel wire, or

(2) To the extent that it is available in the excess inventory of any producer, (i) copper-covered steel wire, (ii) No. 4 A. C. S. R. conductor, or (iii) No. 6 A. C. S. R. conductor, or

(3) Any conductor having conductivity equal to or less than that of No. 6 copper conductor, which, after March 24, 1943 is salvaged from plant.

(f) Secondary lines and services require not more than 30 pounds of non-ferrous metal for any prospective consumer.

(g) The prospective consumer's application for service is accompanied by a certification from his USDA County War Board in substantially the following form:

(To the Utility Addressed):

Mr. \_\_\_\_\_, who has livestock on hand which, together with estimated production of livestock for market, aggregates not less than five animal units, is eligible for an electric connection of \_\_\_\_\_ feet under the terms of Supplementary Utilities Order U-1-c. In the opinion of this USDA County War Board this connection will result in a substantial increase in farm production, or a substantial saving of farm labor, and is in accord with the spirit, as well as the letter, of Supplementary Utilities Order U-1-c.

(For USDA County War Board)

(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.)

Issued this 24th day of March 1943.

J. A. KRUG,  
Director, Office of War Utilities.

SCHEDULE I—EQUIVALENT ANIMAL UNITS

A. Livestock on hand:	
1 milk cow.....	One unit.
10 beef cattle (all cattle, including calves, other than milk cows and cattle in feed lot)....	One unit.
30 breeding ewes.....	One unit.
3 brood sows.....	One unit.
75 laying hens.....	One unit.
40 turkeys or geese.....	One unit.
B. Estimated production of livestock for market:	
20 cattle (in feed lot) per year....	One unit.
160 lambs (in feed lot) per year....	One unit.
30 feeder pigs per year.....	One unit.
250 chickens (not broilers) per year.....	One unit.
600 chickens (broilers) per year....	One unit.
125 turkeys or geese per year.....	One unit.

[F. R. Doc. 43-4547; Filed, March 24, 1943; 3:51 p. m.]

PART 4501—COMMUNICATIONS

[Utilities Order U-2]

General Conservation Order L-50 as heretofore amended, is hereby revoked and shall be superseded by Utilities Order U-2 as follows:

§ 4501.1 Utilities Order U-2—(a) Definitions. For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering telephone communication service (and such telegraph and teletypewriter service as may also be conducted by him), within, to, or from the United States, its territories or possessions.

(2) "Exchange line plant" means all that portion of an operator's local wire or cable distribution system which extends from the central office main frame, exclusive of poles, crossarms, insulators, and non-metallic conduit, and associated hardware and guys, and exclusive of drop and block wires.

(3) Without regard to whether or not the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(iii) Neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable with material of a better kind, quality or design.

(4) "Drop and block wires" means the portion of a customer's circuit (whether aerial or underground) extending from the inside wire (usually at the station protector or connecting block), or from the station equipment when no inside wire is involved, to the point of connection with the general overhead or underground system. This includes such circuit, carried by means of wire or small cables, extending to the cable terminal in cases where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system, and also includes brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the

installation of drop and block wires; and the pipes or other protective covering for underground service connections.

(5) "Station installations" means the wires (or small cables) from the station apparatus to the point near the entrance to the building where the drop or block wire or cable terminates, or to the junction boxes where the house cable or other cable terminates; the wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems; the wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building, and the clamps, cleats, connecting blocks, ground wire, ground rods, nails, station protectors, screws, and other material used in the installation of station apparatus and inside wires. The cables referred to above are the small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus. Inside wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a private branch exchange to the point of connection with the permanent house or outside cables or wires shall be considered as a part of the station installation. The term "station installations" does not include the telephone instrument or other "station apparatus."

(b) General. (1) All operators shall conserve scarce and critical materials by the employment of all practical methods such as: the use of such types of equipment and facilities as will reduce the use of such materials to a practical minimum and meet necessary service requirements, the substitution of less scarce materials, when such substitution can be made without serious loss of efficiency, the reuse of existing telephone equipment and facilities.

In order to make maximum use of existing facilities and at the same time to avoid as far as practicable the use of scarce and critical materials to provide additional exchange central office call carrying capacity and exchange inter-office trunks in the event of any future substantial increase in local telephone usage, all operators shall limit the number of main telephone stations (i. e., the total number of stations and P. B. X. trunks exclusive of extension stations and P. B. X. stations) connected to any central office to 105 per cent of the number of main stations that the central office was designed to serve under pre-war engineering and operating practices (except this limitation need not be applied in the case of a single-office exchange where the central office is designed to serve less than 1000 main telephone stations): *Provided, however,* That

where the number of main stations now connected to a central office already exceeds the 105 per cent limit specified above, the number already connected need not be reduced so long as the service is satisfactory.

(2) All operators shall discontinue the further installation or reconnection of:

(i) Residence extensions, or jacks and plugs therefor;

(ii) Residence private branch exchange telephones, or jacks and plugs therefor;

(iii) Additional main lines or stations on party lines in substitution for (i) and (ii) above.

Temporary installation of residence extensions may be made when essential in cases of serious illness.

The installation and reconnection in residence quarters of telephones connected to private branch exchanges serving hotels, apartment houses, etc., may be made to the extent that no more than one such telephone shall be provided in any single residence quarters.

(3) All operators shall discontinue the placing of open copper wire in exchange line plant.

(4) All operators shall discontinue the further installation of dial private branch exchange systems and dial private intercommunicating systems. This does not, however, prohibit: the installation by an operator of such systems of less than 100 lines where such equipment is already in the stocks of operators; the installation of additions to such existing systems; or, moves of such systems for the same subscriber within the same exchange area, or to a contiguous exchange area of the same operator, where effected in accordance with the limitations of paragraph (e) of this order.

(5) Service, involving exchange central office equipment and/or exchange line plant, installed or reconnected on and after the 15th day of April, 1943 shall be on an interim basis only, that is, subject to regrading and disconnection as provided in paragraph (d). Exchange central office equipment and/or exchange line plant made available through normal disconnections shall be used to take care of current applications for service of the kind included in paragraph (e) (1) (i) before such facilities are used currently to complete applications for service in other categories. Idle facilities may be reserved where necessary to meet promptly the known or fairly anticipated service requirements of the kind included in paragraphs (e) (1) (i) and (e) (1) (ii).

(6) All operators shall discontinue the further installation of teletypewriters for persons other than those of the kind included in paragraph (e) (1) (i). This does not prohibit moves of teletypewriters for the same subscriber within the same exchange.

(7) Except where necessary to meet the needs for service of the kind included in paragraphs (e) (1) (i) and (e) (1) (ii), all operators shall limit the length along the exchange aerial cable system or the aerial wire system of further installations of drop and block wires in exchanges serving more than 1000 main telephone stations to one pole to pole span from the point of connection with the existing plant (except where this span is less than 75 feet, in which case the length along the exchange cable system or the aerial wire system shall be limited to two spans) and in exchanges serving less than 1000 main stations to two pole to pole spans from the point of connection with the existing plant.

(c) *Restrictions on replacements.*

(1) All operators shall limit the replacement of equipment and facilities (except poles, crossarms, insulators and non-metallic conduit, associated hardware and guys and station installations) to the essential requirements of maintenance, repair or protection of existing service, except:

(i) Where necessary to provide a permanent installation in lieu of one temporarily made to meet an exigency;

(ii) A substitution of facilities necessitated either by decreased service demands or by the provisions of paragraphs (d) (1) or (d) (2);

(iii) A substitution of telephone sets necessary to effect a change in the "class" or "grade" of service, provided such change is not otherwise prohibited by this order. The "classes" of service involved are business, residence, semi-public, residence coin; the "grades" of services involved are individual, two-party, four-party, multi-party.

(d) *Regrading, disconnections and substitutions.* (1) To the extent necessary to meet minimum needs for service of the kind included in paragraphs (e) (1) (i) and (e) (1) (ii), all operators shall make available additional exchange central office equipment and/or exchange line plant in the following order in so far as practicable:

(i) By regrading existing service whenever current installations of central office equipment will permit, except where regraded service will not meet the minimum service needs of residence subscribers of the kind included in paragraph (e) (1) (i) or of business subscribers. In so far as practicable such service shall be regraded in the reverse order of the dates of connection at the existing locations (i. e., the most recently connected service shall be regraded first), except that service furnished on an interim basis shall be regraded before other service.

(ii) By disconnection of service furnished on an interim basis other than that of the kind included in paragraphs

(e) (1) (i)-and (e) (1) (ii). In so far as practicable disconnection of such service shall be in the reverse order of the dates of connection at the existing locations, except that residence service shall be disconnected before business service.

(2) All operators shall substitute other types of teletypewriters to the extent necessary to secure equipment needed to meet minimum needs for service of the kind included in paragraph (e) (1) (i) in so far as the minimum service needs of the persons affected permit.

(e) *Limitations on additions.* (1) All operators shall limit additions of exchange central office equipment and exchange line plant to such as are essential to the maintenance or protection of existing service, except that, when no additional facilities may be recovered or made available by the methods described in paragraph (d) above, additions may be made to the extent necessary:

(i) To meet the known or fairly anticipated demands for service essential to persons engaged in direct defense or charged with responsibility for public health, welfare or security including, but not limited to, those in the service categories shown in Schedule A attached; where their employment in direct defense or their responsibilities for public health, welfare, or security require such service for the proper discharge of such duties: *Provided*, That such additions shall not be made for residence service except in accordance with paragraphs (e) (1) (iii) and (e) (1) (iv).

(ii) To provide for the installation of public pay stations to meet essential public demands.

(iii) To provide service requested by producers of substantial quantities of food where such service is essential to such producers' operations: *Provided, however*, That in no single case shall there be used more than 100 pounds of steel or iron wire in the case of grounded circuits nor more than 200 pounds in the case of metallic circuits for each such subscriber connected.

(iv) To provide cable terminals required in existing exchange line plant to make available for use facilities not otherwise usable for known demands.

(f) *Engineering and planning.* Except in respect to poles, crossarms, insulators and non-metallic conduit, and associated hardware and guys, all operators shall:

(1) Engineer all replacements and additions to exchange plant so as to limit the margins for expected growth of service requirements of the kind described in paragraphs (e) (1) (i), (e) (1) (ii), to a period not in excess of one-half the period for which provision would be normally made, but in no event to exceed a period of three years.

(2) Engineer all replacements or additions to toll plant so as to limit the margins for expected growth of service requirements to a period not in excess of one-half the period for which provision would be normally made, but in no event to exceed a period of three years; provided, however, that this requirement shall not require the limitation of the margins of such growth to a period less than one year, and provided, further, that conductors in cables designed or suitable for use with carrier current systems may be provided (but not equipped) in such numbers that, when fully utilized by present or immediately contemplated carrier current system technique, they will provide for margins for expected growth of one-half the normal provision for such growth, even though such provision exceeds a three-year period.

(g) *Non-applicability to certain replacements and additions.* The terms of paragraphs (b), (c), (e) and (f) shall not prohibit:

(1) Replacements and/or additions authorized after September 7, 1942 by the issuance of:

(i) A preference rating certificate pursuant to an application for priorities assistance on Form PD-200;

(ii) An order of the War Production Board specifically authorizing such replacement and/or addition; or

(iii) Approval of an application on Form PD-685.

(2) The completion of projects in accordance with the provisions of General Conservation Order L-50 as amended September 7, 1942, the physical installation of which projects was started on or before the 25th day of March, 1943.

(h) *Reports.* All operators affected by this order shall execute and file with the Office of War Utilities such reports as the Director, Office of War Utilities, shall from time to time require.

(i) *Records.* Each operator affected by this order shall keep and preserve for not less than two years accurate and complete records concerning his use of steel or iron wire and number of main telephone stations connected under the provisions of paragraph (e) (1) (iii) subject to the inspection of the duly authorized representatives of the War Production Board.

(j) *Exemption of armed services.* The restrictions of paragraphs (b) (3), (b) (4) and (c) shall not apply to facilities for the official use of the armed services of the United States.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing Form PD-761, giving all information required by said form.

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

nishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Office of War Utilities, War Production Board, Washington, D. C., Ref.: U-2.

(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.)

Issued this 25th day of March 1943.

J. A. KRUG,  
Director, Office of War Utilities.

#### SCHEDULE A

GENERAL CATEGORIES OF TELEPHONE SERVICE RELATED TO DIRECT DEFENSE, PUBLIC HEALTH, WELFARE OR SECURITY

1. Official Army, Navy, Marine Corps, Coast Guard, civilian defense services.

2. Official Federal, State, county and municipal government services.

3. Official agencies of foreign governments.

4. (a) Public or private organizations directly serving the public safety, health or welfare, such as: hospitals, clinics, sanatoria; physicians, surgeons, dentists, nurses, nurses' registries, veterinarians, ambulance services, manufacturers or distributors (wholesale and retail) of drugs, surgical, medical, hospital or dental supplies or equipment; mortuaries, burial service organizations, the American Red Cross and similar agencies.

(b) Common carriers, pipe line companies, all types of public utilities.

(c) Press associations, newspapers, radio broadcasting stations.

(d) Philanthropic and eleemosynary organizations recognized as such by the Bureau of Internal Revenue, including their fund-raising offices; United Service Organizations and other similar organizations; religious establishments and their officiating clergy; Christian Science Practitioners; public and private schools; and food processing, food distribution (wholesale and retail) and food storage organizations.

5. Business concerns furnishing material, equipment or facilities under prime or sub-contracts to the armed services of the United States (and their suppliers); persons rendering special services in connection with construction of defense projects as shall be authorized pursuant to Preference Rating Order P-19-h, such as contractors, engineers, architects, etc.; and labor unions having bona fide collective bargaining agreements with business concerns identified in this Category 5.

6. The business or management offices of new housing developments.

[F. R. Doc. 43-4587; Filed, March 25, 1943; 11:29 a. m.]

## Chapter XI—Office of Price Administration

### PART 1305—ADMINISTRATION

[Supp. Order 31, Amendment 2]

#### TAX ON TRANSPORTATION OF PROPERTY IMPOSED BY REVENUE ACT OF 1942

A statement of the considerations involved in the issuance of this Amendment No. 2 has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Paragraph (b) (13) is added to § 1305.36 to read as set forth below.

§ 1305.36 *Treatment of the tax on transportation of property imposed by the Revenue Act of 1942.* \* \* \*

(b) This Supplementary Order No. 31 shall not apply to the following price regulations:

(13) Section 1351.1520 of Maximum Price Regulation No. 289<sup>2</sup>—Butter.

This amendment shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4532; Filed, March 24, 1943; 3:14 p. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,<sup>3</sup> Amendment 18]

##### TIRES, TUBES, RECAPPING AND CAMELBACK

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

Section 1315.610 (a) is amended to read as follows:

(a) A certificate properly executed and issued may be used by the person to whom it was issued for the purposes specified thereon.

This amendment shall become effective March 30, 1943.

(Pub. Law No. 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued

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

<sup>1</sup> 7 F.R. 9894, 8 F.R. 1312.

<sup>2</sup> 7 F.R. 10996, 8 F.R. 490, 1458, 1885, 1972, 3252.

<sup>3</sup> 7 F.R. 9160, 9392, 9724, 10072, 10336; 8 F.R. 435, 606, 1585, 1628, 1629, 1839, 2030, 2348, 2152, 2670, 2595, 2600, 2719, 3071, 3314.



April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4533; Filed, March 24, 1943; 3:15 p. m.]

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

[RPS 84, Amendment 4]

RADIO RECEIVER AND PHONOGRAPH PARTS

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

Paragraph (d) in § 1336.101 is amended to read as set forth below:

(d) *Other parts.* The maximum price, exclusive of federal excise tax, for any part other than a part referred to in paragraphs (a), (b) and (c) of this section shall be in line with the net price, exclusive of federal excise tax, which the manufacturer of such part would have charged for it at any time during the period from October 1 to October 15, 1941, if such price had been calculated upon cost prevailing during such period by use of procedures and standards then employed in estimating costs and determining prices. No such part shall be offered for sale until the proposed price thereof has been approved by the Office of Price Administration on the basis of the report submitted pursuant to § 1336.101 (b). Such approval may also establish maximum prices which sellers of the parts generally may charge, including wholesalers and retailers of the parts.

This amendment shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4534; Filed, March 24, 1943; 3:16 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296, Amendment No. 2]

FLOUR FROM WHEAT, SEMOLINA AND FARINA

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. 1362, 2000, 2132, 2169, 2303, 3821, 2512, 2543, 6771, 7902, 8948.

<sup>2</sup> 8 F.R. 158, 612, 2598.

No. 60—3

Maximum Price Regulation No. 296 is amended in the following respects:

1. Section 1351.1651 (a) is added to read as follows:

(a) *Maximum prices for primary distributors.* Wherever in this Maximum Price Regulation No. 296 the words "miller" or "blender" are used they shall be construed to include primary distributors, as hereinafter defined.

2. Section 1351.1651 (b) is added to read as follows:

(b) *Maximum prices for flour jobbers.* From and after March 30, 1943 to and including May 31, 1943, or sooner if this section is revoked, wherever in this Maximum Price Regulation No. 296 the words "miller" or "blender" are used they shall be construed to include flour jobbers as hereinafter defined. For sales to retail outlets, the maximum price for "flour jobbers" shall be calculated under the provisions of Maximum Price Regulation No. 237.

3. Section 1351.1656 is amended to read as follows:

§ 1351.1656 *Carrying charges.* Carrying charges may be charged in addition to the maximum prices for flour from wheat, semolina and farina set forth in Appendix A hereof, except those maximum prices set forth in § 1351.1666 Appendix A, VI. Such carrying charges shall not exceed 1/6 of a cent per barrel per day for each day's delay in shipment beyond 60 days from the date of the contract of sale or beyond the delivery date specified under such contract, whichever is later, which is caused by the failure of the buyer to furnish shipping instructions (and necessary containers, if sale is made on a bulk basis) in accordance with the specifications of the contract of sale.

4. Section 1351.1658 is amended to read as follows:

§ 1351.1658 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of flour from wheat, semolina or farina, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however,* That the tax on the transportation of all property (excepting

coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any product covered by this Maximum Price Regulation No. 296, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the basic price. Wherever in this Maximum Price Regulation No. 296 a maximum price is determined by adding a transportation charge to a basic price, the transportation charge shall be the charge computed by using the applicable transportation rate and adding thereto 3% of said transportation charge.

5. Section 1351.1663 (a) (3) is amended to read as follows:

(3) "Blender" means a secondary processor who buys flours from wheat, semolina, or farina and repacks them for sale. He may blend these products with one another and/or with phosphating, enriching and self-rising ingredients.

6. Section 1351.1663 (a) (6) is amended to read as follows:

(6) "Cake flour" means a soft wheat flour containing not more than .447% ash calculated to a moisture-free basis (which equals .38% ash calculated to a 15% moisture basis) having a viscosity of not more than 70 degrees (McMichael) determined by the no-time method, and capable of producing satisfactory cake, when mixed with an equal weight of liquid and an equal weight of sugar together with other appropriate ingredients.

7. Section 1351.1663 (a) (20) is added to read as follows:

(20) "Family farina" means farina which is packed and sold for ultimate use in the home.

8. Section 1351.1663 (a) (21) is added to read as follows:

(21) "Primary distributor" means a person who buys flour from wheat, semolina and farina and resells without additional processing and in the original containers. He delivers to bakers and other commercial, institutional and governmental users in carload quantities and to wholesalers, jobbers, and retailer-owned warehouses in both carload and less-than-carload quantities.

9. Section 1351.1663 (a) (22) is added to read as follows:

(22) "Flour jobber" means a person who buys flour from wheat, semolina and farina and resells without additional processing and in the original containers in less-than-carload quantities to bakers and commercial, institutional, or governmental users: *Provided,* That this definition shall not include wholesalers, 50% or more of whose total dollar sales volume is with retail grocery stores.

10. Section 1351.1666 Appendix A. VI is amended to read as follows:

VI. *Maximum prices for family cake flour, and family whole wheat flour, and for family farina, enriched and unenriched.* (a) At all destinations, the maximum price for family cake flour and family whole wheat flour packed 12 2/4 pound packages to the case, shall be \$2.75 per case.

(b) At all destinations, the maximum price for family cake flour and family whole wheat flour packed in packages containing 5 pounds or less, but not including the package and case size covered by subparagraph (a) hereof shall be 7 1/2¢ per pound plus the cost of packages, labels, and shipping containers.

(c) The maximum prices for family cake flour and family whole wheat flour packed in packages containing more than 5 pounds shall be the maximum prices for family flours as otherwise determined under the provisions of this Appendix A.

(d) At all destinations maximum prices for family farina, enriched and unenriched, in packages weighing 14 ounces and 28 ounces each, and packed 24 to the case and 18 to the case respectively, shall be as follows:

	Carlots	Less-than-carlots
(i) 28 ounce packages, packed 18 to the case.....	\$3.47 1/2	\$3.55
(ii) 14 ounce packages, packed 24 to the case.....	2.70	2.75

(e) At all destinations the maximum price for family farina, enriched and unenriched, packed in packages containing 5 pounds or less but not including the package sizes provided for under subparagraph (d) hereof shall be 9 3/4¢ per pound plus the cost of packages, labels, and shipping containers.

(f) Maximum prices for family farina in packages containing more than 5 pounds shall be the same as the maximum prices for family flour, as otherwise determined under the provisions of this Appendix A.

11. Section 1351.1666 Appendix A. VII (b) is amended to read as follows:

(b) *Maximum prices for farina, except family farina, delivered at specified destinations.* Maximum prices for farina, except family farina, delivered at specified destinations shall be determined by adding 40¢ per barrel to the maximum prices for flour from wheat, as otherwise determined in Paragraphs I, II, or III of this Appendix A.

12. In § 1351.1666 Appendix A. VII, the texts of paragraphs (c) and (c) (i) are amended to read as follows:

(c) *Maximum prices for enriched and self-rising flours from wheat, and for enriched farina, except enriched family farina in packages containing five pounds or less, delivered at specified destinations.* (i) The maximum prices for flour from wheat enriched in ac-

cordance with subparagraph (a) of § 15.010 of the Definition and Standard of Identity promulgated by the Federal Security Administrator, delivered at specified destinations shall be the applicable maximum prices as set forth in this Appendix A, plus 20 cents per barrel.

13. Section 1351.1666 Appendix A. VII (c) (ii) is amended to read as follows:

(ii) The maximum prices for flour from wheat enriched in accordance with subparagraphs (a), (b), (c), and (d) of § 15.010 of the Definition and Standard of Identity promulgated by the Federal Security Administrator, delivered at specified destinations shall be the applicable maximum prices as set forth in this Appendix A, plus 40 cents per barrel.

14. Section 1351.1666 Appendix A. VII (c) (iii) is added to read as follows:

(iii) The maximum price for farina, except family farina, in packages containing 5 pounds or less, enriched in accordance with the Definition and Standard of Identity promulgated by the Federal Security Administrator, delivered at specified destinations shall be the applicable maximum prices as set forth in paragraph VII (b) of this Appendix A, plus 20 cents per barrel.

15. Section 1351.1666 Appendix A. VII (c) (iv) is added to read as follows:

(iv) The maximum prices for self-rising flour, which conforms to the Definition and Standard of Identity promulgated by the Federal Security Administrator, delivered at specified destinations, shall be the maximum prices as set forth in this Appendix A, plus 25 cents per barrel.

16. Section 1351.1666 Appendix A. VIII (b) is amended to read as follows:

(b) *Maximum prices for flour from wheat and farina in containers other than cotton sacks holding 98 pounds.* Maximum prices for flour from wheat or farina in containers other than cotton sacks holding 98 pounds, shall be the applicable maximum price as set forth in this Appendix A plus or minus the differentials set forth in paragraph (c) hereof: *Provided*, that family cake flour, family wholewheat flour, and family farina priced in accordance with paragraph VI hereof shall not be subject to this paragraph VIII.

17. Section 1351.1666 Appendix A. VIII (e) is added to read as follows:

(e) *Maximum prices for flour from wheat and farina packed in packages and/or package sizes other than those set forth in subparagraph (c).* Maximum prices for flour from wheat and farina packed in packages and/or package sizes other than those set forth in subparagraph (c) hereof shall be: (i) the appropriate proportion of the bulk price per barrel for flour from wheat or farina determined by subtracting from the applicable maximum price in 98 pound sacks, the amount of 32 cents per barrel, and

(ii) Adding thereto the cost of packages, labels, and shipping containers, and

(iii) Adding also the appropriate proportion of the per barrel differential in subparagraph (c) hereof under the heading "Buyer's packages, charge per barrel over bulk price for handling and packing buyer's packages" for the package size most nearly approximating that for which a maximum price is being calculated.

18. Section 1351.1666 Appendix A. VIII (f) is added to read as follows:

(f) *Added charges for containers other than those covered by subparagraph (c).*

If an outside jute, cotton, or paper envelope or an outside fiber container of a size different from those set forth under subparagraph (c) hereof is used, the cost of the envelope or fiber container actually used may be added to the maximum prices for flour from wheat, or farina as otherwise set forth in this Appendix A.

19. In § 1351.1666 Appendix A. The texts of IX and IX (1) are amended to read as follows:

IX. *Maximum prices for other shipments or deliveries including less than carload quantities, except in the case of sales at retail.* (1) The maximum prices for shipments or deliveries of 55 barrels or more, but less than a carload quantity, f. o. b. mill or f. o. b. seller's warehouse shall be the maximum carload prices at said point (said point being deemed a destination for this purpose) as set forth in this Appendix A, plus 10¢ per barrel.

20. Section 1351.1666 Appendix A. IX (2) is amended to read as follows:

(2) Maximum prices for shipments or deliveries of less than 55 barrels, either f. o. b. mill or f. o. b. seller's warehouse, shall be the maximum carload prices at said point (said point being deemed the destination for this purpose) plus 35¢ per barrel.

21. Section 1351.1666 Appendix A. IX (3) is amended to read as follows:

(3) Maximum prices for shipments in mixed cars or pool cars delivered f. o. b. team or industry track at destination shall be the maximum carload prices as set forth in this Appendix A, plus 10¢ per barrel.

22. Section 1351.1666 Appendix A. IX (4) is amended to read as follows:

(4) Maximum prices for shipments or deliveries of 55 barrels or more, but less than a carload quantity delivered at any destination, except f. o. b. mill, f. o. b. seller's warehouse, or f. o. b. team or industry track in a mixed car or a pool car, shall be the maximum carload price as set forth in this Appendix A plus 25¢ per barrel.

23. Section 1351.1666 Appendix A. IX (5) is added to read as follows:

(5) Maximum prices for shipments or deliveries of less than 55 barrels, delivered at any destination, except f. o. b. mill, f. o. b. seller's warehouse, or f. o. b.

team or industry track in a mixed car or a pool car, shall be the maximum carload price as set forth in this Appendix A, plus 65¢ per barrel.

This amendment shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4535; Filed, March 24, 1943; 3:15 p. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**

[MPR 305, Amendment 3]

**CORN MEAL, CORN FLOUR, CORN GRITS, HOMINY GRITS, BREWERS GRITS AND OTHER PRODUCTS MADE BY DRY CORN MILLING PROCESS**

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.\*

The title of the regulation is amended to read as set forth above.

In § 1351.1776 paragraph (c) the word "hominy" appearing after the phrase "corn grits" is hereby deleted.

This amendment shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4536; Filed, March 24, 1943; 3:14 p. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**

[MPR 335, Amendment 1]

**PEANUTS AND PEANUT BUTTER**

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

Maximum Price Regulation 335 is amended in the following respects:

1. Section 1351.2001 is amended by adding the following sentence:

Maximum prices for persons selling these peanut products in special situations are covered in § 1351.2006 (1).

2. In § 1351.2003, the text of (a) and (b) is amended to read as follows:

(a) \* \* \* The maximum prices per pound, carload basis f. o. b. mill, which shellers may charge for unshelled peanuts shall be: \* \* \*

To find his maximum price for any item on a less-carload basis, the sheller shall add to the maximum price named his established price differential, if any, between carload and less-carload lots.

(b) \* \* \* The maximum prices per pound, carload basis f. o. b. mill, which shellers may charge for shelled peanuts shall be: \* \* \*

\*Copies may be obtained from the Office of Price Administration.  
18 F.R. 2502.

To find his maximum price for any item on a less-carload basis, the sheller shall add to the maximum price named his established price differential, if any, between carload and less-carload lots.

3. In § 1351.2003 (c) an item is amended to read as follows:

(c) \* \* \*

	California, Oregon and Washington	Other States
Virginia type:	Cents	Cents
Unblanched peanuts.....	9.1	8.5
Blanched peanuts.....	9.7	9.1

4. In § 1351.2004 (a) (3) an item is amended to read as follows:

(3) \* \* \*

	California, Oregon and Washington	Other States
White Spanish and Runner types:	Cents	Cents
Unblanched peanuts.....	8.1	7.5
Blanched peanuts.....	8.9	8.3

5. Section 1351.2004 (a) is amended by adding the following sentences after the table in paragraph (3):

However, processors who customarily sell only to ultimate consumers (other than industrial, institutional and commercial users) and who customarily sell only at the place where the peanuts are salted shall figure maximum prices as if they were retailers pricing under § 1351.2005.

*Example.* Although the Jones Drug Store, which sells peanuts salted on the premises, is technically a "processor," it prices as if it were merely a retailer.

6. In § 1351.2004 (b) the headnote and subparagraph (3) are amended to read as follows:

(b) *Pricing method for blanched, sliced, chopped, granulated, or roasted peanuts.* \* \* \*

(3) The following amount for each pound of the finished item (use appropriate figure):

	Cents per pound
California, Oregon and Washington.....	9.6
Other states.....	9.0

7. Section 1351.2004 (h) is amended to read as follows:

(h) *Processors having more than one shipping point.* The maximum price for each item for a processor who has more than one shipping point shall be figured separately for each shipping point, but if any two or more shipping points had the same f. o. b. shipping point prices in 1942, a maximum price may be figured uniformly for that group by using the combined sales of that group in the computations required by paragraphs (a), (b) and (c) of this section. \* \* \*

8. Sections 1351.2004 and 1351.2006 (f) are amended by deleting the words "f. o. b. plant" wherever they appear and substituting in each case the words "f. o. b. shipping point."

9. Section 1351.2006 (k), (l), and (m) are redesignated § 1351.2006 (n), (o), and (p).

10. Section 1351.2006 is amended by adding the following new paragraphs (k), (l), and (m):

(k) *Units of sale and fractions of a cent.* All maximum prices which have to be figured shall be stated in terms of the same general units (like pounds, dozens, cases, etc.) in which the seller has customarily quoted prices for the product. If any maximum price so figured includes a fraction of a cent, the seller shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the product.

(l) *Maximum prices for persons in special situations.* Any person who sells a peanut product covered by this regulation and for whom no maximum price is provided by this or any other maximum price regulation shall take as his maximum price in each case the maximum price of his supplier, plus incoming freight paid by him. However, any such person selling cleaned and graded peanuts, whether unshelled or shelled, shall take as his maximum prices the maximum prices fixed for shellers in § 1351.2003, plus incoming freight paid by him, even though his supplier was a primary jobber.

*Examples.* When reselling farmers' stock peanuts which it has purchased from growers, the Commodity Credit Corporation is subject to the maximum prices named for growers in Section 1351.2002. (The same is true of other buyers of farmers' stock peanuts who buy for resale.) Because it does not actually handle the peanuts, transportation charges in these cases should be figured as if the Commodity Credit Corporation were not involved.

A processor selling an excess stock of peanuts cannot price it as a primary jobber, because he does not customarily handle the item for resale. Selling in a special capacity, therefore, he takes the maximum price of his supplier, except where the item is unshelled or shelled peanuts which he bought from someone other than a sheller. In that case he takes the sheller's ceiling.

