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Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[RCP-1940-1]

PART 705—RANGE CONSERVATION PROGRAM

ELIGIBILITY FOR PAYMENT

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1940 Range Conservation Program (4 F.R. 4096; 5 F.R. 2629) is amended as follows:

Section 705.105 (b) is amended as follows:

§ 705.105 *Eligibility for payment.* * * *

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director, but not later than March 31, 1941, except (1) the timely filing of an application by one person on a ranching unit shall constitute a timely filing on behalf of all persons on that ranching unit, and (2) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the regional director with the approval of the Chief of the Agricultural Adjustment Agency, that the failure to file the timely application was not due to the fault of the applicant. Applications filed under exceptions (1) and (2) above must be filed before expiration of the period for obligating the appropriation (June 30, 1942).

The Secretary reserves the right (1) to withhold payment from any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director.

At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

Done at Washington, D. C. this 8th day of February, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 43-2059; Filed, February 8, 1943; 1:35 p. m.]

Chapter XI—Food Distribution Administration

[Food Directive 2]

PART 1400—DELEGATIONS OF AUTHORITY

DELEGATION OF AUTHORITY TO THE SECRETARY OF THE INTERIOR WITH RESPECT TO FISHERY COMMODITIES OR PRODUCTS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and in order to utilize existing governmental services and facilities to the fullest practicable extent in carrying out the provisions of such order, *It is hereby ordered*, As follows:

§ 1400.11 *Food Directive 2; fishery commodities or products.* (a) The Secretary of the Interior is authorized and directed, subject to the provisions of this directive, to execute, and to exercise the powers conferred by, the provisions of paragraph (b) of section 1, and section 2 of Executive Order No. 9280, insofar as such provisions relate to the production of fishery commodities or products.

(b) With respect to the recommendations to the War Production Board regarding critical or controlled materials incident to the delegation of authority contained in section 2 of Executive Order No. 9280, the Secretary of the Interior will determine requirements of critical materials for the production of

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fishery products. Applications and recommendations for priorities or allocations of material on forms prescribed by the War Production Board will be processed by the Facilities Branch of the Food Distribution Administration but will be referred to the Department of the Interior by that Branch for consideration and recommendation. The flow of applications will be through the Controlled Materials Officer of the Department of Agriculture to the War Production Board.

(c) The Secretary of the Interior is authorized and directed to prepare and submit to the Secretary of Agriculture specific recommendations upon any matter within the scope of paragraphs (a), (c), (d), and (e) of section 1, section 3, section 4, section 5, section 6, and paragraphs (b), (c), (d), (e), and (f) of section 8 of Executive Order No. 9280, insofar as such matters relate to fishery commodities or products.

(d) The Secretary of the Interior, in executing the provisions of and exercising the powers conferred in this directive, is authorized to utilize that part of the personnel, property, and records, and unexpended balances of appropriations, allocations, and other funds of the Department of Agriculture which, as determined by the Director of Finance of the Department of Agriculture, have been primarily concerned with the exercise of the powers delegated to the Secretary of the Interior in this directive.

(e) The authority delegated to the Secretary of the Interior by this directive may be exercised by him through such agencies and officers of the Department of the Interior or of the office established by Executive Order No. 9204, dated July 21, 1942, as he may designate.

(f) The term "fishery commodities or products" as used in this directive means any edible or non-edible fish, any form of aquatic animal or plant life, or any other commodity or product, including fats and oils, of marine or fresh water origin, which is within the meaning of the term "food" as defined in section 10 of Executive Order No. 9280.

(g) The term "production" as used in paragraph (a) hereof shall include the catching or harvesting of any form of aquatic animal or plant life and the processing thereof. It does not include, however, the following functions which shall be performed by the Food Distribution Administration of the Department of Agriculture: procurement; inspection; standards; labeling; allocation; reservation; limitation; specifications of product or container, and container supply.

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

Issued this 8th day of February 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-2056; Filed, February 8, 1943; 1:34 p. m.]

[Food Distribution Order 18]

PART 1415—IMPORTED FOODS

TEA QUOTAS FOR PACKERS AND WHOLESALERS

Pursuant to the authority vested in me by Executive Order No. 9280, issued December 5, 1942, and in order to assure an adequate supply and efficient distribution of tea to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1415.2 *Tea quotas*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, corporation, association, or any other business entity.

(2) The term "tea" means packaged or bulk tea in any form.

(3) The term "packer" means any person who packs tea owned by him or who has tea owned by him packed for his account by some other person.

(4) The term "wholesale receiver" means any person (regardless of whether or not he is also a packer) who buys tea for:

(i) Resale exclusively or predominantly at wholesale.

(ii) Resale through four or more centrally-owned, affiliated, or independent stores owned or, for purchasing purposes, represented by him.

(iii) Resale by retail or for any other purpose not specified above, if his monthly purchases of tea during 1941 averaged 200 pounds or more per month.

(5) The term "net deliveries" means the total deliveries of tea made by a packer or accepted by a wholesale receiver during a corresponding quarter of 1941 minus the total of any deliveries of tea made by him during that period to persons specified in (c) (4) hereof.

(6) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any

employee of the United States Department of Agriculture designated by such Director.

(b) *General restrictions.* (1) No packer shall accept delivery of tea or deliver tea packed by him or in bulk, except as permitted by this order.

(2) Wholesale receiver shall accept delivery of tea from any person, or resell tea, except as permitted by this order.

(3) No person shall accept delivery of tea from any packer, and no person shall deliver tea to any packer or wholesale receiver, with knowledge or reason to believe that such packer is not entitled to deliver, or that such packer or wholesale receiver is not entitled to accept delivery of such tea pursuant to this order

(4) Every packer and every wholesale receiver shall sell tea equitably to purchasers and shall not favor purchasers who buy other products from them or discriminate against purchasers who do not buy other products from them.

(c) *Quota restrictions and exceptions thereto.* (1) No packer shall accept delivery of more tea during any quota period than his total acceptance quota for that period as determined by the Director from time to time. Acceptances against such quota shall be subject to the further restriction of (d) (1) hereof.

(2) No packer shall deliver more tea during any quota period than his delivery quota for that period as determined by the Director from time to time.

(3) No wholesale receiver shall accept delivery of more tea during any quota period than his total acceptance quota for that period as determined by the Director from time to time.

(4) Notwithstanding the foregoing restrictions, any packer may, without charge to his quota, accept delivery of and deliver tea to or for any of the following persons, and any wholesale receiver may, without charge to his quota, accept delivery of tea for redelivery to or for any of the following persons:

(i) The Army, the Navy, or any agency of the United States Government designated by the Director, or any agency of the United States Government for supplies to be delivered to, or for the account of, the government of any country pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) The American National Red Cross or the United Service Organizations, Inc.

(iii) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade, for necessary supplies for such vessel.

(iv) Any person for retail sale through concession restaurants at Army or Navy camps or through outlets not operated for private profit and established primarily for the use of Army or Navy personnel within or on Army or Navy establishments or vessels, including post exchanges, sales commissaries, officers' messes, servicemen's clubs, and ship's service departments.

(v) Any hospital, asylum, orphanage, prison, or other similar institution, which is operated by any Federal, State, or local governmental agency, and which re-

ceived tea during 1941 under contracts awarded upon the basis of competitive bids: *Provided*, That no such institution may, during any month, accept delivery of more tea than a percentage of its average monthly use of tea during the corresponding quarter of 1941, such percentage to be the same as the percentage determined for wholesale receivers under (c) (2) hereof by the Director from time to time.

(5) All quotas hereunder shall be calculated quantitatively in terms of pounds.

(6) Any packer who delivers a substantial portion of his quota of tea directly to consumers or to retailers may, by letter, submit to the Director a plan to transfer the distribution of all or a part of that portion to wholesale receivers of the class described in (a) (4) hereof. Such a plan must contemplate a substantial conservation of automotive and related equipment and material and, also, contain provision for equitable distribution of the transferred volume among such wholesale receivers and an equitable redistribution of that volume within the areas previously served directly by the packer. If such a plan is authorized by the Director, the packer may deliver to wholesale receivers of the class described in (a) (4) hereof, and such wholesale receivers may accept, without charge to their quotas, the volume of tea authorized for transfer: *Provided*, That delivery of such tea is accompanied by a dated certification by the packer in substantially the following language (with the appropriate information inserted in the blank spaces):

Pursuant to authorization issued to the undersigned by the Director of Food Distribution, United States Department of Agriculture, you may accept the tea delivered hereunder without charge to your quota as a wholesale receiver.

Name of packer company _____
By _____ Title _____

(d) *Restrictions relating to packers' inventories.* (1) Except as permitted by (d) (2) hereof or as specifically authorized by the Director, or for the purpose of filling orders under (c) (4) hereof, no packer shall accept any delivery of tea which will increase his inventory to above the amount of his then current acceptance quota under (c) (1) hereof.

(2) If a shipment of tea imported by or specifically for a packer arrives in the United States and by virtue of (d) (1) hereof such packer is not entitled to accept delivery of any or all of such tea and is unable to make an immediate bona fide sale to some person who is neither a subsidiary nor an affiliate of such packer and who is entitled to accept delivery of the excess portion of such shipment or an equivalent amount of tea from his existing inventory, such packer may take possession of such excess, pending the actions provided for below:

(i) Within 72 hours after the arrival of such tea in the United States, such packer shall offer, through established tea dealers or brokers, such excess, or an equivalent quantity of tea from his ex-

isting inventory, for bona fide sale to any person who is neither a subsidiary nor an affiliate of such packer and who is entitled to accept delivery.

(ii) At the same time, he shall forward a report by letter or telegram, of such actions to the Director, stating the steamer, the port of arrival, the excess quantity (by chests and chest weights), whether he intends to sell such tea or an equivalent amount from his existing inventory a description (type and grade), the location of the tea offered for sale, the brokers or dealers through whom the offer is being made.

(iii) In the event of sale, he shall forward a report by letter or telegram, of such sale within 24 hours thereafter, to the Director stating the name of the purchaser and the date of sale.

(iv) If, before any such offer for sale is accepted, the packer becomes entitled under (d) (1) hereof to accept delivery of a quantity of tea, the restrictions of (d) (2) hereof shall not apply to the quantity of tea he is so entitled to accept: *Provided*, That he forwards notice thereof, by letter or telegram, to the Director, within 24 hours after he becomes entitled to accept delivery.

(e) *Advance deliveries.* Advance deliveries of tea for any quota period may be made or accepted within 10 days prior to the beginning of such period.

(f) *Existing contracts.* The quota or inventory restrictions imposed by this order shall be observed without regard to the provisions of existing contracts, payments made, or rights of creditors.

(g) *Limitation on size of packages.* (1) No packer shall pack tea for sale at retail in a package or container containing more than one-fourth of one pound of tea.

(2) No packer shall pack tea bags or balls except in sizes counting either 200 or 250 to the pound, net tea weight, or in one-ounce or two-ounce bags or balls, net tea weight, for the use of restaurants, hotels, and the institutional trade: *Provided*, That until April 1, 1943, any packer may continue to pack such other sizes as may be necessary to utilize any containers, in his inventory on January 7, 1943, which were specially printed for such other sizes.

(h) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate, and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(i) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times of his stocks of tea and premises used in his business, and all of his books, records and accounts shall upon request, be submitted to audit and inspection by the Director.

(j) *Applicability of order.* (1) Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Ter-

ritory or Possession of the United States with respect to such business.

(2) In the case of any person who is both a packer and a wholesale receiver, the provisions hereof applicable to packers shall apply to his operations as a packer, and the provisions hereof applicable to wholesale receivers shall apply to his operations as a wholesale receiver.

(k) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80), under Paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(m) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C.; Ref.: FD-18.

(n) *Conservation Order M-111 superseded.* This order supersedes in all respects Conservation Order M-111 of the War Production Board, as amended and supplemented on January 7, 1943 (8 F.R. 313, 315), except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said Conservation Order M-111, as amended and supplemented, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order M-111, as amended and supplemented, shall be considered under (1) hereof.

(o) *Effective date.* This order shall take effect upon its issuance.

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

Issued this 6th day of February 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-2057; Filed, February 8, 1943; 1:34 p. m.]

[Director Food Distribution Order 18-1]

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, dated February 6, 1943, issued pursuant to Executive Order No. 9280, dated December 5, 1942, and to effectuate the purposes of such orders, *It is hereby ordered, As follows:*

§ 1415.3 *Tea quotas, reports, and records.* (a) For the 3-month period commencing January 1, 1943, tea quotas shall be as follows, subject to any increase pursuant to the provisions of (b) hereof:

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

(2) The delivery quota for any packer shall be 50% of his "net deliveries" (as defined in said Food Distribution Order No. 18) of tea during the corresponding 3-month period of either 1941 or 1942, whichever is greater.

(3) The acceptance quota for any wholesale receiver shall be 50% of his "net deliveries" (as defined in said Food Distribution Order No. 18) of tea during the corresponding 3-month period of either 1941 or 1942, whichever is greater.

(b) Any person who (1) computes a quota under the provisions of (a) hereof on the basis of the specified 1941 base period and not the 1940 base period and (2) directly or indirectly serves any county or other area designated in Schedule D (§ 1407.244) (7 F.R. 6937, 10845), of Ration Order 3 of the Office of Price Administration as amended is hereby assigned a supplementary quota for each such area. Such supplementary quota, which shall be available only for ultimate distribution in the particular increased-population area referred to in said Schedule D shall be computed by determining the amount of his quota under the provisions of (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 Ration 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 whether so accepted or delivered before or after the issuance of this order, shall be charged against the acceptance, delivery, or supplementary quota of such packer or wholesale receiver, as the case may be.

(d) Within 10 days after the close of each quarterly period, every 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 in connection with each class of persons under the provisions of § 1415.2 (c) (4) of Food Distribution Order No. 18, (*supra*) issued by the Secretary of Agriculture of the United States on February 6, 1943. Every packer

and every wholesale receiver participating in any transaction to which this order applies shall keep and preserve, for a period of not less than two years, records which, upon examination, will disclose his total monthly inventories of tea and the monthly deliveries 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.

(e) This order shall take effect upon its issuance.

(E.O. 9280, 7 F.R. 10179; F.D.O. 18, *supra*)

Issued this 6th day of February 1943.

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-2058; Filed, February 8, 1943; 1:34 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[General Order 20]

PART 503—GENERAL ORDERS

PAYMENT, TRANSFER OR DISTRIBUTION OF CERTAIN PROPERTY

Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian hereby issues the following regulation:

§ 503.20 *General Order No. 20.* (a) No designated person shall pay, transfer or distribute, or cause to be paid, transferred or distributed, any property of any nature whatsoever to or for the benefit of any designated enemy country or designated national, unless:

(1) The Alien Property Custodian has issued to the designated person a written consent to the payment, transfer or distribution, or

(2) The Alien Property Custodian has:

(i) Filed a written statement in the court or administrative action or proceeding in connection with which the payment, transfer or distribution is proposed, that he has determined not to represent the designated national, or

(ii) Represented the designated national in such action or proceeding by the appearance therein of a representative on behalf of the designated national, and such representative has been served by the designated person with written notice of the proposed payment, transfer or distribution, and ninety days have expired without the exercise of any other power or authority by the Alien Property Custodian with respect to such property.

(b) Any payment, transfer, or distribution pursuant to paragraph (a) of this regulation may be made only if licensed or otherwise authorized by the Secretary of the Treasury pursuant to the provisions of Executive Order No. 8389, as amended.

(c) For the purpose of this regulation the terms:

(1) "Designated person" shall mean a person or officer acting under judicial supervision, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation, (i) executor, (ii) administrator, (iii) guardian, (iv) committee, (v) curator, (vi) trustee under will, deed or settlement, (vii) receiver, (viii) trustee in bankruptcy, (ix) assignee for the benefit of creditors, (x) United States marshal, (xi) sheriff, (xii) commissioner, (xiii) person acting under trust agreement, and (xiv) all other persons or officers acting in a similar capacity.

(2) "Designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Italy, Japan, Bulgaria, Hungary and Rumania) and any other country with which the United States is at war in the future.

(3) "Designated national" shall mean any person in any place under the control of a designated enemy country.

(d) This regulation shall be effective on February 9, 1943.

(40 Stat. 411.50 U.S.C. App.; 55 Stat. 839, 50 U.S.C. App. (Supp. 1941); E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on February 9, 1943

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc 43-2090; Filed, February 9, 1943; 10:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter III—The Tax Court of the United States

PART 701—RULES OF PRACTICE

RULES OF PRACTICE AMENDED

Section 701.2 (Rule 2) is amended to read as follows:

§ 701.2 *Admission to practice.* Applicants who establish to the satisfaction of the Court that they are citizens of the United States, of good moral character and repute, and possessed of the requisite qualifications to represent others in the preparation and trial of cases, may be admitted to practice before the Court.

All applicants, before being admitted to practice, must take a written examination or examinations given by the Court: *Provided, however,* That a current certificate from the Clerk of the appropriate court, showing that the applicant is an attorney-at-law who has been admitted to practice before and is a member in good standing of the bar of the Supreme Court of the United

States or of the highest court of any State or Territory or of the District of Columbia, may be accepted in lieu of examination. The Court, before admitting an applicant to practice, may require him to take an oral examination in addition to the written examination. Any person who has thrice failed a written examination given by the Court shall not thereafter be eligible for admission to practice before the Court.