(m) *Position of brokers.* In accordance with existing trade custom, every broker shall be considered as the agent of the seller and not the agent of the buyer. In each case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

11. Section 1351.2006 (1) (2), which is redesignated § 1351.2006 (o) (2), is amended by deleting the words "peanuts or" following the words "grading, labeling or packaging of any."

This amendment shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4537; Filed, March 24, 1943; 3:15 p. m.]

**PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS**  
 [MPR 252, Amendment 2]  
**VINEGAR CURED HERRING**

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 252 is amended in the following respect:

1. Section 1364.303a is added to read as follows:

§ 1364.303a *Inability to fix maximum prices under § 1364.303* (a) If the final processor's maximum price for any item cannot be determined under § 1364.303, his maximum price shall be the maximum price of the most closely competitive processor.

(b) If the processor's maximum price for any item cannot be determined under § 1364.303 or under paragraph (a) of this section, the maximum price shall be a price determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a detailed description of the kind, grade, type, or style of pack, and container type and size; and (2) a statement of the facts which differentiate it from the most similar item for which he has determined a maximum price, identifying the similar item and stating the maximum price determined for it. When authorization is given, it will be accompanied by instructions for determining the maximum price. Within ten days after the price has been determined, the seller shall report it to the Office of Price Administration, Washington, D. C. This price shall be subject to adjustment at any time by the Office of Price Administration.

2. Section 1364.308a is hereby revoked.

This amendment shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
 Administrator.

[F. R. Doc. 43-4538; Filed, March 24, 1943; 3:16 p. m.]

**PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES**

[Rev. MPR 139]

**USED HOUSEHOLD MECHANICAL REFRIGERATORS**

Maximum Price Regulation No. 139 is amended to read as set forth below:

In the judgment of the Price Administrator, the maximum prices established by this revision of Maximum Price Regulation No. 139 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement

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

17 F.R. 8875, 10476.

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

§ 1380.201 *Maximum prices for used household refrigerators.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 139 (Used Household Mechanical Refrigerators), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1380.201 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

*Revised Maximum Price Regulation 139—Used Household Mechanical Refrigerators*

SECTION 1. *Sales and rentals of used household mechanical refrigerators at higher than maximum prices prohibited.*

(a) Regardless of any contract or other obligation, no person shall sell, rent, or deliver a used household mechanical refrigerator to any other person at prices or rates higher than the maximum prices or rates fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) Prices or rates lower than the maximum prices or rates may be charged.

SEC. 2. *To what products, transactions and persons this regulation applies—*(a) *What products are covered by the regulation.* This regulation covers sales and rentals of all household mechanical refrigerators which have ever been used, or which have been in the possession of a consumer for more than five days or were manufactured for use in the year 1940 or earlier.

(b) *What transactions are covered by this regulation.* This regulation covers all sales and rentals of used household mechanical refrigerators by any person to any other person, including sales by an individual who is selling his own refrigerator, and sales by dealers or auctioneers, except sales by a foreign seller to any domestic buyer. This exception includes domestic buyers who purchase through a bona fide agent.

(c) *What persons are covered by this regulation.* This regulation applies to any person who sells or rents a used household mechanical refrigerator except foreign sellers and domestic buyers, insofar as they purchase from the foreign sellers. The term "person" includes: An individual, corporation, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

SEC. 3. *Maximum prices for sales of used household mechanical refrigerators by all persons—*(a) *Reconditioned refrigerators.* As used in the table below a refrigerator is reconditioned if it meets the following standards:

(1) The refrigerator is capable of continuously maintaining, with normal

cycling, an average interior cabinet temperature in the food storage space not exceeding 50° F., under no-load conditions, when placed in a room in which the temperature is 90° F.

(2) All cooling units, compressors, condensers, motors and controls, where such parts are exposed to the accumulation of dust, as well as all shelves, hardware and machine compartments, are thoroughly cleaned, and function properly. Belts on open-type units must be free from frays and splits.

(3) A defrosting tray large enough to catch all drip from the cooling unit, and a minimum of two corrosion-resistant ice cube trays with grids are provided.

(4) Cabinet exteriors, finished with either synthetic enamel or lacquer have all metal completely covered and free from chips, stains, scratches, blisters and other blemishes. Any such defects have been buffed, smoothed, filled, and either spot-sprayed, or the entire exterior re-sprayed, where one of these methods is necessary in order to obtain a finish similar to the original finish. Cabinet exteriors and interiors finished with porcelain are thoroughly cleaned, rust removed from any chips and patched with a suitable porcelain cement.

(b) *"As is" refrigerators.* An "as is" refrigerator is one which does not meet the standards of a reconditioned refrigerator.

(c) *Guaranties.* Every refrigerator which is sold as a reconditioned refrigerator must carry a written guaranty for at least 90 days from the date of its installation which provides that any part which proves defective within the guaranty period will be replaced without charge for labor or materials or other services. If the guaranty is to last for one year or more the higher reconditioned price appearing in the table of prices may be charged.

(d) *Table of maximum prices for certain used household mechanical refrigerators.* The maximum cash price for the following specified models of used household mechanical refrigerators (except those with factory rebuilt units) shall be:

APEX

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Year	Model	Price "as is"	Price re-conditioned with 90-day guaranty
1931.....	454.....	\$10.50	\$48.00
	504.....	10.50	48.00
	454-P.....	10.50	48.00
1932-3.....	504-P.....	10.50	48.00
	L-410.....	12.00	49.50
	L-300.....	12.00	49.50
	L-510.....	12.00	49.50
	L-800.....	12.00	49.50
1934.....	P-600.....	12.00	49.50
	SSL-4.....	15.00	52.50
	SSL-45.....	15.00	52.50
	SSL-6.....	16.50	54.00
	SSL-7.....	16.50	54.00
	DTL-8.....	19.50	57.00
	740.....	19.50	57.00
1935.....	745.....	21.00	58.50
	760.....	22.50	60.00
	SSL-6.....	16.50	54.00
	DTL-6.....	16.50	54.00
	DTL-6.....	16.50	54.00



DAYTON

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Lists models from 1931 to 1940.

FAIRBANKS-MORSE

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Lists models from 1934 to 1938.

FAIRBANKS-MORSE—Continued

Table with columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Lists models from 1938.

FRIGIDAIRE

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Lists models from 1927-28 to 1935.

FRIGIDAIRE—Continued

Table with columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Lists models from 1935 to 1940.

GENERAL ELECTRIC

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Lists models from 1928.



HOT POINT

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with 4 columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Rows include models from 1933 to 1940.

ICE-O-MATIC

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with 4 columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Rows include models from 1933 to 1940.

ICE-O-MATIC—Continued

Table with 4 columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Rows include models from 1935 to 1938-9.

KELVINATOR

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with 4 columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Rows include models from 1927-28 to 1934.

KELVINATOR—Continued

Table with 4 columns: Year, Model, Price "as is", Price re-conditioned with 90-day guaranty. Rows include models from 1934 to 1940.





NORGE—Continued

Table with columns: Year, Model, Price 'as is', Price re-conditioned with 90-day guaranty. Includes models like LTP123-8, G3, G4, G5, G6, GO4, GO5, GO6, MH5, MH6, M5, M6, M8, SN5, SN6, SN8, MHP5, MHP6, S5, S6, S8, P6, P06, AR6, ARH6, AR6A, VR3S, VR3, VR4, VR6, VR6A, VRS6, VRS6P, VRS6P, MRSS, MR5, MR5A, MR6, MR6A, DR5, DR6, DR8, SR5, SR6, SR8.

PHILCO

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with columns: Year, Model, Price 'as is', Price re-conditioned with 90-day guaranty. Includes models like KX-4, KX-6, KC-5, KC-6, KC-7, K-5, K-6, K-7, LS-4, LX-6, LN-6, LC-5, LC-6, LT-8, LF-6, L-6, LF-8, LH-6, LH-8.

SERVEL ELECTROLUX

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with columns: Year, Model, Price 'as is', Price re-conditioned with 90-day guaranty. Includes models like ED-30, ED-40, ED-50, ED-60, ED-70, ED-90, ED-110, EDP-50, EDP-60, EDP-70, EDP-90, EDP-110, EE-30A, EE-40, EE-50, EE-60, EE-70.

SERVEL ELECTROLUX—Continued

Table with columns: Year, Model, Price 'as is', Price re-conditioned with 90-day guaranty. Includes models like EEL-90, EEL-110, EEP-50, EEP-60, EEP-70, EELP-90, EELP-110, APTF-35, APTF-45, SF-45, F-50, F-70, F-100, PF-50, PF-70, PF-100, G-410, G-500A, G-500, G-700, G-1000, PG-500, PG-700, PG-1060, H-300A, H-410, H-500A, H-500, H-600, H-800, H-1100, J-300A, J-410, J-500A, J-500, J-600, J-800, J-1100, K-300A, K-410, K-500A, K-500, K-600A, K-600, K-800A, K-800, K-1100, L-300, L-400, L-500A, L-500, L-600A, L-600, L-800A, L-800, L-1100.

SPARTON

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with columns: Year, Model, Price 'as is', Price re-conditioned with 90-day guaranty. Includes models like 464, 574, 724, 884, S-465, D-465, D-525, D-615, D-745, D-906, S-466, S-616, S-746, D-466, D-616, D-746, D-906, CD-466, CS-616, S-617, S-747, D-467, D-617, D-747, D-947, S-468, S-38, D-618, D-748, DA-618, DA-748.

SPARTON—Continued

Table with columns: Year, Model, Price 'as is', Price re-conditioned with 90-day guaranty. Includes models like DA-948, S-39 Spec, S-469, D-619, D-799, DA-619, DA-749, DA-949.

STEWART-WARNER

If a one-year guaranty is furnished, \$5 may be added to the prices in the second column for models of 1939 and 1940; and \$10 for earlier models

Table with columns: Year, Model, Price 'as is', Price re-conditioned with 90-day guaranty. Includes models like 40, 45, 55, 65, 77, 77, 454S, 554, 564, 574, 704, 714, 724, 834, 564P, 574P, 714P, 724P, 834P, 455, 465, 555, 505, 605, 705, 574P, 724P, 456, 556, 566, 566, 666, 766, 866, 666P, 766P, 866P, 700, 457, 557, 657, 567, 667, 767, 867, 567P, 667P, 767P, 867P, 353, 453, 553, 653, 563, 663, 763, 863, 458, 558, 658, 568, 668, 768, 868, 568P, 668P, 768P, D-420, 620, 540, 690, 570, 670, 660, 860.



(e) *Maximum prices for later model refrigerators.* The maximum cash price for any 1941 model of used household mechanical refrigerator, reconditioned and guaranteed for 90 days, shall be 70 per cent, and for any 1942 model, 75 per cent, of the original list price of the refrigerator when new. If the refrigerator is sold "as is", \$3.50 must be deducted from the maximum price. If the refrigerator is sold with a one-year guaranty or more, \$5 may be added to the maximum price.

(f) *Maximum prices for models for which maximum prices are not fixed in the preceding paragraphs.* If the maximum price for any used household mechanical refrigerator is not specified in the preceding paragraphs, the maximum cash price shall be determined by the maximum price of the refrigerator listed in the foregoing table which corresponds most closely to the refrigerator being priced, with regard to age, finish, capacity, type of model and mechanical and cabinet equipment. The maximum price selected from the table shall correspond to the conditions under which the refrigerator is to be sold, i.e., "as is", or reconditioned with a 90-day or a one-year guaranty.

(g) *Maximum prices for refrigerators with new or factory rebuilt units.* (1) This section shall apply only in cases in which:

(i) The refrigerator meets the standards of a reconditioned refrigerator and is sold with a one-year guaranty.

(ii) The refrigerator contains a new unit or one rebuilt by the original manufacturer, or by a reconditioner who offered such a service in February, 1942, or earlier, and furnished with it at least a one-year guaranty.

(iii) The new or rebuilt unit has been purchased by the person offering the refrigerator for sale.

(2) The maximum cash price for a refrigerator with a new or rebuilt unit meeting the qualifications of the foregoing section shall be the sum of:

(i) The "as is" maximum price for that refrigerator, and

(ii) The manufacturer's net suggested resale maximum price in effect in March, 1942, or subsequently specifically approved by the Office of Price Administration, for the replacement unit contained in the refrigerator, or if no manufacturer's suggested resale price was in existence in March, 1942, or later subsequently approved by the Office of Price Administration, the net cost to the dealer for the replacement unit, plus the dollar markup taken for the sale of the most comparable item in March, 1942.

(h) *Sales in Western states.* If the sale of the refrigerator is made to a person in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, or Wyoming, \$5.00 may be added to the maximum price.

(i) *Taxes.* Any tax upon or incident to the sale of a used household mechanical refrigerator may be added to the maximum prices established by this regulation. Thus, if the seller has paid a

Federal excise tax upon the rebuilding of the refrigerator, that tax may be added.

(j) *Sales for export.* The maximum price at which a person may export any used household mechanical refrigerator is established by the provisions of the Maximum Export Price Regulation.<sup>1</sup>

(k) *Credit, delivery and other charges.* Any charge which is not quoted and billed separately shall for the purposes of this Regulation be considered to be part of the selling price of the refrigerator. Charges for the extension of credit or for delivery, packing or installation, may be added to the maximum retail price set forth in this section, provided: (1) the seller during the two-month period ending February 16, 1942, made a separate charge for the extension of credit, delivery, packing or installation services the amount of which was separately stated to the purchaser, (2) the amount charged for the extension of credit or for delivery, installation or packing, is not in excess of the charge in effect during the two-month period ending February 16, 1942 upon sales of used household mechanical refrigerators, and (3) such charges are quoted and billed separately. No seller may require as a condition of sale that the purchaser accept any of the services mentioned.

**Sec. 4. Maximum rental rates.** (a) The maximum rate which may be charged for the rental of a refrigerator shall be determined in accordance with the maximum sale price as set forth in the table below:

Maximum sale price, reconditioned with a 90-day guaranty		Maximum monthly rental rate
From	But below	
\$46.50	\$55.00	\$2.50
55.00	65.00	3.00
65.00	75.00	3.50
75.00	85.00	4.00
85.00	95.00	4.50
95.00	105.00	5.00
105.00	115.00	5.50
115.00	125.00	6.00

Refrigerators whose maximum sale price (reconditioned with a 90-day guaranty) is \$125.00 or more may be rented at a maximum monthly rate not to exceed 5 per cent of the maximum sale price, calculated to the nearest half dollar.

(b) *Delivery of rental refrigerators.* An additional amount may be added to the rental rate to cover delivery and pick-up of rented refrigerators where such service is rendered, which may not exceed \$5.50.

(c) *Maintenance of rented refrigerators.* A rented refrigerator must meet the standards set forth for reconditioned refrigerators in Sec. 3 (a) and during the period of the rental must carry the guaranty provided for in Sec. 3 (c).

(d) *Rental payments in advance.* A person who supplies a rented refrigerator may not ask for or receive rental payments for more than three months in advance.

**SEC. 5. Prohibited practices.** (a) Any practice which is devised to get the effect of a higher than ceiling price without actually raising the dollar and cents price, is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, tying agreements, tying requirements, trade understandings and the like.

(b) The following practice is specifically prohibited:

(1) Offering to sell or rent a refrigerator only on condition that the buyer agree to pay for repairs, parts, and services.

**SEC. 6. Tagging.** No person shall sell or offer to sell, or rent, a used household mechanical refrigerator unless a tag is attached to the refrigerator which states whether the refrigerator is offered for sale "as is" or "reconditioned," the length of the guarantee to be supplied, the make, model and year of the refrigerator, the maximum selling price; and if the refrigerator is offered for rent, the tag also shall state the maximum monthly rental rate. A tag in the following form is satisfactory:

Make  
Model  
Year  
Condition (Reconditioned  
("as is")  
Guaranteed for (90 days)  
(one year)  
Maximum selling price: \$-----  
(Maximum monthly rental rate: \$-----)

This tag must not be removed except by the ultimate consumer. If the maximum price for the refrigerator was determined under paragraph (f) or (g) of Sec. 3, the tag shall so state, and if the refrigerator has a replacement unit, shall carry the name of the supplier of the unit.

**SEC. 7. Sales slips, receipts and invoices.** Regardless of his former practice, every person selling a used household mechanical refrigerator in the course of trade or business shall furnish the purchaser with a sales slip, receipt, invoice or other writing, stating that the refrigerator sold is either "as is" or "reconditioned", the length of the guarantee supplied, the date of the sale, the make, model, number and year, the price charged, the nature and amount of any additional charges, and the name and address of the purchaser. If the maximum price was determined under paragraphs (f) or (g) of Sec. 3, this shall also be stated. A copy of such sales slip, receipt, invoice, or other writing shall be retained by the seller for inspection by the Office of Price Administration.

**SEC. 8. Enforcement.** (a) Persons violating any provisions of this Revised Maximum Price Regulation No. 139 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 139 or any price schedule, regulation or order issued by the

<sup>1</sup> 7 F.R. 5059, 7242, 8829, 9000, 10530.

Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

**SEC. 9. Petitions for amendment.** Persons seeking any modification of this Revised Maximum Price Regulation No. 139 or exception not provided for therein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

**SEC. 10. Applicability of the General Maximum Price Regulation.** The provisions of this Revised Maximum Price Regulation No. 139 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Revised Maximum Price Regulation No. 139.

**SEC. 11. Geographical applicability.** The provisions of this Revised Maximum Price Regulation apply to the forty-eight states, the District of Columbia, and the territories and possessions of the United States.

This regulation shall become effective April 15, 1943.

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4541; Filed, March 24, 1943; 3:15 p. m.]

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

[Ration Order 16, Amendment 1]

**MEAT, FATS, FISH AND CHEESES**

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

Ration Order 16 (8 F.R. 3591) is amended in the following respects:

A new Article XXX, containing section 30.1, is added as set forth below:

**Article XXX—Appendix**

**SEC. 30.1 Cheeses not covered by this order.** The types of cheeses commonly known by the following names are not "rationed cheeses" as that term is used in this order:

Abertam	Berliner Kuhkaese
Alemtejo	Bgug-Panir
Alpin	Bleu
Altenburg	Bleu d'Anvergne
Amberg	Bondon
Ancien Imperial	Boudaune
Anvergne	Boulette
Appetitost	Box-Soft
Armavir	Brand
Arnauten	Brie
Asiago (soft variety)	Brinsen
Baker's Pot	Brinza
Banbury	Burgundy
Baronett	Buttermilk
Barrbery	Cacio Fiore
Bauden	Cambridge
Bel Paese	Camembert
Belgian Cooked	Cancoillotte
Bellelay	Canquillote

Canal	Koppen
Carre	Krauterkaese
Champoleon	Krutt
(soft variety)	Kumbach
Chantelle	Kurini
Chaource	Lagulole
Chevret	Langress
Cheyrotin-	Lapland
Chhana	Larron
Chiavari	Latticini
Cooked	Lescin
Cottage	Liederkranz
Coulommiers	Liptau
Cream Cheese	Livarot
Cream Cheese Spreads	Livlander
Cream Spreads	Lorraine
Damen	Maconnais
Danish Export	Macqueline
Daralag	Maigre
Demisel	Mainz Hand
Devonshire Cream	Malakoff
Dorset	Manur
Dotter	Maquee
Dry	Markisch Hand
Duel	Marolles
Egg	Mascarpone
Elisavetpolen	Mesitra
Epoisse	Mignot
Eriwani	Mintzitra
Ervy	Monks Head
Farm	Montavoner
Ferme	Mont-Cenis
Flower	Mont 'Or
Fondue	Montlhery
Forez	Mou
Formagelle	Mozarinelli
Formaggini (soft only)	Mysost
Formaggio Tenero	Nessel
Fourme	Neufchatel
Freisa	Nieheim
Fresco	Nostrale (soft only)
Fromage a La Pie	Oka
Fromage Bleu	Olivet
Fromage D'Ambert	Olmutzer
Fromage De Bour-	Olmutzer Quargel
gogne	Paglia
Fromage De Foin	Paneddas
Fromage De Troyes	Pate Bleu
Fromage Fort	Petit Carre
Fromage Mou	Petit Suisse
Fromage Persille	Pommel
Fromagere	Port Du Salut
Ftinoporine	Port L'Eveque
Gammelost	Potato
Gautrias	Primost
Gavot	Providence
Gerome	Pultost
Gervais	Quacheq
Gex	Quardo
Gjetost	Quartirola
Glarnerkaese	Queso de cincho
Glorie des Montagnes	Queso de hoja
Glumse	Queso de mano
Gold-N-Rich	Queso de puna
Gorgonzola	Queysas
Gournay	Rangiport
Gray	Reblochon
Grunerkase	Reindeer Milk
Guiole	Ricotta (soft variety)
Hand	Riesengebirge
Harz	Rinnen
Hay	Riola
Heidelberg	Rocamadour
Holstein Gesuntheit-	Roka
kase	Rollot
Holstein Health	Roquefort
Hop	Saaland Pfarr
Hopfen	Saint Benoit
Hvid Gjedeost	Saint Claude
Ihlefeld	Saint Flour
Isigny	Saint Marcellin
Josephine	Saint Remy
Journiac	Salamana
Kajmak	Saloto
Karab	Sandwich Nut
Kasach (soft variety)	Sapsago
Kascaval	Sarraz
Katschkawalj	Sassenage
Knaost	Satz
Koch Kaese	Scanno
Kolavarer	Schachtel (soft
Komijne Kaas	variety)

Schafzleiger	Toppen
Schlesischer	Travnik
Weichquarq	Trappist
Schottengsied	Tourille
Senecterre	Troyes
Septmoncel	Tuile de Flondre
Serra Da Estrella	Tworog
Silesian	Tyrol
Slipcote	Vacherin
Stracchino de Gorgon-	Vendome
zola	Villiers
Stracchino de Milano	Vlasic
Stracchino Crescenza	Void
Tali	Weislak
Tamle	West Friesian
Tate de Moime	Westphalia
Tenepete	Wet Jack
Theney	Withania
Thuringia Caraway	Yogurt
Tome-de-Beaumont	Ziegel
Tome de Montagne	Zigar (soft variety)
Topfen	

This amendment shall become effective 12:01 a. m. March 29, 1943.

(Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827, Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4542; Filed, March 24, 1943; 3:17 p. m.]

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

[Amendment 2 to 4th Rev. Zoning O. 1 Under RO 3<sup>2</sup>]

**ORDER ESTABLISHING ZONES**

Amendment No. 2 to Fourth Revised Zoning Order No. 1. Under Rationing Order No. 3—Sugar Rationing Regulations.

The Fourth Revised Zoning Order No. 1 is amended in the following respects:

1. Section 1407.281 (a) Zone 2 is amended to read as follows:

Zone 2: shall include the State of Connecticut; that part of the State of New York not included in Zone 2A; and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex, and Union Counties in the State of New Jersey.

2. Section 1407.281 (a) Zone 2A is added to read as follows:

Zone 2A: shall include Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates Counties in the State of New York.

3. Section 1407.281 (c) is amended to read as follows:

(c) Sugar may be delivered, shipped or transferred as follows:

<sup>1</sup> 8 F.R. 2152.

<sup>2</sup> 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556, 10845, 8 F.R. 166, 262, 445, 620, 1028, 1204, 1288, 2026, 2153, 2432, 2433, 2675, 2758, 3176, 3160.

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

(1) From Zone 1 to any point in Zone 1A.

(2) From Zone 2 to any point in Zone 2A.

(3) From Zone 3 to any point in Zones 2A or 3A.

(4) From Zone 4 to any point in Zone 3A.

(5) From Zone 12 to any point in Zones 9 or 11.

4. Section 1407.281 (d) is amended to read as follows:

(d) Confectioners' sugar in bulk may be delivered, shipped, or transferred from Zone 4 to any point in Zone 5, except that part of Tennessee located in Zone 5; from Zone 6 to that part of Tennessee located in Zone 5 and to any point in Zone 7; from Zone 8 to those parts of Tennessee and Kentucky located in Zone 5; and from Zone 4, Zone 6, or Zone 8 to any point within the corporate limits of the city of Bristol, whether located in the State of Tennessee or in the State of Virginia.

5. Section 1407.281 (f) is redesignated § 1407.281 (g).

6. Section 1407.281 (f) is added to read as follows:

(f) Plantation granulated sugar and Louisiana crystals manufactured from the 1942-43 Louisiana sugar cane crop by the sulfitation process may be delivered, shipped, or transferred from Zone 8 to any point in any other zone.

This amendment shall become effective March 24, 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 421, 77th Cong.; E.O. 9125, 7 F.R. 2709; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005; § 1407.168, Rationing Order No. 3)

Issued this 24th day of March 1943.  
 HAROLD B. ROWE,  
 Director, Food Rationing Division.  
 [F. R. Doc. 43-4543; Filed, March 24, 1943; 3:16 p. m.]

PART 1432—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 9, Amendment 6]

HEATING STOVES

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

Ration Order No. 9 is amended in the following respects:

(1) Section 1432.13 (e) is amended to read as follows:

(e) Anyone who wishes to supplement oil burning equipment which distributes

\*Copies may be obtained from the Office of Price Administration.  
 7 F.R. 10720; 8 F.R. 1318, 2433, 2722, 2941, 3003.

heat through pipes or ducts to any essential living space or to working space essential to the public health or safety or the war effort, but which does not supply heat adequate for the health and comfort of the occupants of such space and who has not in the sixty (60) days before application disposed of any coal burning equipment which could have been used for heating the space.

(2) In § 1432.15 (b) the phrase "private dwelling property" is amended to read "premises".

This amendment shall become effective March 30, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-S, 7 F.R. 10668; E.O. 9125, 7 F.R. 2719)

Issued this 24th day of March 1943.  
 PRENTISS M. BROWN,  
 Administrator.  
 [F. R. Doc. 43-4544; Filed, March 24, 1943; 3:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 16 Under § 1499.3 (c) of GMPR]

LUBRI-ZOL SALES COMPANY

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

§ 1499.816 Adjustment of maximum prices for sales of Anglamol #37 and Anglamol #53 by the Lubri-Zol Sales Company, Cleveland, Ohio. (a) The maximum prices for sales by the Lubri-Zol Sales Company, Cleveland, Ohio, of the products known as Anglamol #37, a cutting oil additive, and Anglamol #53, a lubricating oil additive, are established as set forth below:

ANGLAMOL # 53	
Amount of sales:	Prices per lb. <sup>1</sup>
Tank car .....	\$0.22
Carload drums.....	.2240
10 to carload drums.....	.2275
5 to 9 drums.....	.2310
1 to 4 drums.....	.2335

<sup>1</sup> F. O. B. Niagara Falls, New York.

ANGLAMOL # 37	
Tank cars .....	\$0.18
Carload drums .....	.186
10 to carload drums.....	.1885
5 to 9 drums.....	.1910
1 to 4 drums.....	.1935

(b) Discounts, allowances, and price differentials. All discounts, trade practices, and practices relating to the payment of transportation charges in effect in March 1942 on sales of Anglamol #35 and Anglamol Base "A" liquid shall apply to the maximum prices set forth in paragraph (a) above for Anglamol #37 and Anglamol #53 respectively.

(c) The Lubri-Zol Sales Company, shall submit to the Office of Price Administration, in Washington, D. C., such

reports as may from time to time be required.

(d) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

This Order No. 16 (§ 1499.816) shall become effective March 25, 1943.

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

Issued this 24th day of March, 1943.  
 PRENTISS M. BROWN,  
 Administrator.

[F. R. Doc. 43-4546; Filed, March 24, 1943; 3:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1, to Order 248 Under § 1499.3 (b) of GMPR]

DOUBLE-MIX, INC.

For the reasons set forth in an opinion issued simultaneously herewith, paragraphs (a), (b), (c), and (e) of Order No. 248 under § 1499.3 (b) of the General Maximum Price Regulation are amended and paragraph (h) is added; all to read as set forth below:

§ 1499.1484 Authorization of maximum prices for sales of "Double-Mix", a reagent compound in tablet form used with milk and butter to produce a butter-like spread, packed eight 35 grain tablets to an envelope, 50 envelopes to the carton, by Double-Mix, Inc., Kansas City, Missouri, by wholesalers and by retailers. (a) On and after March 25, 1943, the maximum selling price for 87,312 cartons of "Double-Mix" for sale by Double-Mix, Inc., Kansas City, Missouri, shall be:

Per carton of 50 envelopes, eight 35 grain tablets per envelope..... \$1.93

The maximum price established herein applies on a delivered basis to the purchasers' stations, and shall be subject to a discount of 2% for prompt payment.

(b) Sellers at wholesale are authorized a maximum selling price of \$2.41 per carton of 50 envelopes containing eight 35 grain tablets delivered to the purchasers' customary receiving points.

(c) Sellers at retail are authorized maximum selling prices per envelope of eight 35 grain tablets of "Double-Mix" as follows: If the retailer's customary supplier is a wholesaler, such retailer's maximum price shall be 7 cents per envelope of eight 35 grain tablets. If the retailer's customary supplier is the manufacturer (Double-Mix, Inc.), such retailer's maximum price shall be 6 cents per envelope of eight 35 grain tablets for single envelope sales, and shall be 5½ cents per envelope of eight 35 grain tablets for sales of "Double-Mix" in quantities of two or more envelopes.

(e) On and after March 1943, Double-Mix, Inc. shall supply to each of its purchasers before or at the time of the first delivery of "Double-Mix" to such purchasers a written notification for each

type of purchaser, and for a period of three months thereafter, unless its present packed stock is sooner disposed of, shall include with each carton of "Double-Mix" a written notification to retailers. If such retailer notification is enclosed in the carton, a legend shall be affixed to the outside of such carton to read "Retailer's Notice Enclosed." The written notifications for each type of purchaser shall include the following appropriate statements:

*Notification From Double-Mix, Inc. to Purchasers*

The OPA has authorized us to charge the following price for "Double-Mix":

\$1.93 per carton of 50 envelopes, each envelope containing eight 35 grain tablets, subject to a discount of 2% for prompt payment.

Sellers at wholesale are authorized a maximum delivered selling price of \$2.41 per carton of 50 such envelopes of "Double-Mix". Sellers at retail who customarily purchase "Double-Mix" from wholesalers are authorized a maximum selling price of 7 cents per envelope of eight 35 grain tablets. Sellers at retail who customarily purchase "Double-Mix" directly from us are authorized a maximum selling price of 6 cents per envelope of eight 35 grain tablets for single envelope sales and 5½ cents per envelope for sales in quantities of two or more such envelopes. A copy of a notification to retailers is included in or on every shipping unit of this item. If the initial sale of this item is a split carton sale, i. e., less than one carton of 50 envelopes, wholesalers are required to provide such retailers with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

*Notification From Double-Mix, Inc. to Retailers*

The OPA authorizes sellers at retail the following maximum selling prices for "Double-Mix" per envelope of eight 35 grain tablets: Sellers at retail who customarily purchase "Double-Mix" from wholesalers are authorized a maximum selling price of 7 cents per envelope of eight 35 grain tablets. Sellers at retail who customarily purchase "Double-Mix" directly from us are authorized a maximum selling price of 6 cents per envelope of eight 35 grain tablets for single envelope sales and 5½ cents per envelope for sales in quantities of two or more such envelopes.

(h) This Amendment No. 1 to Order No. 248 (§ 1499.1484) shall become effective March 25, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4539; Filed, March 24, 1943; 3:14 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 219 Under § 1499.18 (b) of GMPR]

TRYLON PRODUCTS CORPORATION

Order No. 219 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GF3-3159.