An application to be filed must be on the form provided by the Court. Application blanks and other necessary information will be furnished by the Secretary of the Court upon request.

An applicant must be sponsored by at least three persons theretofore enrolled to practice before this Court, each of whom must send his letter of recommendation directly to the Court where it will be treated as a confidential communication. The sponsor shall state in his letter fully and frankly the extent of his acquaintance with the applicant, his opinion of the moral character and repute of the applicant, and his opinion of the qualifications of the applicant to practice before this Court. The Court may in its discretion accept an applicant with less than three such sponsors.

The Court will hold an examination for applicants at its offices in Washington, D. C., on the second Wednesday in September of each year and at such other times and places as it may designate. The Court will notify each applicant, whose application is in order, of the time and place at which he is to present himself for examination, and the applicant must present that notice to the examiner as his authority for taking an examination. An applicant seeking to qualify by examination must accompany his application with a fee of \$10.

Corporations and firms will not be admitted or recognized.

Practitioners before this Court shall carry on their practice in accordance with the letter and spirit of the canons of professional ethics as adopted by the American Bar Association.

The Court may deny admission to, suspend or disbar any person who in its judgment does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct. No person shall be suspended for more than 60 days or disbarred until he has been afforded an opportunity to be heard. A Division may immediately suspend any person for not more than 60 days for contempt or misconduct during the course of any proceeding.

The Court may require any practitioner before it to furnish a statement under oath of the terms and circumstances of his employment in any proceeding.

All persons on the roll of practitioners on January 1, 1943, are enrolled to practice without further showing or examination.

Section 701.26 (Rule 26) is amended to read as follows:

§ 701.26 *Place of hearing; requests and designation.* The petitioner at the time of filing the petition shall also file a re-

quest showing the name of the place where he would prefer the hearing on the merits to be held. A copy of this request will be served upon the Commissioner by the clerk of the Court.

If the petitioner has filed no request the respondent shall file at the time he files his answer, a request showing the name of the place preferred by him. A copy will be served upon the petitioner by the clerk of the Court.

These requests shall not be bound as a part of the petition or answer but shall be separate therefrom and shall consist of an original and two copies.

The Court will designate the place of hearing in accordance with the statutory provision that the time and place of trial shall be fixed "with as little inconvenience and expense to taxpayers as is practicable," and, in all cases, will notify the parties of the place at which or in the vicinity of which the hearing on the merits will be held.

If either party desires a change in designation of the place of hearing he must file a motion to that effect, stating fully his reasons therefor. Such motions, made after the notice of the time of the hearing has been mailed, will not be deemed to have been timely filed.

In case it is necessary for the Court to hear the parties on matters other than the merits, such hearing will be held in Washington unless good cause is shown for holding it elsewhere. (See Appendix II for further information to assist in making requests as to place of hearing.)

Section 701.31 (Rule 31) is amended by inserting a new paragraph (d), quoted below, and by changing paragraphs (d), (e) and (f) to paragraphs (e), (f) and (g):

§ 701.31 *Evidence and the submission of evidence.* * * *

(d) Exhibits attached to a stipulation or a deposition shall be numbered serially, i. e., 1, 2, 3, etc., if offered by the petitioner; shall be lettered serially, i. e., A, B, C, etc., if offered by the respondent; and shall be marked serially, i. e., 1-A, 2-B, 3-C, etc., if offered as a joint exhibit.

The first line of the second paragraph of § 701.35, is amended to read:

§ 701.35 *Briefs.* * * *

If briefs are typewritten, an original and two copies shall be filed; * * *

Section 701.45 (Rule 45) is amended by striking the second paragraph of paragraph (f) and all of paragraph (k) and by substituting for the matter stricken from paragraph (f) the following:

§ 701.45 *Depositions.* * * *

(f) *Manner of taking.* * * *

Objections to questions or answers shall be explicitly but briefly and concisely stated and recorded without any unnecessary comment, explanation, or argument by counsel for either party.

The first paragraph of § 701.46 (Rule 46) is amended to read:

§ 701.46 *Depositions upon written interrogatories.* Depositions may be taken in the discretion of the Court upon written interrogatories in substantially the

same manner as provided in Rule 45 for depositions upon oral examination. An original and five copies of the interrogatories must be filed with the application. The clerk will serve one copy of the application and of the interrogatories upon the opposite party. If the opposite party desires to file objections or cross-interrogatories, he must do so within 15 days after the application and interrogatories have been served upon him. Cross-interrogatories must consist of an original and five copies. The clerk will serve one copy thereof upon the opposite party who, if he has any objection thereto, must file his objections within 15 days thereafter.

A new § 701.47 (New Rule 47) is added to read as follows:

§ 701.47 *Tender of and objections to depositions.* The deposition of any witness whether taken upon oral examination or upon written interrogatories shall not constitute a part of the record until offered and received in evidence (see Rule 31), but the consideration of any objections to the receipt of a deposition or any part thereof will be limited as set forth in this rule.

Where depositions are taken upon oral examination objections to the competency of a witness or to the competency, relevancy or materiality of testimony may be made at the hearing, even though not noted at or before the taking of the deposition, unless the ground for the objection is one which might have been obviated or removed if presented at or before the time of the taking of the deposition. Objections directed to errors and irregularities in the manner of taking the deposition, in the form of any question or answer, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might have been obviated, removed or cured if promptly presented will not be considered unless made at the taking of the deposition. (See Rule 45 (f))

No objections to written interrogatories or cross-interrogatories will be considered subsequent to the taking of the deposition unless they have been made in the manner and within the time prescribed therefor by Rule 46.

Errors or irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, endorsed, transmitted, filed or otherwise dealt with by the officer under Rules 45 and 46 shall not form the basis for objections but questions in respect thereto shall be raised on a motion to suppress the deposition in whole or in part made with reasonable promptness after such defect is or with due diligence might have been ascertained.

A new § 701.63 (New Rule 63) is added to read as follows:

§ 701.63 *Processing tax cases.* All proceedings pending in the Board of Review on December 31, 1942, and, under section 510 of the Revenue Act of 1942, now pending in this Court shall be proceeded with and disposed of as if originally begun before this Court. The hearings and proceedings shall be conducted in accordance with the Court's Rules of

Practice. The said Rules of Practice shall also be applicable to any proceeding instituted in this Court after December 31, 1942, to review the allowance or disallowance by the Commissioner of a claim for refund of amounts collected as processing tax. Where any of the rules or the matter contained in the Appendix thereto refer to the determination of a deficiency or a notice of such determination, such rules and the matter in the Appendix, when applied to proceedings involving the refund of processing tax, shall be read to refer to the rejection in whole or in part of a claim for refund and notice of such rejection; and the computation to be filed under Rule 50 shall refer to the amount of the refund due.

Where a petition for review of the action of the Commissioner in rejecting in whole or in part a claim for the refund of an amount paid as processing tax is filed with this Court, a copy of the notice of such rejection together with the Commissioner's statement or statements accompanying the notice of rejection shall be attached to the petition. There shall also be attached to the petition a copy of the claim for refund.

(Section 1111, Internal Revenue Code of 1939)

By the Court.
Dated: February 8, 1943.

[SEAL] J. E. MURDOCK,
Presiding Judge.

[F. R. Doc. 43-2117; Filed, February 9, 1943;
11:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

FASHION DRESS COMPANY

NOTICE OF DENIAL OF RECONSIDERATION, ETC.

Notice of denial of reconsideration of the funding an ddetermination of the Administrator dated January 5, 1943 ordering cancellation of a special learner certificate to employ learners at a subminimum wage rate issued pursuant to section 14 of the air Labor Standards Act and the Regulations, Part 522 to The Fashion Dress Company, Inc., of Pittston, Pennsylvania.

Notice is hereby given that the petition of Fashion Dress Company of Pittston, Pennsylvania dated January 29, 1943 for reconsideration by the authorized representative of the Administrator of the Findings and Determination dated January 5, 1943 i the matter of the cancellation of the special certificate to employ learners at a wage lower than the minimum applicable under section 6 of the Fair Labor Standards Act, issued pursuant to section 14 of the Act and the Regulations, Part 522 is denied by reason of the failure of the petitioner to show that there is additional evidence which may materially affect the decision and that there were reasonable grounds for the failure to adduce such evidence in the original proceedings.

The order of cancellation shall not become effective and enforceable until

after the expiration of the fifteen day period following the date on which this notice appears in the FEDERAL REGISTER. During this time a petition for review by the Administrator or an authorized representative who has taken no part in this action may be filed by any directly interested and aggrieved party pursuant to § 522.1 of the regulations. If a petition is properly filed the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 5th day of February 1943.

ISABEL FERGUSON,
Duly Authorized Representative
of the Administrator.

[F. R. Doc. 43-2063; Filed, February 8, 1943;
2:15 p. m.]

Chapter VI—National War Labor Board

[General Order 28]

PART 803—GENERAL ORDERS

SALARY ADJUSTMENTS FOR GOVERNMENT PRINTING OFFICE EMPLOYEES

§ 803.28 *General Order No. 28.* (a) The National War Labor Board hereby delegates to the Joint Committee on Printing power to make, or to rule on applications for, wage and salary adjustments with respect to employees in the Government Printing Office insofar as such adjustments are subject to the jurisdiction of the National War Labor Board.

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

Adopted, February 2, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-2055; Filed, February 8, 1943;
12:12 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System.

[No. 168]

RECORD OF ABSENCE FROM OFFICIAL DUTY (NATIONAL)

ORDER PRESCRIBING FORM

By virtue of the provisions of the selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 35A, entitled "Record of Absence from Official Duty (National)," effective immediately upon the filing hereof with the Division of the Federal Register.¹

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing

¹ Form filed as part of the original document.

hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 11, 1942.

[F. R. Doc. 43-2079; Filed, February 8, 1943;
3:49 p. m.]

[Amendment 126, 2d Ed.]

PART 662—SPECIAL LOCAL BOARDS IN PENAL OR CORRECTIONAL INSTITUTIONS

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

1. Amend the regulations by adding a new part to be known as part 662 to read as follows: "Special Local Boards in Penal or Correctional Institutions."

§ 662.1 *Special local boards.* The Director of Selective Service may establish a panel of any local board which has jurisdiction over the area in which any penal or correctional institution is located. Such panel shall be known as a special local board and with respect to the persons in such penal or correctional institution shall have the same rights, duties, and powers as any other local board.

§ 662.2 *Regulations governing special local boards.* Special local boards established under the authority of § 662.1 shall be governed by the provisions of this part of these regulations and such other provisions of these regulations as are not in conflict therewith.

§ 662.3 *Transfer of record of registrants.* (a) When a person who has registered enters an institution having a special local board, the clerk of such special local board shall immediately complete a Request for Transfer of Record (Form 64) and transmit it to the local board having such registrant's selective service records.

(b) When it receives such Request for Transfer of Record (Form 64), the local board having the registrant's selective service records shall (1) place the Request for Transfer of Record (Form 64) in the registrant's Cover Sheet (Form 53), make a duplicate Cover Sheet (Form 53), and a copy of the Registration Card (Form 1) of such registrant; (2) forward such duplicate Cover Sheet (Form 53) and copy of Registration Card (Form 1) together with all other papers with reference to such registrant to the special local board from which it received such Request for Transfer of Record (Form 64); and (3) retain in its files the original Cover Sheet (Form 53), the original Registration Card (Form 1), and a copy of the letter covering the transmittal of the records of such registrant to the special local board from which the Request for Transfer of Record (Form 64) was received.

§ 662.4 *Registration.* When a person required to present himself for and submit to registration has not done so prior to the time he enters an institution having a special local board, he shall be registered. When any such person refuses to register, any person authorized to act as registrar shall sign the person's name and indicate that he has done so by signing his own name, followed by the word "Registrar," beneath the name of such person, and the act of such registrar in so doing shall have the same force and effect as if such person had signed his name to the Registration Card (Form 1), and such person shall thereby be registered.

§ 662.5 *Registrars.* Any member or clerical assistant of, or any other person appointed as a registrar by, a special local board may perform the duty of a registrar.

§ 662.6 *Classification.* Registrants who are inmates of the penal or correctional institution shall furnish such information as the special local board may require. Each such registrant may be classified or his classification may be reopened and considered anew by the special local board without reference to whether his classification has or has not been previously considered by it or by any other local board.

§ 662.7 *Induction.* When a registrant is an inmate of a penal or correctional institution which has a special local board and has been classified in a class available for service, the local board of which such special local board is a panel shall make arrangements for his delivery for induction or for his assignment to work of national importance.

§ 662.8 *Disposition of record of registrant who leaves an institution.* (a) When a registrant whose selective service records were transferred to a special local board under the provisions of § 662.3 leaves the institution, all papers with reference to such registrant except his Cover Sheet (Form 53) and a copy of his Registration Card (Form 1) shall be forwarded to the local board having jurisdiction of the address given on line 2 of his Registration Card (Form 1).

(b) When a registrant who was registered by a special local board leaves the institution, the original Registration Card (Form 1) and all other papers with reference to such registrant except his Cover Sheet (Form 53) and a copy of his Registration Card (Form 1) shall be forwarded to the State Director of Selective Service for transmittal to the local board having jurisdiction of the address given on line 2 of the Registration Card (Form 1) of such registrant. When the records of such registrant are received by the local board having jurisdiction of the address given on line 2 of his Registration Card (Form 1), the registrant shall be treated in the same manner as a late registrant under the provisions of part 616.

(c) For each registrant who leaves the institution, the special local board shall transfer to a separate file for completed cases the Cover Sheet (Form 53), a copy

of the Registration Card (Form 1), and a copy of the letter covering the transmittal of the records of such registrant to the local board having jurisdiction of the address given on line 2 of such registrant's Registration Card (Form 1).

§ 662.9 *Authority over registrant after he leaves institution.* When, under the provisions of § 662.8, a registrant's records are forwarded to the local board having jurisdiction of the address given on line 2 of his Registration Card (Form 1), such local board may thereafter classify him or reopen his classification, and consider it anew without reference to whether his classification has or has not been previously considered by it or by any other local board.

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

LEWIS B. HERSHEY,
Director.

FEBRUARY 8, 1943.

[F. R. Doc. 43-2086; Filed, February 8, 1943;
5:10 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

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

PART 1010—SUSPENSION ORDERS

[Amendment 4 to Suspension Order S-121]

COFFEE CORP. OF AMERICA

Paragraph (a) of § 1010.121 *Suspension Order S-121* issued October 22, 1942, and amended November 23, 1942, December 21, 1942, and January 8, 1943, is hereby amended to read as follows:

(a) During each of the calendar months of March 1943, April 1943, and May 1943, deliveries of coffee by Coffee Corporation of America, its successors and assigns, shall not exceed 151,833 pounds, except as specifically authorized by the Director General for Operations. Issued this 8th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2082; Filed, February 8, 1943;
4:57 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-234]

CLEANERS HANGER CO.

Cleaners Hanger Company, a corporation with its principal office at Detroit, Michigan, and plants at Cleveland, Ohio, Baltimore, Maryland, and Gadsden, Alabama, is a manufacturer of garment hangers. During the months of April, May, and June, 1942, the Company consumed 1,742,839 pounds of steel in the production of metal garment hangers which was 604,530 pounds in excess of the amount of steel it was permitted to

consume for this purpose under General Limitation Order L-30. During most of this time the Company was aware of the restrictions contained in General Limitation Order L-30 and its violation thereof was wilful.

Subsequent to November 17, 1942, the Company used approximately 50,000 pounds of steel in the manufacture of hooks for paperboard garment and coat hangers although the use of steel for this purpose was then prohibited by Supplementary Limitation Order L-30-d, with the terms of which the Company was familiar.

These violations of Limitation Orders L-30 and L-30-d have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.234 *Suspension Order S-234.*

(a) Cleaners Hanger Company, its successors and assigns, shall not process, fabricate, or use any of the metals specified in the Metals List attached to Priorities Regulation No. 11 in any form, nor shall Cleaners Hanger Company, its successors and assigns, sell or deliver any article or item in the fabrication of which there has been used or consumed or to which is attached any of the metals specified in the Metals List attached to Priorities Regulation No. 11 in any form, except with the specific approval of the Regional Compliance Chief, Cleveland Regional Office, War Production Board.

(b) Deliveries of material to Cleaners Hanger Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except with the specific approval of the Regional Compliance Chief, Cleveland Regional Office, War Production Board.

(c) No allocation shall be made to Cleaners Hanger Company, its successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except with the specific approval of the Regional Compliance Chief, Cleveland Regional Office, War Production Board.

(d) The provisions of this order shall not be applicable to deliveries, fabrication, use, or receipt of materials or articles by Cleaners Hanger Company at its Gadsden, Alabama, plant.

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

(f) This order shall take effect on February 13, 1943, and shall expire on August

13, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 8th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2084; Filed, February 8, 1943;
4:57 p. m.]