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

§ 1499.1819 *Adjustment of maximum prices for Meriad Bath Crystals sold by Trylon Products Corporation, Chicago, Illinois.* (a) The maximum prices for Meriad Bath Crystals, 5 lb. size, sold by Trylon Products Corporation, Chicago, Illinois, shall be as follows:

	<i>Per dozen</i>
Sales to wholesalers in gross lots.....	\$4.40
Sales to retailers situated outside the city limits of Chicago, Illinois.....	4.87
Sales to retailers situated within the city limits of Chicago, Illinois.....	4.55

(b) All discounts, allowances, and practices with reference to the payment of transportation costs, in effect during March 1942 with respect to sales of Meriad Bath Crystals, 5 lb. size, by Trylon Products Corporation shall remain in effect under this Order No. 219.

(c) At the time of the first delivery of Meriad Bath Crystals, 5 lb. size, made to each wholesaler at a price specified in this Order No. 219, Trylon Products Corporation shall furnish each such wholesaler with a copy of the following notice:

The Office of Price Administration has permitted us by Order No. 219 under § 1499.18 (b) of the General Maximum Price Regulation to raise our maximum price of Meriad Bath Crystals, 5 lb. size, to you from \$4.25 per dozen to \$4.40 per dozen. This Order does not permit you to raise your maximum price, nor does this Order permit any retailer to raise his maximum price for sales of this product.

(d) At the time of the first delivery of Meriad Bath Crystals, 5 lb. size, made to each retailer at a price specified in this Order No. 219 Trylon Products Corporation shall furnish each such retailer with a copy of the following notice:

The Office of Price Administration has permitted us by Order No. 219 under § 1499.18 (b) of the General Maximum Price Regulation to raise our maximum price for sales of Meriad Bath Crystals, 5 lb. size, to you from (\$4.40 or \$4.72 as the case may be) per dozen to (\$4.55 or \$4.87 as the case may be) per dozen. This Order does not permit you to adjust your maximum price for sales of this product.

(e) All prayers of the applicant not granted herein are denied.

(f) This Order No. 219 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 219 (§ 1499.1819 is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

This Order No. 219 (§ 1499.1819 shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4540; Filed, March 24, 1943; 3:14 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[SR 14<sup>1</sup> to GMPR,<sup>2</sup> Amendment 139]

MOLDED VULCANIZED VEGETABLE OIL

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

Section 1499.73 (a) (59) (ii) (a) is amended by adding at the end thereof the following sentences:

*Except*, That for any kind of molded vulcanized vegetable oil (other than truss pads) which is individually molded and requires special hand labor which results in direct labor costs higher than the figure which would be obtained by computing the direct labor costs on the basis of average cost per pound as required by this inferior subdivision (a) for molded vulcanized vegetable oil generally, direct labor costs may be determined each time a quantity of such molded vulcanized vegetable oil is to be priced by multiplying the estimated number of hours of each type of labor required in the manufacture of the quantity being priced by the following wage rates: The wage rates to be used shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the kind of molded vulcanized vegetable oil being priced. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

This amendment shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4545; Filed, March 24, 1943; 3:16 p. m.]

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

<sup>1</sup> 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6473, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 10381, 9639, 9496, 10381, 9639, 9496, 9786, 9900, 9901, 10069, 10111, 10222, 10151, 10231, 10294, 10346, 10381, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005, 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878, 1121, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035, 2157, 2343, 2354, 2874, 2343, 2346, 2507, 2665, 2760, 2877, 2878, 2886, 2872, 2888, 3209, 3254, 8 F.R. 3185.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110, 2346.

## PART 1340—FUEL

[RPS 88,<sup>1</sup> as Amended March 24, 1943]

## PETROLEUM AND PETROLEUM PRODUCTS

Sections 1340.159 (a) (4) and 1340.159 (a) (5) (ii) are amended by Amendment 83 so that Revised Price Schedule No. 88 shall read as follows:

The production, refining and distribution of petroleum and petroleum products constitute one of the largest industries in the United States. Ample supplies of petroleum products are of prime importance to the armed forces and are equally essential to the industrial activity required by the war effort and to the civilian life of the nation. Inflationary increases in the prices of petroleum and its products will not only be multiplied in the whole structure of costs and prices; they will directly increase the cost of living and the burden of supplying the armed forces.

Price stabilization in the petroleum industry was initiated on the basis of informal agreements between the Office of Price Administration and members of the industry. The increasing scope of control and the growing multiplicity of informal agreements and understandings has made it necessary to embody these agreements and understandings in a price schedule. Such action will serve to clarify the price policies of this Office as they affect the petroleum industry and to protect the industry and the public from the inflationary effects of unwarranted price increases.

## Sec.

- 1340.151 Maximum prices for petroleum and petroleum products.
- 1340.152 Less than maximum prices.
- 1340.158 Evasion.
- 1340.154 Records and reports.
- 1340.155 Enforcement.
- 1340.155a Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.
- 1340.156 Modification of price schedule.
- 1340.156a Petitions for amendment.
- 1340.157 Definitions.
- 1340.158 Effective date of Revised Price Schedule No. 88.
- 1340.158a Effective dates of amendments.
- 1340.159 Appendix A: Maximum prices for petroleum and petroleum products.
- 1340.160 Exceptions.
- 1340.161 Adjustable pricing.
- 1340.162 Notice to purchasers.
- 1340.163 Transfers of business or stock in trade.
- 1340.164 Federal and State taxes.

AUTHORITY: §§ 1340.151 to 1340.164, inclusive, issued under E.O. 8734, 8875, 6 F.R. 1917, 4483, Pub. Laws 421 and 729, E.O. 9250, 7 F.R. 7871.

§ 1340.151 *Maximum prices for petroleum and petroleum products.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1340.159, no person shall sell, offer to sell, deliver or transfer petroleum or petroleum products, and no person shall buy, offer to buy, or accept delivery of

<sup>1</sup> 7 F.R. 1371.

crude petroleum at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.159.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency, or government whose defense is vital to the defense of the United States.]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1340.152 *Less than maximum prices.* Lower prices than those set forth in § 1340.159, Appendix A, may be charged, demanded, paid or offered.

§ 1340.153 *Evasion.* The price limitations set forth in Revised Price Schedule No. 88 shall not be evaded whether by direct or indirect methods in connection with a sale, delivery, or transfer of petroleum products, or a purchase, sale, delivery or transfer of crude petroleum, alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.

§ 1340.154 *Records and reports.* (a) All purchase prices for crude petroleum as of October 1, 1941, whether or not such purchase prices were posted, shall be filed with this Office within thirty days after February 2, 1942, the effective date of Revised Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive). Purchase prices for crude petroleum described above may be submitted in the form of such price schedules or price lists as were in use on the dates specified, provided such price schedules or price lists are corrected to indicate any variance between the schedule or list price and the purchase price.

[Paragraph (a) as amended by Amendment 8, 7 F.R. 3116, effective 4-29-42]

(b) Where a contract of the type described in paragraph (a) (3) of § 1340.159 was in effect as of October 1, 1941 duly authenticated copies of such contracts shall be filed with this Office within thirty days after August 26, 1942.

[Paragraph (b) as amended by Amendment 30, 7 F.R. 6680, effective 8-26-42]

(c) Where maximum prices for any sale or purchase of crude petroleum or sale of petroleum products are not provided for in § 1340.159, purchasers and sellers of crude petroleum and sellers of

petroleum products shall, within ten days after the purchase or sale in question, submit to this Office the price and description of the crude petroleum or petroleum product in question.

[Paragraph (c) as amended by Amendment 8, 7 F.R. 3116, effective 4-29-42]

(d) Duly authenticated copies of all contracts entered into after March 7, 1942 involving the sale, purchase or exchange of the commodities exempted from §§ 1340.151 and 1340.159 by § 1340.160 shall be filed by the seller with this Office within fifteen days after the signing of such contracts, except as otherwise authorized in writing by the Office of Price Administration: *Provided*, That in lieu of the filing of duly authenticated copies of such contracts, duly authenticated summaries of such contracts may be filed by the seller with the Office of Price Administration within fifteen days after the signing of such contracts. Such duly authenticated summaries shall include the following information: seller, commodities sold, date of contract, term of contract, production origin, buyer, point of delivery corresponding to sales price, method of delivery, i. e. tanker, tank car, field pump, et cetera, volume sold barrels, price cents per US gallon, specifications of product and notes detailing special provisions of contract such as price formulae, et cetera.

[Paragraph (d) as amended by Amendment 41, 7 F.R. 9134, effective 11-12-42]

(e) Persons affected by Revised Price Schedule No. 88 shall submit such other reports to the Office of Price Administration and keep such records as it may from time to time require.

(f) Reports required to be filed with this Office under paragraphs (a) and (b) of this section may be filed up to and including March 23, 1942, notwithstanding the time limitations contained in said paragraphs.

(g) Each person participating in the pool established under Recommendation No. 12, as amended,<sup>2</sup> of the Office of Petroleum Coordinator for National Defense shall submit to the Price Administrator within fifteen days after March 26, 1942 a certified statement of the volume of sales and applicable revenue, classified by products, and the extra expenses incurred from the date of that person's entrance into the pool through February 28, 1942 in the transportation of petroleum and petroleum products to or in the States of Connecticut, Delaware, Florida, east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and the corporate limits of the City of Bristol, Tennessee by railroad tank car or other alternative means of transportation, or any combination thereof, over transportation by tanker under the applicable rates established by the United States Maritime Commission;

<sup>2</sup> 6 F.R. 5538.



and each such person shall submit prior to the 30th day of each month thereafter supplementary statements of such sales, revenue and expenses for each preceding month. All persons participating in the pool referred to above shall submit jointly to the Price Administrator on or before March 26, 1942 an audit, broken down by persons, prepared and certified to by a firm of auditors and accountants, of the volume of sales and applicable revenue, classified by products, and the extra expenses referred to above incurred in compliance with Recommendation No. 12, as amended, from September 4, 1941 through February 28, 1942 and shall submit prior to the 30th day of each month thereafter supplementary audits of such sales, revenue and expenses, broken down by persons, for each preceding month.

[Paragraphs (e), (f), and (g) as amended by Amendment 8, 7 F.R. 3116, effective 4-29-42]

§ 1340.155 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 88 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 88 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[§ 1340.155 as amended by Amendment 25, 7 F.R. 5988, effective 8-1-42]

§ 1340.155a *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.*<sup>8</sup> The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Revised Price Schedule No. 88 selling at wholesale or retail any petroleum or petroleum products covered by this Revised Price Schedule No. 88. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to person selling at wholesale on May 11, 1942, and as to persons selling at retail on May 18, 1942.

[§ 1340.155a added by Amendment 25, 7 F.R. 5988, effective 8-1-42]

§ 1340.156 *Modification of price schedule—(a) Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Price Schedule No. 88 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.<sup>7</sup>

[Paragraph (a) as amended by Supplementary Order No. 26, 7 F.R. 8948.]

<sup>8</sup> 8 F.R. 3096.

<sup>7</sup> 7 F.R. 8961.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

(b) *Petitions for adjustment or exception.* (1) Any corporation subject to the provisions of Revised Price Schedule No. 88, all of whose securities are owned by another corporation, or which owns all of the securities of another corporation or all of whose securities and all of those of another corporation are owned directly or indirectly by a third corporation may (i) file a petition for exception from § 1340.159 for sales of petroleum and petroleum products to such other corporation and (ii) file a petition for adjustment of such of its maximum prices for petroleum products as are required to be calculated under § 1340.159 (b) (2) on the basis of a sale of such products to such other corporation.

(2) Such petitions for exception and/or adjustment shall be accompanied by a statement under oath setting forth (i) the percentage of shares or units of any issues of securities of the subsidiary corporation or corporations held beneficially or of record by any person or persons and the names and post office addresses of such person or persons, (ii) the hardship or inequity which would result to the petitioner from failure to grant the petition and (iii) in the case of a petition filed under subparagraph (1) (ii) of this paragraph, a statement of all the circumstances bearing on the issue of whether the last sale establishing the petitioner's maximum price under § 1340.159 (b) (2) was made at a price below that which would have been charged to a purchaser of the same class not related to the petitioner as above outlined.

[Paragraph (b) as amended by Amendment 13, 7 F.R. 3552, effective 5-13-42]

(c) *Applications for adjustment.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Revised Price Schedule No. 88, for any seller subject to the provisions thereof in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar crude petroleum and/or petroleum products, and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of crude petroleum and/or the same or similar products will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (c) shall be filed in accordance with Revised Procedural Regulation No. 1.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (c).

[Paragraph (c) added by Amendment 23, 7 F.R. 5867; amended by Amendment 39, 7 F.R. 8938, effective 11-4-42]

§ 1340.157 *Definitions.* When used in Revised Price Schedule No. 38 (§§ 1340.151 to 1340.164, inclusive), the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Petroleum products" means:

All grades of gasoline, including natural gasoline and blending naphthas; also special hydrocarbon fractions utilized in the manufacture of gasoline or the components thereof. Liquefied petroleum gases.

Tractor distillates and similar distillate type motor fuels other than gasoline.

Kerosene, including range oil or stove oil.

Distillate burning, heating or fuel oils.

Diesel fuel oils.

Residual burning, heating or fuel oils.

Lubricating oils, including motor, aviation and stock oils (neutrals, bright stocks, steam refined stock and other stock oils) and all greases and industrial lubricating oils except core oils and core washing oils.

Naphthas, solvents, mineral spirits and other petroleum fractions when sold as anti-freeze preparations.

For the time being industrial naphthas and solvents, and specialty products (such as household oils and spot removers) are excluded from the list of petroleum products subject to Revised Price Schedule No. 88.

[Paragraph (b) as amended by Amendment 69, 8 F.R. 2267, 2874, effective 2-25-43]

(c) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(d) "Consumer or commercial tank wagon prices" means the prices at which petroleum products are sold for delivery by tank wagon or tank truck to the ultimate consumer of such products or to persons not primarily resellers of such products.

(e) "Contract" means an agreement, the existence of which is established by written evidence.

(f) "Dealer tank wagon prices" means the prices at which petroleum products are sold for delivery by tank wagon or tank truck to resellers of such products.

(g) "Producers" means royalty owners or other sellers of crude petroleum at the well.

[Paragraphs (h) and (i) revoked by Amendment 30, 7 F.R. 6680, effective 8-26-42]

(j) "Tank wagon area" means the area in which petroleum products are distributed by tank wagon or tank truck from the given shipping point.

[Paragraphs (k) through (q) revoked by Amendment 68, 8 F.R. 2105, effective 2-20-43]

(r) "Securities" means shares of stock of any class, voting trust certificates, participation certificates, bonds, notes, debentures and other evidences of indebtedness.

[Paragraph (r) added by Amendment 13, 7 F.R. 3552, effective 5-13-42]

(s) "Receiving tank" means the tank of the producer of crude petroleum, sometimes called stock tank or shipping tank, in which the oil from one or more wells is first gauged or measured for sale, delivery or storage.

[Paragraph (s) added by Amendment 30, 7 F.R. 6680, effective 8-26-42]

(t) "Seller of the same class" means a seller (i) performing the same function, (ii) of similar type, (iii) dealing in the same type of commodity, and (iv) selling to the same class of purchaser.

(u) "A seller's most closely competitive seller of the same class" shall be a seller of the same class who: (i) is selling the same commodity, (ii) is closely competitive in the sale of such commodity and (iii) is located nearest to the seller.

[Paragraphs (t) and (u) added by Amendment 31, 7 F.R. 7242, effective 9-16-42]

(v) "Wet gas" means any natural or petroleum gas, and refinery gas, which is sold to be processed for the extraction of vapors and liquids, from which operation some residue gas results.

(w) "Dry gas" means any natural or petroleum gas, and refinery gas, sold for consumption either directly as fuel or to be consumed in the production of any other commodity or for use in gas lift, pressure maintenance or repressuring operations, and includes such gas when delivered directly from wells, and the residue gas incident to plant operations.

[Paragraphs (v) and (w) added by Amendment 32, 7 F.R. 7838, effective 10-7-42]

(x) "Texas-Panhandle Area." Panhandle area of Texas is that portion of Texas north of the southern boundaries of the following counties: Farmer, Castro, Swisher, Briscoe, Ball and Childress.

[Paragraph (x) added by Amendment 43, 7 F.R. 9335, effective 11-17-42]

(y) "Highest price charged during March, 1942" means:

(1) The highest price which the seller charged at the same shipping or delivery point to a purchaser of the same class for delivery of the particular petroleum product during March 1942.

(2) If the seller made no such delivery during March 1942, such seller's highest offering price to a purchaser of the same class for delivery during that month.

(3) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March, 1942 to a purchaser of a different class, adjusted to reflect the seller's customary

differential between the two classes of purchasers.

(4) In no event, however, shall a price charged pursuant to a contract entered into prior to March 1942 be regarded as a price charged in March 1942 unless such contract was adjustable to reflect current market conditions at or about the dates of deliveries under such contract.

(z) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it without substantially changing its composition, either to an industrial or commercial user or to any person other than an ultimate consumer.

(aa) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user.

[Paragraphs (y), (z), and (aa) added by Amendment 69, 8 F.R. 2267, effective 2-25-43]

§ 1340.158 *Effective date of Revised Price Schedule No. 88.* This Schedule (§§ 1340.151 to 1340.159, inclusive) shall become effective February 2, 1942.

[NOTE: This date refers to the original issuance of Price Schedule 88]

§ 1340.158a *Effective dates of amendments.* [Effective dates of amendments are shown in notes following parts affected.]

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* The maximum prices established by Revised Price Schedule No. 88 (§§ 1340.151 to 1340.164 inclusive) shall include the prices on all domestic, export and import transactions, sales, transfers, exchanges or purchases of crude petroleum and on all domestic, export and import transactions, sales, transfers or exchanges of petroleum products, involving contract, bid or spot sales of crude petroleum at the well, the gathering point, tank or terminal, and of petroleum products for cargo or barge shipment, harbor delivery, f. o. b. refinery and terminal, and tank car and tank wagon delivery. With the exception of industrial lubricating oils and greases, prices for petroleum products when sold at retail at service stations, garages and stores are not governed by Revised Price Schedule No. 88.

[Paragraph as amended by Amendment 69, 8 F.R. 2267, effective 2-25-43]

[NOTE: For maximum prices on export transactions, see Revised Maximum Export Price Regulation, 7 F.R. 5059, 7242, 8829, 9000, 10530]

No seller of petroleum or petroleum products shall reduce his discounts, such as those for quantity, prompt payment or ease of handling, to a buyer below those which he had in effect as to deliveries during the period October 1 to 15, 1941, to the same buyer, or if no delivery was made to the particular buyer during that period below those which he had in effect as to deliveries to buyers of the same general class during such period. Such discounts shall be deducted from the maximum prices established in this

§ 1340.159 unless, as with respect to maximum prices determined by § 1340.159

(b) (2), the maximum prices are net prices after reduction by such discounts.

[Paragraph as amended by Amendment 17, 7 F.R. 3963, effective 5-27-42]

Except as specifically provided herein-after, and pending the preparation of a comprehensive schedule or schedules of specific prices, the maximum prices for petroleum and petroleum products shall be the prices determined according to paragraphs (a) and (b) below.

(a) *Crude petroleum.* (1) The maximum price at the receiving tank for crude petroleum from any given pool shall be the posted purchase price as of October 1, 1941 for such pool.

(2) Where on October 1, 1941, there was for any given pool no posted purchase price, or more than one posted purchase price, the maximum price at the receiving tank for crude petroleum from such pool shall be the price paid for crude petroleum at the same receiving tank as of October 1, 1941 unless this price is below the lower or lowest of the posted purchase prices, if any, and in that case, the maximum price shall not be in excess of such lower or lowest posted purchase price: *Provided, however,* That a price paid pursuant to a contract in effect on October 1, 1941 and entered into prior to that date, shall not be considered in determining the maximum price for crude petroleum unless the contract price reflected current market conditions on or about October 1, 1941.

[Paragraph (2) as amended by Amendment 63, 8 F.R. 1312, effective 2-3-43]

(3) Where a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the receiving tank at a price in excess of any posted purchase price for the given pool applicable to such production or for the purchase of crude petroleum at a point other than at the receiving tank at a price in excess of the sum of such posted purchase price and the differential between such posted purchase price and the price at such other point in existence on October 1, 1941, such contract price shall be the maximum price at the receiving tank or at such other point for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the same production.

[Paragraph (3) as amended by Amendment 30, 7 F.R. 6680, effective 8-26-42]

(4) Where the maximum price for any sale of crude petroleum at the receiving tank cannot be determined under (1) through (3) above, the seller or purchaser may set a tentative price for the crude petroleum at the particular receiving tank or tanks which shall be in line with the maximum prices for comparable crude petroleum in the same general area. Within ten days after setting such a tentative price the seller or purchaser shall file with the Office of Price Administration at its principal

office in Washington, D. C., a written request for approval of such tentative price. The person filing such request, shall file in connection therewith a statement setting forth:

(i) Such tentative price,

(ii) An explanation as to why it is impossible to determine his maximum price under subparagraphs (1), (2) or (3) of this paragraph (a),

(iii) A description of the available transportation facilities, and a description of the gravity, characteristics and source of the crude petroleum in question.

Such tentative price shall be the seller's maximum price for such crude petroleum at the particular receiving tank or tanks unless it is disapproved in writing by the Office of Price Administration within 30 days from the date it is filed as above provided or a substitute maximum price is set by the Office of Price Administration. If such tentative price is a posted price, it shall unless the Office of Price Administration disapproves it in writing within 30 days from the date it is filed as above provided, or sets a substitute maximum price, be the maximum price at the receiving tank for any crude petroleum produced from the pool from which crude petroleum covered by the sale in question is produced. This provision also covers crude petroleum produced from wells representing discovery and development of new pools subsequent to October 1, 1941. If a seller and purchaser have agreed upon a price for the sale of crude petroleum subject to the approval of the Office of Price Administration, a maximum price determined in accordance with this subparagraph (4) shall be effective retroactively to February 2, 1942 or the date of the agreement, whichever is later.

[Paragraph (4) as amended by Amendment 83, issued 3-24-43 and effective 3-30-43]

(5) (i) The maximum price for crude petroleum purchased at a point other than the receiving tank shall be at no greater differential at such point over the maximum price for such crude at the receiving tank than existed on October 1, 1941: *Provided, however,* That such a differential established pursuant to a contract in effect on October 1, 1941 and entered into prior to that date shall not be considered in determining the maximum price at that point unless the differential reflected current market conditions on or about October 1, 1941.

(ii) Where a maximum price at a point other than at the receiving tank cannot be determined under subdivision (i) above, the seller may establish a tentative differential for a sale of crude petroleum at such point. Within ten days after setting such tentative differential

the seller shall file with the Office of Price Administration at its principal office in Washington, D. C. a written request for approval of such tentative differential accompanied by a statement setting forth:

(a) Such tentative differential,

(b) An explanation as to why it is impossible to determine his maximum price at the particular point under § 1340.159 (a) (5) (i) of this price schedule.

(c) The location of the source of the crude petroleum in question and of the particular delivery point, and

(d) An itemized statement of the costs involved in transporting the crude petroleum from the receiving tank to the particular delivery point and of any other items comprising the tentative differential.

Such tentative differential shall be the seller's maximum differential for the particular sale and for all subsequent sales of crude petroleum from the same receiving tank delivered at that point unless it is disapproved in writing by the Office of Price Administration within 30 days from the date it is filed as above provided or a substitute maximum differential is set by the Office of Price Administration. If a seller and purchaser have agreed upon a price for a sale of crude petroleum at a point other than at the receiving tank subject to the approval of the Office of Price Administration, a maximum differential determined in accordance with this subdivision (ii) shall be effective retroactively to February 2, 1942 or the date of the agreement, whichever is later. The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[Paragraph (5) as amended by Amendment 63, 8 F.R. 1312, effective 2-3-43 and Amendment 83, issued 3-24-43 and effective 3-30-43]

(b) *Petroleum products.* (1) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the October 2, 1941 issue of *Platt's Oilgram* and the *Chicago Journal of Commerce*, the October 8, 1941 issue of the *National Petroleum News* or other publications designated by this Office, for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published. Quotations in the above named periodicals for the States of California, Oregon, Washing-

ton, Arizona and Nevada shall not be used in determining maximum prices.

(2) Where the maximum price for a petroleum product at a given shipping or delivery point cannot be determined under subparagraph (1) of this paragraph the maximum price for each seller at such shipping point or delivery point shall not exceed the price charged at that point by him on the last sale of a substantial quantity of the same product to a purchaser of the same general class, within sixty days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the price charged on the last sale of a substantial quantity of the same product to a purchaser of the same general class made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of a substantial quantity of the same product to a purchaser of the same general class in the period specified. The term "sale" in this subparagraph shall include sales and contracts of sale made during the period specified and deliveries made during the period specified under contracts made prior thereto which permitted adjustments to reflect changes made prior to the dates of such deliveries, in the prices of the petroleum and/or petroleum products purchased or used by the seller in order to make deliveries under such contracts. Deliveries during the period specified under contracts entered into prior thereto which did not permit such adjustments shall not be regarded as sales for the purpose of calculating maximum prices under this subparagraph.

[Paragraphs (1) and (2) as amended by Amendment 14, 7 F.R. 3552, effective 5-13-42]

(3) Where the maximum price for any petroleum product at a given shipping or delivery point cannot be determined under subparagraphs (1) or (2) above, a seller may sell such product at the maximum price of his most closely competitive seller of the same class as determined under subparagraphs (1) or (2) above.

[Paragraph (3) as amended by Amendment 31, 7 F.R. 7242, effective 9-16-42]

(4) Notwithstanding (1), (2) and (3), where contracts covering domestic sales of petroleum products had been made prior to November 10, 1941, the prices in such contracts may be charged pursuant to such contracts up to and including March 1, 1942.

(5) Notwithstanding (1), (2) and (3), where contracts covering export sales of petroleum products had been made prior to January 20, 1942, the prices in such contracts may be charged pursuant to such contracts up to and including March 1, 1942.

(6) Notwithstanding (1), (2) and (3), sales of petroleum products may be made up to and including March 1, 1942 under the following provisions:

(i) The maximum price on each product sold, contracted to be sold, delivered,

or transferred by a seller shall be the lowest quoted price published in the first issue after November 7, 1941 of the *National Petroleum News*, *Platt's Oilgram*, or the *Chicago Journal of Commerce*, for a product of the same class, kind, type, condition and grade. Where such products are sold and the prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

(ii) Where the maximum price for products at a given shipping or delivery point cannot be determined under (i) above, sellers may sell such products at the market price prevailing at the time of the sale: *Provided*, That notice of the sale and the price thereof is furnished to this Office, within fifteen days after the sale, when the price is in excess of the price of the last sale of a product of similar quality made by the seller prior to November 7, 1941.

(7) In the event that a seller is unable to determine a maximum price at a given shipping or delivery point for the sale of any petroleum product under paragraph (b) or (c) of this § 1340.159 which is not exempted from §§ 1340.151 and 1340.159 of this Revised Price Schedule No. 88, by § 1340.160 of said schedule, then the seller shall set a tentative maximum price for such product at the particular shipping or delivery point. This subparagraph shall be applicable even though a seller may have heretofore either determined his maximum price in some other manner or reported a price under § 1340.154 (c). The seller shall within 15 days after setting a tentative maximum price, file with the Office of Price Administration a written request for approval of such tentative maximum price. In connection with such request, the seller shall file with the Office of Price Administration at its principal Office in Washington, D. C., a statement setting forth:

(i) Such tentative price;

(ii) An explanation as to why it is impossible for the seller to establish a selling price under paragraph (b) or (c) of this § 1340.159;

(iii) Whenever applicable, that the price set by him is in line with the level of maximum prices for the three most closely competitive sellers of the same class and his own maximum prices for the same product at three other points nearest the point for which the tentative price was set;

(iv) Whenever subdivision (iii) is not applicable, an explanation supplemented by specifications, as to how the particular product differs from the two products having the most nearly similar specifications for which maximum prices are established by paragraph (b) or (c) of this § 1340.159 and the maximum prices of such products; and an explanation as to the seller's method of ascertaining the cost to him of the particular product and how that differs from the cost to him of

the two products having the most nearly similar specifications.

Such tentative price shall be the seller's maximum price at the particular shipping or delivery point for the particular product unless it is disapproved in writing by the Office of Price Administration within thirty days from the date it is filed as above provided or a substitute price is set by the Office of Price Administration. If a substitute price is set, then such price shall be the maximum price.

[Paragraph (7) added by Amendment 31, 7 F.R. 7242, effective 9-16-42]

(8) Notwithstanding the provisions of other subparagraphs of this paragraph and § 1340.159 (c), where a seller of fuel oil of Grade No. 5 or lighter, was giving free oil burner service to purchasers located in the corporate limits of Baltimore City and the counties immediately bordering on Baltimore City, including Baltimore County, Anne Arundel County, Howard County, Harford County, and Carroll County, such seller may make additional charges for servicing such purchaser's oil burner on the following basis:

(i) Each call one dollar and fifty cents (\$1.50).

(ii) In addition to the basic charge for a call authorized under subdivision (i) a charge of one dollar and fifty cents (\$1.50) may be made for performance of a vacuum cleaning job once in any single twelve-month period, and a charge of one dollar (\$1.00) may be made for performance of an Orsat or other instrument analysis of flue gases or products of combustion once in a single twelve-month period.

[Paragraph (8) added by Amendment 34, 7 F.R. 8478, effective October 24, 1942, except that buyers who have already made contracts with sellers to pay for service rendered at a certain rate in the event that such a charge would be authorized by the Office of Price Administration may be charged therefore in accordance with the terms of such contract if such charges do not exceed what could be charged under the terms of subparagraph (8).]

(9) Notwithstanding the provisions of other subparagraphs of this paragraph (b) or of paragraph (c) of this section, the maximum tank wagon prices for all fuel oils and heating oils including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5, and 6 fuel oil, Diesel oil and gas oil in the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, and in the District of Columbia shall be 0.3 of a cent per gallon above the maximum prices in the above states and the District of Columbia as determined under any provision of this price schedule which would otherwise govern except that the total amount charged on each

lot sold shall be adjusted to the nearest cent.

[Paragraph (9) added by Amendment 53, 7 F.R. 11112, effective 12-29-42, and amended by Amendment 81, 8 F.R. 3327, effective 3-16-43]

(10) (i) Notwithstanding the provisions of other subparagraphs of this paragraph (b), a seller may charge for any petroleum product on any sale thereof, pursuant to open and public bidding, to any governmental agency, whether state or Federal, or any state or political subdivision thereof, either

(a) His own maximum price under the other provisions of this paragraph (b), or

(b) The amount of the highest maximum price established under this price schedule for any person participating in the particular bidding for sale of the same product to the same buyer.

(ii) No bid at any such bidding regardless of the amount thereof shall be deemed to conflict with any provision of this price schedule.

[Paragraph (10) added by Amendment 55, 8 F.R. 157, effective 1-7-43]

(11) (i) Notwithstanding any other provision of § 1340.159 (b) a seller's maximum tank wagon price at a particular point for a particular grade of gasoline, kerosene, range or stove oil, distillate fuel oils, and tractor and diesel fuel shall be the maximum price of the reference tank wagon seller as specified hereunder for the same grade at the same point provided the reference tank wagon seller's maximum price is higher than the maximum price which would otherwise be applicable. Where more than one reference seller is specified for a particular point, and such reference sellers do not have the same maximum price for such point, then the maximum price of the reference seller having the lowest maximum price shall be controlling.

For a product of a particular seller to be regarded as of the same grade as a product of the reference seller, it must customarily have been so regarded in trade practice at the point of sale and it must be a product that has customarily been sold in competition with the product of the reference seller.