PART 3115—CONSTRUCTION MACHINERY
AND EQUIPMENT SIMPLIFICATION AND
CONSERVATION

[Schedule II to Limitation Order L-217 as
Amended Feb. 5, 1943¹]

PORTABLE JAW AND ROLL CRUSHERS

NOTE: The effect of this amended schedule is to revoke paragraph (c) (6).

§ 3115.3 *Schedule II to Limitation Order L-217—(a) Definitions.* For the purposes of this Schedule II:

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

(2) "Producer" means any person engaged in the manufacture of portable jaw and portable roll crushers or portable crushing plants as herein defined.

(3) "Portable jaw crusher" means a machine commonly known as a portable jaw crusher of either the lever (Blake) or overhead eccentric type designed for producing construction aggregates by reducing non-metallic minerals.

(4) "Portable roll crusher" means a machine commonly known as a portable roll crusher designed for producing construction aggregates by reducing non-metallic minerals.

(5) "Portable crushing plant" means any crushing plant incorporating either or both portable jaw or portable roll crushers.

(b) *Limitations on production of portable jaw crushers.* (1) On and after February 1, 1943, no producer shall use or put into process any materials for the manufacture of portable jaw crushers (to be used either independently or as a part of a portable crushing plant) except as provided in paragraph (b) (3) hereof.

(2) On and after March 1, 1943, no producer shall assemble portable jaw crushers (to be used either independently or as a part of a portable crushing plant) except as provided in paragraph (b) (3) hereof.

(3) Subject to paragraphs (b) (4), (b) (5), (b) (6) and (b) (7) hereof, producers are permitted to manufacture and assemble only one size of either the lever (Blake) type or of the overhead eccentric type portable jaw crusher in each of the following groups:

(i) *Group A, 9' x 14" to 11' x 18" inclusive.* A producer having the necessary equipment to produce a portable

jaw crusher in the size of 10' x 16" may produce that size only in Group A.

(ii) *Group B, 9' x 18" to 11' x 22" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 10' x 20" may produce that size only in Group B.

(iii) *Group C, 9' x 21" to 11' x 26" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 10' x 24" may produce that size only in Group C.

(iv) *Group D, 9' x 32" to 11' x 40" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 10' x 36" may produce that size only in Group D.

(v) *Group E, 13' x 22" to 17' x 26" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 15' x 24" may produce that size only in Group E.

(vi) *Group F, 13' x 32" to 17' x 40" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 15' x 36" may produce that size only in Group F.

(vii) *Group G, 18' x 32" to 22' x 40" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 20' x 36" may produce that size only in Group G.

(viii) *Group H, 22' x 32" to 26' x 40" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 24' x 36" may produce that size only in Group H.

(ix) *Group I.* Each producer may manufacture one size portable jaw crusher larger than 26' x 40" provided it is at least 4" larger in one or both jaw dimensions.

(4) If a producer elects to manufacture a permitted product which falls within the description of more than one of the above groups, such producer may not manufacture other types or sizes in those groups.

(5) For the purposes of this paragraph (b) the size of portable jaw crushers shall be determined as follows:

(i) By a horizontal measurement of the receiving-opening from the apex of the corrugation on the stationary jaw to the base of the opposite corrugation on the movable jaw while the eccentric is at the maximum open position.

(ii) By measuring the inside distance between keyplates (cheek plates) when both of the jaws and both of the keyplates are in place.

(iii) Portable jaw crushers in Groups A, B, C and D (described in paragraph (b) (3) hereof) shall be measured when the discharge opening at the bottom is 1½" between the apex of the corrugation on the stationary jaw and the base of the opposite corrugation on the movable jaw, and

(iv) Portable jaw crushers in Groups E, F, G, H and I (described in paragraph (b) (3) hereof) when such discharge opening at the bottom is 3 inches.

(6) No person, unless actively engaged in the current production of portable jaw crushers (as indicated in his January, 1943 filing of Production and Shipment Schedules on Form PD-697, pursuant to Limitation Order L-192) shall thereafter

¹This document is a re-statement of Amendment 1 to Schedule 2 to Limitation Order No. L-217 which appeared in the FEDERAL REGISTER, February 6, 1943, page 1679, and reflects the order in its complete form as of February 5, 1943.

enter into the production of such crushers.

(7) No producer, who is not actively engaged in the current production of portable jaw crushers in a size category listed in paragraph (b) (3) above, shall thereafter produce any portable jaw crusher in that size category.

(c) *Limitation on production of portable roll crushers.* (1) On and after February 1, 1943, no producer shall use or put into process any materials for the manufacture of portable roll crushers (to be used either independently or as a part of a portable crushing plant) except as provided in paragraph (c) (3) hereof.

(2) On and after March 1, 1943, no producer shall assemble portable roll crushers (to be used either independently or as a part of a portable crushing plant) except as provided in paragraph (c) (3) hereof.

(3) Subject to paragraphs (c) (4), (c) (5) and (c) (6) hereof, producers are permitted to manufacture and assemble portable roll crushers in the following sizes only:

- (i) 16" x 16"
- (ii) 24" x 16"
- (iii) 30" x 18"
- (iv) 40" x 22"
- (v) 54" x 24"

(4) For the purpose of this paragraph (c) the size of portable roll crushers shall be determined by measuring the outside diameter and width of the shells when installed in a new unused portable roll crusher.

(5) No person, unless actively engaged in the current production of portable roll crushers (as indicated by his January, 1943 filing of Production and Shipment Schedules on Form PD-697, pursuant to Limitation Order L-192) shall thereafter enter into the production of such crushers.

(6) [Revoked February 5, 1943].

(d) *List of permitted crushers.* On or before February 14, 1943, every producer shall file Form PD-754 with the Construction Machinery Division, War Production Board, Washington, D. C., Ref.: L-217, Schedule II, listing product, model number, size and type of those portable jaw and portable roll crushers currently produced by such producers which are proposed to be continued in production in accordance with the limitations of this order. No producer shall thereafter deviate from the sizes and types of crushers as listed by him and no producer shall enter into the production of any size or type of crusher not listed by him on such form, unless the Director General for Operations shall otherwise direct.

(e) *Not applicable to maintenance and repair parts.* Nothing in this order shall restrict a producer from continuing to manufacture and sell maintenance and repair parts for any and all sizes of portable jaw and portable roll crushers, provided that such manufacture and sale of parts is confined solely to meet the demands for repair parts for maintenance.

(f) *Limitation Order L-192.* Nothing in this schedule shall be deemed to per-

mit any contravention of the provisions of Limitation Order L-192.

Issued this 5th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2083; Filed, February 8, 1943; 4:57 p. m.]

PART 923—TUNGSTEN

[Conservation Order M-29-b as Amended Feb. 9, 1943]

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

Now, therefore, it is hereby ordered, That:

§ 923.5 Conservation Order M-29-b—

(a) *Prohibition on use of tungsten in articles appearing on List A.* (1) Between February 1 and April 30, 1942, inclusive, no person shall use in the manufacture of any item on List A more tungsten than 17½% of the tungsten used by him for such item during the 12-months period ending June 30, 1941.

(2) Effective May 1, 1942, no tungsten shall be used in the manufacture of any item on List A.

(b) *Limitation on all other uses of tungsten.* (1) Between February 1 and March 31, 1942, inclusive, no person shall use in the manufacture of any article not covered by paragraphs (a) or (c) of this order more tungsten than 12% of the tungsten used by him for such article during the 12-months period ending June 30, 1941.

(2) Beginning April 1, 1942, no person shall use during any calendar quarter in the manufacture of any article not covered by paragraphs (a) or (c) of this order more tungsten than 17½% of the tungsten used by him for such article in the 12-months period ending June 30, 1941.

(c) *Exceptions.* Where and to the extent that the use of any less critical material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of tungsten in the manufacture of any item on or for any of the uses set forth on List B attached; nor shall such prohibitions, limitations and restrictions apply to the use of tungsten in the manufacture of any item or product for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Coast Guard, where the use of tungsten to the extent em-

ployed is required by the latest applicable specifications (including performance specifications) of the appropriate government agency or service.

(d) *Prohibitions against sales or deliveries.* No person shall on or after February 14, 1942, sell or deliver tungsten to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of tungsten, (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tungsten products by this order.

(f) *Miscellaneous provisions—*(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tungsten conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work may appeal to the War Production Board, Reference: M-29-b, on such forms as may be prescribed by said Board, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles manufactured on or after February 14, 1942, irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of tungsten in the production of any article, the limitations of such other order shall be observed. In the absence of a specific direction by the Director General for Operations to the contrary, insofar as this order may have the effect of limiting or curtailing to a greater extent than is provided in General Preference Order M-29 or any other order of the Director of Priorities, the Director of Industry Operations, or of

the Director General for Operations, or any preference rating certificate, the use of tungsten in the production of any article, the limitations imposed by this order shall be observed.

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

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

(i) "Tungsten" means and includes:

(a) Ores and concentrates, including beneficiated or treated forms, containing tungsten (commercially recognized).

(b) The element tungsten in pure form, ferrotungsten, tungsten in the form of metal powder, and other combinations with other elements in semi-manufactured or manufactured form, prepared for consumption in the manufacture of steel, or for other purposes.

(c) All chemical compounds having tungsten as an essential and recognizable component.

(d) All scrap or secondary material containing commercially recoverable tungsten as defined in (a), (b), and (c) above, excluding tungsten-bearing iron and steel scrap.

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

(iii) "Manufacture" means to fabricate, assemble or process in any way, but does not include installation of a finished product for the ultimate consumer.

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

(v) "Use" means both (a) the act of putting tungsten into process in the manufacture of any item and (b) the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (1) the amount of material put into process during the base period and (2) the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

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

Issued this 9th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

LIST A

The use of tungsten in the items listed below and in all component parts thereof is

prohibited except to the extent permitted by the foregoing conservation order.

Grinding wheels.

Gauges.

Coloring material for rubber, linoleum or other similar materials.

Coloring or coating materials for paper of any and all descriptions, including wall paper.

LIST B

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

Corrosion-resisting material.

Tungsten-bearing alloy steel in all forms.

Hard-facing materials.

Hard-cutting alloys (cemented carbides), tools and tool tips.

Atomic hydrogen welding rods.

Laboratory reagents and pharmaceuticals

Laboratory and research equipment.

Electrical equipment, including ignition systems.

Radio equipment.

X-ray and physical therapy equipment.

Electronic relays.

Electric lighting—filament and fluorescent.

[F. R. Doc. 43-2110; Filed, February 9, 1943; 11:32 a. m.]

PART 937—ZINC

[General Preference Order M-11 as Amended Feb. 9, 1943]

Section 937.1, *General Preference Order M-11*, is hereby amended to read as follows:

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

§ 937.1 *General Preference Order M-11*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

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

(1) "Zinc" means all grades of metallic zinc (spelter) produced directly from ores, concentrates or other primary material; or redistilled from zinc scrap, including ashes, dross, skimmings, clippings, castings, engravers' plates, die castings, die cast scrap, or any secondary zinc-bearing material.

(2) "Zinc scrap" means all materials or products the principal content of which, by weight, is zinc, which materials or products are the waste or by-products of fabrication or have been discarded on account of obsolescence, failure or other reason.

(3) "Remelt zinc" means any zinc material sweated or remelted from zinc scrap including ashes, dross, skimmings, clippings, castings, engravers' plates, die castings, die cast scrap, or any secondary zinc-bearing material.

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

(5) "Producer" means any person producing zinc or remelt zinc and any person who has zinc or remelt zinc produced for him under toll agreement.

(6) "Dealer" means any person who receives physical delivery of zinc or remelt zinc and sells or holds the same for resale without changing the form. A person who produces any zinc or remelt zinc or who has the same produced for him under toll agreement, is a producer as to such zinc or remelt zinc, not a dealer.

(7) "Scrap dealer" means any person regularly engaged in the business of buying and selling zinc scrap.

(8) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(c) *Restrictions*—(1) *Deliveries by a producer.* No producer shall ship or deliver zinc or remelt zinc to any person except on presentation by that person of an allocation certificate issued by the Director General for Operations. Upon accepting an allocation certificate, the producer shall endorse thereon the amounts of zinc by grades and of remelt zinc, which he agrees to ship under such certificate in the calendar month covered by the certificate. No producer shall endorse an allocation certificate for zinc or remelt zinc, or make any shipment thereunder, if, by so doing, the total endorsements or shipments of zinc, by grades, and of remelt zinc under the certificate will exceed the amounts, by grades, authorized by such certificate.

(2) *Deliveries by dealers.* No dealer shall ship or deliver any zinc or remelt zinc, except with the specific authorization of the Director General for Operations, to fill a purchase order bearing a preference rating lower than AA-5; nor shall any dealer ship or deliver any zinc or remelt zinc in any month to any person who has:

(i) Received or purchased for delivery in that month as much as 20 short tons, in the aggregate, of zinc and remelt zinc from all sources; or

(ii) Requested or received an allocation certificate for zinc or remelt zinc from the War Production Board for that month.

A person who is a dealer but who also produces zinc or remelt zinc or has the same produced for him under toll agreement, shall not ship or deliver any zinc or remelt zinc so produced except as permitted by paragraph (c) (1) of this order.

(3) *Acceptance of deliveries.* No person shall accept any delivery of zinc or remelt zinc from a producer or dealer otherwise than in accordance with the provisions of this order.

(4) *Toll agreements.* No person shall produce any zinc or remelt zinc under any existing or future toll agreement until and unless he has made a report to the Office of Production Management or

the War Production Board, Ref.: M-11, setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of the same, the estimated tonnage involved, the estimated rate of deliveries, the length of time the agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the zinc is to be used, and any other pertinent data.

(d) *Allocation certificates.* The Director General for Operations will issue allocation certificates for zinc and remelt zinc on or about the first of each month. An allocation certificate will authorize shipment during the calendar month by a producer to the holder of the certificate of specified amounts of zinc, designated by grades or groups of grades, and of remelt zinc. This certificate must be presented to the producer for endorsement as provided in paragraph (c) (1) of this order. A producer need not accept a new order although supported by an allocation certificate if his entire production for the month is committed under contract and he has reason to believe that other allocation certificates will be presented during the month by the person or persons to whom his production is committed in amounts at least equal to his production.

(e) *Applications for allocation certificates.* Any person wishing to apply for an allocation of zinc or remelt zinc from a producer for any month shall file an application with the War Production Board, Zinc Division, Washington, D. C., Ref.: M-11, not later than the fifteenth day of the month preceding the month in which the allocation of zinc or remelt zinc is desired: *Provided*, That any person seeking an allocation for remelt zinc to be delivered during the period from February 9, 1943 until February 28, 1943, inclusive, should apply as soon as possible. Dealers shall make such application on Form PD-450. Persons other than dealers shall make applications on Form PD-94a or such other form as the Director General for Operations may designate from time to time.

(f) *Restrictions on deliveries of zinc scrap.* No person shall ship or deliver any zinc scrap except to a scrap dealer or to a producer or manufacturer for use in the manufacture of redistilled zinc, remelt zinc, brass, zinc dust, zinc oxide, chemicals or salts, unless he obtains the specific authorization of the Director General for Operations to do otherwise. A person delivering zinc scrap is not entitled to rely on the fact that the person receiving delivery will use zinc scrap in the manufacture of redistilled zinc, remelt zinc, brass, zinc dust, zinc oxide, chemicals or salts, unless he receives a certificate from the person accepting delivery stating substantially as follows:

Pursuant to Order M-11, the undersigned certifies that he will use any zinc scrap obtained pursuant to the annexed purchase order in the manufacture of redistilled zinc, remelt zinc, brass, zinc dust, zinc oxide, chemicals or salts.

 (Name of company)
 By -----
 (Authorized official)

Each certificate must be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. A person delivering zinc scrap is not entitled to rely on such a certificate if he knows or has reason to believe that the certificate is false, but, in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) *Requests for authorizations of the Director General for Operations.* Any person who seeks the specific authorization of the Director General for Operations to do anything under this order for which no form of application is prescribed, may request such authorization by letter in duplicate, addressed to: War Production Board, Zinc Division, Washington, D. C., Ref: M-11.

All other applications, statements or other communications concerning the subject matter of this order should be addressed in the same manner.

(h) *Exceptions.* Exceptions from the provisions of paragraphs (c), (d) and (f) shall be as follows:

(1) *Anticipatory shipments.* If any producer has reason to believe that any person will receive an allocation certificate in a given month, he may ship to that person an amount of zinc or remelt zinc not to exceed twenty-five (25%) percent of the amount of the same grade of zinc or of remelt zinc which the producer shipped to the same customer in the preceding month. Any person receiving such an anticipatory shipment shall immediately upon receipt of his allocation certificate submit it to the shipping producer for endorsement. If a producer makes an anticipatory shipment and does not receive an allocation certificate later in the same month covering the shipment, he must notify the War Production Board, Zinc Division, Washington, D. C., Ref: M-11, immediately, and make no further shipments to the same customer except pursuant to an allocation certificate.

(2) *Deliveries to the Metals Reserve Company.* Any person may ship, sell and deliver zinc, remelt zinc or zinc scrap to the Metals Reserve Company or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U.S.C. section 606 (b)), or to any duly authorized agent of such corporation without an allocation certificate, preference rating or any specific authority from the Director General for Operations.