(ii) The companies hereinafter named are the reference tank wagon sellers for any point in the continental United States, in the State, States or district set out opposite the name of the company: *Provided*, That such company has an applicable maximum price for such point;

For any points in the State of:	Reference tank wagon sellers
Alabama.....	Standard Oil Co. (Kentucky).
Arizona.....	Standard Oil Co. of California.
Arkansas.....	Standard Oil Co. of Louisiana and Continental Oil Co.
California.....	Standard Oil Company of California.
Colorado.....	Continental Oil Co.
Connecticut....	Socony-Vacuum Oil Co., Inc. and The Atlantic Refining Co.

For any points in the State of— Continued.	Reference tank wagon sellers
Delaware.....	The Atlantic Refining Co.
District of Columbia.....	Standard Oil Co. of New Jersey.
Florida.....	Standard Oil Co. (Kentucky) and The Atlantic Refining Co.
Georgia.....	Standard Oil Co. (Kentucky) and The Atlantic Refining Co.
Idaho.....	Continental Oil Co.
Illinois.....	Standard Oil Co. (Indiana).
Indiana.....	Standard Oil Co. (Indiana).
Iowa.....	Standard Oil Co. (Indiana).
Kansas.....	Standard Oil Co. (Indiana).
Kentucky.....	Standard Oil Co. (Kentucky).
Louisiana.....	Standard Oil Co. of Louisiana.
Maine.....	Socony-Vacuum Oil Co., Inc.
Maryland.....	Standard Oil Company of New Jersey and The Atlantic Refining Co.
Massachusetts.....	Socony-Vacuum Oil Co., Inc., and The Atlantic Refining Co.
Michigan.....	Standard Oil Co. (Indiana).
Minnesota.....	Standard Oil Co. (Indiana).
Mississippi.....	Standard Oil Co. (Kentucky).
Missouri.....	Standard Oil Co. (Indiana).
Montana.....	Continental Oil Co.
Nebraska.....	Standard Oil Co. (Nebraska).
Nevada.....	Standard Oil Co. (California).
New Hampshire.....	Socony-Vacuum Oil Co., Inc.
New Jersey.....	Standard Oil Co. of New Jersey and The Atlantic Refining Co.
New Mexico.....	Continental Oil Co.
New York.....	Socony-Vacuum Oil Co., Inc.
North Carolina.....	Standard Oil Co. of New Jersey and The Atlantic Refining Co.
North Dakota.....	Standard Oil Co. (Indiana).
Ohio.....	Standard Oil Co. (Ohio).
Oklahoma.....	Continental Oil Co.
Oregon.....	Standard Oil Co. of California.
Pennsylvania.....	The Atlantic Refining Co.
Rhode Island.....	Socony-Vacuum Oil Co., Inc., and The Atlantic Refining Co.
South Carolina.....	Standard Oil Co. of New Jersey.
South Dakota.....	Standard Oil Co. (Indiana).
Tennessee.....	Standard Oil Co. of Louisiana.
Texas.....	Humble Oil & Refining Co. and The Texas Co.
Utah.....	Continental Oil Co.
Vermont.....	Socony-Vacuum Oil Co., Inc.
Virginia.....	Standard Oil Co. of New Jersey and The Atlantic Refining Co.
Washington.....	Standard Oil Co. of California.
West Virginia.....	Standard Oil Co. of New Jersey.
Wisconsin.....	Standard Oil Co. (Indiana).
Wyoming.....	Continental Oil Co.

[Paragraph (11) added by Amendment 66, 8 F.R. 1799, effective 2-13-43]

(12) The maximum prices in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia for the petroleum products listed below shall be the maximum prices as determined under Section 1340.159 (b) (1)-(3) plus the respective amounts per gallon indicated below:

Product	Cents per gallon
All distillate and distillate type fuel oils having a viscosity below 85 seconds Saybolt Universal (at 100° F.) except kerosene, range oil and No. 1 fuel oil and including but not limited to the following: Tractor fuel, gas house oils, distillate Diesel fuel oils, Nos. 2, 3, and 4 fuel oils, Standard light gas oil, gas house standard light gas oil and Mirando and Mirando type crude oil when sold as No. 4 fuel oil or other distillate fuel oil use.....	1.5
Kerosene, range oil and No. 1 fuel oil....	1.8

[Paragraph (12) added by Amendment 82, 8 F.R. 3366, effective 3-17-43]

(c) *Specific prices.* The following specific prices shall be the maximum prices for the items named at the points enumerated, notwithstanding paragraphs (a) and (b) above:

(1) *Crude petroleum—(i) Pennsylvania grade.*

Grade of crude petroleum	Maximum price per barrel
Pennsylvania Bradford.....	\$3.00
Southwest Pennsylvania.....	2.65
Eureka.....	2.59
Southeastern Ohio.....	2.55
Oil City-Titusville:	
Group A (including Cochran, Franklin Hamilton, and Doolittle Districts).....	2.93
Group B (Titusville District).....	2.92
Group C (including Turkey and Tidout).....	2.91
Group D (including Bear Creek and Porkey Districts).....	2.90
Group E (including Eideneau, Bowl Creek, Rough Run, Carbon, Dltner, Bredin, McJunkin, Jameson, Kernerdall, Emlenton, Tiona, Lacy, and Kinzua Districts).....	2.88

(a) The price limitations set forth above shall prohibit the addition of commissions above said maximum prices except that persons who buy Pennsylvania grade crude petroleum for resale under contracts and who had contracts in existence on August 23, 1941 which provide that the price on resale shall be the "posted price" plus a specified commission may receive the maximum price plus said commission specified in the contracts: *Provided*, That (a) said contracts were entered into in writing prior to August 14, 1941; (b) said contracts are binding and valid in character; (c) certified copies of each such contract were filed with the Office of Price Administration within ten (10) days after August 23, 1941; and (d) no such contract has been extended or amended without the approval of this Office. Persons who buy for resale and wish to enter into contracts, or wish to extend or

amend contracts, providing for prices on resale higher than the maximum prices listed above; may make application to this Office for permission to receive such higher prices.

(ii) *North and North Central Texas and Oklahoma.* The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Cooke, Eastland, Fisher, Foard, Haskell, Jack, Jones, Montague, Palo Pinto, Shackelford, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, and Young Counties, Texas, and in the bed of the Red River in Tillman County, Oklahoma, shall be \$1.21 per barrel with the customary differentials for lower gravity crudes.

(iii) *Louisiana.* (a) The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in the Caddo Pool in Louisiana shall be \$1.20 per barrel with the customary differentials for lower gravity crudes.

(b) The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in any pool in Ritchie Field, Acadia Parish, Louisiana, shall be \$1.48 per barrel with the customary differentials for lower gravity crudes.

[Paragraph (b) is made effective as of February 2, 1942 by Amendment No. 19, issued June 18, 1942]

(c) The maximum prices at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in any pool in University Field, East Baton Rouge Parish, Louisiana, shall be \$1.48 per barrel with the customary differentials for lower gravity crudes.

(d) The maximum price at the receiving tank for crude petroleum of 40° API gravity and above, produced in the Olla, South Olla and Little Creek Pools, La-Salle Parish, Louisiana, shall be \$1.35 per barrel, with the customary differentials for lower gravity crudes.

[Paragraphs (ii) and (iii) as amended by Amendment 7, 7 F.R. 2945, effective 4-23-42; Amendment 20, 7 F.R. 4854, effective 7-2-42; and Amendment 64, 8 F.R. 1318, effective 2-3-43]

(iv) *Oklahoma.* The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in Carter County, in that portion of the Tussy Field located in Garvin County, and in the Healdton and Oscar Pools in Oklahoma shall be \$1.25 per barrel with the customary differentials for lower gravity crudes.

[Paragraph (iv) as amended by Amendment 12, 7 F.R. 3524, effective 5-13-42]

(v) *New Mexico.* The maximum price at the well for crude petroleum of 40° gravity and above, determined by the

American Petroleum Institute method, produced in the Loco Hills Area of Eddy County, New Mexico shall be \$1.12 per barrel with the customary differentials for lower gravity crudes.

[Paragraph (v) added by Amendment 12, effective 5-13-42]

(vi) *East Texas.* Effective February 2, 1942, the maximum price for East Texas crude petroleum sold by the Houston Oil Company of Texas at its tank No. 11, Peterson Tank Farm, Isaac Ruddle Survey, Rusk County, Texas, shall be \$1.30 per barrel.

[Paragraph (vi) added by Amendment 16, 7 F.R. 3895, effective 5-23-42]

(vii) *Texas.* (a) The maximum price at the well for crude distillate produced in the Pettus field, Bee County, Texas, shall be \$1.50 per barrel.

(b) Effective February 2, 1942, the maximum price at the receiving tank for crude distillate of 50° gravity and above produced from the Partlow lease, Hardin field, Liberty County, Texas, shall be \$1.53 per barrel.

(c) The maximum price at the receiving tank for crude petroleum of 40° API gravity and above produced in the Rincon field, Starr County, Texas, shall be \$1.45 per barrel, with the customary differentials for lower gravity crudes.

(d) Effective December 1, 1942, the maximum price at the receiving tank for crude petroleum of 40° API gravity and above produced in the Shields field, Nueces County, Texas, shall be \$1.35 per barrel, with the customary differentials for lower gravity crudes.

[Paragraph (vii) added by Amendment 22, 7 F.R. 5481; amended by Amendment 64, 8 F.R. 1318, effective 2-3-43]

(viii) *Wyoming.* (a) The maximum prices at the receiving tank for black oils produced in the fields designated below shall be:

Field:	Price per barrel
Black Mountain.....	\$0.55
Byron.....	.70
Circle Ridge.....	.65
Dallas and Derby.....	.55
Frannie, light.....	.85
Frannie, heavy.....	.62
Garland.....	.60
Grass Creek, heavy.....	.65
Hamilton Dome.....	.60
Hudson (Lander).....	.725
Maverick Springs.....	.6626
Notches.....	.75
Oregon Basin.....	.65
Pilot Butte.....	.80
South Casper Creek.....	.65
Poison Spider.....	.65
Spindletop.....	.65
Shoshone.....	.65
Salt Creek, Tensleep.....	.8285
Sheep Creek.....	.65

[Paragraph (a) as amended by Amendment 71, 8 F.R. 2594, effective 2-26-43. Paragraph (b) revoked]

(ix) *California.* Effective February 2, 1942, the maximum prices at the receiving tank for royalty crude petroleum produced in the Ventura Avenue Oil Field on all sales made to Shell Oil Company, Inc., lessee, and its successors and assigns by the persons entitled from time to time to share in the royalty interests reserved under oil leases known as the

Taylor, Edison and Gosnell leases, shall be as follows:

A. P. I. gravity:	Prices per barrel
26°-26.9°.....	\$1.075
27°-27.9°.....	1.11
28°-28.9°.....	1.14
29°-29.9°.....	1.1675
30°-30.9°.....	1.195

Maximum prices for crude petroleum of gravities higher or lower than those set forth above shall be the prices for such gravities established as of October 1, 1941 by the contract dated August 29, 1941 between Tidewater Associated Oil Company and certain of its lessors in the Ventura Avenue Oil Field.

[Paragraph (ix) added by Amendment 33, 7 F.R. 8433, effective 10-23-42]

[Paragraph (x) added by Amendment 36, 7 F.R. 8701, and revoked by Amendment 64, 8 F.R. 1318, effective 2-3-43]

(xi) *Northwestern Ohio and Northeastern Indiana. Lima Oil Field.* The maximum price for crude petroleum produced in the Lima Oil Field, located in Northwestern Ohio and Northeastern Indiana, shall be \$1.50 a barrel at the receiving tank: *Provided,* That where the price paid for crude petroleum from a particular receiving tank in the Lima Oil Field as of October 1, 1941 exceeded \$1.50 a barrel, the maximum price at the same receiving tank shall be the price so paid or \$1.60 a barrel, whichever is the lower.

[Paragraph (xi) added by Amendment 37, 7 F.R. 8741, effective 11-2-42]

(xii) *South Arkansas.* The maximum price at the receiving tank for sour distillate produced in the McKamie pool, Lafayette County, Arkansas, and in the Dorcheat pool, the Macedonia pool and the Big Creek pool, Columbia County, Arkansas, shall be \$1.25 per barrel.

(xiii) *Kentucky.* (a) Effective as of May 1, 1942, the maximum price at the receiving tank for crude petroleum produced in the Sebree pool, Webster County, Kentucky, shall be \$1.32 per barrel.

[Paragraph (xii) and (xiii) added by Amendment 64, 8 F.R. 1318, effective 2-3-43]

(b) The maximum price at the receiving tank for crude petroleum produced in the Uniontown field, Union County, Kentucky shall be \$1.37 per barrel.

[Paragraph (b) added by Amendment 67, 8 F.R. 2023, effective 2-18-43]

(2) *Gasoline—(i) Maximum prices for cargo transactions on the Gulf Coast market.* The maximum price on sales by the refiners listed below and their subsidiaries for cargo transactions on the Gulf Coast market shall be as follows:

Motor gasoline	Cents per gallon
Minimum 80 octane 1939 Research Method (as determined by Cooperative Fuel Research Committee) with a maximum of 2 cubic centimeters of lead.....	6.00
60-62 gravity, maximum 400 end point:	
72-74 octane leaded.....	5.75
70 octane unleaded.....	5.75
68 octane unleaded.....	5.75
65 octane unleaded.....	5.25
60 octane unleaded.....	5.00

(octane ratings as defined by American Society for Testing Materials)

Atlantic Refining Company, The.  
Cities Service Company.  
Consolidated Oil Corporation.

Continental Oil Company.  
Gulf Oil Corporation.  
Humble Oil and Refining Company.  
Mid-Continent Petroleum Corporation.  
National Refining Company.  
Ohio Oil Company, The.  
Pan American Petroleum and Transport Company.  
Phillips Petroleum Company.  
Pure Oil Company, The.  
Shell Union Oil Corporation.  
Skelly Oil Company.  
Socony-Vacuum Oil Company, Inc.  
Standard Oil Company of California.  
Standard Oil Company (Indiana).  
Standard Oil Company (New Jersey).  
Sun Oil Company.  
Texas Company, The.  
Tidewater Associated Oil Company.

Maximum prices to be charged by other petroleum refiners for cargo transactions on the Gulf Coast market shall be as follows:

Motor gasoline	Cents per gallon
Minimum 80 octane 1939 Research Method (as determined by Cooperative Fuel Research Committee) with a maximum of 2 cubic centimeters of lead.....	6.5
60-62 gravity, maximum 400 end point:	
72-74 octane leaded.....	6.25
70 octane unleaded.....	6.25
68 octane unleaded.....	6.25
65 octane unleaded.....	5.75
60 octane unleaded.....	5.5

(octane ratings as defined by American Society for Testing Materials)

(ii) *Maximum prices for gasoline on the Eastern seaboard.*

*Eastern seaboard.* Maximum prices for gasoline in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and the corporate limits of Bristol, Tennessee, shall not be in excess of 1.2 cents per gallon above the maximum prices in the above States and the District of Columbia as determined under paragraph (b) (1) to (3) inclusive, of this section. Such maximum increase of 1.2 cents per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase of 0.5 of a cent per gallon allowed for these communities below. Maximum prices for gasoline sold in the State of Florida, east of the Apalachicola River and in the State of Georgia shall not be in excess of 0.9 of a cent per gallon above the maximum prices as determined under paragraph (b) (1) to (3) inclusive, of this section.

[Paragraph as amended by Amendment 27, 7 F.R. 6057, effective 8-5-42]

*Maryland and Virginia.* The maximum tank wagon prices for those communities in Maryland and Virginia adjacent to the District of Columbia shall be not more than 0.5 of a cent per gallon in excess of the highest price between December 15, 1941 and December 31, 1941, where suppliers had been making allowances of 0.5 of a cent per gallon or more between December 15, 1941 and December 31, 1941.

MAXIMUM TANK WAGON PRICES,  
EXCLUDING TAXES  
(In cents per gallon)

Tank wagon area	Third grade		Regular grade		Premium grade	
	Dealer	Consumer or commercial	Dealer	Consumer or commercial	Dealer	Consumer or commercial
<b>IOWA</b>						
Des Moines.....	9.4	10.4	9.9	11.4	11.4	13.4
<b>ILLINOIS</b>						
Quincy.....			9.4	10.9	10.9	
<b>OHIO</b>						
Geneva.....	9.5	12	9.5	12	11	14
<b>WISCONSIN</b>						
Lodi.....	10.1	11.1	10.6	12.1	12.1	14.1
Madison.....	9.9	10.9	10.4	11.9	11.9	13.9
Mazomanie.....	9.9	10.9	10.4	11.9	11.9	13.9
Sauk City.....	10.1	11.1	10.6	12.1	12.1	14.1
Stoughton.....	9.9	10.9	10.4	11.9	11.9	13.9
Sun Prairie.....	10.1	11.1	10.6	12.1	12.1	14.1
<b>ARKANSAS</b>						
Fort Smith.....	6.25	6.25	9	9		
Little Rock.....	7	7	9.5	9.5		
Texarkana.....	7.5	7.5	9	9		
<b>NEW MEXICO</b>						
Roswell.....	6	6	10	10		
<b>NORTH DAKOTA</b>						
Fargo.....			11.4			
<b>MONTANA</b>						
Billings.....	11	11	12	12		
Butte.....	10.5	10.5	11.5	11.5		
Great Falls.....	11	11	12	12		
Helena.....	11	11	12	12		
<b>OKLAHOMA</b>						
Muskogee.....	6.75	6.75	7.75	7.75		
Oklahoma City.....	7	7	8	8		
Tulsa.....	7	7	8	8		
<b>WYOMING</b>						
Cheyenne.....	9	9	10	10		

[Table as amended by Amendment 56, 8 F.R. 232, effective 1-9-43]

(iii) *Puerto Rico*. Effective December 1, 1942, the maximum prices of gasoline in Puerto Rico shall be 3 cents per gallon above the maximum prices established by § 1340.159 (b) (1) to (3) to all purchasers other than the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

[Paragraph (iii) added by Amendment 50, 7 F.R. 10684, effective 12-1-42]

(3) *Distillate fuel oils*.

[Paragraph (i) revoked by Amendment 82, 8 F.R. 3366, effective 3-17-43]

(ii) Maximum tank wagon prices for No. 2 fuel oil:

Tank wagon area:	Cents per gallon
Connersville, Indiana.....	7.8
Minneapolis, Minnesota, 1-99 gals.....	8.8
100 gals. and over.....	7.8
Washington, D. C.....	9.1

[Paragraph (ii) as amended by Amendment 49, 7 F.R. 9820, effective 12-1-42]

(iii) Effective July 7, 1942, the maximum prices at the Virgin Islands of kerosene transhipped from Puerto Rico shall be 3 cents per gallon above the prices established by § 1340.159 (b) (1) to (b)

(3) inclusive. This subdivision (iii) shall, unless earlier revoked or replaced, expire on September 21, 1942.

[Paragraph (iii) as amended by Amendment 26, 7 F.R. 5988, effective 7-7-42]

(iv) Maximum tank wagon prices for kerosene:

Tank wagon area:	Cents per gallon
Cheyenne, Wyo.....	9
Roswell, N. Mex.....	7
Fort Smith, Ark.....	8
Texarkana, Ark.....	7

[Paragraphs (v) and (vi) added by Amendment 35, 7 F.R. 8586; revoked by Amendment 45, 7 F.R. 9460, effective 11-16-42]

(vii) *Florida*. The maximum price of kerosene f. o. b. Jacksonville, Florida, for delivery in tank cars shall be 6.75 cents a gallon.

[Paragraph (vii) added by Amendment 40, 7 F.R. 9130, effective 11-12-42]

(viii) Maximum prices for No. 2 fuel oil f. o. b. refinery or terminal:

Location of refinery or terminal:	Cents per gallon
Minneapolis-St. Paul Area.....	6.2

[Paragraph (viii) added by Amendment 44, 7 F.R. 9425, effective 11-13-42]

(ix) *Lower peninsula of Michigan*.

(a) The maximum tank wagon prices for prime white distillate, range oil, also known as stove oil or heater oil, and Nos. 1, 2 and 3 fuel oil at all points in the lower peninsula of Michigan, except in the counties of Genesee, Macomb, Washtenaw, Monroe, Oakland and Wayne, shall be 0.4 of a cent per gallon above the maximum prices thereof determined under the provisions of this price schedule which would otherwise be applicable.

(b) In the counties of Genesee, Macomb, Washtenaw, Monroe, Oakland and Wayne, in the State of Michigan, the maximum tank wagon prices for the petroleum products mentioned below shall be as follows:

	Cents per gallon
Kerosene.....	9.7
Range oil, also known as stove oil or heater oil:	
In quantities of 25 gallons or over.....	7.9
In quantities of less than 25 gallons.....	8.9
Prime white distillate and Nos. 1 and 2 fuel oil:	
In quantities of 100 gallons or over.....	7.4
In quantities of less than 100 gallons.....	8.4
No. 3 fuel oil:	
In quantities of 100 gallons or over.....	6.9
In quantities of less than 100 gallons.....	7.9

[Paragraph (ix) added by Amendment 45, 7 F.R. 9460, effective 11-16-42; amended by Amendment 72, 8 F.R. 2152, effective 2-22-43]

(x) *Louisiana and Texas Gulf Coast*. The maximum price for distillate Diesel oil of 28° A. P. I. gravity and above, ships' bunkers (ex lighterage) on the Louisiana and Texas Gulf Coast shall be \$1.65 per barrel.

[Paragraph (x) added by Amendment 47, 7 F.R. 9621, effective 11-25-42]

(xi) *Metropolitan Boston, Massachusetts Area*. In the Metropolitan Boston, Massachusetts Area, comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset,

Dedham, Dover, Everett, Hingham, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by barge.....	6.95
F. o. b. terminals in bulk lots for delivery by tank car or motor transport.....	7.2
At seller's yard for delivery into buyer's tank wagons.....	7.8
At seller's yard for deliveries in containers in quantities of 10 gallons or less.....	10.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over.....	9.8
Tank wagon deliveries to consumers in quantities of 25 gallons or over.....	10.3
Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons.....	12

[Paragraph (xi) added by Amendment 54, 7 F.R. 11675, effective 12-29-42 and amended by Amendment 82, 8 F.R. 3366, effective 3-17-43]

(xii) *New York City, New York, Metropolitan Area*. (a) Within the corporate limits of New York City, New York, maximum prices for kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by barge.....	7.0
F. o. b. terminals in bulk lots for delivery by tank car or motor transport.....	7.1
At the seller's yard for delivery into buyer's tank wagons in the Boroughs of Manhattan, the Bronx, Brooklyn, Richmond and Queens.....	7.5
Tank wagon deliveries to resellers in quantities of 25 gallons or over.....	9.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over.....	10.0
Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons.....	12.5

(b) Within the Counties of Westchester, Nassau and Suffolk, in the State of New York the maximum prices for kerosene, No. 1 fuel oil, range oil, also known as stove oil, and Nos. 2, 3 and 4 fuel oil at the seller's yard for delivery into the buyer's tank wagons shall be 0.1 of a cent per gallon above the maximum prices thereof determined under the provisions of this price schedule which would otherwise be applicable.

(c) Within the corporate limits of New York City, New York the maximum price for Nos. 2, 3 and 4 fuel oil at the seller's yard for delivery into the buyer's tank wagons shall be 7.1 cents per gallon.

[Paragraph (xii) added by Amendment 58, 8 F.R. 233, effective 1-4-43; amended by Amendment 74, 8 F.R. 2334, effective 2-22-43, and Amendment 82, 8 F.R. 3366, effective 3-17-43]

(xiii) *Petroleum fractions sold as anti-freeze preparations in 1-gallon glass jars.* (a) The maximum price of kerosene, No. 1 fuel oil and heavier distillate fuel oils when sold as anti-freeze preparations in 1-gallon glass jars shall be 30¢ a gallon f. o. b. manufacturer's plant: *Provided, however,* That in the States of Oregon, Washington, California, Idaho, Montana, Nevada, Utah, Arizona, Colorado, New Mexico and Wyoming the maximum price for kerosene, No. 1 fuel oil and heavier distillate fuel oils when sold as anti-freeze preparations in 1-gallon glass jars shall be 33¢ a gallon f. o. b. manufacturer's plant.

(b) The maximum price of naphthas, solvents and mineral spirits, when sold as anti-freeze preparations in 1-gallon glass jars shall be 35¢ a gallon, f. o. b. manufacturer's plant: *Provided, however,* That in the States of Oregon, Washington, California, Idaho, Montana, Nevada, Utah, Arizona, Colorado, New Mexico and Wyoming the maximum price for naphthas, solvents, mineral spirits and other petroleum fractions lighter than kerosene when sold as anti-freeze preparations in 1-gallon glass jars shall be 38¢ a gallon f. o. b. manufacturer's plant.

(c) The maximum price of a petroleum fraction when sold by the manufacturer thereof as an anti-freeze preparation in bulk or in any container other than a 1-gallon glass jar shall be a price f. o. b. the manufacturer's plant determined in accordance with § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

(d) There shall be placed on each 1-gallon glass jar or other container of naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil and heavier distillate fuel oil sold as an anti-freeze preparation by the manufacturer thereof a label immediately below the brand name of the product containing a statement in 12 point bold face or larger type setting forth the following: "Type—(Kerosene or Naphtha)—May cause overheating and rubber deterioration."

(e) The maximum price delivered to a retail establishment which any jobber or distributor of naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil and heavier distillate fuel oil sold as an anti-freeze preparation may charge shall be the sum of the maximum price thereof f. o. b. the manufacturer's plant, the cost per gallon of transportation from the manufacturer's plant to the storage facilities of the jobber or distributor, and 2¢ per gallon. The maximum price of the jobber or distributor shall be automatically adjustable as the cost of transportation from manufacturer's plant to the storage facilities of the jobber or distributor changes. For the purposes of this provision the cost of transportation shall not be deemed to change until the seller has sold an amount equal to the volume on hand at the time the change in transportation cost occurs.

(f) The maximum price delivered to a retail establishment which any reseller having no storage facilities may charge for naphthas, solvents, mineral spirits kerosene, No. 1 fuel oil and heavier distillate fuel oil sold as an anti-freeze

preparation shall be the sum of the maximum price thereof f. o. b. the manufacturer's plant and 2 cents.

[Paragraph (xiii) added by Amendment, 60 8 F.R. 1227, effective 2-1-43]

(xiv) *Bridgeport, Connecticut Area.* In the Bridgeport, Connecticut Area comprising the townships and cities of Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston and Westport, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by tank car or motor transport.	7.5
At seller's yard for delivery into buyer's tank wagons	7.8
At seller's yard for deliveries in containers in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.2
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.5

(xv) *New Haven, Connecticut Area.* In the New Haven, Connecticut Area comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by tank car or motor transport.	7.5
At seller's yard for delivery into buyer's tank wagons	7.8
At seller's yard for deliveries in containers in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.2
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.5

(xvi) *Hartford, Connecticut Area.* In the Hartford, Connecticut Area comprising the townships and cities of Bloomfield, East Hartford, East Windsor, Glastonbury, Hartford, Newington, Wethersfield, Windsor, Windsor Locks, West Hartford and South Windsor, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by tank car or motor transport.	7.5
At seller's yard for delivery into buyer's tank wagons	7.8
At seller's yard for deliveries in containers in quantities of 10 gallons or less	10.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.5

(xvii) *Danbury, Connecticut Area.* In the Danbury, Connecticut Area compris-

ing the following townships and cities in the State of Connecticut: Bethel, Bridgewater, Brookfield, Danbury, Redding, Ridgefield, New Fairfield, New Milford, Newtown and Sherman; and the following townships and cities in the State of New York: Brewster, Patterson and Pawling, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
At seller's yard for delivery into buyer's tank wagons	8.2
At seller's yard for deliveries in containers in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.5
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12.0

[Paragraphs (xiv), (xv), (xvi), and (xvii) added by Amendment 73, 8 F.R. 2119, 2977, 3050, effective 2-15-43; amended by Amendment 82, 8 F.R. 3366, effective 3-17-43]

(xviii) *New England States.* Until April 15, 1943, at all points in the New England States other than those within the areas defined in subdivisions (xi), (xiv), (xv), (xvi) and (xvii) above, the maximum tank wagon prices for kerosene, No. 1 fuel oil and range oil to consumers in quantities of less than 25 gallons shall be 1½ cents per gallon above the maximum tank wagon price for the particular seller at the particular point determined under applicable provisions of this price schedule for deliveries in quantities of 25 gallons or over.

[Paragraph (xviii) added by Amendment 73, 8 F.R. 2119, 2977, 3050, effective 2-15-43]

(xix) *Diesel oil: Mobile, Alabama; Pensacola, Florida; Panama City, Florida; and Port St. Joe, Florida.* The maximum price for distillate diesel oil of 28° A. P. I. gravity and above, ship's bunkers (ex lighterage) and f. o. b. refineries and terminals in bulk lots shall be as follows:

Port	Cents per gallon
Mobile, Alabama	4.625
Pensacola, Florida	4.75
Panama City, Florida	4.75
Port St. Joe, Florida	4.75

[Paragraph (xix) added by Amendment 75, 8 F.R. 2349, effective 3-1-43]

(xx) *Baltimore, Maryland.* Within the corporate limits of the City of Baltimore, Maryland, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by tank car or motor transport.	7.2
At the seller's yard for delivery into the buyer's tank wagons	7.45
Tank wagon deliveries to resellers	9.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.0

(xxi) *Washington, D. C.* Within the Washington, D. C. tank wagon area maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:



Cents per gallon

At the seller's yard for delivery into the buyer's tank wagons.....	8.3
Tank wagon deliveries to resellers.....	10.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over.....	10.5
Tank wagon deliveries to consumers in quantities of less than 25 gallons.....	12.0

[Paragraphs (xx) and (xxi) added by Amendment 78, 8 F.R. 2594, effective 2-26-43, and amended by Amendment 82, 8 F.R. 3366, effective 3-17-43]

(xxii) 41-43 and 42-44 gravity w. w. kerosene at Texas and Louisiana Gulf Coast Ports. (a) At all ports on the Texas and Louisiana Gulf Coast and the Mississippi River from the Gulf Coast up to and including Baton Rouge, Louisiana, the maximum price of 41-43 gravity and 42-44 gravity w. w. kerosene f. o. b. refineries and terminals in bulk lots for deliveries into tankers, barges, pipelines, tank cars or motor transports, where shipments are made to ultimate destinations in District No. 1, as defined by the Office of the Petroleum Administrator for War, shall be 4.125 cents per gallon.

(b) At all ports on the Texas and Louisiana Gulf Coast and the Mississippi River from the Gulf Coast up to and including Baton Rouge, Louisiana, the maximum price for 41-43 gravity and 42-44 gravity w. w. kerosene f. o. b. refineries and terminals in bulk lots for deliveries into tankers, barges, pipelines, tank cars or motor transports, where shipments are made to ultimate destinations in areas other than District No. 1 as defined by the Office of the Petroleum Administrator for War, shall be 4.125 cents per gallon or the maximum price established for the particular seller under the provisions of this price schedule which would otherwise govern, whichever is higher.

(c) At all ports on the Texas and Louisiana Gulf Coast and the Mississippi River from the Gulf Coast up to and including Baton Rouge, Louisiana, the maximum price for 41-43 gravity and 42-44 gravity w. w. kerosene f. o. b. refineries and terminals for delivery into special containers, such as steel drums, where shipments are made to ultimate destinations in District No. 1 as defined by the Office of the Petroleum Administrator for War shall be 4.125 cents per gallon.

[Paragraph (xxii) added by Amendment 82, 8 F.R. 3366, effective 3-17-43]

(4) Lubricants: Maximum prices f. o. b. refinery for Pennsylvania Grade neutral stocks.