(3) *Substitute grades of zinc or remelt zinc.* Any producer may, with the consent of the purchaser, substitute for any amount of any grade of zinc specified in an allocation certificate an equal amount of any lower grade of zinc or an equal amount of remelt zinc.

(4) *Special directions.* The Director General for Operations may, from time to time, issue special directions to any person as to the source, destination, special kinds and amounts of zinc, remelt zinc or zinc scrap to be delivered or acquired by any person, and the Director may also specifically direct the manner and quantities in which such zinc,

remelt zinc and zinc scrap may be processed.

(5) *Foreign zinc.* Zinc imported under bond or drawback agreement may be re-exported by any person pursuant to an export license duly issued by the Office of Export Control of the Board of Economic Warfare.

(i) *Interdepartmental shipments.* The restrictions, limitations, and prohibitions in paragraph (c), (d) and (f) of this order shall apply not only to all shipments and deliveries of zinc, remelt zinc and zinc scrap from one business enterprise to another business enterprise, but also to all shipments and deliveries of zinc, remelt zinc and zinc scrap from any branch, division or department of any business enterprise to another branch, division or department in the same business enterprise.

(j) *Reports.* Producers of zinc and remelt zinc must report on Form PD-452 for each month by the fifteenth day of the following month. All producers and generators of, dealers in, and users of zinc, remelt zinc or zinc scrap shall file reports with the War Production Board at such times and in such manner and form as it may prescribe, showing such information as the War Production Board may from time to time require.

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

Issued this 9th day of February, 1943.

CURTIS E. CALDER,
 Director General for Operations.

[F. R. Doc. 43-2111; Filed, February 9, 1943; 11:32 a. m.]

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

[Interpretation 1 of Priorities Regulation 15]

The following official interpretation is hereby issued with respect to § 944.36 of Priorities Regulation 15:

The impression exists in some quarters that the provisions of Priorities Regulation 15 make it unnecessary to observe any restrictions of limitation and conservation orders of the War Production Board in the manufacture of articles for export. This impression is erroneous.

The regulation does not in any way relax restrictions in limitation or conservation orders in so far as they apply to manufacture within the United States or to the maintenance of inventory within the United States. The only effect of the regulation is to lift such restrictions as may be based upon the size of an inventory maintained in a foreign country or on a use (including use for manufacture) which is to take place in a foreign country.

Of course, no orders of the War Production Board directly limit the size of inventory or the manner of use of an article in a foreign country. Nevertheless, there are some orders which, in the absence of Priorities Regulation 15, might impose such limitations indirectly. Orders which provide that a person may not sell a particular material if he knows or has reason to believe that the purchaser will, upon receipt, have an inventory exceeding some stated amount or use the material for a particular purpose would, in the absence of this regulation, prevent certain sales by subjecting sellers to possible liability even though the inventory existed or the use occurred in a foreign country. Priorities Regulation 15 has the effect of relieving sellers of such liability in the limited situation described.

Furthermore, it is only restrictions which are expressed as based upon size of inventory or manner of use which are affected by the regulation. Where an order requires administrative action, such as an allocation or an express authorization, that requirement is not waived and must be met before the material can be delivered, acquired or used.

Issued this 9th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2116; Filed, February 9, 1943; 11:31 a. m.]

PART 1023—JEWEL BEARINGS

[Conservation Order M-50, as Amended Feb. 9, 1943]

Whereas, national defense requirements have created a shortage of jewel bearings (as hereafter defined) for the combined needs of defense and private account, and the supply of jewel bearings now is and will be insufficient for defense and essential civilian requirements, unless the supply of jewel bearings and jewel bearing material (as hereinafter defined) is conserved and their use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest to promote the defense of the United States, to conserve the supply and direct the distribution and use thereof.

Now, therefore, it is hereby ordered, That:

§ 1023.1 Conservation Order M-50—
(a) *Definitions.* For the purpose of this order:

(1) "Jewel bearing material" means any natural sapphire or ruby of industrial quality, any synthetic sapphire or ruby, or any other material of similar chemical composition and physical properties.

(2) "Jewel bearing" means any jewel bearing material which has been processed in any manner for use where friction occurs, including vees, rings, cups, endstones, pallet stones, roller pins, needles, styli, cutters, nozzles, supports, tool bits, and dies.

(3) "Substitute jewel bearing" means a metal, agate, garnet, spinel, glass, or other bearing designed to replace, or to substitute for, a large ring bearing or a vee bearing of sapphire or ruby.

(4) "Large ring bearing" means any jewel bearing or substitute jewel bearing through which a hole has been pierced

from one parallel face to the other which has the following dimensions:

Outside diameter greater than.....	0.050 inch (1.270 mm.)
Thickness greater than.....	0.012 inch (.305 mm.)
Hole diameter greater than.....	0.006 inch (.152 mm.)

(5) "Vee bearing" means any jewel bearing or substitute bearing which has a conically shaped cavity in one of the parallel faces.

(6) "Supplier" means any person who has engaged in the importation or processing of jewel bearings, substitute jewel bearings, or jewel bearing material, since January 14, 1942.

(7) "Consumer" means any person who uses jewel bearings or substitute jewel bearings in the manufacture of any article.

(8) "Processing" means manufacturing, fabricating, polishing, or modifying in any manner jewel bearing material or material designed to substitute therefor.

(9) "Blank" means preparage, rondel, cylinder, or prism made from jewel bearing material for the purpose of fabrication of a jewel bearing but which has not been drilled or formed.

(10) "Use" of a jewel bearing or substitute jewel bearing means to mount the jewel bearing in a screw or other setting, or to incorporate physically the mounted or unmounted bearing in a device where its normal bearing surface may be subjected to friction from a moving part or object.

(11) "Semi-fabricated jewel bearing" means any jewel bearing processed beyond the blank stage but on which additional processing is necessary before it is ready to be used by a consumer.

(12) "Finished bearing" means any jewel bearing or substitute jewel bearing which has been processed to a point where it can immediately be used by a consumer.

(13) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks, and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(b) *Restrictions on delivery, processing, use, and sale.* (1) On and after November 2, 1942, each supplier shall set aside his entire stock, receipts, and production of finished jewel bearings, jewel bearing material, semi-fabricated jewel bearings, and blanks as a reserve for the fulfillment of present and future defense orders, and such other orders and uses as may be authorized from time to time by the Director General for Operations.

(2) No supplier shall make deliveries or withdrawals from such reserve either to his customers or for purposes of his own use, except as authorized by the Director General for Operations. The Director will from time to time allocate the supply of finished jewel bearings, of semi-fabricated jewel bearings, of blanks, and of jewel bearing material; and may

specifically direct the manner and quantities in which deliveries to or by particular persons or for particular uses shall be made or withheld. He may also direct, limit, or prohibit processing of jewel bearing material, blanks, and semi-fabricated jewel bearings. He may also direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of jewel bearings in the hands of consumers. He may also allocate the supply of finished substitute jewel bearings, or any particular kind thereof, in the hands either of suppliers or consumers, and may direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of substitute jewel bearings. Such allocations and directions will be made to insure the satisfaction of the defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular contracts or purchase orders.

(3) Unless specifically directed or authorized by the Director General for Operations, no person shall sell or deliver to any person for any purpose vee bearings or large ring bearings of sapphire or ruby, except:

(i) That any person may sell such bearings to the person from whom he originally acquired them; and

(ii) That a wholesaler or distributor (but not a supplier) may sell or deliver large ring bearings to persons who will use such large ring bearings solely in the repair of watches or aeroplane instruments.

(c) *Additional restrictions on consumers*—(1) *Use of vee bearings and large ring bearings.* Unless specifically directed or authorized by the Director General for Operations, no person shall use vee bearings or large ring bearings of sapphire or ruby in the manufacture of any article other than:

(i) "Implements of war" as defined in this order, which are being produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of vee bearings or large ring bearings of sapphire or ruby to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the Director General for Operations) applicable to the contract, subcontract, or purchase order; or such other articles or products being produced for any of the foregoing services, agencies, or foreign governments, as may be from time to time approved and designated by the Director General for Operations by means of supplementary orders: *Provided, however,* That no person in the manufacture of implements of war or other articles or products covered by this paragraph (c) (1) (i) shall use a vee bearing or a large ring bearing of sapphire or ruby in any place or application where the govern-

mental contracting agency 30 days or more previously has issued a written statement to such person permitting the use of a substitute jewel bearing in such place or application: *Provided, further*, That any person who uses vee bearings or large ring bearings of sapphire or ruby, in order to meet performance specifications in the manufacture of any article or product covered by this paragraph (c) (1) (i), shall furnish such information with respect to such article or product and the specifications applicable thereto as may be requested from time to time by the War Production Board.

(ii) Instruments for use in aeroplanes and ships.

(iii) Machine tools.

(iv) Dial indicator gages, being mechanisms for amplifying and measuring the displacement of a movable contact point, thereby measuring a dimension or variations from a standard dimension, each such gage comprising essentially a case with means for mounting the indicator, a spindle carrying the contact point, an amplifying mechanism, a pointer, and a graduated dial.

(v) Railroad standard watches, as such term is used and defined in Order L-175 of the War Production Board.

(2) *Use of substitute bearings.* On and after 30 days after November 2, 1942, unless specifically directed or authorized by the Director General for Operations, no person shall use jewel bearings of any type in the manufacture or repair of any article, other than those described in paragraph (c) (1) (i), in any place where it would be practicable, considering performance requirements, to use substitute jewel bearings, and in the repair of any such article no person shall replace a jewel bearing with a jewel bearing of any type if the bearing being replaced can be repaired or if it would be practicable, considering performance requirements, to use a substitute jewel bearing in its place.

(d) *General exception.* The prohibiting which on or after November 2, 1942, order shall not apply to any jewel bearing which on or after November 2, 1942, without violating any order of the Director General for Operations, had been physically incorporated in a device in which, without further assemblage, its normal bearing surface was subjected to friction from a moving part or object.

(e) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of jewel bearings conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Reports.* (1) Each supplier shall file with the War Production Board, Ref: M-50, on or before the 15th day of each calendar month, all the information required by Form PD-235.

(2) Each consumer shall file with the War Production Board, Ref. M-50, on or before the 15th day of each calendar month, all the information required by Form PD-236.

(3) Any person producing jewel bearing material shall file with the War Production Board, Ref: M-50, on or before the 15th day of each calendar month, all the information required by Form PD-338.

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

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington, D. C. Ref.: M-50.

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

Issued this 9th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2112; Filed, February 9, 1943; 11:32 a. m.]

PART 1168—PASSENGER CARRIERS

[Limitation Order L-101 as Amended Feb. 9, 1943]

Whereas the fulfillment of requirements for the defense of the United States has created a shortage in the supply of passenger carriers for defense, for private account and for export, and it has now become necessary in the public interest and to promote the national defense to provide for the orderly scheduling of production and delivery of such vehicles:

Now, therefore, it is hereby ordered, That:

§ 1168.1 *General Limitation Order L-101—*(a) *Applicability of Priorities Regulation 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

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

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

(2) "Producer" means any person engaged in the production of passenger carriers.

(3) "Passenger carrier" means a complete motor or electrical coach or trailer for passenger transportation, having a seating capacity of not less than eleven persons, or the body therefor; and includes integral motor buses and integral trailer buses, bus bodies for adult or school passenger use for mounting on new or used commercial motor vehicle or trailer chassis, sedan automobiles converted to buses, trolley buses, and electric railway cars. Such definition does not include a complete commercial motor vehicle chassis or trailer chassis upon which a bus body is to be mounted, or a tractor for propulsion of a trailer bus.

(c) *Restrictions on delivery of passenger carriers.* On and after May 21, 1942, irrespective of the terms of any contract of sale or purchase or of any other commitment, no producer shall transfer or deliver and no person shall accept any transfer or delivery of any new passenger carrier, except as authorized pursuant to the provisions of paragraph (d) hereof.

(d) *Production and delivery of passenger carriers.* (1) Each producer of passenger carriers shall schedule his production and make deliveries of passenger carriers in accordance with such specific directions as may be issued from time to time by the Director General for Operations, who may incorporate therein such requests and recommendations as may be submitted by the Office of Defense Transportation.

(2) The production and delivery schedules established by any specific direction which may be issued from time to time pursuant to paragraph (d) (1) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and may be altered only upon specific directions of the Director General for Operations.

(3) If it becomes impossible for any producer to maintain production and delivery of passenger carriers in accordance with any such schedule, he shall immediately notify the Director General for Operations, and, unless otherwise directed by the Director General for Operations, he shall continue to produce and deliver passenger carriers in the order set forth in such schedule and shall postpone production and delivery of any such passenger carriers only to the extent required by the circumstances causing his failure to maintain production and delivery as required by such schedule.

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

production and sales of new passenger carriers, which records shall be available for audit and inspection by duly authorized representatives of the War Production Board.

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

(g) *Violations or false statements.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the War Production Board is guilty of a criminal offense punishable by fine and imprisonment (Pub. No. 507, 77th Cong., 2d Sess., approved March 27, 1942; and 18 U.S.C. 80). Any person committing such an offense or wilfully falsifying any records which he is required to keep by the terms of this order may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any materials or facilities subject to allocation.

(h) *Communications.* All communications concerning this order should be addressed to War Production Board, Washington, D. C., Ref.: L-101.

Issued this 9th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2113; Filed, February 9, 1943;
11:32 a. m.]

PART 1172—ASBESTOS TEXTILES

[Conservation Order M-283]

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

§ 1172.3 Conservation Order M-283—

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

(1) "Asbestos textiles" means any material initially produced from the mineral asbestos by means of a carding operation and includes all such material in the following forms subsequent to the carding operation:

Carded fiber
Plain roving (underwriter's and commercial)
Plain roving (above underwriter's grade)
Reinforced roving
Cable filler
Lapps
Wick made from roving
Wick made on wicking card
Yarn—single
Yarn—plied
Yarn—metallic
Cloth— $1\frac{1}{4}$ pounds per square yard and lighter, all weaves
Cloth—heavier than $1\frac{1}{4}$ pounds per square yard, non-metallic, plain weave
Cloth—heavier than $1\frac{1}{4}$ pounds per square yard, metallic, plain weave
Cloth—all weights, metallic and non-metallic other than plain weave
Tape—.010 to .025" thick
Tape—.152" thick and up
Cord—Plain or treated
Tubing—woven or braided

(2) "Supplier" means any person who produces asbestos textiles from the mineral asbestos by means of a carding operation.

(3) "Consumer" means any person who purchases or accepts delivery of asbestos textiles from a supplier for resale, or for use in the manufacture of other forms of asbestos textiles or of articles made in whole or in part of asbestos textiles, or for any other use. A supplier, who uses asbestos textiles which he has produced in the manufacture of any product which is not itself an asbestos textile as defined in paragraph (a) (1), shall be deemed also to be a consumer.

(b) *Restrictions on use and delivery of asbestos textiles.* (1) On and after April 1, 1943, no supplier shall deliver asbestos textiles, and no person shall accept delivery of asbestos textiles from a supplier, except upon specific authorization by the Director General for Operations upon application pursuant to paragraph (d) or except as provided in paragraph (c).

(2) Each person specifically authorized to accept delivery of asbestos textiles shall use such asbestos textiles for the purpose for which the authorization was requested, except as otherwise directed by the Director General for Operations.

(3) The Director General for Operations at his discretion may at any time issue special directions to any person with respect to the use, process to final product, delivery, acceptance of delivery, or placing of orders, of asbestos textiles by such person, notwithstanding the provision of paragraph (c) hereof, or special directions to any supplier with respect to the kinds of asbestos textiles which he may or must manufacture, and the grades and types of asbestos fiber which he may or must use in the production of asbestos textiles.

(4) Such authorizations and directions will be made to ensure the satisfaction of requirements, direct and indirect, for the defense of the United States and for essential civilian supply; and may also be made in consideration of any possible dislocation of labor, of the problems of transportation, including cross-hauling, and of the necessity of keeping a plant in operation so that it may be able to fulfill war orders and essential requirements; and may be issued, and, unless otherwise specified by the Director General for Operations, shall be complied with, without regard to preference ratings.

(c) *Small order exemption.* (1) Any person may accept delivery of 100 pounds or less of asbestos textiles in the aggregate during any one calendar month without specific authorization, provided that such person has not been specifically authorized to accept delivery of any quantity of asbestos textiles during such month; and

(2) Any supplier may deliver asbestos textiles without specific authorization to any person who shall certify to him in writing that he is entitled, pursuant to paragraph (c) (1), to accept delivery, provided that:

(i) No supplier shall deliver in the aggregate in any calendar month, pursuant

to this paragraph (c), an amount in excess of 5 per cent by weight of his actual shipments of asbestos textiles for the preceding month;

(ii) No supplier shall make deliveries during any calendar month, pursuant to this paragraph (c), if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month;

(iii) Such certification shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, and shall be in substantially the following form:

The undersigned hereby certifies pursuant to War Production Board Order M-283 that the requested delivery of asbestos textiles plus other deliveries of asbestos textiles heretofore accepted during the month for which delivery is requested does not exceed 100 pounds in the aggregate; and that the undersigned has not been specifically authorized by the War Production Board to accept delivery of any quantity of asbestos textiles during the month for which delivery is requested.

Dated.....

By.....
Authorized Official

(iv) No supplier shall make deliveries, even against such certification, if he knows or has reason to believe that the certification is false; but in the absence of such knowledge or reason to believe, he may rely on such certification.

(3) For the purpose of this paragraph (c), the 100 pounds exemption for each person shall be deemed to extend only to an individual, partnership, association, business trust, corporation, governmental corporation or agency, or other business organization as a unit, and shall not be deemed to extend to each division, plant, store, or purchasing agency of such unit.

(d) *Applications and reports.* (1) *Consumers.* Each consumer seeking authorization to accept delivery of asbestos textiles during any calendar month shall file application on Form PD-779. Six copies shall be prepared, of which three (with table II left blank) shall be forwarded, not later than the 1st day of the month preceding the month for which authorization for delivery is requested, to the supplier with whom the order or orders described in such application are placed, and two (with table II filled out) shall be sent, not later than the 10th day of the month preceding the month for which authorization for delivery is requested, to the War Production Board. A separate set of forms shall be prepared for each plant location of the applicant and for each supplier from whom the delivery of asbestos textiles is sought.

(2) *Suppliers.* Suppliers shall seek authorization to deliver asbestos textiles only to consumers who have filed with them Form PD-779 in triplicate. Each supplier seeking authorization to make such deliveries to any consumer during any calendar month shall fill out all three copies of Form PD-779 received from such consumer, indicating thereon his proposed deliveries during such month to such consumer, and shall file two of such copies with the War Production Board on or before the 15th day of the

month preceding the month for which delivery is requested by the consumer.

(3) *Other reports.* All persons affected by this order shall file such other reports as may be requested from time to time by the Director General for Operations.

(e) *Special provisions.* (1) Each supplier who consumes all or part of his production of asbestos textiles in the manufacture of any product which is not itself an asbestos textile, as defined in paragraph (a) (1), shall treat the production and consumption parts of his operations as separate divisions, and delivery to himself for consumption shall be deemed delivery, requiring authorization within the meaning of paragraph (b) (1). Each such supplier in his separate capacity as a consumer and as a supplier shall file all the applications and reports required by paragraphs (d) (1) and (d) (2). A supplier who consumes all or any part of his production of asbestos textiles in the manufacture of products which are not asbestos textiles as defined in subparagraph (a) (1) must request allocation only for that type of asbestos textile that immediately precedes the manufacturing process which changes its form beyond that shown in the list of asbestos textiles in paragraph (a) (1).

(2) Each supplier shall notify the War Production Board of the cancellation by a consumer of any authorized delivery or of his own inability to make authorized delivery within 5 days after he has notice of such fact.

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

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork-Asbestos and Fibrous Glass Division, Washington, D. C. Ref: M-283.

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

Issued this 9th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2114; Filed, February 9, 1943; 11:31 a. m.]

PART 3157—CONTROLLED SHIPMENTS

[Interpretation 1 to General Transportation Order T-1]

The following official interpretation is hereby issued by the Director General

for Operations with respect to § 3157.1, *General Transportation Order T-1:*

(a) Paragraph (e) (2) does not afford any exemption from the provisions of paragraphs (b) and (c) with respect to controlled shipments of any material on List 1 or List 2.

(b) Any distance or mileage which is specified in said order or on any List annexed thereto, shall, with respect to shipments by tank car, be measured over the shortest available published rail tariff route, whether or not the particular shipment is billed or transported over such route.

Issued this 9th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2115; Filed, February 9, 1943; 11:31 a. m.]

Log grades	Length ¹	Top diam. inside bark	Surface requirements	Taper allowed	Spiral grain	Rot or dote permitted	Sweep ordinarily permitted
Select logs	12'+	24"+	Clear, no defects	2" in 8'	1" in 12"	6" in center of log	2" in 8'
No. 1 logs	12'+	18-23"	do.	do.	do.	5" in center of logs	Do.
No. 1 logs	12'+	24"+	3 clear faces or 75% of length clear.	do.	do.	6" in center of logs	Do.
No. 2 logs	12'+	14-17"	Clear	2" in 8'	1" in 12"	5" in center of log	Do.
No. 2 logs	12'+	18-23"	3 clear faces or 75% of length clear.	do.	do.	do.	Do.
No. 2 logs	12'+	24"+	2 clear faces or 50% of length clear.	do.	do.	6" in center of log	Do.

¹ Short logs of any length that are acceptable to the purchaser should be graded the same as longer logs.

² The taper stated in these log grading specifications refers to normal taper and does not apply to abnormal taper in the butt logs near the stump cut. Butt swell or root flare should be handled according to the effect that it will have on the finished product and logs graded and sealed accordingly.

(3) "Yellow poplar aircraft veneer" means any veneer produced from yellow poplar logs which meets the specifications AN-NN-P-511b.

(4) "Yellow poplar lumber" means any sawed lumber of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, produced from yellow poplar logs.

(5) "Yellow poplar aircraft lumber" means all yellow poplar lumber which meets the following basic specifications and grades:

(i) It shall meet the following minimum requirements which shall be considered the basic specifications:

(a) *Specific gravity.* The minimum specific gravity shall be 0.38.

(b) *Annual rings.* There shall be not less than six annual rings per inch.

(c) *Slope of grain.* The slope of the grain in all cuttings shall not exceed 1" in 15", except for short deviations occasioned by permissible burls.

(d) *Sapwood.* Bright sapwood shall be admitted in all cuttings without limit.

(e) *Mineral streaks and colorations.* Mineral streaks which do not show a separation of fiber or decay shall be admitted, provided they are located at least one inch from the edge of the cuttings. Mineral or other sound natural colorations inherent to yellow poplar shall be admitted in cuttings.

(f) *Burls.* Occasional burls not exceeding one-half inch in diameter shall be admitted, provided they are located at least one inch from the edges of the cuttings.

(g) *Method of sawing.* Seventy per cent or more of each shipment shall be rift sawn or quarter sawn, or both, in which the annual rings form an angle of not less than 45 degrees to the face of each board for at least two-thirds its width. Thirty per cent or less of any shipment may be plain sawn.

(h) *Cuttings.* All cuttings shall conform to the foregoing basic Specifications on both faces and shall otherwise be clear.

PART 3167—YELLOW POPLAR

[General Conservation Order M-279]

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

§ 3167.1 *General Conservation Order M-279—(a) Definitions.* For the purposes of this order:

(1) "Yellow poplar logs" means logs of the species *Liriodendron tulipifera*.

(2) "Yellow poplar aircraft logs" means all yellow poplar logs meeting the specifications for one of the following grades:

(ii) In addition it shall conform to the following rules:

(a) Piece widths, all grades, 4" and wider.

(b) Piece lengths as specified below, in multiples of six inches.

No. 1 *Aircraft.* Piece lengths 3' and longer. Each piece shall yield 100% in one piece;

No. 2 *Aircraft.* Piece lengths 6' and longer. Each piece shall yield 1¹/₂ or 83¹/₃% in cuttings 3" and wider by 3' and longer;

No. 3 *Aircraft.* Piece lengths 6' and longer. Each piece shall yield 1¹/₂ or 86²/₃% of cuttings 3" and wider by 3' and longer;

No. 4 *Aircraft.* Piece lengths 6' and longer. Each piece shall yield 1¹/₂ or 50% in cuttings 3" and wider by 3' and longer.

(6) "Producer" means any plant which processes, by sawing, edging, planing, cutting, slicing, peeling or other comparable method, 25% or more of the total volume of logs, cants, flitches and lumber purchased or received by it, and which sells as lumber or veneer the product of such processing. "Volume" means board foot volume, or in the case of veneer, surface measure, processed or sold within the last six calendar months immediately prior to the transaction affected by this order.

(b) *General limitations.* No producer shall process any Select or Grade No. 1 yellow poplar aircraft logs into any other material than yellow poplar aircraft veneer or yellow poplar aircraft lumber, except to the extent that:

(1) Such logs will not yield yellow poplar aircraft veneer or yellow poplar aircraft lumber; or

(2) Such logs are processed into some other specified material pursuant to a specific processing directive or order issued by the Director General for Operations under paragraph (c) of this order.

(c) *Allocations.* The Director General for Operations may from time to time allocate specific quantities of yellow poplar aircraft logs to specific producers. He may also direct the specific manner and quantities in which delivery of such logs so allocated shall be made to particular producers and the production by such producers of particular lumber or veneer items from such logs. Such allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular purchase orders or contracts. The Director General for Operations may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war and essential civilian requirements.

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

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

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

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Lumber and Lumber Products Division, Washington, D. C. Ref.: M-279.

Issued this 9th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2108; Filed, February 9, 1943;
11:32 a. m.]

PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 3]

PREFERENCE RATINGS UNDER THE CONTROLLED
MATERIALS PLAN

§ 3175.3 *CMP Regulation 3—(a) Purpose and scope.* The purpose of this

regulation is to define the operation of preference ratings under the Controlled Materials Plan.

(b) *Definitions.* The following definitions shall apply for the purpose of this regulation and for the purposes of any other CMP regulation unless otherwise indicated:

(1) "Production material" means, with respect to any person, material or products (including fabricated parts and sub-assemblies) which will be delivered by him as his product, or will be physically incorporated into such product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It does not include any items purchased by him as manufacturing equipment or for maintenance, repair or operating supplies as defined in CMP Regulation 5.

(2) "Allotment number or symbol" means:

(i) An allotment number or symbol placed on a delivery order as provided in paragraphs (f) and (g) of this regulation, or as provided in CMP Regulation 1 or CMP Regulation 5; or

(ii) A number or symbol placed on a delivery order pursuant to any other regulation or order of the War Production Board if, but only if, it is expressly stated that such number or symbol shall constitute an "allotment number or symbol" for purposes of this regulation.

(c) *Superiority of ratings with allotment numbers or symbols over other ratings of equal grade.* A delivery order bearing a preference rating with an allotment number or symbol shall (unless otherwise ordered by the Director General for Operations) be deemed superior in rating, for purposes of Priorities Regulation 1, to any delivery order bearing a rating of the same grade without an allotment number or symbol, but shall not be superior to another order bearing a rating of a higher grade. For example, a rating of AA-2X with an allotment number or symbol is superior to another rating of AA-2X without an allotment number or symbol, but is inferior to any rating of AA-1 with or without an allotment number or symbol.

(d) *Preference ratings with allotment numbers for production schedules—(1) Prime consumers.* In each case when an allotment is made to a prime consumer making Class A or Class B products, and his production schedule is authorized by a Claimant Agency or an Industry Division, a preference rating will be assigned to such schedule for use with the allotment number applicable to the schedule.

(2) *Secondary consumers.* In each case when an allotment is made to a secondary consumer making Class A products and his production schedule is authorized by the consumer making the allotment, the consumer making the allotment shall apply or extend to such production schedule the same rating as he has received for his own related production schedule for use with the appropriate allotment number.

(3) *Use of ratings received for authorized production schedules.* A prime or secondary consumer who has received a preference rating for an authorized production schedule as provided in this paragraph (d) may use said rating, with the appropriate allotment number, only to acquire production materials in the minimum practicable amounts required to fulfill such schedules, or to replace production materials in his inventory, subject to the restrictions of paragraph (c) (2) or Priorities Regulation 3. He may not use such rating for any other purpose.

(e) *No extension of customers' ratings by prime consumers making Class B products.* A prime consumer who manufactures Class B products and has received an authorized production schedule for such manufacture, accompanied by a preference rating to be used with his allotment number, shall not extend any other rating received by him from a customer, except that if a delivery to be made by him is rated AAA, he may extend said rating to the extent necessary to obtain production material required to fill his AAA order, but may not extend the same for purposes of replenishing his inventory.

(f) *Use of allotment numbers and symbols on delivery orders.* (1) Each prime or secondary consumer shall place on each rated delivery order for production materials, required to fulfill his authorized production schedule of Class A or Class B products, his allotment number with the certification provided in paragraph (g) of this regulation.

(2) A person placing a rated order for maintenance, repair or operating supplies under CMP Regulation 5 shall place thereon the allotment symbol MRO with the certification required by said regulation.

(3) A person placing a rated small order for Class A products pursuant to paragraph (1) of CMP Regulation 1 shall place thereon his allotment number and the symbol SO as required by said regulation, with the certification provided in paragraph (g) of this regulation.

(4) No person shall place any allotment number or symbol on any delivery order except as required by the foregoing provisions of this paragraph (f) or as specifically provided in any other regulation or order of the War Production Board. If a person who is not authorized to use an allotment number or symbol receives a rated order with an allotment number or symbol, he may extend the rating, to the extent and in the manner permitted by Priorities Regulation 3, but he shall not use the allotment number or symbol in extending the rating.

(g) *Form of certification.* A prime or secondary consumer when placing an allotment number or symbol on a rated delivery order pursuant to this regulation or CMP Regulation No. 1 shall endorse on the order a certification in substantially the following form (in lieu of the certification provided in Priorities Regu-

lation No. 3) signed manually or as provided in Priorities Regulation No. 7:

Preference rating ----- Allotment number ----- The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that he is authorized under CMP Regulation No. 3 to apply or extend the above preference rating and allotment number or symbol to the delivery of the items covered by the attached delivery order.

An allotment number shall consist of the appropriate Claimant Agency letter symbol followed by the major program number (consisting of one digit only as provided in paragraph (c) (6) (ii) of CMP Regulation No. 1). If the order is placed in connection with an allotment of controlled materials by the purchaser to the seller, the two digits denoting the quarter for which the allotment is valid shall be added as provided in said regulation.

(h) *Use of existing ratings prior to authorization of production schedules.* A person who has not yet received his allotment and CMP rating for a particular production schedule may apply and extend other preference ratings for such production to the extent permitted by existing Priorities Regulations and Orders (including, in the case of PRP Units, Priorities Regulation 11A regarding transition from PRP to CMP).

(i) *Construction and facilities.* Preference ratings assigned for construction or facilities may be applied or extended in the manner and subject to the restrictions provided in CMP Regulation No. 6.

(j) *Effect of preference ratings on deliveries of controlled materials.* (1) Authorized controlled material orders placed with controlled materials producers shall be accepted and filled by such producers as provided in CMP Regulation No. 1 without regard to any preference ratings applicable to such delivery orders and in preference to all other delivery orders, except as may be otherwise specifically directed. To the extent that controlled materials producers are able to fill orders other than authorized controlled material orders, they shall fill such orders until July 1, 1943, in accordance with preference ratings as provided in Priorities Regulation 1 and subject to any other applicable regulations or orders of the War Production Board.

(2) Authorized controlled material orders placed pursuant to applicable CMP Regulations, with persons who are not controlled materials producers, shall be filled by them without regard to any preference ratings applicable to such delivery orders and in preference to all other delivery orders, except as otherwise specifically provided in applicable regulations or orders of the War Production Board, and except that an authorized controlled material order placed with any such person which is rated AAA shall take precedence over other authorized controlled material orders.

(k) *Effect of ratings on conflicting production and delivery schedules for Class A and Class B products.* Manufac-

turers of Class A and Class B products must comply with the requirements of paragraph (p) of CMP Regulation 1 with respect to the rejection of orders in excess of capacity, and, in the event they are unable to fulfill all orders which they have accepted, they must report for instructions as provided in paragraph (q) of CMP Regulation 1, but until and unless otherwise instructed, they shall fill orders in accordance with preference ratings as provided in Priorities Regulation No. 1 and paragraph (c) of this regulation.

Issued this 9th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2106; Filed, February 9, 1943;
11:31 a. m.]

PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5]

MAINTENANCE, REPAIR AND OPERATING
SUPPLIES

§ 3175.5 *CMP Regulation 5—(a) Purpose and scope.* (1) The purpose of this regulation is to provide a uniform procedure for obtaining maintenance, repair and operating supplies, both in the case of controlled materials obtained by use of allotment symbols under the Controlled Materials Plan and in the case of materials or products obtained by preference ratings. Persons requiring maintenance, repair and operating supplies, in any form, in such quantities as are available from warehouses or distributors under CMP Regulation No. 4, or at retail without preference ratings or allotments, may obtain the same without using the procedure provided in this regulation, but subject to all applicable limitations in War Production Board regulations and orders.

(2) The provisions of this regulation shall not apply to governmental agencies (other than Claimant Agencies) except to the extent that they may be engaged in one of the activities listed in Schedules I or II attached, and shall not apply to any person or institution, public or private, engaged in educational, religious or charitable activities. Procedures for the obtaining of maintenance, repairs and operating supplies by such governmental agencies and by such persons and institutions will be provided by a separate regulation or order. This regulation is also inapplicable to certain purchases by Claimant Agencies or for export as more fully provided in paragraph (g).

(b) *Definitions.* The following definitions shall apply for the purpose of this regulation, and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition, and "repair" means the restoration of a fa-

cility 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: *Provided*, That 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, except as provided in paragraph (b) (3) of this regulation.

(2) "Operating supplies" means any materials or products which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies. The term shall also include such items as hand tools, customarily purchased by the particular employer for sale to his employees for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge. The term shall not include any of the items specified in List A attached.