[In cents per gallon]

Viscous Neutrals—No. 3 Color Viscosity at 70° Fahrenheit:	
200 Viscosity (180 at 100°) 420-425 Flash Point:	
0 pour test.....	40.5
10 pour test.....	39.5
15 pour test.....	38.5
25 pour test.....	33.0
150 Viscosity (143 at 100°) 400-405 Flash Point:	
0 pour test.....	38.5
10 pour test.....	37.5
15 pour test.....	36.5
25 pour test.....	31.0

[Paragraph (5) revoked by Amendment 68, 8 F.R. 2105; effective 2-20-43]

(6) Residual fuel oils. (1) The maximum price in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia for all residual and residual type fuel oils having a viscosity of 85 seconds Saybolt Universal (at 100° F.) and above, including but not limited to Nos. 5 and 6 fuel oils, Bunker C, Navy Grade, residual diesel fuel oils, residuum gas oil, heavy gas oil, heavy gas enrichment oil, gas house heavy fuel oil, N. E. gas enrichment oil, S. W. gas oil, Admiralty fuel oil, Navy Special fuel oil, Mirando and Mirando type crude when sold as No. 5, or other residual fuel oil, or as a heavy gas enrichment oil shall be not more than 30 cents per barrel in excess of the maximum prices that would otherwise govern under § 1340.159 (b) (1)

to (3) and (b) (7) except that at the refineries and ocean terminals designated in Table I of subdivision (ii) the prices there specified shall be the maximum prices. Sellers who charged the increases in price authorized by Amendments Nos. 4, 10 and 27 to Revised Price Schedule No. 88 on their sales of residual fuel oil as defined in this paragraph during the March 26, 1942 to January 9, 1943 period shall not be deemed to have exceeded their maximum prices because of such additional charges.

(ii) Maximum prices of residual fuel oils and blends thereof with distillate fuel oils, of the A. P. I. gravities indicated below and otherwise meeting current commercial standard specifications for fuel oils, except Navy Special fuel oils and all diesel fuel oils—(a) Price tables to determine maximum prices f. o. b. refineries and tanker terminals in bulk lots. (Price areas for each table are defined below such table.)

(EXCLUSIVE OF TAXES)

TABLE I—MAXIMUM PRICES IN BULK LOTS, F. O. B. REFINERIES, SEABOARD TANKER TERMINALS, AND RIVER TANKER TERMINALS AT ALBANY, N. Y. AND ON THE MISSISSIPPI RIVER UP TO AND INCLUDING BATON ROUGE, LOUISIANA

[Dollars per 42-gallon barrel]

A. P. I. gravity range	Price Area A	Price Area B	Price Area C	Price Area D	Price Area E	Price Area F	Price Area G	Price Area H	Price Area I	Price Area J	Price Area K	Price Area L
9.9 and below ° A. P. I.....	0.85	0.80	0.74	0.85	1.00	1.43	1.47	1.68	1.68	1.89	2.10	1.85
10.0-12.9 ° A. P. I.....	0.90	0.85	0.85	0.85	1.00	1.43	1.47	1.68	1.68	1.89	2.10	1.85
13.0-15.9 ° A. P. I.....	1.02	0.97	0.97	0.97	1.14	1.51	1.56	1.74	1.77	1.95	2.16	1.97
16.0-19.9 ° A. P. I.....	1.14	1.09	1.09	1.09	1.28	1.59	1.65	1.80	1.86	2.01	2.22	2.09
20.0-24.9 ° A. P. I.....	1.26	1.21	1.21	1.21	1.42	1.67	1.74	1.86	1.95	2.07	2.28	2.21
25.0 and above ° A. P. I.....	1.32	1.27	1.27	1.27	1.50	1.71	1.79	1.89	2.00	2.10	2.31	2.27

A. P. I. gravity range	Price Area M	Price Area N	Price Area O	Price Area P	Price Area Q	Price Area R	Price Area S	Price Area T	Price Area U	Price Area V
9.9 and below ° A. P. I.....	1.65	1.60	1.50	1.15	1.10	0.95	0.75	0.75	0.80	1.26
10.0-12.9 ° A. P. I.....	1.65	1.60	1.50	1.15	1.10	0.95	0.80	0.80	0.85	1.26
13.0-15.9 ° A. P. I.....	1.77	1.72	1.62	1.27	1.22	1.15	0.92	0.95	0.96	1.36
16.0-19.9 ° A. P. I.....	1.89	1.84	1.74	1.39	1.34	1.35	1.04	1.10	1.07	1.46
20.0-24.9 ° A. P. I.....	2.01	1.96	1.86	1.51	1.46	1.55	1.16	1.25	1.18	1.56
25.0 and above ° A. P. I.....	2.07	2.02	1.92	1.57	1.52	1.65	1.22	1.32	1.24	1.61

A comprises Kansas, excluding, however, the area within a radius of 25 miles of Kansas City, Missouri.

B comprises Oklahoma, Arkansas, Louisiana (excluding, however, Gulf Coast ports and Mississippi River ports up to and including Baton Rouge), Texas (excluding, however, Gulf Coast ports and Panhandle which is defined hereby as the portion of Texas north of the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall and Childress).

C comprises New Mexico and Texas Panhandle (which is defined hereby as the portion of Texas north of the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall and Childress).

D comprises Texas Gulf Coast ports and Louisiana Gulf Coast ports and Mississippi River ports up to and including Baton Rouge.

E comprises the area within a radius of 25 miles of Kansas City, Missouri.

F comprises that part of Missouri within a radius of twenty-five miles of St. Louis, Missouri, and the following counties of Illinois: St. Clair, Madison, Montgomery, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Shelby, Effingham, Clay, Wayne, Hamilton, Christian, White, Edwards, Wabash, Richland, Lawrence, Crawford, Jasper.

G comprises the following counties of Kentucky: Union, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Bullitt, Jefferson and Oldham, and the following counties of Indiana: Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd and Clark.

H comprises the following counties of Illinois: Lake, Cook, DuPage and Will; the following counties of Indiana: Lake, Porter and LaPorte; and the State of Michigan (excluding, however, the counties of Wayne and Monroe).

I comprises the area within a radius of 25 miles of Indianapolis, Indiana; the following counties of Ohio: Hamilton, Clermont, Brown, Adams, Seloto, Lawrence, Gallia, Meigs and the following counties of Kentucky: Boone, Kenton, Campbell, Pendleton, Braeken, Mason, Lewis, Greenup and Boyd.

J comprises the following counties of Michigan: Wayne and Monroe; the following counties of Ohio: Lucas, Wood, Hancock, Putnam and Allen.

K comprises the following counties of Ohio: Lorain, Medina, Cuyahoga, Summit, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning, Columbiana, and the following counties of New York: Chautauqua, Erie, Niagara, Cattaraugus, Allegany, Wyoming, Genesee, Orleans; and the following counties of Pennsylvania: Potter, Cameron, Clearfield, Cambria, Somerset and all other Pennsylvania counties west thereof; West Virginia.

L comprises Albany, New York.

M comprises Portland, Maine; Portsmouth, New Hampshire; Boston and Fall River, Massachusetts; Tiverton and Providence, Rhode Island; New Haven, Connecticut; New York Harbor; Philadelphia Harbor; Baltimore, Maryland; Norfolk, Virginia.

N comprises Wilmington, North Carolina; Charleston, South Carolina; Savannah, Georgia; Jacksonville and Miami, Florida.

O comprises Tampa, Florida.

P comprises Pensacola, Florida.

Q comprises Mobile, Alabama.

R comprises the area within a radius of twenty-five miles of Denver, Colorado.

S comprises Wyoming.

T comprises the Montana counties of Blaine, Fergus, Golden Valley, Stillwater and Carbon and counties of Montana east thereof.

U comprises the Montana counties of Hill, Chouteau, Judith Basin, Wheatland, Sweet Grass, Park and counties of Montana west thereof.

V comprises Utah.

TABLE II—MAXIMUM PRICES IN BULK LOTS, F. O. B. REFINERIES IN DISTRICTS 1, 2, 3 AND 4 AS DEFINED BY THE PETROLEUM ADMINISTRATOR FOR WAR AND NOT COVERED BY TABLE I

(Dollars per 42-gallon barrel)

A. P. I. gravity range	Price Area AA	Price Area BB	Price Area CC	Price Area DD	Price Area EE	Price Area FF	Price Area GG	Price Area HH	Price Area II
9.9 and below °A.									
P. I. ....	BP <sup>1</sup>	BP	BP	BP	BP	BP	BP	BP	BP
10.0-12.9 °A. P. I. ....	BP	BP+0.05	BP	BP	BP	BP+0.05	BP+0.05	BP	BP
13.0-15.9 °A. P. I. ....	BP+0.12	BP+0.17	BP+0.06	BP+0.09	BP+0.20	BP+0.20	BP+0.16	BP+0.10	BP+0.14
16.0-19.9 °A. P. I. ....	BP+0.24	BP+0.29	BP+0.12	BP+0.18	BP+0.40	BP+0.35	BP+0.27	BP+0.20	BP+0.28
20.0-24.9 °A. P. I. ....	BP+0.36	BP+0.41	BP+0.18	BP+0.27	BP+0.60	BP+0.50	BP+0.38	BP+0.30	BP+0.42
25.0 and above °A.									
P. I. ....	BP+0.42	BP+0.47	BP+0.21	BP+0.32	BP+0.70	BP+0.57	BP+0.44	BP+0.35	BP+0.50

<sup>1</sup> BP = Base Price which is to be determined as follows: If a refiner has an established maximum price under other provisions of this price schedule for fuel oil meeting No. 6 Commercial Standard specifications then the base price shall be the refiner's or terminal operator's maximum price thereunder for such No. 6 fuel oil to the class of purchasers who are the principal users of such fuel oil in that price area in which the particular refiner is located.

Base Prices established hereunder must be reported by each refiner to the Petroleum Branch of the Office of Price Administration in Washington, D. C. within 15 days after March 3, 1943, or within 15 days after the initial sales of any grade of fuel oil the maximum price for which is established by this subdivision.

If a seller cannot establish a base price hereunder then he shall file a tentative price with the Petroleum Branch of the Office of Price Administration in accordance with § 1340.159 (b) (7).

AA comprises Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York (excluding, however, counties of Chautauqua, Erie, Niagara, Cattaraugus, Allegany, Wyoming, Genesee and Orleans), Pennsylvania (excluding, however, counties of Potter, Cameron, Clearfield, Cambria, Somerset and all other Pennsylvania counties west thereof), New Jersey, Maryland, District of Columbia, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi Gulf Coast ports, Louisiana Gulf Coast ports, Louisiana Mississippi river ports up to and including Baton Rouge, and Texas Gulf ports.

BB comprises Mississippi (excluding, however, Gulf Coast ports), Louisiana (excluding, however, Gulf Coast ports) and Mississippi River ports up to and including Baton Rouge), Texas (excluding, however, Gulf Coast ports), Tennessee, Arkansas, New Mexico, Oklahoma, Kansas (excluding, however, the area within a radius of 25 miles of Kansas City, Missouri), Missouri (excluding, however, the areas within a radius of 25 miles of Kansas City, Missouri and St. Louis, Missouri), Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, and Wyoming.

CC comprises the following counties of Illinois: Lake, Cook, DuPage and Will; the following counties of Indiana: Lake, Porter, LaPorte; Ohio (excluding, however, the following counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, Meigs); the following counties of New York: Chautauqua, Erie, Niagara, Cattaraugus, Allegany, Wyoming, Genesee, Orleans; the following counties of Pennsylvania: Potter, Cameron, Clearfield, Cambria, Somerset, and all other counties of Pennsylvania west thereof; West Virginia; and Michigan.

DD comprises that part of Missouri within a radius of 25 miles of St. Louis, Missouri; Illinois (excluding, however, the counties of Lake, Cook, DuPage and Will); Indiana (excluding, however, the counties of Lake, Porter and LaPorte); the following counties of Ohio: Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, and Meigs; Kentucky.

EE comprises Colorado.

FF comprises Eastern Montana which is defined hereby as the portion of Montana east of the western boundaries of the counties of Blaine, Fergus, Golden Valley, Stillwater and Carbon.

GG comprises Western Montana which is defined hereby as the portion of Montana west of the eastern boundaries of the counties of Hill, Chouteau, Judith Basin, Wheatland, Sweetgrass and Park; Idaho.

HH comprises Utah.

II comprises the area within a 25 mile radius of Kansas City, Missouri.

(b) *Maximum delivered prices, in bulk lots, of those refiners and tanker terminal operators whose f. o. b. maximum prices are established by Tables I and II.* If a refiner or terminal operator has an established maximum price or prices under other provisions of this price schedule at a particular delivery point for fuel oil meeting No. 6 commercial standard specifications, then his maximum price or prices at that point for fuel oil of 9.9° A. P. I. gravity and below shall be his maximum prices thereunder for such No. 6 fuel oil at such delivery point.

If a refiner or terminal operator has no established maximum price or prices at a particular delivery point under other provisions of this price schedule for any grade of fuel oil meeting No. 6 commercial standard specifications, then he shall file a tentative maximum price at such point for fuel oil of 9.9° A. P. I. gravity and below in accordance with § 1340.159 (b) (7).

For gravities higher than 9.9° A. P. I. gravity, such refiner's or terminal operator's maximum price or prices at a particular delivery point shall be the sum of his maximum price for fuel oil of 9.9° A. P. I. gravity and below and the dollars and cents differential between the price for fuel oil of 9.9° A. P. I. gravity and below and such higher gravity fuel oil established under Tables I or II for refineries or ocean terminals located in the price area where the delivery is made.

(c) *Maximum f. o. b. shipping point and delivery point prices for all sellers other than those refiners and tanker terminal operators covered by subdivision (a) and (b) above.* If a seller other than a refiner or ocean terminal operator has an established maximum price or prices under other provisions of this price schedule at a particular shipping or delivery point for fuel oil meeting No. 6 commercial standard specification, then his maximum price or prices at that point for fuel oil of 9.9° A. P. I. gravity and below shall be his maximum price or prices thereunder for such No. 6 fuel oil at such point.

If a seller has no established maximum price or prices at a particular shipping or delivery point under other provisions of this price schedule for any grade of fuel oil meeting No. 6 commercial standard specifications, then he shall file a tentative maximum price or prices at such point for fuel oil of 9.9° A. P. I. gravity and below in accordance with § 1340.159 (b) (7).

For gravities higher than 9.9° A. P. I. gravity, a seller's maximum price or prices at a particular shipping or delivery point shall be the sum of his maximum price for fuel oil of 9.9° A. P. I. gravity and below and the dollars and cents differential between the price for fuel oil of 9.9° A. P. I. gravity and below and such higher gravity fuel oil estab-

lished under Tables I or II for refineries or ocean terminals located in the price area where the delivery is made.

(d) If a refiner, ocean terminal operator, or other seller had an established maximum price or prices under other provisions of this price schedule at a particular shipping or delivery point for residual fuel oil or blends thereof with distillate fuel oils which either meets No. 5 fuel oil commercial standard specifications, or has a lower viscosity than No. 5 commercial standard specifications, his maximum price for such fuel oil at such point shall be either the price or prices which he is permitted to charge under (a), (b) and (c) of this subdivision (ii) or the price or prices established under other provisions of this Price Schedule, whichever is higher.

(iii) *Diesel oil*—(a) *Louisiana and Texas Gulf Coast.* The maximum price for residual diesel oil of below 28° A. P. I. gravity ship's bunkers (ex lightering) on the Louisiana and Texas Gulf Coast shall be \$1.35 per barrel.

(iv) *California.* The maximum prices, exclusive of taxes, f. o. b. refineries and tanker terminals for Pacific Standard No. 300 fuel oil having a viscosity of not less than 25 and not more than 60 seconds Saybolt Furol (at 122° F.) and of Pacific Standard No. 400 fuel oil having a viscosity of not less than 60 seconds Saybolt Furol (at 122° F.) when sold to consumers or refiners in bulk lots for delivery by tank car, motor transport or pipelines shall be as follows:

Area	P. S. No. 300 fuel oil	P. S. No. 400 fuel oil
Fresno County.....	\$.95	\$.85
Kings County.....	.95	.85
San Luis Obispo County <sup>1</sup> .....	.95	.85
Tulare County.....	.95	.85
Santa Barbara County.....	.95	.85
Kern County.....	.95	.85
Ventura County.....	.95	.85
Los Angeles County.....	.95	.85
Orange County.....	.95	.85
Riverside County.....	.95	.85
San Bernardino County.....	.95	.85
San Francisco Bay area.....	1.00	.90

<sup>1</sup> Maximum f. o. b. refinery and tanker terminal prices at Port San Luis shall be the maximum prices established hereunder at the San Francisco Bay area.

(v) *Reporting requirements.* § 1340.159 (c) (6) (ii) (a), Table II, and (b) and (c), contain the following reporting provisions which have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942:

(a) *Report of base price.* Base prices established by each refiner must be reported to the Petroleum Price Branch of the Office of Price Administration in Washington, D. C.

(b) *Report of tentative maximum price.* A refiner who cannot establish a base price shall file a tentative price with the Petroleum Price Branch of the Office of Price Administration, in accordance with § 1340.159 (b) (7).

(c) *Report of tentative maximum price.* A refiner or terminal operator who has no established maximum price,

or prices, at a particular delivery point shall file a tentative maximum price or prices at such point in accordance with § 1340.159 (b) (7).

(d) *Report of tentative maximum price.* A seller, other than a refiner or ocean terminal operator who has no established maximum price or prices, at a particular delivery point shall file a tentative maximum price or prices at such point in accordance with § 1340.159 (b) (7).

[Paragraph (6) as amended by Amendment 79, 8 F.R. 2756, effective 3-3-43]

(d) *Petroleum gas; natural gas—(1) wet gas.* (i) A seller's maximum price at any particular time for wet gas produced from any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942 between the seller and the purchaser for the sale of wet gas produced from such field.

(ii) If a seller had no contract in effect with a particular purchaser on May 1, 1942, for wet gas produced from any given field, then such seller's maximum price to such purchaser at any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942, between such seller and a purchaser of the same class for the sale of wet gas produced from such field.

(iii) Where a maximum price for wet gas cannot be determined under (i) or (ii), or where a maximum price has been determined under (i) or (ii), and the purchaser wishes to extract, condense and save additional products from the wet gas not contemplated by the contract nor by any contract between a seller and a purchaser of the same class in the given field, a tentative maximum price may be set. The purchaser shall make a request in writing to the Office of Price Administration in Washington, D. C., for approval of such tentative maximum price within 15 days after it has been set by him or within 30 days from October 7, 1942, whichever is later. In connection with his request, the purchaser shall file with the said Office a statement setting forth (a) an explanation as to why it is impossible for the seller to establish a maximum price under subdivisions (i) or (ii) of this paragraph (d), (b) the tentative maximum price, and an explanation of the method used in arriving at such price, (c) the maximum prices for sellers and purchasers of the same class at the two nearest fields to the one in question, if known, and (d) if a written contract has been entered into, an authenticated copy thereof. The tentative maximum price shall be the maximum price for the production from the field to purchasers of the same class unless the tentative price is disapproved by the Office of Price Administration within 15 days from the date it is filed as provided above. Ordinarily a tentative price set under this subdivision (iii) will not be approved unless such tentative price is in line with

the maximum prices for sellers and purchasers of the same class at the nearest fields to the one in question. A tentative price which has been approved as a maximum price hereunder, may subsequently be changed by Order of the Price Administrator.

[Paragraph (d) added by Amendment 32, 7 F.R. 7838, effective October 7, 1942, except that a purchaser and seller of wet gas may, by mutual agreement, make the effective date retroactive to May 11, 1942]

(2) *Dry gas.* (i) Where a contract for the sale of dry gas was in effect on May 1, 1942, the seller's maximum price to the same purchaser for deliveries of dry gas produced from the same source or sources as the dry gas covered by the contract shall not exceed the price that could be charged for such deliveries under the terms of the contract that was in effect on May 1, 1942.

(ii) Where a seller had contracts in effect on May 1, 1942 for the sale of dry gas but did not then have a contract with a particular purchaser for dry gas produced from the same source or sources as the dry gas covered by those contracts, the seller's maximum price to that purchaser for deliveries of dry gas shall not exceed the highest price that could be charged for such deliveries under (i) to a purchaser of the same class. If the seller had no contracts in effect on May 1, 1942 with purchasers of the same class, then, his maximum price shall be determined under (iii) below.

(iii) Where a seller cannot determine his maximum price under (i) or (ii) above, then his maximum price for deliveries of dry gas shall be the highest maximum price of his most closely competitive seller of the same class to a purchaser of the same class as determined under (i).

[Paragraphs (2) (i), (ii) and (iii) as amended by Amendment 51, 7 F.R. 11069, effective 1-2-43]

(iv) (a) Notwithstanding the provisions of other subdivisions of this subparagraph (2), a seller's maximum price for deliveries of dry gas to a particular purchaser shall be either the maximum price established under subdivision (i), (ii), or (iii) of this subparagraph (2) or a price agreed upon between the seller and the purchaser and reported to the Office of Price Administration by such seller within 10 days of the date of the agreement, or February 10, 1943, whichever is later, which price must be in line with the level of maximum prices for dry gas generally prevailing in the particular producing area, or if there is only one producer of dry gas in one particular producing area, a price in line with the level of maximum prices prevailing in the nearest producing area in which similar conditions obtain. Once the seller has determined his maximum price for deliveries of dry gas to a particular purchaser under this subdivision (iv) that price is his maximum price to that purchaser thereafter.

(b) The report required in subdivision (iv) (a) shall be mailed to the Office of Price Administration, Petroleum Branch,

Washington, D. C. In connection with any such report and concurrently therewith the following shall be submitted to the Office of Price Administration.

BY THE SELLER

(i) The seller's present maximum price for dry gas established by this price schedule and the maximum price agreed upon accompanied both by a statement as to the point (such as the well-head, the pipe line or pipe line terminus) at which delivery to the purchaser is made, and by copies of the contract (if any) on the basis of which the present maximum price is established and of the proposed renewal thereof, or of the new contract for the sale of dry gas contemplated by the parties.

(ii) Names and addresses of the purchasers of the seller's production.

BY THE PURCHASER

(iii) The disposition made of the gas purchased from the seller by each purchaser thereof.

(iv) Maximum prices of dry gas established for other sellers in the particular producing area or, if the seller is the only producer in the particular area, in the nearest producing areas in which similar conditions obtain. Maximum prices should be stated for each class of purchasers together with a description of each class. Estimated percentage of total volume moving at each price should be stated and the nature of the facilities used in making delivery to each purchaser should be described.

(v) A statement in writing signed by the purchaser or purchasers that they will absorb any increase in the cost of dry gas resulting from the reported price and that they do not intend prior to the expiration of the Emergency Price Control Act of 1942, as amended, to rely upon such cost increase as a basis of application for increase in their resale prices or in the prices of other commodities or services sold or supplied by them.

The information required to be submitted by either the purchaser or the seller may be filed either with the report or separately. Information required of either the seller or the purchaser, if filed separately, will, upon request, be treated as confidential.

(c) The seller may not accept payment for deliveries of dry gas subject to a maximum price determined under subdivision (iv) (a) until fifteen days have elapsed after mailing the report of such maximum price. Within the fifteen day period, the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon written order of the Office of Price Administration.

[Paragraph (iv) as amended by Amendment 65, 8 F.R. 1642, effective 2-10-43]

(v) Nothing in this subparagraph (2) shall be construed to authorize the regulation of a rate that is exempt from control by the Office of Price Administration

under the Emergency Price Control Act of 1942.

(vi) Where a seller is unable to determine his maximum price for dry gas under (ii), (iii) or (iv) above, a tentative maximum price may be set, and the seller shall comply with the requirements of filing as provided in subparagraph (1), subdivision (iii), and the tentative maximum price shall be subject to disapproval and change as therein provided [Paragraph (vi) added by Amendment 65]

(e) *Industrial lubricating oils and greases.* Notwithstanding the provisions of paragraph (b) above, maximum prices of industrial lubricating oils and greases shall be determined as set forth below:

(1) *Producer's maximum prices for industrial lubricating oils and greases delivered or offered for delivery during March 1942 or prior thereto.* The maximum price for a sale by a producer of any industrial lubricating oil or grease which is the same as an industrial lubricating oil or grease which was delivered or offered for delivery in March 1942 by the seller, shall be the highest price charged by the seller during March 1942 (as defined in paragraph (y) of § 1340.157) for the industrial lubricating oil or grease: *Provided, however,* That if no price was charged during March 1942 within the meaning of said paragraph (y) of § 1340.157, the producer's maximum price shall be determined under § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

If the industrial lubricating oil or grease was not delivered or offered for delivery by the producer during March 1942 but was delivered or offered for delivery prior thereto, the producer's maximum price thereof shall be determined under § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

(2) *Producer's maximum prices for industrial lubricating oils and greases not delivered or offered for delivery during March 1942 or prior thereto.* The maximum price for a sale by a producer of any industrial lubricating oil or grease which is not the same as an industrial lubricating oil or grease which was delivered or offered for delivery during March 1942 or prior thereto shall be the price determined by the first one of the four methods set forth in subdivisions (i), (ii), (iii) and (iv) of this subparagraph (2) which applies to the industrial lubricating oil or grease.

(i) *First pricing method: Minor changes.* The maximum price of any industrial lubricating oil or grease differing from an industrial lubricating oil or grease delivered or offered for delivery by the producer during March 1942 or prior thereto, only by reason of minor changes in composition which do not substantially reduce or increase the cost of ingredients or prevent its offering substantially equivalent serviceability shall be the maximum price of the industrial lubricating oil or grease delivered or offered for delivery during that period.

(ii) *Second pricing method: New industrial lubricating oils or greases which*

*result from the compounding of two or more ingredients, each of which has a maximum price.* The maximum price of any industrial lubricating oil or grease which cannot be priced under subdivision (i) of this subparagraph (2) and which is produced by mixing two or more ingredients for each of which the producer has a maximum price under applicable regulations of the Office of Price Administration, shall be the weighted average by volume or by weight depending on whether the blended product is sold by volume or by weight of the maximum prices of the ingredients. In determining the weighted average mentioned above the seller shall multiply the per unit maximum price of each product being blended by the percentage (by volume or weight as above prescribed) of each ingredient and add the results of such multiplication.

(iii) *Third pricing method: Changes necessitated by shortages of ingredients.* (a) The maximum price of any industrial lubricating oil or grease which cannot be priced under subdivisions (i) or (ii) of this subparagraph (2) and which differs from an industrial lubricating oil or grease delivered or offered for delivery by the producer during March 1942, or prior thereto, only because of changes necessitated by shortages of ingredients,

shall be the maximum price of the industrial lubricating oil or grease delivered or offered for delivery during that month adjusted by adding or subtracting the increase or decrease in direct ingredient cost resulting from the changes. Once the seller has determined his maximum price for a particular industrial lubricating oil or grease under this subdivision (iii) that price is his maximum price thereafter.

In calculating the direct costs of the ingredients of the industrial lubricating oil or grease delivered or offered for delivery during March 1942 and the changed industrial lubricating oil or grease, such cost shall be regarded as the maximum price which the producer's suppliers of such ingredient or ingredients may charge under applicable maximum price regulations.

(b) *Report of maximum prices.* Within five days after a purchaser first agrees to buy an industrial lubricating oil or grease for which a maximum price must be determined under this subdivision (iii), or at any time prior thereto, the producer shall report to the Office of Price Administration, Washington, D. C., the maximum price computed by him. The report shall set forth the following in the manner and form prescribed below:

OPA Form No. 652:171

Budget Bureau No. 08-R331

OFFICE OF PRICE ADMINISTRATION

REPORT OF TENTATIVE MAXIMUM PRICE

DUE TO CHANGE IN INGREDIENTS RESULTING FROM SHORTAGES

INDUSTRIAL LUBRICATING OILS AND GREASES\*

Name of Product ..... Class of Purchaser .....

PART A—MAXIMUM PRICE

1. Pounds .....  2. Original product ..... 3. New product .....  
 Gallons .....  (As determined under this schedule) ..... (Tentative) .....  
 (Specify by "X")

Composition of products

Line	PART B—ORIGINAL PRODUCT				Line	PART C—NEW PRODUCT			
	Ingredient <sup>1</sup>	% used	Cost per unit <sup>2</sup>	Cost of product		Ingredient <sup>1</sup>	% used	Cost per unit <sup>2</sup>	Cost of product
	1	2	3	4		1	2	3	4
1	.....	.....	.....	.....	1	.....	.....	.....	.....
2	.....	.....	.....	.....	2	.....	.....	.....	.....
3	.....	.....	.....	.....	3	.....	.....	.....	.....
	Total.....	100.0	XXXX	.....		Total.....	100.0	XXXX	.....

State the Reason for Each Shortage of Ingredients Indicated in Part B—Column 1: .....

*Instructions and footnotes.*—Footnote No. 1 In parts B and C the ingredients listed in columns 1 should correspond line by line. Where new ingredients are used these should be listed in column 1 of Part C following the list of original ingredients. Indicate ingredients changed as a result of a shortage and each substitute ingredient by an asterisk (\*).

Footnote No. 2 Before computing these costs see §1340.159 (e) (iii) (a).

The unit of sale should be the same for Part A1 and Parts B and C.

\*Upon written request by the producer, information contained in the report shall be treated as confidential.

The maximum price so reported shall be the seller's maximum price unless it is disapproved in writing by the Office of Price Administration within thirty days after the date it is reported as above provided or a substitute price is set by the Office of Price Administration. If a substitute price is set, then such price shall be the maximum price. Subsequent to this thirty-day period, the price reported shall be subject to adjustment (not to

apply retroactively) at any time upon written order of the Office of Price Administration.

After the expiration of this thirty-day period the producer shall notify in writing each person purchasing the new industrial lubricating oil or grease for resale at wholesale that his maximum price for the new product shall be his maximum price for the product being replaced, adjusted by the amount of the

difference in the cost to him of the new product.

(iv) *Fourth pricing method: Tentative maximum prices.* The maximum price for any industrial lubricating oil or grease which cannot be priced under subdivisions (i), (ii) or (iii) of this subparagraph (2) shall be determined in accordance with § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

(3) *Maximum prices at wholesale or retail for industrial lubricating oils and greases delivered or offered for delivery during March 1942 or prior thereto.* The maximum price for a sale at wholesale or retail of any industrial lubricating oil or grease which is the same as an industrial lubricating oil or grease delivered or offered for delivery in March 1942 by the seller, shall be the highest price charged by the seller during March 1942 (as defined in paragraph (y) of § 1340.157) for the industrial lubricating oil or grease: *Provided, however,* That if no price was charged during March 1942 within the meaning of said paragraph (y) of § 1340.157, the seller's maximum price shall be determined under § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

If the industrial lubricating oil or grease was not delivered or offered for delivery during March 1942 but was delivered or offered for delivery prior thereto, the seller's maximum price thereof shall be determined under § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

If a producer's maximum price to a particular reseller for a particular industrial lubricating oil or grease as established under the General Maximum Price Regulation is increased or decreased by reason of the operation of subparagraph (1) of this paragraph (e) such reseller's maximum price for the same industrial lubricating oil or grease shall be determined in accordance with § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

(4) *Maximum prices on wholesale and retail sales of industrial lubricating oils and greases not delivered or offered for delivery during March 1942 or prior thereto.* The maximum price for a sale at wholesale or retail of any industrial lubricating oil or grease which is not the same as an industrial lubricating oil or grease which was delivered or offered for delivery during March 1942 shall be determined by the first of the two methods set forth in subdivisions (i), (ii) or (iii) of this subparagraph (4) which applies to the industrial lubricating oil or grease.

(i) *First pricing method: Minor changes.* The maximum price of any industrial lubricating oil or grease differing from an industrial lubricating oil or grease delivered or offered for delivery by a seller at wholesale or retail during March 1942 or prior thereto only by reason of minor changes in composition which do not substantially reduce or increase the cost of ingredients or prevent its offering substantially equivalent serviceability shall be the maximum price of the industrial lubricating oil or grease delivered or offered for delivery during that period.

(ii) *Second pricing method: Wholesale prices—changes necessitated by shortages of ingredients.* The maximum price for any sale at wholesale of any industrial lubricating oil or grease which cannot be priced under subdivision (i) of this subparagraph (4) and which has been priced by the producer thereof under subdivision (iii) of subparagraph (2) of this paragraph (e) shall be the seller's maximum price for the product being replaced, adjusted by the amount of the difference in the cost of the new product to the seller.

(iii) *Third pricing method: Tentative maximum prices.* The maximum price for any sale at wholesale or retail, of any industrial lubricating oil or grease which cannot be priced under subdivision (i) or (ii) of this subparagraph (4) shall be determined in accordance with § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

(5) *Price differentials.* Every seller shall continue all his allowances, discounts or other price differentials in effect during March 1942. In the case of industrial lubricating oils or greases priced under subparagraphs (2) or (4) of this paragraph (e) every seller shall in the case of sales to different classes of purchasers adjust the maximum prices determined for one class of purchaser to reflect all allowances, discounts and other price differentials which he was accustomed to make on that type of industrial lubricating oil or grease.

(6) *Transportation costs.* No seller of industrial lubricating oils or greases shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of any industrial lubricating oil or grease, than the seller required purchasers of the same class to pay during March 1942 on deliveries of the same industrial lubricating oil or grease during March 1942. In the case of industrial lubricating oils or greases priced under subparagraph (2) or (4) of this paragraph (e) no seller shall require any purchaser and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of such industrial oil or grease, than the seller required purchasers of the same class to pay during March 1942 on deliveries of the industrial lubricating oil or grease used as a basis for determining the maximum price of the new industrial lubricating oil or grease.

[Paragraph (e) added by Amendment 69, 8 F.R. 2267, 2874, effective 2-25-43]

§ 1340.160 *Exceptions.* (a) The following petroleum products shall be exempt from §§ 1340.151 and 1340.159.

(1) All aviation gasoline of 87 octane rating or higher;

(2) The following to the extent purchased or sold for use in the manufacture of aviation gasoline of 87 octane rating or higher; components of aviation gasoline of 87 octane rating or higher, including alkylate, neohexane, iso-octane, hydrocodimers, isomate and hot acid octanes; iso-pentane, iso-butane, normal butane and butylenes, and mixtures of

iso-butane, normal butane and butylenes; and aromatic hydrocarbons and base stocks or fractions to the extent manufactured for and used in aviation gasoline of 87 octane rating or higher.

(3) The following special hydrocarbon fractions utilized in the manufacture of gasoline and the components thereof and liquefied petroleum gases to the extent sold or delivered for use in the manufacture of synthetic rubber: Components of synthetic rubber, including but not limited to, butadiene and styrene; all hydrocarbons and petroleum fractions used in the manufacture of butadiene and styrene, including but not limited to ethylene, propylene, butylene, iso-butylene, propane, butane and iso-butane.

(4) Toluene manufactured from petroleum.

(5) The following to the extent sold or delivered for use in the manufacture of such toluene: base stocks from which such toluene is to be extracted, and selected charging stocks to be processed for the synthesis of such toluene.

(b) All crude petroleum transported through the War Emergency Pipelines System and sold by Defense Supplies Corporation at the eastern termini of such system shall be exempt from this price schedule.

[§ 1340.160 amended by Amendment 76, 8 F.R. 2273, effective 2-19-43]

§ 1340.161 *Adjustable pricing.* Nothing in this Revised Price Schedule No. 88 shall be construed to prohibit any person from entering into, or carrying out, any agreement permitting an adjustment of prices, or from making an adjustment of prices, provided the prices as adjusted are not in excess of the maximum prices in effect at the time of delivery.

[§ 1340.161 added by Amendment 15, 7 F.R. 3576, effective 5-15-42]

§ 1340.162 *Notice to purchasers.* (a) All sellers of kerosene, No. 1 fuel oil, gasoline, distillate Diesel fuel oil or range oil in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia and in the corporate limits of Bristol, Tennessee, shall inform all persons purchasing such products from them for resale at service stations or other retail establishments in those areas that such purchasers may increase their maximum prices for those products in the amounts, if any, by which the Office of Price Administration permitted the prices of such products to them to be increased effective as of June 29, 1942, and that such purchasers are required to state in connection with the posting of their maximum prices that such increases are approved by the Office of Price Administration.

(b) All sellers of gasoline to retail dealers in Quincy, Illinois, shall notify each dealer in writing on or before the date of the initial sale to such dealer after January 9, 1943, that his maximum

prices for regular and premium gasoline at his retail establishment has been increased by 1 1/2 cents per gallon effective as of January 9, 1943. Such notice shall be in the following form:

Your new OPA ceiling price for regular and premium grade gasoline at your retail establishments in Quincy, Illinois, is your former ceiling price plus 1 1/2 cents per gallon. OPA requires you to keep this information for examination.

[§ 1340.162 added by Amendment 21, 7 F.R. 4857; amended by Amendment 56, 8 F.R. 232, effective 1-9-43]

(c) Any tank wagon seller of gasoline, kerosene, range or stove oil, distillate fuel oils, tractor and Diesel fuel, whose maximum price to a retail dealer pursuant to § 1340.159 (b) (11) of this price schedule has been increased shall notify each retail dealer in writing on or before the date of the initial sale to such dealer after February 13, 1943, that the retail dealer's maximum price for said products at his retail establishment is increased by the amount of such increase of the tank wagon seller's maximum price. Such notice shall be in the following form:

Your new Office of Price Administration ceiling price for (product) at your retail establishment is your former ceiling price plus \_\_\_\_\_ per gallon. The Office of Price Administration requires you to keep this information for examination.

[Paragraph (c) added by Amendment 66, 8 F.R. 1799, effective 2-13-43]

§ 1340.163 Transfers of business or stock in trade. If the business, assets or stock in trade of any seller or any person as defined in § 1340.157 (a) are sold or otherwise transferred after October 15, 1941 and the transferee carries on the business, or continues to deal in the same or similar petroleum and/or petroleum products, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records and make reports shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the records and reports provisions of Revised Price Schedule No. 88 and Amendments thereto.

[§ 1340.163 added by Amendment 28, 7 F.R. 6167, effective 8-11-42]

§ 1340.164 Taxes—(a) Lubricating oils—(1) Federal taxes. Effective November 1, 1942, each seller subject to this Revised Price Schedule No. 88 may collect in addition to his maximum price for a lubricating oil subject to the Federal excise tax on lubricating oils, the amount of the increase in such tax provided by the Revenue Act of 1942 and subsequent increases therein, actually paid by him or an amount equal to the amount of such increase or increases paid by any prior vendor and separately stated and collected from the seller by the vendor

from whom he purchased, provided the seller states the amount of such increase or increases separately from the purchase price.

(2) Puerto Rican taxes. Effective March 5, 1943, each seller in the territory of Puerto Rico subject to this Revised Price Schedule No. 88 may collect in addition to his maximum price for a lubricating oil which is subject to Act No. 25 enacted by the Legislature of Puerto Rico and approved December 4, 1942, the amount of the 3 1/2¢ per gallon increase in such tax effected by the said Act and the amount of subsequent increases in the lubricating oil tax actually paid by him or an amount equal to the amount of such increase or increases paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, provided the seller states the amount of such increase or increases separately from the purchase price.

[§ 1340.164 added by Amendment 42, 7 F.R. 9335, effective 11-1-42 and amended by Amendment 80, 8 F.R. 3106, effective 3-11-43]

Issued this 24th day of March 1943.

PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-4553; Filed, March 24, 1943; 5:02 p. m.]

PART 1341—CANNED AND PRESERVED FOODS [MPR 306, Amendment 3]

CERTAIN PACKED FOOD 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.\*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.553 (b) is added to read as follows:

(b) The packed vegetables covered by this regulation are as listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

Table with 3 columns: Item, Section, Appendix. Row 1: (1) Peas, 1341.584, B

2. Section 1341.584 is added to read as follows:

§ 1341.584 Appendix B: Maximum prices for packed vegetables—(a) Peas.

(1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government agencies, shall be as follows:

Large table with 8 main columns (Col. 1-8) and sub-columns for regions and varieties. Includes items like Alaska, Sweet, and Prince of Wales and Laxton.

(2) The regions set forth in paragraph (a) (1) of this section shall be as follows:

REGION I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia and North Carolina.

REGION II: Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Kansas, Mis-

souri, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, Kentucky and Tennessee.

REGION III: Montana, Idaho, Wyoming, Utah, Nevada, Colorado, Arizona, New Mexico.

REGION IV: Oregon, Washington, California.

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

18 F.R. 1114, 1313, 2921.

(3) The maximum price for any variety and sieve size below standard in grade shall be: in No. 2 cans, fifteen cents per dozen less than the maximum price for standard grade; in No. 10 cans, seventy-five cents per dozen less than the maximum price for standard grade; and in glass jars of 17 fluid ounces, twelve cents per dozen less than the maximum price for standard grade.

(4) Blends of sieve sizes:

(i) The maximum price of a blend of two sieve sizes of a variety and grade shall be the maximum price of the largest sieve size in the blend.

(ii) The maximum price of a blend of three sieve sizes of a variety and grade in a No. 2 can shall be five cents per dozen more than the maximum price of the largest sieve size in the blend, packed in a No. 2 can; the maximum price of a blend of three sieve sizes of a variety and grade in a No. 10 can shall be twenty-five cents per dozen more than the maximum price of the largest sieve size in the blend, packed in a No. 10 can; and the maximum price of a blend of three sieve sizes of a variety and grade in a glass jar of 17 fluid ounces shall be four cents per dozen more than the maximum price of the largest sieve size in the blend, packed in the same container.

(iii) The maximum price of a blend of four or more sieve sizes of a variety and grade shall be the same as the maximum price for ungraded sieve size of the same variety and grade in the same container.

(5) The maximum price for a variety, sieve size (including blends) and grade of peas packed in a 12 ounce vacuum can shall be ten cents per dozen less than the maximum price for the same variety, sieve size and grade packed in a #2 can.

(6) The word "ungraded", when used in connection with peas, refers to the sieve size and means not separated by sieve sizes.

This amendment shall become effective March 31, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4553; Filed, March 25, 1943; 5:04 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[MPR 268,<sup>1</sup> Amendment 6]

SALES OF CERTAIN PERISHABLE FOOD  
COMMODITIES 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.\*

Maximum Price Regulation 268 is amended in the following respects:

1. In § 1351.1116 (a) item 13 is added to read as follows:

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 271 is amended in the following respects:

1. Section 1351.1001a is added to read as follows:

§ 1351.1001a *Whom may remove tags.* Notwithstanding any other provision of this regulation, any seller of white potatoes or selected white seed potatoes who, on March 19, 1943, had in transit or delivered at destination carload lots or less than carload lots of white potatoes or selected white seed potatoes labeled as "selected seed potatoes" may remove the tags or labels from such white potatoes or selected white seed potatoes and sell the same for human consumption under General Maximum Price Regulation No. 271.

2. Section 1351.1019 (h) is added to read as follows:

(h) "In transit" as used in § 1351.1001a means any carload or less than carload lot of white potatoes or selected seed potatoes for which a bill of lading was issued and signed before the effective date of Amendment No. 5 to Maximum Price Regulation No. 271, March 19, 1943.

3. Section 1351.1019 (f) (3) is amended to read as follows:

(3) *Seller's tag.* When seed potatoes are sold in sacks or other containers there shall be attached to the sack, or other container, prior to shipment from the farm or the country shipping point, a label or tag stating that such potatoes are "seed potatoes not to be used or sold for human consumption" and marked with an identifying lot number plus the name and address of the seller who attached such label or tag at the farm or country shipping point: *Provided*, That such label need not be so attached prior to March 29, 1943, if printed labels are unavailable before said date.

If a seller, owns seed potatoes packed in a sack, or other container which have been labeled or tagged as seed potatoes at the country shipping point (as previously provided for by § 1351.1001), but which (as permitted prior to March 29, 1943, by the last preceding paragraph hereof) does not bear an identifying lot number or the name and address of the farmer or country shipper who attached such label at the country shipping point, he must add to the tag or label an identifying lot number, his own name and address and the words "seed potatoes not to be used or sold for human consumption."

When seed potatoes are sold in bulk by a farmer direct to a commercial, industrial or institutional user, he shall state upon an invoice or other written evidence of sale an identifying lot number and his name and address.

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4555; Filed, March 24, 1943; 5:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[MPR 271,<sup>2</sup> Amendment 6]

CERTAIN PERISHABLE FOOD COMMODITIES,  
SALES EXCEPT AT RETAIL

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

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

<sup>1</sup> 7 F.R. 9184; 8 F.R. 322, 1747, 2483, 2664.

<sup>2</sup> 7 F.R. 9179, 10718; 8 F.R. 238, 1748, 1981, 3897.

Food commodity*	Day of the week on which retailer must calculate maximum prices	Figures to be multiplied by net cost of item in determining maximum prices under this regulation					Unit of sale for which base maximum selling price must be calculated
		Independent retailer with annual volume—			Class 4—chain retailer with annual volume under \$250,000	Class 5—any retailer (chain or independent) with annual volume of \$250,000 or more	
		Class 1—under \$20,000	Class 2—\$20,000 but less than \$50,000	Class 3—\$50,000 but less than \$250,000			
13. Frozen fish.....	Thursday.....	1.28	1.28	1.28	1.26	1.26	Pounds 1 lb., or 1 package.

2. Section 1351.1116 (c) (1) is amended to read as follows:

(1) "White potatoes" means all white potatoes used for human consumption or for seed. Seed potatoes which are purchased as such shall not be sold except as seed potatoes for planting. Seed potatoes shall be sold only in quantities of 50 pounds or over and must be clearly tagged or labelled as seed potatoes for planting.

3. Section 1351.1116 (c) (9) is added to read as follows:

(9) "Frozen fish" means any fish which has been frozen and packed, excluding canned fish.

This amendment shall become effective March 24, 1943.

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

This amendment shall become effective March 24, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

Approved:

PAUL H. APPELBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 43-4554; Filed, March 24, 1943;  
5:03 p. m.]

**PART 1388—DEFENSE-RENTAL AREAS**  
(Supp. Amendment 17 to Max. Rent Regs.)

**HOUSING ACCOMMODATIONS OTHER THAN  
HOTELS AND ROOMING HOUSES**

Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 52, 60, and 62 are amended in the following respects:

1. The second paragraph of paragraph (d) (1) of §§ 1388.16, 1388.66, 1388.116, 1388.166, 1388.216, 1388.266, 1388.316, 1388.366, 1388.416, 1388.466, 1388.516, 1388.566, 1388.616, 1388.666, 1388.716, 1388.766, 1388.816, 1388.866, 1388.916, 1388.966, 1388.1656, 1388.1706, 1388.1756, 1388.2056, 1388.3056, 1388.4056, 1388.5056, 1388.6056, 1388.7056, 1388.8056, 1388.36, 1388.136, 1388.236, 1388.386, 1388.586, 1388.686, 1388.786, and 1388.886 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, 26, 27, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 52, 60, and 62, respectively, is amended to read as follows:

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days (or, where the ground for removal or eviction is non-payment of rent, the period required by the local law for notice prior to the commencement of an action for removal or eviction in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

2. The second paragraph of paragraph (d) (1) of § 1388.1016 of Maximum Rent Regulation No. 24 is amended to read as follows:

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days (or, where the ground for removal or eviction is non-payment of rent, the period required by the local law for notice prior to the commencement of an action for removal in such cases, but in no event less than three days) prior to the time specified for surrender of pos-

session and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession: *Provided, however,* That the requirements of this sentence shall not apply to housing accommodations within the City of Baltimore, Maryland, when the ground for the removal or eviction of a tenant is non-payment of rent.

3. The second paragraph of paragraph (d) (1) of § 1388.1806 of Maximum Rent Regulation No. 28 is amended to read as follows:

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days (or, where the ground for removal or eviction is non-payment of rent, the period required by the local law for notice prior to the commencement of an action for removal in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession: *Provided, however,* That the requirements of this sentence shall not apply to housing accommodations within the North-eastern New Jersey Defense-Rental Area when the ground for the removal or eviction of a tenant is non-payment of rent.

4. The second paragraph of paragraph (d) (1) of § 1388.286 of Maximum Rent Regulation No. 53 is amended to read as follows:

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days (or, where the ground for removal or eviction is non-payment of rent, the period required by the local law for notice prior to the commencement of an action for removal or eviction in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession: *Provided, however,* That the requirements of this sentence shall not apply to housing accommodations within the Trenton Defense-Rental Area when the ground for the removal or eviction of a tenant is non-payment of rent.

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.

This Supplementary Amendment No. 17 shall become effective March 24, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4562; Filed, March 24, 1943;  
5:04 p. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[Ration Order 11,<sup>1</sup> Amendment 52]

**FUEL OIL RATIONING REGULATIONS**

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

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (1) is amended by substituting a comma for the period after the phrase "December 19, 1942", and by adding after the comma the phrase "or in 'Area A' which was transferred subsequent to March 15, 1943."

2. Section 1394.5151 (a) (1) (iv) (c) is amended by substituting a comma for the semi-colon after the phrase "December 19, 1942", and by adding after the comma the phrase "or in 'Area A' prior to March 15, 1943;".

This amendment shall become effective March 30, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 24th day of March 1943.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 43-4556; Filed, March 24, 1943;  
5:02 p. m.]

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

[Supplement 1 to Ration Order 16]

**MEAT, FATS, FISH AND CHEESES**

§ 1407.3027 *Supplement 1 to Ration Order 16.* The following supplement to Ration Order 16, which is annexed to and made a part of § 1407.3026, is hereby issued:

(a) Foods covered by this order shall have the point values set forth in the Official Tables of Consumer and Trade Point Values<sup>2</sup> (OPA Forms R-1313, 1611, and 1612) which are made a part hereof.

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

<sup>1</sup>7 F.R. 8480, 8708, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10181, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 698, 977, 1203, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2720, 2887, 2942, 2993, 3106.

<sup>2</sup>Filed with the Division of the Federal Register as part of the original document.



(b) The wholesaler's Credit Authorization factors referred to in section 5.7 (b) of Ration Order 16 are as follows:

- (1) Meat (excluding canned meat)----- 12
- (2) All other foods covered by this Order (including canned meat)----- 24

(c) The wholesaler's allowable inventory factors which are referred to in section 5.6 (b) of Ration Order 16 are as follows:

- (1) Fresh and frozen meats----- 15
- (2) Shortening, lard, cooking and salad oils, canned meats, canned fish----- 35
- (3) All other foods covered by Ration Order 16, including cheese, butter, margarine, sausage and types of meats not described in (1) or (2) above----- 28

(d) The industrial user commodity groups which are referred to in section 7.5 (a) of Ration Order 16, the point values which are fixed for each group and the industrial user allotment factors which are referred to in section 7.6 (c) of that order are as follows:

	Point value	Factors
(1) Meat commodity groups:		
(i) Bone in and separated suet-----	5.5	3.9
(ii) Boned and boneless (and canned meat and canned fish)-----	7.3	5.1
(iii) Edible offal (including pork skins)-----	4.5	3.2
(iv) Edible bones-----	1.0	0.7
(2) Cheese commodity groups:		
(i) American cheese (cheddar)-----	8	5.6
(ii) All other "rationed cheeses"-----	7	5.0
(3) Fats and oils commodity groups:		
(i) Butter-----	8	5.6
(ii) Margarine-----	5	3.5
(iii) Lard-----	5	3.5
(iv) Shortening-----	5	3.5
(v) Cooking and salad oils-----	6	4.2

This supplement shall become effective 12:01 a. m., March 29, 1943.

(Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827, Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4569; Filed, March 24, 1943; 5:04 p. m.]

PART 1429—POULTRY AND EGGS

[MPR 333<sup>1</sup>, Amendment 3]

EGGS AND EGG 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.\*

Maximum Price Regulation 333 is amended in the following respects:

1. Section 1429.54 (c) is amended to read as follows:

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

<sup>1</sup>8 F.R. 2488, 3002, 3070.

(c) Other reports may be required. Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

2. Section 1429.55 (c) is amended to read as follows:

(c) Evasion by selling f. o. b. seller's shipping point. Except as provided in §§ 1429.67 (1), 1429.69 (b) (3), 1429.69 (c) (2), 1429.71 (b), and 1429.74 (e) hereof, the maximum prices established by this regulation are maximum prices per dozen eggs or per pound of egg products delivered to the buyer as herein provided and the provisions of this regulation shall not be evaded by selling such eggs or egg products at a price f. o. b. the seller's shipping point.

3. Section 1429.65 (r) is amended to read as follows:

(r) "Basing point city" means one of the cities for which maximum prices are specifically stated for egg items in the tables of this regulation except that Chicago, Illinois and Kansas City, Missouri, are not basing point cities.

4. Section 1429.65 (t) (1) is amended to read as follows:

(t) (1) "Area 1" means the States of Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

5. Section 1429.65 (t) (2) is amended to read as follows:

(2) "Area 2", when applied to shell eggs means all of the remaining states of the United States except those included in Area 1 above described and when applied to frozen and liquid egg products means all of the remaining states of the United States except those included in the "Eastern Area" hereinafter provided.

6. A new § 1429.65 (t) (3) is added to read as follows:

(3) "Eastern Area" as used in the determination of maximum prices for frozen and liquid egg products means the States of Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

7. Section 1429.67 (g) (1), (2), (3), (5), (6), (7), and (10) are amended to read as follows:

(1) Extra large eggs of Grade AA quality when certified as such by the United States Department of Agriculture may sell 4 cents above the price for large Grade A eggs. When not so certified, the maximum price of such eggs shall be

the maximum price for extra large Grade A eggs.

(2) Large eggs of Grade AA quality when certified as such by the United States Department of Agriculture may sell 2 cents above the price for large Grade A eggs. When not so certified, the maximum price of such eggs shall be the maximum price of large Grade A eggs.

(3) Jumbo eggs of Grade AA whether certified as such by the Department of Agriculture or not and Jumbo Grade A eggs may sell at 5 cents above the price for large Grade A eggs.

(5) The maximum price for medium size eggs of A, B, and C Grades shall be 4 cents per dozen less than large eggs of the same grade.

(6) The maximum price for small eggs of Grade A, B, and C shall be 8 cents per dozen less than large eggs of the same grade.

(7) Medium and small eggs of AA Grade when certified as such by the Department of Agriculture may sell at 2 cents above the prices of similar sizes of Grade A eggs. When not so certified, the maximum prices of such eggs shall be the maximum prices of similar sizes of Grade A eggs.

(10) The maximum prices of shell eggs of consumer grades having a net weight of less than 34 pounds per case or equivalent quantity of eggs shall be 14 cents less than large eggs of the same grade.

8. A new § 1429.67 (g) (11) is added to read as follows:

(11) The maximum prices for each consecutive week in the years following 1943 shall be as indicated in the above Tables A and B the first week beginning on the first Monday in each year.

9. Section 1429.67 (k) is amended to read as follows:

(k) Local delivery. Except as specifically provided in this section the maximum prices established herein are for shell eggs delivered to the individual store of the retailer or to the place of use of the commercial, industrial, institutional, or non-federal governmental user. No f. o. b. shipping point sale shall be made except as specifically provided. If the place of business of the seller from or at which he makes the particular sale of shell eggs is located in the same city, town, village, or hamlet in which the individual store of the retailer purchasing them is located; or in which there is located the place of use of the commercial, industrial, institutional, or non-federal governmental user purchasing them, but the purchaser accepts such eggs at a point in such city, town, village, or hamlet other than the individual store of the retailer or place of use there shall be deducted from the maximum price at such city, town, village, or hamlet the sum of ten cents per case or equivalent quantity of eggs, and the reduced amount shall be the maximum price of such eggs at the place of acceptance.

10. A new § 1429.67 (1) is added to read as follows:

(1) F. o. b. sales within 200 miles. If the place of business of the seller from

actual carlot freight rate between such places, then the lowest transportation charge by other means shall be used.  
(e) Maximum base prices in cents per pound for frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks and frozen reconstituted eggs in the cities of New York, Seattle, Los Angeles, San Francisco, San Diego, Phoenix and Tucson.

TABLE E

Month	Jan. 1944	Feb. 1944	Mar. 1944	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Whole frozen eggs and reconstituted eggs	34.3	33.0	31.3	31.3	31.7	32.0	32.3	32.7	33.0	33.3	33.7	34.0
Frozen whites	26.3	25.0	23.3	23.3	23.7	24.0	24.3	24.7	25.0	25.3	25.7	26.0
45% yolks	46.3	45.0	43.3	43.3	43.7	44.0	44.3	44.7	45.0	45.3	45.7	46.0
Sugared and salt yolks (10% sugar or salt)	41.3	40.0	38.3	38.3	38.7	39.0	39.3	39.7	40.0	40.3	40.7	41.0

(g) Maximum base prices in cents per pound for frozen whole eggs, frozen whites, 45% yolks, frozen sugared or salted yolks, and frozen reconstituted eggs in Kansas City, Missouri and for use in pricing in "Eastern Area." (but not to be used as a "basing point city" for calculating prices in "Area 2").

TABLE F

Month	Jan. 1944	Feb. 1944	Mar. 1944	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Whole frozen eggs and reconstituted eggs	32.9	31.6	29.9	29.9	30.3	30.6	30.9	31.3	31.6	31.9	32.3	32.6
Frozen whites	24.9	23.6	21.9	21.9	22.3	22.6	22.9	23.3	23.6	23.9	24.3	24.6
45% yolks	44.9	43.6	41.9	41.9	42.3	42.6	42.9	43.3	43.6	43.9	44.3	44.6
Sugared and salted yolks (10% sugar or salt)	39.9	38.6	36.9	36.9	37.3	37.6	37.9	38.3	38.6	38.9	39.3	39.6

14. Section 1429.74 (d) (2) is amended to read as follows:

(2) When the United States or any agency thereof fails to accept delivery of dried whole eggs at the time at which the United States or such agency is obligated to accept their delivery by contract, there may be added to the maximum price \$0.075 per pound for each month or fraction thereof during which acceptance of such delivery is delayed.

15. A new § 1429.74 (d) (3) is added to read as follows:

(3) When dried whole eggs contracted for sale to the United States or any agency thereof are placed in a cold storage room having a temperature of not more than 50 degrees Fahrenheit within 24 hours after completion of their manufacture and are kept continuously in such storage room having such maximum temperature until they are loaded into a carrier for delivery to the purchaser, 1 cent per pound may be added to the maximum price determined as provided in this regulation.

16. Section 1429.74 (e) is amended to read as follows:

(e) Maximum prices for dried egg products sold f. o. b. seller's shipping point. The maximum prices for dried egg products sold f. o. b. the seller's shipping point shall be the maximum prices for any place in which the seller's shipping point is located as determined above, paragraphs (a) through (d), in this section.

17. A new § 1429.74 (f) is added to read as follows:

(f) Maximum prices for dried egg products sold to the United States or any agency thereof under contract. The maximum price of any dried egg product sold to the United States or any agency thereof under contract providing a date on which the seller shall have the product ready for delivery shall be the maximum price for the particular product on

or at which he make the particular sale of shell eggs is located within 200 miles of the individual store of the retailer purchasing such eggs or is located within 200 miles of the place of use of the commercial, industrial, institutional, or non-federal governmental user purchasing such eggs and the purchaser accepts the eggs at such place of business of the seller or they are sold f. o. b. such seller's shipping point in the city, town, village, or hamlet in which seller's place of business is located, there shall be deducted from the maximum price in such city, town, village, or hamlet in which the seller's place of business is located the sum of ten cents per case or equivalent quantity of eggs and the reduced amount shall be the maximum price of such eggs at the place of acceptance or the place of sale f. o. b. seller's shipping point as the case may be.

11. Table C of § 1429.69 (d) is amended insofar as it relates to maximum prices in basing point cities for the months of March and April 1943, to read as follows:

Grade	March				April				
	1	8	15	22	29	5	12	19	26
I	43	43	43	43	43	43	43	43	43
II	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5
III	42	42	42	42	42	42	42	42	42
IV	41.5	41.5	41.5	41.5	41.5	41.5	41.5	41.5	41.5

12. Table D of § 1429.69 (e) is amended insofar as it relates to maximum prices in Chicago for the months of March and April 1943, to read as follows:

Grade	March				April				
	1	8	15	22	29	5	12	19	26
I	41.4	41.4	41.4	41.4	41.4	41.4	41.4	41.4	41.4
II	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9
III	40.4	40.4	40.4	40.4	40.4	40.4	40.4	40.4	40.4
IV	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9

13. Section 1429.70 (a), (b), (c), (e) and (g) are amended to read as follows:

(a) Maximum prices in basing point cities and Kansas City, Missouri. The maximum prices of frozen whole eggs, frozen whites, frozen 45% yolks, frozen sugared or salted yolks, and frozen reconstituted eggs sold and delivered in carload quantities to a purchaser at his refrigerated warehouse in a basing point city or in Kansas City, Missouri shall be the price per pound for the particular basing point city in Table E and for Kansas City in Table F of this section for the month in which delivered.

(b) Maximum prices in Eastern Area except New York City and Miami, Florida. In all places other than New York City and Miami, Florida within the "Eastern Area" the maximum prices of

the egg products named in the heading of this section sold and delivered in carload quantities to a purchaser at his refrigerated warehouse for the month in which delivered shall be the maximum price in Kansas City, Missouri, plus the "transportation factor" from Kansas City, Missouri to the place of delivery.

(c) Transportation factor. "Transportation factor" when applied to sales and deliveries of the frozen egg products named in the heading of this section means the actual carlot freight rate per pound from Kansas City, Missouri to the place of delivery of the egg products in the "Eastern Area" multiplied by 1.16, and in "Area 2" means the actual freight rate from the place of delivery of such frozen egg products to the basing point city as provided in this section, multiplied by 1.16. If there is no

such date, determined as herein provided, if the product is manufactured within 40 days of such date. If the product is not manufactured within 40 days of the date on which the seller is obligated to have it ready for delivery, then the maximum price of such product, sold and delivered to the United States or any agency thereof, shall be the maximum price on the date on which the seller is obligated by contract to have the product ready for delivery or the maximum price of such product on the date on which it is actually delivered, whichever is the lower of such maximum prices. If the product is not manufactured within 40 days of the date on which seller is obligated to have it ready for delivery and the product is sold to the United States or agency thereof F. O. B. the seller's shipping point, then the maximum price of such product shall be the maximum price on the date on which the seller is obligated by contract to have the product ready for delivery or the maximum price on the date on which the product is delivered to the carrier for delivery to the purchaser, whichever is the lower of such maximum prices.

18. Paragraphs (1) and (2) of § 1429.76 are redesignated as paragraphs (a) and (b), respectively.

19. Section 1429.76 (b) is amended to read as follows:

(b) When the dried egg products priced in § 1429.74 are sold to any purchaser other than the United States or any agency thereof and are packed in containers other than barrels, the additional labor and material cost (no other costs) incurred in packing in such other containers may be added.

20. A new § 1429.76 (c) is added to read as follows:

(c) When the dried egg products priced in § 1429.74 are sold to the United States or any agency thereof and are packed in containers other than barrels, there may be added to the maximum price determined as herein provided an amount not exceeding the average cost of the particular type of container as such average cost is determined by the purchaser. The purchasing agency or purchasing officer in such cases shall inform the Office of Price Administration as to the average prices of each type of container as may be from time to time required.

21. Section 1429.78 is amended to read as follows:

§ 1429.78 *Period provisions of this amendment shall continue in effect.* Table C of § 1429.69 (d) and Table D of § 1429.69 (e) as amended herein, shall continue in effect until 12:00 o'clock midnight on April 17, 1943, at which time the original maximum prices for the months of March and April, 1943 set forth in Table C of § 1429.69 (d) and Table D of § 1429.69 (e) of Maximum Price Regulation No. 333 as issued on February 25, 1943, shall be reinstated automatically and without further order

of the Administrator and the indicated provisions of this amendment shall cease and terminate. The remaining provisions of this amendment shall continue in effect until altered or revoked by order of the Administrator.