(3) In addition, there may be included as maintenance, repair and operating supplies, minor items of productive capital equipment and minor capital additions or replacements not exceeding \$500 (excluding cost of labor); *Provided*, That no capital equipment, addition or replacement aggregating more than \$500 in cost shall be subdivided for the purpose of coming within this definition, and, *provided further*, that the acquisition and use of materials for construction shall be subject to the provisions of Conservation Order L-41, as amended from time to time.

(4) Production materials required by a manufacturer for physical incorporation in his products, which products he sells for use as maintenance, repair or operating supplies, may be obtained as provided in CMP Regulation No. 1 and in CMP Regulation No. 3, and such production materials shall not be deemed maintenance, repair or operating supplies, as to such manufacturer.

(c) *Controlled materials.* (1) Subject to the quantity restrictions contained in paragraph (f) of this regulation, any person engaged in the business of producing any product or conducting any business listed in Schedule I or II, requiring delivery after March 31, 1943, of any controlled material, except aluminum, for maintenance, repair or operating supplies in the conduct of such business, may obtain the same by placing on his delivery order substantially the following certification, signed manually or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO—(P order No. _____)—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the controlled materials covered by this order are

required for essential maintenance, repair or operating supplies, to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5 and that delivery thereof will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

When the person making such certification is covered by any order in the "P" series he shall also show, in the space indicated, the number of such "P" order.

An order bearing such certification shall be deemed an authorized controlled material order and shall have the same status as an order bearing an allotment number under all applicable CMP regulations, unless otherwise expressly provided.

(2) Any person engaged in the business of producing any product or conducting any business listed in Schedule I or II requiring aluminum in any of the forms or shapes constituting a controlled material, for essential maintenance, repair or operating supplies, may obtain the same from a controlled materials producer or from an approved aluminum warehouse, in amounts of not to exceed 100 pounds from all sources during any one calendar quarter, provided, that any order placed pursuant to this paragraph (c) (2) shall be accompanied by a certificate in substantially the following form, signed manually, or as provided in Priorities Regulation No. 7:

The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the materials covered by this order are required for essential maintenance, repair or operating supplies, to be used for a purpose listed in Schedule I or II of CMP Regulation No. 5; that the use of other materials for such purpose is impracticable; and that the amount of aluminum covered by this order, together with all other amounts received by, or on order for delivery to the undersigned, from all sources, for such purposes during the same quarter, will not exceed 100 pounds.

Any producer or warehouse receiving an order bearing such certificate shall be entitled to rely thereon and may fill the order, unless he knows or has reason to believe the certificate to be false.

(d) *Preference ratings for maintenance, repair and operating supplies.* (1) Subject to the quantity restrictions contained in paragraph (f) of this regulation, orders calling for delivery after March 31, 1943, of maintenance, repair or operating supplies other than controlled materials (regardless of whether such supplies be Class A products, Class B products, or other products or materials) are hereby assigned preference ratings as follows:

(i) AA-1 for maintenance or repair of facilities required for producing any product or conducting any business listed in Schedule I or for necessary operating supplies for such production or business;

(ii) AA-2X for maintenance or repair of facilities required for producing any product or conducting any business listed in Schedule II or for necessary

operating supplies for such production or business; and

(iii) A-10 for necessary maintenance or repair of facilities required for producing any product or conducting any business not listed in Schedule I or Schedule II or for necessary operating supplies for any such purpose.

(2) A preference rating assigned under this paragraph (d) shall be applied only by use of the following certification (in lieu of the endorsement specified in Priorities Regulation No. 3), signed manually or as provided in Priorities Regulation No. 7:

Preference rating ----- (specify rating)—
MRO. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 25 (A) of the United States Criminal Code, that the items covered by this order are required for essential maintenance repair or operating supplies; that this order is rated and placed in compliance with CMP Regulation No. 5; and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

(3) A person with whom a delivery order is placed bearing a preference rating assigned by this regulation may extend the rating only in the manner provided in Priorities Regulation No. 3 (using the endorsement therein specified) and subject to the limitations contained therein and in CMP Regulation No. 2.

(e) *Plants engaged in several activities.* If a single plant or operating unit is engaged in several activities which are not all listed on the same schedule (or if some are so listed and others are unlisted), and it is impracticable to apportion requirements for maintenance, repair and operating supplies between such activities the principal activity alone shall be considered for purposes of determining whether controlled materials may be obtained under paragraph (c) of this regulation and also for determining which preference ratings may be applied under paragraph (d).

(f) *Quantity restrictions.* (1) No person shall use the allotment symbol or preference ratings assigned by this regulation to obtain maintenance, repair or operating supplies during any calendar quarter in an aggregate amount exceeding one-fourth of his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or his fiscal year ending nearest to December 31, 1942), except that a person engaged in a seasonal business may use such allotment symbol or preference ratings to obtain during any calendar quarter, up to, but not in excess of, his aggregate expenditures for maintenance, repair and operating supplies during the corresponding quarter of 1942 (or of such fiscal year). In neither case, however, shall any person use such allotment symbol or preference ratings to obtain maintenance, repair and operating supplies during the 12 months ending March 31, 1944, in an amount exceeding his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or such fiscal year).

(2) A person who has several plants or other operating units which maintain separate records of maintenance, repair and operating supplies shall treat each of them separately for purposes of complying with the provisions of subparagraph (1) of this paragraph (f).

(3) In the case of a plant or other operating unit which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), the person operating the same may take, as a base, his expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when the plant or unit was in operation, reasonably adjusted for seasonal or other variable factors; provided, that he first notifies the War Production Board in writing of the base which he is taking, the reasons therefor, and the nature of any adjustments made. In the case of a plant starting operations after February 28, 1943, maintenance, repair and operating supplies may be acquired pursuant to this regulation in the minimum amounts necessary for operation, without other restrictions, up to \$5,000 per quarter. If more than this amount is required, application shall be made in writing to the War Production Board for a specific quota. In any case where the base provided in subparagraph (1) or by this subparagraph (3) is deemed too low for necessary operations, application may be made in writing for modification thereof.

(4) The restrictions contained in this paragraph (f) shall apply in addition to any quantitative restrictions contained in any order in the "P" series, unless the particular P order expressly provides that the restrictions of this regulation shall be inapplicable.

(5) The Director General for Operations may, by further regulations or orders, require specified persons or classes of persons to file applications or reports regarding their requirements of maintenance, repair and operating supplies and may prescribe specific quantitative limits for the same, either larger or smaller than the limits provided above in this paragraph (f).

(g) *Special provisions for Claimant Agencies, exports and ship repairs.* Maintenance, repair and operating supplies, required either by a Claimant Agency (including any plant or establishment owned and operated by a Claimant Agency) or for export, as regular procurement items covered by specific programs, and material required for ship repairs programmed by the Maritime Commission, shall not be obtained under this regulation, but, if they are controlled materials or Class A products, shall be obtained only by the use of allotments in the same manner as production materials under CMP Regulation No. 1, and, if they are other materials or products, shall be obtained only by such preference ratings as may be specifically assigned for the purpose.

(h) *Penalties for misrepresentation or diversion.* (1) The placing of any order

bearing a certification or symbol as provided by this regulation shall constitute a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code (18 U. S. C. 80), that the person placing the order is entitled, under the terms of this regulation to use of the symbol or preference rating indicated thereon.

(2) No person shall use for any purpose other than essential maintenance, repair or operations, any supplies obtained pursuant to this regulation, or use any supplies obtained under a preference rating assigned by this regulation for a purpose to which a lower rating, or no rating, is assigned. Any such use shall constitute a crime punishable by fine or imprisonment or both. Physical segregation of inventories is not required, provided the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(i) *Inventory restrictions.* Nothing in this regulation shall be deemed to authorize any person to receive any delivery of maintenance, repair or operating supplies if acceptance thereof would increase his inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1 or would exceed the inventory limitations prescribed for such person by CMP Regulation No. 2, or by any other applicable regulation or order of the War Production Board.

(j) *Additional assistance in individual cases.* Any person requiring maintenance, repair or operating supplies who is unable to obtain them pursuant to the foregoing provisions of this regulation, may apply to the War Production Board for additional assistance on such form as may be appropriate, having regard to the material required and the business activity involved. If no particular form is specified by applicable orders or regulations of the War Production Board, such application may be made on Form PD-1A or, in the case of a PRP unit, on Form PD-25F. Such application may be filed with the appropriate Industry Division, or, if the amount involved is less than \$500, with the regional office of the War Production Board.

(k) *Effect on other orders and procedures.* (1) The preference ratings assigned by this regulation shall supersede the preference ratings assigned by all orders in the "P" series for maintenance, repair and operating supplies with respect to materials or products to be delivered after March 31, 1943, except as may be otherwise provided by amendments of such orders specifically providing to the contrary.

(2) Subject to paragraph (k) (1) of this regulation all of the terms, provisions and restrictions contained in all orders in the "P" series including definitions, requirements for making applications and filing reports, and other restrictions, except as otherwise provided in paragraph (f) (4) of this regulation,

shall, subject to the inventory restrictions of CMP Regulation No. 2, remain in full force and effect until modified or revoked.

(3) In addition, each person who, in accordance with existing priorities procedures not covered by "P" orders, is required to file applications or reports with respect to his requirements for, or use of, maintenance, repair or operating supplies, or is limited in the amount of such supplies which he is permitted to acquire or use, shall continue to comply with such procedures until the same are modified or revoked.

(4) Nothing in this regulation shall be construed to relieve any person from complying with any applicable priorities regulation or order of the War Production Board (including orders in the "E," "L" and "M" series) or with any order of any other competent authority.

(l) *Industry reclassification.* Any person who is of the opinion that the business activity in which he is engaged should be listed in Schedule I, if it is listed in Schedule II, or should be listed in either Schedule I or Schedule II, if it is not listed in either of such schedules, may apply to have such activity so listed by filing a letter, in triplicate, with the appropriate Industry Division setting forth the relevant facts and the reasons why he considers such request should be granted.

(m) *Records.* Each person acquiring maintenance, repair or operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired, and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Communications.* All communications concerning this regulation should be addressed to: War Production Board, Washington, D. C., Ref: CMP Regulation No. 5.

Issued this 9th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

LIST A

The following items are excluded from the definition of "operating supplies" in paragraph (b) (2) of CMP Regulation No. 5, regardless of whether normally carried as such according to established accounting practice:

1. Fabricated containers (in knock-down or set-up forms, whether assembled or unassembled), required for packaging products to be shipped or delivered.
2. Printed matter and stationery.
3. Paper, paperboard, and products manufactured therefrom; molded pulp products.
4. Fuel or electric power.
5. Office machinery or office equipment.
6. Clothing, shoes or other wearing apparel, if made of leather or textiles, except that the following types may be included in operating supplies when specially designed and used to furnish protection against specific occupational hazards (other than weather):

- a. Asbestos clothing.

b. Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.

c. Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.

d. Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.

e. Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.

f. Safety industrial leather clothing other than gloves or mittens.

g. Metal mesh gloves, aprons and sleeves.

h. Plastic and fibre safety helmets.

SCHEDULE I—PREFERENCE RATING AA-1

Manufacture of the following:

Unfabricated and semifabricated products:
Aluminum and aluminum alloy semifinished products.

Copper and copper alloy semifinished products.

Ferro-alloys.

Iron unfabricated and semifabricated products, including: forgings, pig iron, pipe, wire, wrought iron and foundry products.

Magnesium and magnesium alloy semifabricated products.

Nonferrous metal unfabricated and semifabricated products.

Steel unfabricated and semifabricated products, including: bars, forgings, pipe, rolling mill and foundry products, sheets, strips, structural steel, tubing, and railroad rails, frogs, switches and crossings.

Iron and steel finished products:

Aircraft landing mats.

Boiler-shop products, including: boilers, gas cylinders, steam condensers and tanks.

Bolts.

Cooking ranges and stoves, except electric.

Fabricated pipe.

Furnaces, including: heating stoves and related equipment.

Hand tools, except farm and garden.

Metal barrels, drums, kegs and shipping pallets.

Nuts.

Rivets.

Saws.

Screws.

Steel springs.

Stove pipe.

Thermostats and other temperature control devices.

Transportation-equipment hardware.

Washers.

Water heaters, tanks and boilers.

Chemical products:

Acids.

Alcohols.

Alkalies.

Basic chemicals and intermediates.

Coal tar and coal tar derivatives.

Compressed and liquid gases.

Dyes, colors, and pigments.

Fats and oils (industrial only).

Lacquers.

Organic and inorganic chemicals.

Paints.

Plastics and synthetic resins.

Soap.

Solvents.

Varnishes.

Industrial machinery and equipment:

Chemical manufacturing machinery and equipment

Compressors

Conveying machinery and equipment

Manufacture of the following—Continued.

Industrial machinery and equipment—Continued.

Cranes, derricks, hoists and winches
 Electric furnaces
 Electrical industrial equipment
 Excavating machinery
 Fans and blowers (industrial)
 Food-dehydration machinery
 Furnaces and ovens (industrial)
 Gas generating equipment and apparatus
 Heat exchangers
 Industrial lubricating equipment
 Industrial machine-shop products
 Industrial trucks and tractors
 Instruments (industrial)
 Machine tools and metal-working machinery, including: bending, forging, cutting, shearing, rolling, milling and pressing machinery
 Mechanical power-transmission equipment
 Mining machinery and equipment
 Ore milling, smelting and refining equipment
 Petroleum refining equipment
 Plastic working machinery
 Pumps
 Rubber-working machinery
 Stone, clay and glass products manufacturing machinery
 Vacuum pumps
 Welding equipment, gas and electric, including welding rods and electrodes
 Well-drilling machinery
 Woodworking machinery (except cooperage and wooden box making machinery)

Direct-military products:

Aircraft, propellers, engines and parts
 Ammunition
 Ammunition boxes and chests
 Combat vehicles
 Explosives
 Ordnance
 Pyrotechnics
 Ships, equipment and parts, including vessels of all types
 Tanks, engines and parts (combat)

Electrical products:

Electrical carbon and graphite products
 Electric motors and generators
 Electrical instruments
 Floodlights
 Fuses
 Insulated wire and cable
 Motor-generator sets
 Physical-therapy equipment
 Pole-line hardware and insulators
 Searchlights
 Spotlights
 Storage batteries
 Switchgear
 Transformers
 Wiring devices and conduits
 X-ray equipment

Engines and turbines:

Diesel engines
 Gasoline engines
 Hydro turbines
 Steam engines and turbines

Communication equipment:

Communication equipment including telephone and telegraph systems and apparatus
 Fire alarm systems
 Phonographs
 Radio and radar equipment and tubes
 Railroad signals and accessories

Transportation equipment:

Bicycles and parts
 Locomotives, diesel, electric and steam
 Motorcycles, side cars and parts
 Railroad and street cars

Manufacture of the following—Continued.

Miscellaneous products:

Abrasive wheels, stones, papers and cloths
 Agricultural machinery, implements and equipment
 Air conditioning and commercial refrigeration equipment (mechanical)
 Closures (pressed paper and molded plastic)
 Elevators
 Escalators
 Fishing equipment (commercial)
 Glass containers
 Jewel bearings
 Laundry equipment (domestic)
 Motor vehicles, engines and parts (commercial)
 Navigation instruments
 Optical instruments and lenses
 Photographic apparatus
 Professional, scientific and engineering instruments and appliances
 Refractories
 Refrigerators (mechanical)
 Rubber and rubber products (natural and synthetic)
 Safety equipment, including helmets, goggles and civilian defense items
 Stokers
 Tires and tubes
 Tractors
 Valves, faucets and fittings
 Wooden, paper and fiber containers

Persons engaged in the following industries:

Analytical, research, testing, and control laboratories
 Discovery, production, transportation, refining and marketing of natural gas, petroleum and petroleum products
 Electroplating, galvanizing and other metal coating
 Gas, light, power, water, central heating, and sanitary services
 Industrial food production, processing, packaging, preservation and storage
 Mining and quarrying
 Public transportation and terminal facilities including stevedoring
 Ship repair and maintenance
 Smetting
 Wire communications industry

SCHEDULE II—PREFERENCE RATING AA-2X

Manufacture of the following:

Iron and steel finished products:

Boilers and radiators (heating)
 Cutlery
 Fabricated iron and steel wire products
 Gas conversion burners
 Hardware except transportation-equipment hardware
 Kitchen and household cans and pails
 Lawn mowers
 Metal bottle caps and closures, except beverage crowns
 Metal cans
 Metal doors, window sash, frames, molding and trim
 Metal furniture
 Metal sanitary ware
 Milk cans (bulk)
 Razors
 Screens and weatherstripping
 Steamtables and restaurant equipment
 Tools, farm and garden
 Vitreous enameled products

Non-ferrous metal products:

Clocks
 Collapsible tubes
 Insignia
 Pins, needles, hooks, eyes, snaps, buckles and fasteners

Manufacture of the following—Continued.

Non-ferrous metal products—Continued.