This amendment shall be effective as of March 23, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

Approved:

PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 43-4557; Filed, March 24, 1943; 5:02 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 346,<sup>1</sup> Amendment 2]

CORN

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 346 is amended by adding section 25 to read as follows:

Sec. 25 *Certain sales by the Commodity Credit Corporation are exempt.* The provisions of this regulation shall apply to sales of all types, varieties or grades of corn by the Commodity Credit Corporation to be used for feeding purposes or for the manufacture of ethyl alcohol, butyl alcohol, acetone or rubber; but not withstanding all other provisions of this regulation, corn to be used for all other purposes may be sold by the Commodity Credit Corporation at prices no higher than 10 per cent above the lowest prices at which said Corporation is permitted to sell for said last mentioned purposes under that certain act of Congress designated as Pub. Law 674, 77th Cong.: *Provided, however,* That all commodities processed from corn sold by the said Commodity Credit Corporation shall remain subject to any maximum prices prescribed by the Office of Price Administration.

This amendment shall become effective March 24, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

Approved:

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 43-4558; Filed, March 24, 1943; 5:03 p. m.]

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

<sup>1</sup> 8 F.R. 3180.

PART 1499—COMMODITIES AND SERVICES

[SR 14<sup>1</sup> to GMPR,<sup>2</sup> Amendment 140]

SUPERPHOSPHATE

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

A new subparagraph (84) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(84) *Superphosphate; Maximum prices for sales of ordinary superphosphate, triple superphosphate, double superphosphate, superphosphate in bags, superphosphate to Government departments and agencies, superphosphate for export, and resales of double and triple superphosphate—*(i) *Bulk sales of ordinary superphosphate.* The maximum price a producer may charge for ordinary superphosphate (containing less than 22 per cent available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(a) *Pulverized superphosphate.* (1) For sales of run-of-pile, basis f. o. b. cars at each producing point, the price specified for that point as listed below:

Point of production:	Maximum price per unit of available phosphoric acid
Lowell, Massachusetts.....	\$. 75
North Weymouth, Massachusetts.....	. 75
Woburn, Massachusetts.....	. 75
Buffalo, New York.....	. 70
Carteret, New Jersey.....	. 69
Paulsboro, New Jersey.....	. 67
Philadelphia, Pennsylvania.....	. 67
Baltimore, Maryland.....	. 64
Alexandria, Virginia.....	. 64
Lynchburg, Virginia.....	. 64
Norfolk, Virginia.....	. 63

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

<sup>1</sup> 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 1139, 1590, 980, 1030, 876, 1121, 878, 1142, 1279, 1383, 1455, 1589, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035, 2157, 2343, 2354, 2274, 2343, 2346.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110, 2346.

Point of production—Con.	Maximum price per unit of available phosphoric acid
Portsmouth, Virginia.....	.63
Richmond, Virginia.....	.64
Acme, North Carolina.....	.62
Charlotte, North Carolina.....	.62
Durham, North Carolina.....	.62
Greensboro, North Carolina.....	.62
Laurinburg, North Carolina.....	.62
Navassa, North Carolina.....	.59
Selma, North Carolina.....	.62
Wadesboro, North Carolina.....	.62
Wilmington, North Carolina.....	.59
Wilson, North Carolina.....	.62
Anderson, South Carolina.....	.62
Charleston, South Carolina.....	.55
Columbia, South Carolina.....	.60
Greenville, South Carolina.....	.62
Hartsville, South Carolina.....	.62
Lancaster, South Carolina.....	.62
Spartanburg, South Carolina.....	.62
East Tampa, Florida.....	.50
Jacksonville, Florida.....	.53
Nichols, Florida.....	.50
Pierce, Florida.....	.50
Dallas, Texas.....	.70
Houston, Texas.....	.68
Little Rock, Arkansas.....	.70
Texarkana, Arkansas.....	.70
Calumet City, Illinois.....	.68
Chicago Heights, Illinois.....	.68
East Saint Louis, Illinois.....	.63
Fort Wayne, Indiana.....	.68
Indianapolis, Indiana.....	.68
New Albany, Indiana.....	.65
Detroit, Michigan.....	.70
Lansing, Michigan.....	.70
Cincinnati, Ohio.....	.65
Cleveland, Ohio.....	.68
Columbus, Ohio.....	.68
Lockland, Ohio.....	.65
Sandusky, Ohio.....	.68
Silica, Ohio.....	.68
Toledo, Ohio.....	.68
Washington Court House, Ohio.....	.68
Stege, California.....	.84
Vernon, California.....	.84

(2) For sales of run-of-pile, basis f. o. b. cars at buyer's destination within a delivery area as described below from any producing point listed as a price basing point for that area, a price equal to the price f. o. b. the one of the price basing points listed plus the cost of transportation by rail in carload lots from that price basing point to the buyer's destination which will result in the lowest net delivered cost to the buyer, such transportation cost to include the 3 per cent tax thereon imposed by § 620 of the Revenue Act of 1942:

Delivery area	Price basing points	Maximum price per unit of available phosphoric acid
AREA 1 State of Georgia.....	Albany, Ga.....	.61
	Americus, Ga.....	.61
	Athens, Ga.....	.61
	Atlanta, Ga.....	.61
	Augusta, Ga.....	.61
	Columbus, Ga.....	.61
	East Point, Ga.....	.61
	La Grange, Ga.....	.61
	Macon, Ga.....	.61
	Pelham, Ga.....	.61
	Rome, Ga.....	.61
	Savannah, Ga.....	.55
	Tifton, Ga.....	.61
	Valdosta, Ga.....	.61

Delivery area	Price basing points	Maximum price per unit of available phosphoric acid	
AREA 2 State of Alabama and Florida west of the Apalachicola River.	Pensacola, Fla.....	.60	
	Bessemer, Ala.....	.60	
	Birmingham, Ala.....	.60	
	Dothan, Ala.....	.60	
	Florence, Ala.....	.60	
	Mobile, Ala.....	.60	
	Montgomery, Ala.....	.60	
	Roanoke, Ala.....	.60	
	Troy, Ala.....	.60	
	Nashville, Tenn.....	.60	
	AREA 3 States of Mississippi and Louisiana.	Pensacola, Fla.....	.60
		Gulfport, Miss.....	.625
		Hattiesburg, Miss.....	.625
		Jackson, Miss.....	.625
Tupelo, Miss.....		.625	
New Orleans, La.....		.625	
Harvey, La.....		.625	
Shreveport, La.....		.675	
Shreveport, La.....	.625		
AREA 4 States of Tennessee and Kentucky.	Chattanooga, Tenn.....	.63	
	Greenville, Tenn.....	.63	
	Knoxville, Tenn.....	.63	
	Memphis, Tenn.....	.62	
	Mt. Pleasant, Tenn.....	.60	
	Nashville, Tenn.....	.60	
	Wales, Tenn.....	.60	

A producer, selling for delivery outside an area for which his producing point is listed as a price basing point, or selling to a buyer who does not specify a point of destination at the time of the sale, may charge a price, basis f. o. b. cars at producing point, no higher than the price specified for that producing point.

(3) For sales of superphosphate guaranteed by the producer to contain 18 per cent, 19 per cent, or 20 per cent available phosphoric acid, with no charge for over-run, the maximum price as established under (1) or (2) plus \$.015 per unit of available phosphoric acid guaranteed.

(b) *Granulated superphosphate.* The maximum price as established under (1), (2), or (3) above plus \$.02 per unit of available phosphoric acid.

(ii) *Bulk sales of triple superphosphate.* The maximum price a producer may charge for triple superphosphate (containing 40 per cent or more available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(a) In the states of Washington, Oregon, California, Nevada, Utah, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Arizona, and New Mexico, a price of \$.885 per unit of available phosphoric acid, basis delivered to the point of destination designated by the buyer, except that the actual cost of transportation and the 3 per cent tax thereon imposed by § 620 of the Revenue Act of 1942, from Anaconda, Montana, to the point of destination, in excess of \$.803 per ton of 2000 pounds may be charged to the account of the buyer.

(b) In the other states of the United States and in the District of Columbia, a price per unit of available phosphoric acid, basis f. o. b. railroad cars at the point of production, of:

(1) \$.70 for any producing point in Montana or Tennessee;

(2) \$.65 for any producing point in South Carolina;

(3) \$.62 for any producing point in Florida;

(4) For any producing point located in the District of Columbia or in any state other than Montana, Tennessee, South Carolina or Florida, \$.62 plus the cost per unit, of transportation by rail in carload lots, of 48 per cent superphosphate from East Tampa, Florida to that producing point, such transportation cost to include the 3 per cent tax thereon imposed by § 620 of the Revenue Act of 1942.

(iii) *Bulk sales of double superphosphate.* The maximum price per ton which a producer may charge, basis f. o. b. railroad cars at his plant, for double superphosphate (containing 22 per cent or more but less than 40 per cent available phosphoric acid) for sale in bulk to fertilizer manufacturers or mixers shall be:

(a) The product of 20 units of available phosphoric acid times the price per unit for a guaranteed grade of ordinary superphosphate, basis f. o. b. cars at producing point (i) (a) (3), plus

(b) The product of the number of units contained therein in excess of 20 units times the applicable maximum price per unit for triple superphosphate, basis f. o. b. cars at the producing point (ii). If the producer of such double superphosphate is not a producer of triple superphosphate, his applicable maximum price, for calculations required in this paragraph, shall be his actual delivered cost of triple superphosphate, or if none was purchased, the maximum price as established in (ii) (b) (4).

(iv) *Sales of superphosphate in bags.* The maximum price a producer may charge for superphosphate for sales in bags to fertilizer manufacturers or mixers shall be the applicable maximum price for bulk sales as determined under (i), (ii), or (iii) above, plus \$1.00 per ton of 2000 pounds, plus the producer's actual cost of the bags used to package 2000 pounds.

(v) *Sales of superphosphate to Government departments and agencies.* The maximum price a producer may charge for sales of superphosphate to the United States Treasury, the United States Department of Agriculture or any agency of the United States shall be the applicable maximum price as established under (i), (ii), (iii), or (iv) above.

(vi) *Sales of superphosphate for export.* The maximum price a producer may charge for sales of superphosphate for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

<sup>1</sup> 7 FR. 5059, 7242, 8829, 9000, 10530.

(vii) *Resales of double or triple superphosphate.* The maximum price which one fertilizer manufacturer or mixer may charge another fertilizer manufacturer or mixer for the sale of double or triple superphosphate not produced by the seller shall be his delivered cost of such superphosphate plus \$3.00 per ton of 2000 pounds.

This amendment shall become effective March 30, 1943.

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4560; Filed, March 24, 1943;  
5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14<sup>1</sup> to GMPR,<sup>2</sup> Amendment 141]

SPHAGNUM MOSS

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

Supplementary Regulation No. 14 to the General Maximum Price Regulation is amended in the following respect:

Section 1499.73 (a) is amended by adding the following subparagraph (85):

(85) *Sphagnum Moss.*—(i) *Maximum prices for Sphagnum Moss sold by distributors in Alabama, Texas, and Louisiana.* The maximum prices for Sphagnum Moss sold by distributors in Alabama, Texas, and Louisiana shall be as follows:

\$1.80 per bale, f. o. b. seller's establishment, in single bale lots.

\$1.70 per bale f. o. b. seller's establishment, in 10 bale lots.

(ii) *Discounts.* The above prices are subject to all the seller's customary discounts and allowances which were in effect in March 1942.

This amendment shall become effective March 30, 1943.

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

Issued this 24th day of March 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-4561; Filed, March 24, 1943;  
5:02 p. m.]

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

<sup>1</sup> 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7739, 7671, 7812, 7914, 7916, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 10381, 9639, 9496, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878, 1121, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467, 1813, 1894, 1978, 2041, 1895, 2035, 2157, 2343, 2274, 2343.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758,

Chapter XVII—Office of Civilian Defense

[Regulations 3, Amendment 6]

PART 1903—UNITED STATES CITIZENS  
DEFENSE CORPS

ORGANIZATION OF STATE DIVISIONS

By virtue of the authority vested in me by Executive Order No. 8757, dated May 20, 1941, as amended by Executive Order No. 9134, dated April 15, 1942, and Executive Order No. 9088, dated March 6, 1942, and pursuant to the Act approved January 27, 1942, *It is hereby ordered*, That §§ 1903.1 to 1903.17, inclusive, of this chapter (Regulations No. 3 of the Office of Civilian Defense), as heretofore issued and amended, be further amended, effective immediately, by adding thereto a new § 1903.18, as follows:

§ 1903.18 *Organization of State divisions of Citizens Defense Corps.* (a) The members of the defense corps in any community may be designated collectively as the [name of community] Section of the United States Citizens Defense Corps. Each State may organize, in addition to the sections of the defense corps organized by communities of the State, a section of the defense corps to operate on a State-wide basis. The State section and the community sections of the defense corps of a particular State may be designated collectively as the [name of State] Division of the United States Citizens Defense Corps.

(b) The State section of the Defense Corps shall be organized in accordance with the provisions of State law and shall be under the command and direction of such person (herein referred to as the "State commander") as shall be designated or appointed by the Governor or other authorized body in accordance with the provisions of State law. The State section shall consist of a staff unit and such other units, established pursuant to § 1903.3 (a) hereof (section 3 (a) of Office of Civilian Defense Regulations No. 3), as shall be deemed advisable for the State in the opinion of the State commander.

(c) The authority and responsibility of the State commander and members of the State staff unit and the other members of the state section of the Defense Corps shall be as provided by State law, which shall also control as to the method of designating or appointing such members.

(d) The staff unit of the state section of the Defense Corps may include persons duly assigned to duty in the district warning centers of the aircraft warning service and in the state and regional control centers within the State. Such persons shall not be required to complete the training or instruction specified in § 1903.7 (b) of this chapter (section 7 (b) of Office of Civilian Defense Regulations No. 3).

(e) All of the provisions of §§ 1903.1 to 1903.17, inclusive, of this chapter (Office of Civilian Defense Regulations No. 3) shall apply mutatis mutandis to the state section of the Defense Corps.

7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110.

(Pub. Law 415, 77th Cong.; E.O. 8757, 6 F.R. 2517; E.O. 9088, 7 F.R. 1775; E.O. 9134, 7 F.R. 2887)

[SEAL] JAMES M. LANDIS,  
Director of Civilian Defense.

MARCH 24, 1943.

[F. R. Doc. 43-4529; Filed, March 24, 1943;  
1:35 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[Directive 5, Revised]

PART 321—DIRECTIVES

FORWARDING AND TRANSPORTATION OF  
WATER-BORNE FOREIGN COMMERCE

Directive with respect to forwarding and transportation of water-borne foreign commerce of the United States issued jointly by the Lend-Lease Administrator and the Administrator, War Shipping Administration.

To all persons (including departments, agencies and officers of the United States) engaged in the procurement, transportation or forwarding of Lend-Lease cargo, or cargo procured, transported or forwarded for the government of any country whose defense has been deemed by the President to be vital to the defense of the United States pursuant to the Act of March 11, 1941 (which government is hereinafter referred to as a Lend-Lease government); and to all departments, agencies, officers, governmental corporations and other instrumentalities of the United States engaged in or concerned with the procurement, transportation or forwarding of cargo for delivery overseas.

By virtue of the authority vested in the President by the Act of March 11, 1941 (Public Law 11, 77th Congress), and delegated to the Lend-Lease Administrator pursuant to Executive Order 8926, dated October 28, 1941 as amended; and by virtue of the authority vested in the Administrator, War Shipping Administration by the Act of March 14, 1942 (Public Law 498, 77th Congress), by Executive Order 9054, dated February 7, 1942 as amended, it is hereby directed:

Section 321.5, Directive No. 5, issued November 24, 1942, (7 F.R. 9460), as amended (7 F.R. 9790), is revised to read:

§ 321.5 *Directive No. 5.* (a) Pursuant to Directive No. 1 of the Lend-Lease Administrator, dated November 11, 1942 (7 F.R. 9359) and to Directive No. 4 of the Administrator, War Shipping Administration, revised January 26, 1943 (8 F.R. 1321) the ocean bill of lading issued by any vessel (without regard to the nationality of the vessel) for the ocean carriage of any cargo included within the scope of the aforesaid directives, or required by the Administrator to be assigned to him, shall be in the following form:

STRAIGHT BILL OF LADING—NOT NEGOTIABLE

(Short Form)

Lend-Lease Blading

3- -43

(Name of line to be inserted as required)

B/L No.-----

Received for shipment from the shipper hereinafter named, the goods, or packages said to contain goods, hereinafter mentioned in apparent good order and condition unless otherwise indicated in his bill of lading, to be transported to the port of discharge and there to be delivered or transhipped on the terms hereinafter stated. In every contingency whatsoever, and even in case of deviation or of unseaworthiness of the ship at time of loading or at any subsequent time, the rights and obligations, whatsoever they may be, of each and every person having any interest or duty whatsoever in respect of the receipt, care, custody, carriage, delivery or transshipment of the goods whether as shipper, consignee, holder or endorsee of the bill of lading, receiver or owner of the goods, master of the ship, carrier, shipowner, demise charterer, time charterer, operator, agent, bailee, warehouseman, forwarder, or otherwise howsoever, shall be subject to and governed by the terms of the Carrier's regular Bill of Lading, which shall be deemed to be incorporated herein, including any amendments thereto or special provisions thereof which may be in effect at the time the goods are received for shipment and applicable to the intended voyage. Copies of such Bill of Lading may be obtained on application to the Agent or the Master at the port of shipment or port of discharge or to the Administrator, War Shipping Administration, Washington. This shipment shall have effect subject to the provisions of the Carriage of Goods by Sea Act of the United States, approved April 16, 1936, which shall be deemed to be incorporated herein and nothing herein contained shall be deemed as a surrender by the carrier of any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. The provisions stated in said Act shall (except as may be otherwise specifically provided in the

bill of lading referred to above) govern before the goods are loaded on and after they are discharged from the ship and throughout the entire time the goods are in the custody of the carrier. Nothing herein contained, whether by express statement, reference, implication or otherwise, shall be deemed a surrender of any rights or immunities or an increase of any responsibilities or liabilities which the ship, her owner, charter, operator, agent or master or any carrier, bailee, warehouseman, or forwarder of the goods or the agent of any of them would have in the absence of this bill of lading. None of the terms of this bill of lading shall be deemed to have been waived by any person unless by express waiver signed by such person, or his duly authorized agent.

In accepting this bill of lading, the shipper, consignee, pledgee, holder or endorsee of this bill of lading, receiver, owner of the goods and each of them agree that all freight engagements, dock receipts, or other agreements whatsoever in respect of the shipment of the goods are superseded by this bill of lading, and agree to be bound by all its terms whether written, printed or stamped on the front or back thereof or incorporated by reference therein, any local customs or privileges to the contrary notwithstanding.

If requested, one signed bill of lading duly endorsed must be surrendered to the agent of the ship at the port of discharge in exchange for delivery order.

Ship: { N. S.  
S. S. Voyage Number.....  
Port of loading.....  
Shipper: .....  
Consignee: .....  
Arrival notice to be addressed to: .....  
Port of discharge from ship: .....  
Serial number of forwarding authorization.....

(d) This directive as hereby revised shall become effective on March, 1943.

E. R. STETTINIUS, Jr.,  
Lend-Lease Administrator,  
Office of Lend-Lease Administration.

E. S. LAND,  
Administrator,  
War Shipping Administration.

[F. R. Doc. 43-4549; Filed, March 24, 1943; 4:18 p. m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1787, Correction]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

SALMON CANNING INDUSTRY IN TERRITORY OF ALASKA

In § 401.1 (c) of the document appearing on page 2892 of the issue for Tuesday, March 9, 1943, item VII (1) of Schedule A is hereby corrected by deleting therefrom the name "Central Alaska Packing Co.," and substituting in place thereof "Shepard Point Packing Co."

ABE FORTAS,  
Acting Secretary of the Interior.

MARCH 22, 1943.

[F. R. Doc. 43-4597; Filed, March 25, 1943; 11:44 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1409]

CARL NYMAN

ORDER POSTPONING HEARING

In the matter of the petition of Carl Nyman, a code member in District No. 20 for revision in the minimum prices for the coals, for truck shipment, produced from the National Mine (Mine Index No. 179) in District No. 20, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

District Board No. 20, an intervenor, having moved that the hearing in the above-entitled matter, heretofore scheduled to be held on March 27, 1943, at 10 o'clock in the forenoon of that day, be postponed indefinitely; and the original petitioner, Carl Nyman, having concurred in said motion; and

It appearing that good cause for the postponement has been shown;

Now, therefore, it is ordered, That the hearing in the above-entitled matter, heretofore scheduled to be held on March 27, 1943, be, and the same hereby is, postponed until further order.

Dated: March 23, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-4575; Filed, March 25, 1943; 11:17 a. m.]

PARTICULARS FURNISHED BY SHIPPER OF GOODS

Loading marks	Description of goods	Gross weight pounds
(Double bottom triangle to be imprinted on form, not exceeding 1½" on each side.)		
	Straight bill of lading—Not negotiable	
	FREIGHT AND CHARGES	
@	per 2,240 lbs. \$	Ft. in. @ per cu. ft. \$
@	per 2,240 lbs. \$	Ft. in. @ per cu. ft. \$
@	per 100 lbs. \$	@ per \$
@	per 100 lbs. \$	pkgs. @ per pkg. \$
Ft. in. @	per 40 cu. ft. \$	Total \$

If the ship is not owned by or chartered by demise to the Company designated herein (as may be the case notwithstanding anything that appears to the contrary) this bill of lading shall take effect only as a contract with the owner or demise charterer, as the case may be, as principal, made through the agency of the Company designated herein which acts as agent only and shall be under no personal liability whatsoever in respect thereof.

In witness whereof, the Master of the said ship has affirmed to five bills of lading, all of this tenor and date, one of which being accomplished, the others to stand void.

Dated \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

For the Master.

By \_\_\_\_\_  
(Name of agent to be inserted as required) as Agent for the Master

By \_\_\_\_\_

Caution

This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U. S. C., 31 and 32 amended. Its transmission or the revelation of its con-

tents in any manner to an unauthorized person is prohibited by law.

(b) The carrier, master of the vessel or agent of the vessel or of the carrier at the port of shipment shall note upon such number of original bills of lading as may be required by the War Shipping Administrator or his Agents, the name of the ship upon which the material was loaded, and the date when such loading was completed. Such notation shall be made prominently upon the face of the bill of lading by rubber stamp in the following form:

I certify that the goods herein described were loaded on board the vessel named herein at the port specified in this bill of lading.

By \_\_\_\_\_  
(Representative of Carrier's Agent)

(Date)

(c) Such ocean bill of lading shall be of a uniform size, 9½ inches by 14½ inches, all of the printing to be on one side, the reverse side remaining blank. The type used shall be no smaller than 6 point type.

[Docket No. A-1553, A-1554]

## SPRINGFIELD COAL CORP.

## ORDER SEVERING DOCKETS AND TERMINATING PROCEEDINGS

In the matter of the petitions of Springfield Coal Corporation, Springfield No. 5 Mine, Mine Index No. 153, for approval of agreement to purchase the entire production of the Hurd Mine, Mine Index No. 2928, of John P. Hurd, and the entire production of the Flick Mine, Mine Index No. 743, of Carl W. Flick, code members in District No. 1, for changes in freight origin group numbers and shipping points for the coals of Mine Index Nos. 2928, 743, and 153, for rail shipments, and for permission to mix the coals of these mines.

Order severing Docket No. A-1553 from Docket No. A-1554 and terminating proceedings in Docket No. A-1554.

A petition for leave to discontinue the proceedings in Docket No. A-1554 having been filed herein by the above-named petitioner alleging the abandoning of Mine Index No. 743; and

The Director being of the opinion that good cause for the granting of said petition has been shown;

Now, therefore, it is ordered, That Docket No. A-1553 be, and it hereby is, severed from Docket No. A-1554.

It is further ordered, That the relief granted in Docket No. A-1554 by order dated August 18, 1942, 7 F. R. 6819, be and the same hereby is cancelled and terminated.

It is further ordered, That the proceedings in Docket No. A-1554 be and the same hereby are terminated.

Dated: March 24, 1943.

[SEAL] DAN H. WHEELER,  
Director.[F. R. Doc. 43-4576; Filed, March 25, 1943;  
11:16 a. m.]

[Docket No. A-1895]

## DISTRICT BOARD 2

## ORDER ADVANCING HEARING AND REDESIGNATING TRIAL EXAMINER

In the matter of the petition of District Board No. 2 for increases in the minimum prices heretofore established for the coals produced by the Grippo Coal Company at its Grippo Mine, Mine Index No. 851.

The above-entitled matter having been heretofore scheduled for hearing on April 13, 1943 at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. by an order issued herein on March 13, 1943; and

A request that said hearing be advanced to April 6, 1943 having been filed herein by the above-named petitioner; and

The Director being of the opinion that good cause for the granting of said request has been shown, and that said hearing should be advanced;

Now, therefore, it is ordered, That said request be, and the same hereby is

granted and that said hearing be, and the same hereby is advanced from April 13, 1943 at 10 o'clock in the forenoon of that day to April 6, 1943 at 10 o'clock in the forenoon of that day at the place heretofore designated;

It is further ordered, That Examiner Edward J. Hayes be designated examiner herein vice Examiner Charles O. Fowler who was designated examiner by the order dated March 13, 1943.

It is further ordered, That the order issued herein on March 13, 1943, shall, in all other respects, remain in full force and effect.

Dated: March 23, 1943.

[SEAL] DAN H. WHEELER,  
Director.[F. R. Doc. 43-4577; Filed, March 25, 1943;  
11:17 a. m.]

[Docket No. B-300]

## JAKE ABBOTT

## MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST

On February 3, 1943, after notice and hearing, Edward J. Hayes, a duly designated Examiner of the Division, submitted a report in which he found that code member, Jake Abbott, operating the Abbott Mine, Mine Index No. 1492, located in District 8, in Belle County, Kentucky, wilfully violated the code, the rules and regulations thereunder, and the Order of the Director in General Docket No. 19, dated October 9, 1940, by selling approximately 177.5 tons of  $\frac{3}{8}$ " x 0 slack, although no minimum prices had been established for such coal for rail shipment.

The examiner recommended that an order be entered requiring code member to cease and desist from selling coal when no prices, temporary or final, had been established therefor by the Division in violation of the Act, the code and the orders, rules and regulations issued thereunder, particularly the Order of the Director in General Docket No. 19, dated October 9, 1940.

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 recommendation 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 code member, Jake Abbott, operating the Abbott Mine, Mine Index No. 1492, located in Belle County, Kentucky, in District 8, his agents, employees, representatives, successors and assigns, and all persons acting or claiming to act on his behalf or interest, cease and desist from vio-

lating the provisions of the Act, the code or the orders, rules or regulations issued thereunder, especially the Order of the Director in General Docket No. 19, dated October 9, 1940.

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 enforcement thereof or may otherwise proceed as authorized by the Act.

Dated: March 24, 1943.

[SEAL] DAN H. WHEELER,  
Director.[F. R. Doc. 43-4578; Filed, March 25, 1943;  
11:16 a. m.]

## Bureau of Mines.

W. N. Ross

## ORDER REVOKING LICENSE AND DIRECTING ITS SURRENDER

In the matter of W. N. Ross, licensee. Proceeding for revocation of license.

To: W. N. Ross, Grande Ronde, Oregon.

Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following findings of fact:

1. On February 17, 1943, a Specification of Charges against you setting forth violations of the Federal Explosives Act (55 Stat. 863) and the regulations pursuant thereto of which you were accused was mailed to you giving you notice to mail an answer within 15 days demanding a hearing if you wished to be heard on the charges against you.

2. More than 30 days have elapsed since the giving of said notice. The length of time required for mail to be delivered to the Bureau of Mines, Washington, D. C., from Grande Ronde, Oregon, does not exceed 5 days. The only answer from you was dated March 4, 1943, and was received March 8, 1943. You have not denied the charges against you, nor denied that they constitute violations of the Federal Explosives Act or of the regulations thereunder, nor offered any adequate excuse for your violations. You have not requested a hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations thereunder (7 F.R. 5901), It is hereby ordered, That Purchaser's License No. 476,934 and all other licenses, if any, issued to you under the Federal Explosives Act (55 Stat. 863) be and they are hereby revoked as of midnight, March 31, 1943; and

That you shall surrender all licenses and all certified or photographic copies thereof, if any, issued to you under the Federal Explosives Act by delivering or mailing them to me at the Interior Department, Washington, D. C., before midnight, March 31, 1943.

Failure to surrender the licenses as provided in this order will constitute a violation of the Federal Explosives Act,

punishable by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Dated: March 24th, 1943.

R. R. SAYERS,  
Director.

[F. R. Doc. 43-4591; Filed, March 25, 1943;  
11:44 a. m.]

### General Land Office.

[Public Land Order 97]

#### ARIZONA

#### WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN AERIAL GUNNERY AND BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, 48 Stat. 1269 (U. S. C., title 43, sec. 315), and also to section 3 of the act of June 17, 1902, 32 Stat. 388 (U. S. C., title 43, sec. 416), *It is ordered*, As follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as an aerial gunnery and bombing range:

#### GILA AND SALT RIVER MERIDIAN

- T. 14 S., R. 7 W.,  
Secs. 6, 7, and 18.
- T. 13 S., R. 8 W.,  
Secs. 2 to 11, inclusive, and  
Secs. 14 to 36, inclusive, unsurveyed.
- T. 14 S., R. 8 W.,  
Secs. 1 to 21, inclusive, and  
Secs. 28 to 33, inclusive, unsurveyed.
- T. 15 S., R. 8 W.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive, and  
Secs. 28 to 33, inclusive, unsurveyed.
- T. 16 S., R. 8 W.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive, and  
Secs. 28 to 33, inclusive, unsurveyed.
- T. 17 S., R. 8 W.,  
Secs. 4; 5, 6, and 9, unsurveyed.
- Tps. 13 to 17 S., R. 9 W., unsurveyed.
- T. 7 S., R. 10 W.,  
Sec. 1, lots 1, 5, 6, and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 3, S $\frac{1}{2}$ ;  
Sec. 4, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 5, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Secs. 7 to 36, inclusive.
- Tps. 13 S., to 16 S., R. 10 W., unsurveyed.
- T. 7 S., R. 11 W.,  
Sec. 7, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 9, S $\frac{1}{2}$ ;  
Sec. 10, S $\frac{1}{2}$ ;  
Sec. 11, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
Sec. 12, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 13 to 36, inclusive.
- T. 7 S., R. 12 W.,  
Sec. 14, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 16, SE $\frac{1}{4}$ ;  
Sec. 19, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 20, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 21, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 22 to 36, inclusive.