Time stamps and recording machines
 Watches
 Non-metallic products:
 Lumber, logs, plywood and veneer
 Non-metallic sanitary ware
 Textiles, clothing and leather goods
 Industrial machinery and equipment:
 Business machines
 Construction material
 Cooperage and box making machinery
 Food-processing machinery and equipment, except dehydration equipment
 Laundry and dry-cleaning equipment
 Leather working machinery
 Metal container making machinery
 Printing machinery
 Pulp and paper machinery
 Scales
 Spraying equipment (industrial)
 Textile machinery
 Water treatment equipment
 Electrical products:
 Dry cell batteries
 Electric bulbs and tubes
 Electric ranges
 Electric sound signaling devices
 Lighting fixtures
 Fire protection equipment:
 Fire engines
 Fire extinguishers
 Fire hose and related equipment
 Hydrants and related equipment
 Sprinkler systems
 Transportation equipment:
 Buses
 Trailers (passenger-car)
 Miscellaneous products:
 Automotive testing equipment and instruments
 Baby carriages
 Church goods
 Drugs and medicinals
 Ice refrigerators
 Mattresses and bed springs
 Motion picture products
 Musical instruments
 Ophthalmic goods
 Pens and pencils and related office supplies
 Photographic accessories
 Plumbers specialties
 Pulp and paper
 Sewing machines
 Signs
 Umbrellas and parasols
 Ventilating fans
 Other products:
 Other direct military products, manufacturing and construction equipment, components of products listed elsewhere, and other construction materials.
 Persons engaged in the following industries:
 Aeronautics training (civilian)
 Civil air patrol
 Commercial refrigeration and production of ice
 Construction
 Engraving on metal (except for printing)
 Metal scrap salvage, sorting and processing of metal scrap
 Printing and publishing
 Public warehouses
 Radio communication and broadcasting
 Repair services for industrial and household equipment (motor and mechanical).

PART 3179—FIBROUS GLASS TEXTILES

[Conservation Order M-282]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of fibrous glass textiles 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.

§ 3179.1 Conservation Order M-282—

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

(1) "Fibrous glass textile" means any material fabricated from fibrous glass sliver which is in the form of roving, yarn, cord, sleeving, tape, or cloth.

(2) "Producer" means any person who manufactures sliver from which fibrous glass textiles are produced.

(3) "Distributor" means any person who purchases fibrous glass textiles for the purpose of resale either in the form received or after further processing, as by varnishing, impregnating, cutting, or admixing with other materials.

(4) "User" means any person who purchases or accepts delivery of fibrous glass textiles from producers or distributors for processing into other forms of fibrous glass textiles or for installation, application, or use. A producer, who uses any part of his own production of fibrous glass textiles in the manufacture of any product which is not itself a fibrous glass textile as defined in paragraph (a) (1), shall be deemed also to be a user.

(b) *Restrictions on manufacture and processing of sliver and delivery of fibrous glass textiles.* (1) On and after April 1, 1943, no producer shall manufacture sliver, or place it into process, as by warping or weaving, or deliver fibrous glass textiles, and no person shall accept delivery of fibrous glass textiles from a producer (unless such textiles were shipped prior to April 1, 1943), except upon specific authorization by the Director General for Operations upon application pursuant to paragraph (c).

(2) The Director General for Operations will from time to time issue specific instructions,

(i) To each producer, authorizing and directing him to manufacture and to place into process such kinds and quantities of sliver and at such times as may be necessary to produce specified quantities and kinds of fibrous glass textiles for delivery at specified times;

(ii) To each producer, authorizing and directing him to deliver fibrous glass textiles; and

(iii) To distributors and users, authorizing them to accept delivery of fibrous glass textiles from producers.

(3) Each person specifically authorized to accept delivery of fibrous glass textiles shall use such fibrous glass textiles for the purpose for which the authorization was requested, except as otherwise directed by the Director General for Operations.

(4) The Director General for Operations at his discretion at any time may issue special directions to any person with respect to the use, process to final product, delivery, or acceptance of delivery of, or the placing of orders for, fibrous glass textiles by such person, or to any producer with respect to the kinds of fibrous glass textiles which he may or must produce.

(5) Such authorizations and directions will be made to ensure the satisfaction of requirements, direct and indirect, for the defense of the United States, and for essential civilian supply; and may also be made in consideration of any possible dislocation of labor, of the problems of transportation, including cross-hauling, and of the necessity of keeping a plant in operation so that it may be able to fulfill war orders and essential requirements; and may be issued, and, unless otherwise specified by the Director General for Operations, shall be complied with, without regard to preference ratings.

(c) *Applications and reports—(1) Distributors and users; application for authorization to accept delivery.* Each distributor and each user seeking authorization to accept delivery of fibrous glass textiles from a producer during any calendar month shall file application on Form PD-790. Six copies shall be prepared, of which two shall be forwarded to the producer, together with the purchase order, not later than the 1st day of the month preceding the month for which delivery is requested, and three shall be sent at the same time to the War Production Board.

(2) *Producers—(i) Application for authorization to manufacture sliver and to place sliver into process.* Each producer seeking authorization to manufacture sliver and to place sliver into process for the production of fibrous glass textiles in any month shall file application on Form PD-789 in triplicate with the War Production Board on or before the 15th day of the month preceding the month for which authorization is requested.

(ii) *Application for authorization to deliver fibrous glass textiles.* Producers shall seek authorization to deliver fibrous glass textiles only to distributors and users who have filed with them Form PD-790 in duplicate. Each producer seeking authorization to make such deliveries to any distributor or user during any calendar month shall indicate on both copies of Form PD-790 received from such distributor or user his proposed deliveries during such month to such distributor or user, and shall file one of such copies with the War Production Board on or before the 15th day of the month preceding the month for which delivery is requested.

(iii) *Deliveries by producers for own use; application for authorization.* Each producer who consumes part of his pro-

duction of fibrous glass textiles in the manufacture of any product which is not itself a fibrous glass textile, as defined in paragraph (a) (1), shall treat the production and consumption parts of his operations as separate divisions, and delivery to himself for consumption shall be deemed delivery, requiring authorization within the meaning of paragraph (b) (1). Each such producer in his separate capacity as a producer and as a user shall file all the applications and reports required by paragraphs (c) (1) and (c) (2) (ii). A producer who consumes all or any part of his production of fibrous glass textiles in the manufacture of products which are not fibrous glass textiles as defined in paragraph (a) (1) must request allocation only for that type of fibrous glass textile which immediately precedes the manufacturing process which changes its form beyond that shown in the list of fibrous glass textiles in paragraph (a) (1).

(iv) *Cancellation of deliveries; notice by producer.* Each producer shall notify the War Production Board of the cancellation by a distributor or user of any authorized delivery or of inability to make authorized delivery within 5 days after he has notice of such fact.

(3) *Other reports.* All persons affected by this order shall file such other reports as may be requested from time to time by the Director General for Operations.

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

(2) *Communications to War Production Board.* All applications and reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork, Asbestos and Fibrous Glass Division, Washington, D. C. Ref: M-282.

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

Issued this 9th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2109; Filed, February 9, 1943;
11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Amendment 1 to Rev. Procedural Reg. 3¹]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

Sections 1300.209, 1300.212, 1300.229, and 1300.234 (a) of Revised Procedural Regulation No. 3 are amended to read as follows:

§ 1300.209 *Applications for review.* Any landlord whose petition for adjustment or other relief has been dismissed or denied in whole or in part by the rent director, or any landlord subject to an order entered by the rent director on his own initiative, may within fifteen days after the date on which notice of such determination was mailed to him, file with the rent director an application for review of such determination by the regional administrator for the region in which the defense-rental area office is located. An application for review shall be filed in triplicate upon forms prescribed by the Administrator and pursuant to instructions stated on such forms, and shall be accompanied by three copies of all the evidence, in affidavit form, upon which the landlord intends to rely in support of his objections to the dismissal or denial of the petition for adjustment or other relief, or to the order entered by the rent director on his own initiative. Immediately upon the filing of an application for review of such determination, the rent director shall forthwith forward the record of the proceedings with respect to which such application is filed to the appropriate regional administrator. If a petition for adjustment or other relief is denied by the regional administrator upon such application for review, or if an order entered by the rent director on his own initiative is affirmed, such denial or affirmation shall be final subject only to protest as provided in §§ 1300.215 to 1300.228, inclusive, of this regulation.

§ 1300.212 *Place for filing petitions for amendment; form and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C. One original and four copies of the petition and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented. Every such petition shall be designated "Petition for Amendment" and shall contain, upon the first page thereof, the name of the defense-rental area and the number and date of issuance of the maximum rent regulation to which the petition relates, and the name and address of the petitioner. The petition shall specify the manner in which the petitioner is

¹ 8 F.R. 526.

subject to or affected by the provision of the maximum rent regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in his petition.

§ 1300.229 *Requests for oral hearing.* Any protestant or petitioner may request an oral hearing. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence and briefs will not permit the fair and expeditious disposition of the protest. In the event that an oral hearing is ordered in connection with a protest, or with proceedings under § 1300.208 of this regulation, notice thereof shall be served on the protestant or petitioner not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice. Any such oral hearing may be limited in such manner and to the extent deemed appropriate to the expeditious determination of the proceeding.

§ 1300.234 *Subpoenas.* (a) Any protestant or petitioner may apply for a subpoena in connection with an oral hearing. Applications for subpoenas when made prior to the oral hearing shall be filed as follows: (1) in connection with a protest against a provision of a maximum rent regulation or order, with the Secretary, Office of Price Administration, Washington, D. C.; (2) in connection with a proceeding under § 1300.208 of this regulation with the rent director or regional administrator, as the case may be, before whom such proceeding is pending. The Administrator may grant or deny an application for a subpoena or refer it to the presiding officer appointed or designated under § 1300.232 who may thereafter grant or deny the application. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer, who may grant or deny such application.

§ 1300.253a *Effective dates of amendments.* (a) This Amendment No. 1 (§§ 1300.209, 1300.212, 1300.229, 1300.234 (a)) to Revised Procedural Regulation No. 3 shall become effective February 13, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of February, 1943.

PRENTISS M. BROWN,
Administrator.[F. R. Doc. 43-2064; Filed, February 8, 1943;
2:55 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order 36]

LICENSING SELLERS OF YARNS, TEXTILES,
TEXTILE PRODUCTS AND SERVICES RE-
LATED THERETOA statement of the reasons for this
Supplementary Order No. 36 has been

issued simultaneously herewith and filed with the Division of the Federal Register.*

Pursuant to the authority of the Emergency Price Control Act of 1942, including section 205 (f) (2) thereof, *It is hereby ordered:*

§ 1305.42 *Licensing sellers of yarns, textiles, textile products and services related thereto—(a) License required.* A license as a condition of selling is required of every person selling any commodity or service for which a maximum price is established by Revised Price Schedules Nos. 7, 18, 23, 35, 58, 89 or Maximum Price Regulations Nos. 11, 33, 39, 106, 118, 127, 128, 151, 163, 167, 168,¹ as now or hereafter amended or supplemented, or by any other price regulation now or hereafter issued or amended making applicable by reference the provisions of this supplementary order.

(b) *License granted.* Every person selling any commodity or service for which a maximum price is established by Revised Price Schedules Nos. 7, 18, 23, 35, 58, 89 or Maximum Price Regulations Nos. 11, 33, 39, 106, 118, 127, 128, 163, 167, 168 as now or hereafter amended or supplemented, or by any price regulation now or hereafter issued or amended making applicable by reference the provisions of this supplementary order, is hereby granted a license as a condition of selling such commodity or service. The provisions of every regulation of the Office of Price Administration to which this order now is or may hereafter become applicable shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. The license granted by this order shall become effective upon the effective date

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

¹No. 7: 7 F.R. 2000, 2132, 2277, 2393, 2509, 2737, 3160, 3551, 3664, 5481, 8948, 9732, 10469; 8 F.R. 972.

No. 11: 8 F.R. 361.

No. 18: 7 F.R. 2000, 2132, 5138, 7435, 8948.

No. 23: 7 F.R. 2000, 2132, 2899, 2966, 2945, 3242, 3481, 6771, 8948.

No. 33: 7 F.R. 7557, 8948, 10070.

No. 35: 7 F.R. 2132, 2738, 2795, 3060, 3164, 3447, 3900, 6640, 7248, 7318, 8201, 8586, 8937, 8948; 8 F.R. 155.

No. 39: 7 F.R. 5243, 5512, 6774, 8946, 8948.

No. 58: 7 F.R. 2000, 2132, 2397, 2580, 2543, 3088, 3271, 4117, 4296, 4299, 4428, 5512, 6494, 7602, 7945, 8941, 8948, 10257.

No. 89: 7 F.R. 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 7599, 8937, 8948.

No. 106: 7 F.R. 1648, 2245, 2397, 4338, 8948.

No. 118: 7 F.R. 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484, 7451, 8217, 8941, 9002, 8948, 9969; 8 F.R. 274.

No. 127: 7 F.R. 3242, 4180, 4454, 4587, 4762, 5364, 5675, 6653, 8948, 9823.

No. 128: 7 F.R. 4659, 6615, 8948.

No. 151: 7 F.R. 4667, 7911, 8948.

No. 163: 7 F.R. 4733, 4734, 5827, 5872, 6887, 6973, 7454, 7603, 8941, 8948.

No. 167: 7 F.R. 6895, 7403, 8948, 10448.

No. 168: 7 F.R. 8193, 8948; 8 F.R. 373.

of this order, or when any person becomes subject to the provisions of this order, and shall, unless suspended as provided in the Emergency Price Control Act of 1942, continue in force so long as and to the extent that any such regulation or any applicable part, amendment or supplement remains in effect.

(c) *Exclusions.* This order shall not apply to sales at retail.

(d) *Licensing section of General Maximum Price Regulation superseded.* This supplementary order supersedes the registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation² insofar as said sections may be applicable to persons making sales for which a license is required by this order: *Provided*, That the provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall continue to apply to sales at retail.

(e) *Registration of licensees.* Every seller hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

(f) *License and transferable.* The license hereby granted is not transferable.

(g) *Suspension of license.* Licensees violating any of the provisions of this order or of the license hereby granted or violating any of the provisions of the price regulations specified in paragraph (a) hereof, or violating the provisions of any applicable regulation, order or requirement under section 202 (b) of the Emergency Price Control Act of 1942, are subject to the licensing suspension proceedings provided for in said Act. No person whose license is suspended in proceedings under section 205 (f) (2) of the Act shall, during the period of suspension, sell any commodity or service as to which his license to sell is suspended. No proceeding for the suspension of a license, and no suspension, shall confer any immunity from any other provision of the Act.

(h) *Definitions.* When used in this supplementary order the terms:

(1) "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, any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

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

(3) "Price regulation" means a schedule effective in accordance with the provisions of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration,

² 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, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204.

tion, or any order issued pursuant to any such regulation or schedule.

(4) "Act" means the Emergency Price Control Act of 1942.

This supplementary order shall become effective February 13, 1943.

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

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2065; Filed, February 8, 1943; 2:56 p. m.]

PART 1340—FUEL

[MPR 137,¹ Amendment 20]

PETROLEUM PRODUCTS SOLD AT RETAIL

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

In § 1340.91 a new paragraph (m) is added as set forth below:

§ 1340.91 *Appendix A: Maximum prices for petroleum products sold at retail establishments.* * * *

(m) If the maximum tank wagon price of a particular petroleum product to a retail dealer is increased pursuant to § 1340.159 (b) (11) of Revised Price Schedule No. 88 or if such maximum price is increased pursuant to any amendment to Revised Price Schedule No. 88 adopted after February 13, 1943, such retail dealer's maximum price for such petroleum product shall be increased by the same amount.

§ 1340.93a *Effective dates of amendments.* * * *

(v) Amendment No. 20 (§ 1340.91 (m)) to Maximum Price Regulation No. 137 shall become effective the 13th day of February, 1943.

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

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2067; Filed, February 8, 1943; 2:54 p. m.]

PART 1340—FUEL

[RPS 88,² Amendment 66]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment

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

¹ 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938, 8948, 9335, 10684, 11008, 11112, 11075; 8 F.R. 231, 232, 1226, 1586.

² 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4654, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6067, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684, 11069, 11112, 11075; 8 F.R. 157, 232, 233, 857, 1227, 1200, 1457.

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

In § 1340.159 (b) a new subparagraph (11) is added and in § 1340.162 the designations (1) and (2) are corrected to read (a) and (b) respectively and a new paragraph (c) is added to read as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(b) *Petroleum products.* * * *

(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.
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).

For any points in the State of—
Continued.

	<i>Reference tank wagon sellers</i>
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.

§ 1340.162 *Notice to purchasers.*

(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.

§ 1340.158a *Effective dates of amendments.* * * *

(000) Amendment No. 66 (§§ 1340.159 (b) (11); 1340.162 (c)) to revised Price Schedule No. 88 shall become effective this 13th day of February, 1943.

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

Issued this 8th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2066; Filed, February 8, 1943; 2:55 p. m.]

PART 1345—COKE

[RPS 77, Amendment 4]

BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

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

Section 1345.51 is amended, and a new paragraph (d) is added to § 1345.61, as set forth below:

§ 1345.51 *Maximum delivered prices for beehive oven furnace coke produced in Pennsylvania.* (a) Except as hereinafter provided, on and after February 3, 1943, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, beehive oven furnace coke produced in Pennsylvania to any consumer, and no consumer shall buy, offer to buy or accept delivery of beehive oven furnace coke produced in Pennsylvania at a delivered price higher than \$6.50 per net ton f. o. b. cars ovens, plus the transportation charges from Connellsville, Pennsylvania, to the place of delivery as customarily computed.