- Tps. 8 and 9 S., R. 12 W.  
T. 7 S., R. 13 W.,  
Sec. 26;  
Sec. 26, S $\frac{1}{2}$ ;  
Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 32, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 33, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 34, 35, and 36.
- T. 8 S., R. 13 W.,  
Secs. 1, 2, 3, and 4;  
Sec. 5, lot 1 and S $\frac{1}{2}$ ;  
Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 7;  
Secs. 8 to 36, inclusive.
- T. 9 S., R. 13 W.  
T. 8 S., R. 14 W.,  
Sec. 11, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 13 and 14;  
Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 16, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Secs. 19 to 36, inclusive.
- T. 9 S., R. 14 W.  
T. 8 S., R. 15 W.,  
Sec. 19, S $\frac{1}{2}$ ;  
Sec. 20, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
Secs. 21 to 36, inclusive.
- T. 9 S., R. 15 W.  
T. 8 S., R. 16 W.,  
Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 24, S $\frac{1}{2}$ ;  
Secs. 25 to 28, inclusive;  
Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 30, S $\frac{1}{2}$ ;  
Secs. 31 to 36, inclusive.
- T. 9 S., R. 16 W.  
T. 8 S., R. 17 W.,  
Sec. 25, S $\frac{1}{2}$ ;  
Sec. 26, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 31, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 32, S $\frac{1}{2}$ ;  
Sec. 33, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Secs. 34, 35, and 36.
- T. 9 S., R. 17 W., partly unsurveyed.
- T. 9 S., R. 18 W.,  
Secs. 1 and 2;  
Sec. 3, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 6, S $\frac{1}{2}$ ;  
Secs. 7 to 36, inclusive.
- T. 9 S., R. 19 W.,  
Sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 6, S $\frac{1}{2}$ ;  
Secs. 7 to 36, inclusive.
- T. 9 S., R. 20 W.,  
Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 2, lot 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 3, lots 1 and 2, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 4, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 7 to 36, inclusive.
- T. 10 S., R. 20 W.,  
Secs. 1, 2, 3, 11, 12, 13, 24, and 25,  
unsurveyed.
- T. 9 S., R. 21 W.,  
Sec. 7, W $\frac{1}{2}$ ;  
Sec. 8, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Secs. 9, 10, and 11;  
Sec. 12, S $\frac{1}{2}$ ;  
Secs. 13 to 17, inclusive;  
Sec. 18, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Secs. 19 to 36, inclusive.
- Tps. 10, 11, and 12 S., R. 21 W.  
T. 9 S., R. 22 W.,  
Sec. 11;  
Sec. 12, W $\frac{1}{2}$  and W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Secs. 13 and 14;  
Sec. 15, SE $\frac{1}{4}$ ;  
Sec. 21, E $\frac{1}{2}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Secs. 22 to 29, inclusive;  
Secs. 32 to 36, inclusive.
- T. 10 S., R. 22 W.,  
Secs. 1 to 5, inclusive;  
Secs. 6, E $\frac{1}{2}$ ;  
Secs. 7 to 20, inclusive;  
Sec. 21, W $\frac{1}{2}$ ;  
Sec. 22, E $\frac{1}{2}$ ;  
Secs. 23 to 36, inclusive.

Tps. 11 and 12 S., R. 22 W.

The areas described, including both public and nonpublic lands, aggregate approximately 705,300 acres.

This order shall be subject to (1) the reservation made by the Proclamation of May 27, 1907, reserving all public lands within 60 feet of the international boundary between the United States and the Republic of Mexico, and (2) the transmission line withdrawal under Federal Power Commission Project No. 482, so far as such reservations affect any of the above-described lands.

This order shall take precedence over, but shall not rescind or revoke, (1) the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, (2) the withdrawal made by Executive Order No. 8038 of January 25, 1939, establishing the Cabeza Prieta Game Range, (3) the order of the Secretary of the Interior of March 14, 1929, withdrawing certain lands for reclamation purposes, and (4) the order of the Secretary of the Interior of July 14, 1938, establishing Arizona Grazing District No. 3, so far as such orders affect any of the above-described lands. After the present national emergency has been officially terminated, this order, so far as it affects lands heretofore withdrawn for reclamation purposes, shall be ineffective upon notice to the War Department by the Secretary of the Interior that such lands are needed for reclamation purposes; and it is intended that all of the above-described public lands shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purposes for which they are reserved.

The Commanding Officer, Yuma Aerial Gunnery Range, will, after consultation with the local representatives of the Fish and Wildlife Service, Department of the Interior, designate at least two days each month on which there will be no firing affecting the lands in T. 14 S., R. 7 W., Tps. 13 to 17 S., R. 8 W., Tps., 13 to 16 S., Rs. 9 and 10 W., to enable the field personnel of the Fish and Wildlife Service to carry out normal patrol and maintenance activities.

On the lands in T. 14 S., R. 7 W., Tps. 13 to 17 S., R. 8 W., Tps. 13 to 16 S., Rs. 9 and 10 W., bombing shall be confined by the War Department to the valley floors, and shall not be permitted in the mountain areas, which are the important mountain sheep habitats, nor within a one-mile radius of all water holes, springs, wells, or tanks. Any roads and trails on such lands which may be damaged by War Department use shall be restored to good condition by the War Department upon return of the lands to the administration of the Department of the Interior.

ABE FORTAS,

Acting Secretary of the Interior.

MARCH 16, 1943.

[F. R. Doc. 43-4592; Filed, March 25, 1943;  
11:44 a. m.]



[Public Land Order 98]

## ARIZONA

WITHDRAWING PUBLIC LAND FOR USE OF THE  
WAR DEPARTMENT FOR AVIATION PUR-  
POSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 2, 1942, and to section 3 of the act of June 17, 1902, 32 Stat. 388 (U. S. C., title 43, sec. 416), *It is ordered*, As follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for aviation purposes:

## GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 12 W., sec. 7

The area described contains 627.90 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of March 14, 1929, of the Secretary of the Interior, withdrawing certain lands for reclamation purposes, so far as such order affects the above-described land. After the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647), this order shall become ineffective upon notice to the War Department by the Secretary of the Interior that the land is needed for reclamation purposes.

ABE FORTAS,

*Acting Secretary of the Interior.*

MARCH 17, 1943.

[F. R. Doc. 43-4593; Filed, March 25, 1943;  
11:45 a. m.]

[Public Land Order 99]

## CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF  
THE NAVY DEPARTMENT AS A NAVAL SUPPLY  
DEPOT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered*, As follows:

Subject to valid existing rights and to the transmission-line withdrawal under Federal Power Project No. 882, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Navy Department as a naval supply depot:

## SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,

Sec. 14, S $\frac{1}{2}$ ;Sec. 15, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 340 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

No. 60—8

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

ABE FORTAS,

*Acting Secretary of the Interior.*

MARCH 17, 1943.

[F. R. Doc. 43-4594; Filed, March 25, 1943;  
11:44 a. m.]

[Public Land Order 100]

## MONTANA

WITHDRAWING PUBLIC LANDS FOR USE OF  
THE WAR DEPARTMENT FOR MILITARY  
PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered*, As follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

## PRINCIPAL MERIDIAN

T. 25 N., R. 4 E.,

Secs. 11 to 14, inclusive.

T. 27 N., R. 8 E.,

Secs. 4, 5, 8, 9, 16, 17, 20, and 21.

T. 28 N., R. 8 E.,

Secs. 28, 29, 32, and 33.

The areas described, including both public and non-public lands, aggregate 10,241.20 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

It is intended that the public lands herein described shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

ABE FORTAS,

*Acting Secretary of the Interior.*

MARCH 17, 1943.

[F. R. Doc. 43-4595; Filed, March 25, 1943;  
11:45 a. m.]

## Office of the Solicitor.

[Order No. 1799]

COMMISSIONER OR ASSISTANT COM-  
MISSIONER OF GENERAL LAND OFFICE

## AUTHORIZATION TO ACT IN CERTAIN MATTERS

MARCH 19, 1943.

Pursuant to sections 161, 453 and 2478 Rev. Stat. (5 U.S.C. sec. 22 and 43 U.S.C. secs. 2, and 1201 respectively), *It is hereby ordered*, As follows:

I. The Commissioner or Assistant Commissioner of the General Land Office

may hereafter act in relation to the following classes of matters without obtaining Secretarial approval, unless the Secretary in any particular matter determines otherwise, subject in any event to an appeal to the Secretary according to the rules of practice and subject to the provisions of Part II of this order:

(a) Applications to lease public lands for public airports under the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. secs. 211-214), and the issuance, assignment, modification or cancelation of such leases.

(b) Applications to lease public lands for a home, cabin, camp, health, convalescent, recreational, or business site under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. sec. 682a), and the issuance, assignment, modification or cancelation of such leases.

(c) Applications to lease public lands in Alaska for fur farms under the Act of July 3, 1926 (44 Stat. 821; 48 U.S.C. secs. 360, 361), and the issuance, assignment, modification or cancelation of such leases.

(d) Applications to lease public lands in Alaska for grazing purposes under the act of March 4, 1927 (44 Stat. 1452; 48 U.S.C. secs. 471, 471a-471o), and the issuance, assignment, modification or cancelation of such leases.

(e) Applications by States, counties or municipalities to lease public lands for recreational use under the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. sec. 869), or the act of April 13, 1928 (45 Stat. 429; 43 U.S.C. sec. 869a), and the issuance, modification or cancelation of such leases.

(f) Applications to use public lands under right-of-way permits for tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U.S.C. sec. 956), and the issuance, assignment, modification or cancelation of such permits.

(g) Applications to use public lands under permits for rights-of-way under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. sec. 959 and 16 U.S.C. sec. 79), and the issuance, assignments, modification or cancelation of such permits: *Provided, however*, That cancelation shall be only in the circumstances specifically prescribed in regulations of the Secretary. The authority herein prescribed shall not relate to applications or permits involving lands within national parks, Indian or other reservations of the United States.

(h) Applications to use public lands under right-of-way easements under the act of March 4, 1911 (36 Stat. 1235, 1253-54; 43 U.S.C. sec. 961), and the issuance and assignment of such easements. The authority herein prescribed shall not relate to applications or permits involving lands within national parks, Indian or other reservations of the United States, nor to the modification or revocation of any easements granted under the act of March 4, 1911.

(i) Approvals of clear lists of State selections under the act of February 28, 1891 (26 Stat. 796; 43 U. S. C. sec. 851), and section 2449, Rev. Stat. (43 U. S. C. sec. 859).

(j) Orders authorizing the issuance of patents for school sections under the act of June 21, 1934 (48 Stat. 1185; 43 U. S. C. 871a).

(k) Orders authorizing the survey of islands or omitted lands under the general authorization of the Interior Department Appropriation Acts (e. g., act of July 2, 1942, Public Law 645, 77th Cong., 2d sess., ch. 473, p. 6, slip copy; act of June 28, 1941, 55 Stat. 303, 309); the resurveys of public lands under the above-mentioned acts and the act of March 3, 1909 (35 Stat. 845), as amended by the Joint Resolution of June 25, 1910 (36 Stat. 884; 43 U. S. C. 772); and the resurvey of public and private lands under the act of September 21, 1918 (40 Stat. 965; 43 U. S. C. sec. 773).

(l) Decisions denying applications for stock driveway withdrawals or for the revocation of such withdrawals under section 10 of the act of December 29, 1916 (39 Stat. 862; 865; 43 U. S. C. sec. 300).

(m) Notation and declaration that any lands of the United States reserved for power purposes under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), which the Federal Power Commission shall determine will not be injured in value for power development purposes by disposition under the public land laws, are, subject to the restrictions specified by the Commission and section 24, no longer reserved under section 24.

II. This order does not relate to or authorize the classification of public lands pursuant to section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315f), or pursuant to any other act requiring classification of public lands prior to the exercise of the functions herein prescribed, nor does it affect the responsibility of the Solicitor for the review of legal questions. All general rules, regulations, circulars and instructions must be approved by the Secretary.

III. To the extent of any inconsistency with the foregoing provisions hereof, Order 242 of August 29, 1927, Secretary Work's memorandum of August 29, 1927, to the Commissioner of the General Land Office, and all existing regulations relating to the performance of the matters herein listed, are hereby modified. Such regulations should be formally revised to incorporate the changes effected by this order.

IV. This order is effective immediately, but matters now pending before the Department will be cleared as heretofore.

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 43-4596; Filed, March 25, 1943;  
11:44 a. m.]

#### DEPARTMENT OF LABOR.

##### Wage Adjustment Board.

#### BUILDING AND CONSTRUCTION INDUSTRY POLICY AND PROCEDURE DECISIONS

In the matter of Policy and Procedure Decisions of the Wage Adjustment Board

for the Building and Construction Industry; notice that copies of such decisions are available.

Notice is hereby given that copies of the decisions of the Wage Adjustment Board for the Building and Construction Industry are available to interested parties in Room 3124, United States Department of Labor.

Copies of such decisions are furnished by the Wage Adjustment Board to the Government contracting agencies who are parties to the Wage Stabilization Agreement of May 22, 1942, the Building and Construction Trades Department of the American Federation of Labor, the National or International Unions, and the Associated General Contractors and are made available to other contractors and sub-contractors' associations in the area to which particular decisions are applicable.

Dated: March 24, 1943.

GEORGE B. MCGAHAN,  
Executive Secretary.

[F. R. Doc. 43-4580; Filed, March 25, 1943;  
11:34 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

##### TRANSPORTATION OF AGRICULTURAL COMMODITIES AND PRODUCTS

##### RECOMMENDATION FOR INDUSTRY TRANSPORTATION PLANS

Recommendation for Industry transportation plans for transportation of agricultural commodities and products, as amended.

In order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the following plan concerning the transportation of agricultural commodities and products thereof by motor vehicle is promulgated and recommended to the Chairman of the War Production Board for approval under section 12, Public Law 603, 77th Congress (56 Stat. L. 351).

1. *Industry Transportation Committee.* The producers, motor carriers, processors and dealers in agricultural commodities and products thereof within any designated area shall select a committee to be known as an Industry Transportation Committee. This committee shall be selected in a manner so as to be equally representative of such producers, motor carriers, processors and dealers. Upon the selection of such committee the members thereof shall elect a chairman. The chairman of such committee, prior to any action thereby, shall file with the Office of Defense Transportation information concerning the type of industry, membership of the committee, method of selection thereof and a description of the area within which such committee will act, together with such other information as may be required by the Office of Defense Transportation. The Office of Defense Transportation will review this information and approve or disap-

prove the committee as constituted, and, if approved, will reserve the right to remove at any time any person selected as a member thereof. When approved, the committee will be recognized by the Office of Defense Transportation as authorized to act within such area in the formulation of an Industry Transportation Plan.

2. *Industry Transportation Plan.* The Industry Transportation Committee shall formulate an Industry Transportation Plan, which plan shall be in conformity with the terms and provisions herein prescribed.

3. *Contents; parts.* The Industry Transportation Plan may consist of one or two parts as follows:

One part of the plan shall consist of a relocation of routes within the designated area arranged with the advice and assistance of such Committee. The routes of the motor carriers shall be revised so as to eliminate nonessential travel and to obtain maximum utilization of the motor trucks used upon the revised routes. The routes shall be so adjusted that the products of each producer will be transported to his chosen market. The price received by the producer shall not be changed by the plan.

The plan may have a second part which shall consist of a further relocation of routes within the same area, by which the products of the producer shall generally be transported to the processor or dealer who is nearest to the farm of the producer in the point of highway miles. This arrangement shall be known as zoning of market areas. Such zoning of market areas shall be arranged so that no producer will receive a price for his products which is less than the price he received under his prior arrangement unless such producer consents to receive a lesser price. The plan shall provide that the processor or dealer will receive approximately the same quantity of such products as under his prior arrangement. Likewise, the plan shall provide that the producer may deliver approximately the same quantity of his products as under his prior arrangement.

4. *Industry Transportation Plan shall be reduced to writing.* The Industry Transportation Committee shall reduce to writing the details of such Industry Transportation Plan, which writing shall be signed by all members of the Committee. The writing shall consist of one or two parts as follows:

One part shall describe the area, the number and location of the processors and dealers, the number of producers, the number of motor carriers and location of their present routes, the proposed relocation of routes, the truck mileage savings which will be accomplished by the arrangement, the nature and extent to which the proposed operation will be affected by any regulatory law or regulation, and the name and address of any motor carrier who will suspend operations.

If the plan has two parts, the writing shall contain a second part which shall contain the same information as required in respect of the first part of such plan, and, in addition, shall contain detailed information concerning the proposed zoning of market areas, a state-

ment to the effect that the price received by the producer will not be changed by the arrangement, or, if the price received by any producer will be changed by the arrangement, that such producer has consented to receive a lesser price, and the name, address and objection of any producer, motor carrier, processor or dealer who declines to participate in the arrangement.

5. *General restrictions.* No provision shall be contained in any Industry Transportation Plan which will deny to the producer, processor or dealer the right to deliver or procure agricultural commodities and products thereof by the use of transportation facilities other than those of the motor carriers participating in the plan; and no provision shall be contained in any such plan which will require the motor carriers participating therein to perform any transportation service which is not authorized or sanctioned by law, or to render any service beyond its transportation capacity.

6. *Publication of plan.* The Industry Transportation Plan shall be publicized by the Industry Transportation Committee in such manner as will give all persons affected thereby an opportunity to examine the provisions of such plan. A true copy of this Recommendation and Certificate No. 28, as amended,<sup>1</sup> issued to the Attorney General in respect of such Recommendation by the Chairman of the War Production Board shall be included in such publication. The publication shall provide that any producer, motor carrier, processor or dealer in agricultural commodities and products thereof within such designated area may complain or comment in respect of the proposed relocation of routes or zoning of market areas as described in the plan. The manner and form of such publication shall be described in an appropriate certificate executed by the Chairman of the Industry Transportation Committee and such certificate shall be attached to the plan.

7. *Adjustment of complaints.* In the event complaints are received, the Industry Transportation Committee shall consider and adjust such complaints, if possible. The Committee shall, if necessary, revise the plan to accord with any adjustment made by reason of such complaints. Any complaints received by the Committee which have not been adjusted shall be attached to the plan, together with a brief statement setting forth the position of the Committee in respect of such complaint.

8. *Filing.* The Industry Transportation Plan, as revised, together with the attachments herein prescribed, shall be filed with the Office of Defense Transportation. The General Counsel of the Office of Defense Transportation will review the plan, together with the attachment, and prepare an analysis thereof. If, in his opinion, the adoption thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials without undue injus-

tice or inequity to those affected and the plan conforms to the provisions, conditions and limitations of this Recommendation and Certificate No. 28 as amended, issued by the Chairman of the War Production Board in respect of such recommendation, he will approve the plan and direct those who have agreed, or shall hereafter agree, to participate in the plan, to put it into effect and will so certify in writing to the Chairman of the War Production Board and to the Attorney General and will transmit to each of such persons a copy of the specific plan and his analysis thereof.

9. *Administrator; Industry Advisory Committee.* The Office of Defense Transportation will designate one of its employees to act as administrator of the Industry Transportation Plan. Such administrator will act in such capacity with the advice and assistance of an Industry Advisory Committee. Such Committee shall be selected by the participating producers, motor carriers, processors and dealers located within the designated area and subject to the same conditions and limitations as prescribed for the selection for the Industry Transportation Committee.

10. *Complaints.* After the effectuation of such Industry Transportation Plan, any participating producer, motor carrier, processor or dealer may file a complaint in writing with the administrator in respect of such Industry Transportation Plan. The administrator, with the advice and assistance of the Industry Advisory Committee, will attempt to adjust such complaints. In the event no satisfactory adjustment can be made, no compulsion shall be used upon such producer, processor or dealer. Any complaint received from a participating motor carrier will be considered and decided by the administrator with the advice and assistance of the Industry Advisory Committee. If the carrier is not satisfied with the decision, he may appeal to the District Manager of the Office of Defense Transportation. If his decision is adverse, the carrier may appeal to the Director, Division of Motor Transport, Office of Defense Transportation, Washington, D. C., whose decision shall be final.

11. *Records; inspection.* The administrator shall keep a record of his acts pertaining to the operation of the plan, which record shall be available at all reasonable times for inspection by participants in the plan and by accredited representatives of the Office of Defense Transportation.

12. *Termination.* This recommendation shall remain in full force and effect until six months after the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation may designate, or until any certificate issued in respect of this recommendation shall have been withdrawn by the Chairman of the War Production Board in the manner provided by section 12, Public Law 603, 77th Congress, (56 Stat. L. 351).

Issued at Washington, D. C., this 22d day of March 1943.

JOSEPH B. EASTMAN,  
Director, Office of  
Defense Transportation.

[F. R. Doc. 43-4589; Filed, March 25, 1943;  
11:38 a. m.]

[Administrative Exception Order 2 Under  
Ration Order 13]

#### PROCESSED FOODS

#### CIVILIAN PROGRAMS BRANCH OF FOOD DISTRIBUTION ADMINISTRATION OF DEPARTMENT OF AGRICULTURE

The Civilian Programs Branch of the Food Distribution Administration of the Department of Agriculture has requested that it be permitted to dispose of the processed foods which it now owns, by collecting the fixed amount of eight points per pound, except with respect to those items for which the price fixed by the Office of Price Administration is less than eight points per pound. Food thus disposed will be used solely for child feeding programs.

The Civilian Programs Branch obtained food for distribution through welfare agencies to eligible child feeding programs and persons receiving public assistance. Many of the foods were purchased in the public market at a time when they were in abundance and causing a depressing effect on the market. Others were acquired from the Lend-Lease Administration, because of the lack of shipping facilities, or the changing needs of our Allies. A large amount of these foods have been in storage for some time and it is necessary to release them while they are still in usable condition.

Recently, the Civilian Programs Branch has introduced a new Community School Lunch Program which enables sponsors to buy from local vendors on a reimbursable basis up to a certain maximum amount. Consequently, State Welfare Departments are anxious to terminate their agreements under the presently operating Direct Distribution Program and the Civilian Programs Branch is faced with the problem of liquidating current inventories of processed foods as soon as possible so that those foods which cannot be put back into commercial channels will be fully utilized.

Many of the schools and State Welfare Departments are unwilling to cooperate in the surrender and collection of the ration points involved in the distribution of these processed foods under the present point values because some of these commodities have a high point value and the surrender of points for them would limit the amount of food the agencies may obtain from their allotment. In addition, the task of charging the exact point prices established by the Office of Price Administration has been rendered especially difficult because of the termination of the Works Project Administration, which supplied much of the clerical help used in these projects.

<sup>1</sup> *Infra.*

Many of the commodities are labeled "not to be sold" in order to prevent their return to commercial channels. It would be too expensive and too difficult to collect and relabel them for resale, as they are widely scattered in various parts of the United States in small quantities. Furthermore, the exteriors of some of the containers have also been affected by a long storage period and could not be placed on retailers' shelves for sale.

The processed foods held by the Civilian Programs Branch will be limited to child feeding programs and the adoption of an eight point maximum value per pound would create an incentive for the child feeding programs to receive a proportion of the commodities available in each area, and would provide a non-commercial market for these processed foods that might otherwise not be utilized. The granting of the request in this instance would not in any way defeat or impair the effectiveness of the policy of the Ration Order.

*It is hereby ordered,* That the Civilian Programs Branch of the Food Distribution Administration of the Department of Agriculture may dispose of the processed foods which it now owns, for use in child feeding programs, by collecting the fixed amount of eight points per pound, except with respect to those items for which the price fixed by the Office of Price Administration is less than eight points per pound.

This order shall become effective March 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 24th day of March 1943.

PAUL M. O'LEARY,  
*Deputy Administrator in Charge  
of Rationing.*

[F. R. Doc. 43-4564; Filed, March 24, 1943;  
5:03 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 37-25, 37-26, 37-36, and 37-57]

FEDERAL ADVISERS, INC., ET AL.

### ORDER FOR CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING AND TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March, A. D. 1943.

In the matter of Federal Advisers, Inc., File No. 37-26; Electric Advisers, Inc., File No. 37-25; Gas Advisers, Inc., File No. 37-36; Cities Service Company, Cities Service Power & Light Company, Federal Light & Traction Company, Arkansas Natural Gas Corporation, Central Arkansas Public Service Corporation, Petroleum Advisers, Inc., Federal Ad-

visers, Inc., Electric Advisers, Inc., Gas Advisers, Inc., File No. 37-57.

#### I

The Commission having heretofore on December 27, 1938 and on January 5, 1939 issued its separate findings, opinions and orders, pursuant to section 13 of the Public Utility Holding Company Act of 1935 and rules and regulations of the Commission thereunder, with respect to approval of the organization and conduct of operations of Federal Advisers, Inc. (Federal), Electric Advisers, Inc. (Electric) and Gas Advisers, Inc. (Gas), each a subsidiary or mutual service company in the holding company system of Cities Service Company, a registered holding company, subject to certain conditions and in particular that Federal, Electric and Gas may be required to effect any changes in organization and operation which should become necessary in order to conform with the act and present or future rules, regulations or orders thereunder; and

The Commission having subsequently on January 31, 1942 entered its separate orders extending without limit as to time its orders of January 5, 1939, with respect to the approval of Electric and Gas, reserving jurisdiction therein to terminate the approval granted by said orders of January 5, 1939 at any time by written notice given at least thirty days prior to the effective date of such termination if it should deem such action necessary or appropriate to the public interest or the interest of investors or consumers; and

#### II

1. The Commission having authorized an investigation on November 25, 1941 under sections 13 and 18 (a) and (b) of the act which investigation establishes or tends to establish that the organization and conduct of operations of service companies in the Cities Service Company system do not meet the standards and objectives of section 13 of the act and rules, regulations and orders thereunder, in that

(a) The operating companies in the Cities Service Company system are being charged or having allocated to them, directly or through the medium of a service company, a portion of the salaries and expenses of persons who are holding company officers or employees, or whose functions relate primarily to the functions of supervision of the holding company system and review of the activities of the operating companies and their officials and staffs;

(b) Various persons whose functions relate primarily to the holding company functions of supervision of the holding company system and review of the activities of the operating companies and officials and staffs, are receiving compensation or reimbursement of expenses from operating companies through such service companies or by other arrangements;

(c) Such service companies have not confined themselves to functions which the operating companies cannot perform as efficiently and economically themselves in that the services being rendered are not limited to those of an operating

nature as distinguished from managerial or policy forming functions;

(d) Federal, Electric, Gas and Petroleum Advisers, Inc. (Petroleum), a subsidiary of Cities Service Company, have engaged in substantial cross-servicing and cross-billing in the course of their operations, which, together with the commingling of holding company and service company functions (referred to in paragraphs (a), (b) and (c) hereof) seriously impairs effective regulation by the Commission to insure economical and efficient performance of service contracts for the benefit of the operating companies at cost, fairly and equitably allocated, as required by section 13 of the act;

(e) Petroleum has performed services at a charge for utility companies in the Cities Service Company system with respect to which services Petroleum has not complied with the requirements of section 13 (b) of the act and Rule U-87 thereunder;

(f) Certain operating companies in the Cities Service system have borne, either directly or through the medium of service companies or other arrangements, certain expenses in connection with pending proceedings pursuant to section 11 of the act with respect to the Cities Service system, and

2. It further appearing that Petroleum, which performs services for associate companies in the Cities Service Company system, is with respect to certain of such services exempt from the provisions of section 13 and rules and regulations thereunder by reason of Rules U-3d-15 and U-37 (b) (1), and that a continuance of such exemption may be detrimental to the public interest or the interest of investors or consumers, and that withdrawal of such exemption may be appropriate in the public interest or the interest of investors or consumers to the end that Petroleum will be subject to such limitations and prohibitions as the Commission, by rules, regulations and orders, shall prescribe as necessary or appropriate in the public interest or the interest of investors or consumers and that Petroleum should be a party herein, and

3. It further appearing that a fair and equitable allocation of costs and expenses pursuant to section 13 of the act may require a retroactive allocation to the respective holding companies in the Cities Service Company system of certain costs and expenses including compensation previously paid to various persons whose functions relate primarily to the supervision of the holding company system and review of the activities of operating companies, and

4. It further appearing that the matters concerned herein are related and should be consolidated for hearing and for consideration and disposition by the Commission and that Cities Service Company, Cities Service Power & Light Company, Federal Light & Traction Company, Arkansas Natural Gas Corporation and Central Arkansas Public Service Corporation should be parties herein, and

## III

It appearing to the Commission in the light of the foregoing that it is appropriate in the public interest and the interest of investors and consumers to institute proceedings against Federal, Electric, Gas, Cities Service Company, Cities Service Power & Light Company, Federal Light & Traction Company, Arkansas Natural Gas Corporation, Central Arkansas Public Service Corporation, and Petroleum pursuant to section 13 of the Public Utility Holding Company Act of 1935, in order to determine whether certain orders should be entered pursuant to the provisions of said act:

*It is ordered,* That a proceeding be and the same is hereby instituted pursuant to section 13 of the act and that a hearing be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania on the 3rd day of May, 1943, at 10 A. M., E. W. T. to determine:

A. Whether the allegations in paragraph 1 are true and accurate;

B. Whether the services rendered by Federal, Electric, Gas and Petroleum are performed economically and efficiently for the benefit of associate companies in the Cities Service Company system at cost and whether charges therefor are fairly and equitably allocated among such companies;

C. What changes are required to be effected with respect to system servicing operations within the Cities Service Company system in order to effect compliance with the objectives and standards of section 13 of the act and rules, regulations and orders thereunder and in order to obtain the advantages of effective regulation;

D. The extent to which unfair and inequitable allocations of costs have been made in the past and the extent to which such allocations should be made fair and equitable by a retroactive order;

*It is further ordered,* That at said hearing (1) Federal, Electric and Gas shall show cause why the orders of December 27, 1938 and January 5, 1939 approving their organizations and the conduct of their operations should not be revoked (without limitation of Commission's right to terminate approval of Electric and Gas upon 30 days written

notice); (2) Petroleum shall show cause why any exemption heretofore applicable to it should not be suspended, so that its services for associate companies should be subject to such limitations and prohibitions as the Commission by rules, regulations and orders shall prescribe;

*It is further ordered,* That this proceeding be consolidated for hearing with the proceedings previously held regarding Federal, Electric and Gas pursuant to Section 13, jurisdiction being reserved, however, to separate for disposition in whole or in part, any of the issues or questions hereinbefore set forth or which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved;

*It is further ordered,* That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer or officers designated to preside at the hearing are hereby authorized, without limitation, 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 and to conduct hearings at such times and places as may be necessary and desirable to effect a complete disposition of the matters involved herein;

*It is further ordered,* That notice of said hearing be and hereby is given to Cities Service Company, Cities Service Power & Light Company, Federal Light & Traction Company, Arkansas Natural Gas Corporation, Central Arkansas Public Service Corporation, Petroleum Advisers, Inc., Federal Advisers, Inc., Electric Advisers, Inc. and Gas Advisers, Inc., to their respective security holders and consumers, to all states, municipalities and public sub-divisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies are incorporated, all State Commissions, State Security Commissions and all agencies, authorities or instrumentalities of one or more states, municipalities or other political sub-divisions that have jurisdiction over any of such companies or over any of the business affairs or operations of any of them or their subsidiaries; that the Secretary of the Commission shall serve notice of said hearing

by mailing a copy of this order by registered mail to Cities Service Company, Cities Service Power & Light Company, Federal Light & Traction Company, Arkansas Natural Gas Corporation, Central Arkansas Public Service Corporation, Petroleum Advisers, Inc., Federal Advisers, Inc., Electric Advisers, Inc. and Gas Advisers, Inc.; and that notice is hereby given to any other person whose participation in these proceedings may be in the public interest or for the protection of investors or consumers, such notice to be given by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 26, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-4565; Filed, March 25, 1943;  
10:20 a. m.]

## WAR PRODUCTION BOARD.

[Certificate 28, Amendment 1]

## TRANSPORTATION OF AGRICULTURAL COMMODITIES AND PRODUCTS

TO THE ATTORNEY GENERAL: Referring to Certificate No. 28 (8 F.R. 1668), issued pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I submit herewith an amended plan formulated by The Office of Defense Transportation entitled "Recommendation for Industry Transportation Plans for transportation of agricultural commodities and products, as amended".<sup>1</sup>

For the purpose of the aforesaid section 12 of Public Law No. 603, I have approved such amended plan; 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 amended plan, is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

MARCH 22, 1943.

[F. R. Doc. 43-4588; Filed, March 25, 1943;  
11:38 a. m.]

<sup>1</sup> *Supra.*