(b) Notwithstanding the provisions of paragraph (a) of this section, on and after February 3, 1943, no person shall sell, offer to sell, deliver or transfer, beehive oven furnace coke produced in Pennsylvania in hand-drawn ovens for which the total coal supply is necessarily trucked from the mine to the ovens, and no consumer shall buy, offer to buy or

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

¹ 7 F.R. 1353, 2000, 2132, 2760, 6386, 8948; ⁸ F.R. 1313.

accept delivery of such coke, at a delivered price higher than \$7.00 per net ton f. o. b. cars ovens, plus the transportation charges from Connellsville, Pennsylvania, to the place of delivery as customarily computed: *Provided*, That any such seller shall file (unless he shall have done so prior to said date) with the Office of Price Administration an affidavit stating the name, ownership and average monthly production of the operation, the number of ovens operated, whether part or all of the ovens are hand-drawn, the distance and place from which the coal must be trucked and whether or not all of the coal is so trucked.

§ 1345.61 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1345.51 and 1345.61) shall become effective as of February 3, 1943.

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

Issued this 8th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2081; Filed, February 8, 1943; 4:36 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 317]

LOCKS AND LOCK SETS

In the judgment of the Price Administrator it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, to replace Revised Price Schedule No. 40,¹ insofar as it establishes maximum prices for locks or lock sets, with a separate regulation.

So far as practicable, the Price Administrator has consulted with representatives of the trade and industry, and in the judgment of the Price Administrator, the maximum prices established by this Regulation are generally fair and equitable and in conformity with the general level of maximum prices prevailing during the period October 1 to October 15, 1941, for comparable products. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Accordingly, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 317 is hereby issued.

¹ 7 F.R. 1280, 2132, 8383, 8948.

² 7 F.R. 8961.

Sec.	
1346.351	Scope of Maximum Price Regulation No. 317.
1346.352	Definitions.
1346.353	Prohibitions.
1346.354	Manufacturers' maximum prices for locks and lock sets.
1346.355	Jobbers' maximum prices for locks and lock sets.
1346.356	Cash discounts, transportation charges and other services applicable to manufacturers and jobbers.
1346.357	Less than maximum prices.
1346.358	Federal and State taxes.
1346.359	Adjustable pricing.
1346.360	Notification of purchasers of existence of Regulation.
1346.361	Evasion.
1346.362	Records and reports.
1346.363	Licensing.
1346.364	Enforcement.
1346.365	Petitions for adjustment or amendment.
1346.366	Effective date.
1346.367	Appendix A: Maximum prices for locks or lock sets.

Authority: §§ 1346.351 to 1346.367, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1346.351. *Purpose and scope of Maximum Price Regulation No. 317; its relationship to other price regulations—*

(a) *Purpose and scope of regulation.* It is the purpose of this Maximum Price Regulation No. 317 to establish maximum prices at which manufacturers and jobbers may sell or offer for sale locks or lock sets in the forty-eight states of the United States and the District of Columbia.

(b) *Revised Price Schedule No. 40 superseded.* The provisions of Revised Price Schedule No. 40 are superseded by this Maximum Price Regulation No. 317 with respect to the sales of locks or lock sets for which maximum prices are in effect pursuant to this Maximum Price Regulation No. 317.

(c) *Maximum Price Regulation No. 261¹ applicable.* The maximum prices at which a person may sell locks or lock sets pursuant to a contract sale shall be determined in accordance with the provisions of Maximum Price Regulation No. 261.

(d) *Revised Maximum Export Price Regulation² applicable.* The maximum prices at which a person may export locks or lock sets shall be determined in accordance with the provisions of Revised Maximum Export Price Regulation.

(e) *Maximum Price Regulation No. 188,³ applicable in part only.* The provisions of Maximum Price Regulation No. 188 are not applicable to sales of locks or lock sets by manufacturers except for the pricing of locks or lock sets first offered for sale on and after Febru-

ary 13, 1943, as set forth in § 1346.354 (c) of this Regulation.

(f) *General Maximum Price Regulation⁴ applicable.* The provisions of the General Maximum Price Regulation are applicable only to a sale at retail of locks or lock sets.

§ 1346.352 *Definitions.* (a) When used in this Maximum Price Regulation No. 317 the term:

(1) "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.

(2) "Manufacturer" means a person operating an establishment which produces or assembles locks and/or lock sets, as well as any sales subsidiary or affiliate, any commission salesman or other manufacturer's agent.

(3) "Locks" mean any fastening device having a dead bolt and/or spring latch bolt, including, but not limited to, mortise locks and latches, rim locks, schoolhouse locks, entrance locks, dead locks, hospital locks, cylinder locks, but not including padlocks and cabinet locks.

(4) "Lock sets" means any lock combined with its trim, including, but not limited to knobs, handles, escutcheon plates, roses, and screws.

(5) "Jobber" means a person who purchases locks and/or lock sets direct from a manufacturer for resale and sells to retail stores.

(6) "Contract sale" means a sale for a stated price of combinations of two or more different items of finishing builders' hardware (whether or not the contract covers other commodities) made according to plans, specifications, lists or schedules supplied and/or approved by an owner of a building project or his agent, including, but not limited to, the general contractor, the subcontractor or the architect.

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

(8) "Government contract" means any contract with the United States, or any agency thereof, or with the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States", or with any agency of any such government.

(b) Unless the context otherwise requires, the definitions set forth in section

302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1346.353 *Prohibition against sales of locks or lock sets at higher than maximum prices.* On and after February 13, 1943, regardless of any contract or other obligation:

(1) No person shall sell or deliver locks or lock sets at prices higher than the maximum prices set forth in §§ 1346.354 and 1346.355;

(2) No person in the course of trade or business shall buy or receive any locks or lock sets at a price higher than that permitted by this Maximum Price Regulation No. 317.

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2) of this section.

§ 1346.354 *Manufacturers' maximum prices for locks and lock sets—*(a) *Manufacturers' sales to jobbers.* The maximum price for sales of locks or lock sets by manufacturers to jobbers shall not be more than the prices set forth in Appendix A, incorporated herein as § 1346.367, less a discount of five per cent.

(b) *Manufacturers' sales to persons other than jobbers.* The maximum price for sales of locks or lock sets by manufacturers to persons other than jobbers shall not be more than the prices set forth in Appendix A (§ 1346.367).

(c) *Manufacturers' maximum prices for locks and lock sets first offered for sale on and after February 13, 1943.* The maximum price for sales of any lock or lock set first offered for sale by a manufacturer on or after February 13, 1943, for which a maximum price is not set forth in Appendix A (§ 1346.367) and which differs in size, type, material, or combination of component parts or trim, in whole or in part, from locks or lock sets listed in Appendix A (§ 1346.367) shall be determined in accordance with the provisions of § 1499.154 of Maximum Price Regulation No. 188, as amended.

§ 1346.355 *Jobbers' maximum prices for locks and lock sets.* The maximum price for sales of locks or lock sets by jobbers, except sales at retail, shall not be more than the actual cost of such locks or lock sets (figured at prices not higher than the maximum prices permitted by this regulation), plus a markup over cost of 33 $\frac{1}{3}$ per cent, plus transportation charges paid by the jobber in securing delivery. If a jobber sells locks or lock sets at retail, such a sale is to be governed by the provisions of the General Maximum Price Regulation.

§ 1346.356 *Cash, quantity and other discounts, transportation charges and other services applicable to manufacturer and jobber.* The maximum prices established by §§ 1346.354 and 1346.355 shall be subject to at least the same extension of cash, quantity and other dis-

¹Copies may be obtained from the Office of Price Administration.

²7 F.R. 9187.

³7 F.R. 5059, 7242, 8826, 9000, 10530.

⁴7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537.

⁵7 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, 8943, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204.

counts, the same absorption of transportation charges and the same rendition of services, as the seller extended, absorbed, or rendered on comparable sales to purchasers of the same class on October 1, 1941.

§ 1346.357 *Less than maximum prices.* Lower prices than those established under §§ 1346.354 and 1346.355 may be charged, demanded, paid, or offered.

§ 1346.358 *Federal and State taxes.* There may be added to the maximum prices established by this Maximum Price Regulation No. 317 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if; (a) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer, or user with tokens or other media of State or municipal tax payments; or (c) such statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this paragraph shall in no event exceed that paid by the purchaser, consumer or user.

§ 1346.359 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not higher than the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or adjustment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1346.360 *Notification of purchasers of existence of regulation.* Every person selling locks or lock sets subject to this Maximum Price Regulation No. 317 shall, before making a sale, notify the purchaser of the existence of this Maximum Price Regulation No. 317, and, upon request of the purchaser, make available a copy of this Maximum Price Regulation No. 317 at the seller's principal place of business and at every branch office for examination by the purchaser.

§ 1346.361 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 317 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, obligation, or delivery

of, or relating to sales of locks and lock sets, either alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1346.362 *Records and reports.* (a) Every person making sales subject to this regulation shall have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a complete and accurate record of every sale of locks or lock sets, including the date of sale, the name and address of the purchaser, the Federal type number, the manufacturer's plate number or the jobber's plate number, the sale price of each lock or lock set, and the discount allowed.

(b) Every manufacturer subject to this regulation shall forward to the Office of Price Administration, Building Materials Branch, Washington, D. C., within thirty days after the effective date of this regulation, unless previously submitted, copies of all current catalogs, price books and discount sheets relative to locks or lock sets. Copies of all such catalogs, price books and discount sheets issued at any time subsequent to the effective date of this regulation shall be forwarded to the Office of Price Administration, Building Materials Branch, Washington, D. C., at least five days before the issuance thereof.

(c) Persons affected by this Maximum Price Regulation No. 317 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1346.363 *Licensing.* The provisions of Supplementary Order No. 18, licensing persons selling lumber, lumber products or building materials, are applicable to every person (except manufacturers) making sales of locks or lock sets for which maximum prices are fixed by this regulation.

§ 1346.364 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 317 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 317 or the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this Maximum Price Regula-

tion No. 317 or any price schedule, regulation, or order issued by the Office of Price Administration or any acts or practices which constitute such a violation, are urged to communicate with the nearest state, district or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1346.365 *Applications for adjustment or petitions for amendment—(a) Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a government contract or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede the sale of locks or lock sets, may file an application for adjustment of a maximum price established by this Maximum Price Regulation No. 317 in accordance with Procedural Regulation No. 6¹ issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 317 may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1346.366 *Effective date.* This Maximum Price Regulation No. 317 (§§ 1346.351, to 1346.367, inclusive) shall become effective February 13, 1943.

§ 1346.367 *Appendix A: Maximum prices for locks or lock sets.* (a) There is set forth in the tables below the maximum price for each lock or lock set to which this regulation applies. The first column shows the Federal type number of each such lock or lock set. The second column shows the manufacturers' maximum price for each such lock or lock set. The remaining columns show the lock or lock set for each designated manufacturer comparable to each lock or lock set listed in column one.

In order to ascertain a maximum price, a person shall first locate in the proper manufacturer's designated column the lock or lock set for which a maximum price is sought, then reading horizontally to the left determine according to the table the lock or lock set listed in Column One to which it is comparable. The maximum price is that appearing in Column Two opposite to such lock or lock set.

(b) The specifications for each lock or lock set listed in the tables below shall not be reduced below the minimum permitted by specifications of that lock or lock set to which it is comparable as set forth in FF-H-106, Federal Specifications for Hardware, Builders' Locks and Lock-Trim, without a corresponding reduction in price.

¹ 7 F.R. 7240, 11007.

¹ 7 F.R. 5087, 5664.

TABLE I—HANDLE SETS

Federal type No.	Maximum price	Barrows Lock Works	Clinton Lock Co.	Earle Hardware Mfg. Co.	Lockwood Hardware Mfg. Co.	Norwalk Lock Co.	Penn Hardware Co.	P. & F. Corbin	Reading Hardware Corporation	Russell & Erwin Mfg. Co.	Sager Lock Works	Sargent & Co.	Skillman Hardware Mfg. Co.	Yale & Towne Mfg. Co.	
HANDLE SETS															
Locks 125	9.00 set	PS163P162	S114280	BW1634 iron 9201	JA 2813 x 32	AM740646	DM8631 x E6602	0288 iron x 2/70280 x 4417 1/2	BE5442	E7132	PN0910584	3661PB x 2 x 933	GLS5555	7432 1/4 x PN2534	
Pr. handles 420															
Locks 125	5.00 set	P12P162	114280	9214 1/2 steel	MD4848 x 32	FU150646	DB9412 x E6602	0288 iron 2/70280 x 4410 1/2	BE5340 1/4	E7232	AW0820584	7425TC x 933	HBS5555	7432 1/4 x DU316	
Pr. handles 400															
Locks 125	9.00 set	PS163P163	S114340	PW1634 iron x 9200	JA 2813 x 18702 1/2 x 32	AM740641	DM8631 x E6650	1347 1/2 iron x 2/75583 x 4417 1/2	E-1566 x E-BE2442	E7119	PN0910587	3651PB	GLS8885	7482 x PN2534	
Pr. handles 420															
Locks 125	5.00 set	P12P163	114280	9214 1/2 steel x 9200	MD4848 x 18702 1/2 x 32	FU150641	DB9412 x E6650	1347 1/2 iron x 2/70280 x 4410 1/2	E-1566 x BE340 1/4	E7219	AW0820587	7425TC x 951	HBS8885	7482 x DU316	
Pr. handles 400															
Locks 800 x 2 cylinders	10.40 set	PS163P996	S1170306					3385 x 2/75583 x 4417 1/2 x No TP out	1572 x E-BE2442	E7152 1/2	PN0910886	3661PB x 2 x 976		7426 1/4 x PN2534	
Pr. handles 420															
Locks 800 x 2 cylinders	6.40 set	P12P996	117030					3385 x 2/70280 x 4410 1/2	1572 x BE340 1/4	E7252 1/2	AW0820886	7425TC x 976		7426 1/4 x DU316	
Pr. handles 400															

TABLE II—DEAD LOCKS

Lock No.	Price	Part No.	Material	Weight	Turn Knob	Part No.	Part No.	Part No.	Part No.	Part No.	Part No.	Part No.	Part No.	Part No.	Part No.
DEAD LOCKS															
Lock 38A:	1.25 each	P1163 x P161507	960 x 9/25	V2161 x 2/19360 x 32	8180 x 8773	E3658 x DM841 1/4	132 iron x 2/4496	E7078 3/4 x 7926-Lenox	4949 x 617 x 2	0963 3/4 x PR02590	5078 x S934	270 x 2/GS814			
Escutecheon 2/350A															
Lock 38A:	1.10 each	P1163 x P161523	960 x 43/25	V2161 x 2/1450 x 32	8180 x 4733	E3658 x DT9401 1/4	132 iron x 2/3560	E7078 3/4 x 7925-Berk.	4949 x 310 x 2	0963 3/4 x 02501	5078 x S930	270 x 2/BH12			
Escutecheon 2/351															
Lock 114	2.40 each	P1193	8050 1/2	V2214 1/4 x 32	8392 1/4	E7321	3013	E7203	4861	099ST	S6661	325			
Lock 114: No turn knob	2.15 each	P1191	8050 1/4	V2214 x 32	8392	E7320	3011	E7203 1/4	4851	0995	S0660	324			
Lock 115	2.90 each	P1192	8050	V2214 1/4 x 32	8392 1/2	E7322	3012	E7203 1/2	4865	0995 1/2	S6663	324 1/4			
Lock 116	3.00 each	P1123	7050 1/2	V2243 1/2 x 32	8394 1/4	E7361	141 3/4 iron	E7207	4841	09697T		305			
Lock 116: No turn knob	2.75 each	P1121	7050 1/4	V2243 x 32	8394	E7360	0141 iron	E7207 1/4	4831	0969		304			
Lock 117	3.50 each	P1122	7050	V2243 3/4 x 32	8396 1/2	E7362	141 iron	E7207 1/2	4845	0969 1/2		304 1/4			

TABLE III—MORTISE LOCK AND LATCH SETS

Federal type No.	Maximum price	Barrows Lock Works	Clinton Lock Co.	Earle Hardware Mfg. Co.	Lockwood Hardware Mfg. Co.	Norwalk Lock Co.	Penn Hardware Co.	P. & F. Corbin	Reading Hardware Corporation	Russell & Erwin Mfg. Co.	Sager Lock Works	Sargent & Co.	Skillman Hardware Mfg. Co.	Yale & Towne Mfg. Co.
MORTISE-LOCK AND LATCH SETS														
Locks 4 mod.	1.60 each	PC197601 x P161507	434080 x 9/26	301 x 55 1/4 x EY7 x W5	3109 x V974 x V7 x V560 x 32	LO765320	237-24 Changes x 82 1/4 YH x CE839 x DM841 1/4	1327 x 01510 1/2 01118 x 2/4496	855 1/4 x E-P004722AS x E-200 x E-P1205	E-01-MA3	AH01250 x P1R02500	5160 x 1852 x 278 x 617 x 2	5003 x S3585	808 x G35 x G222 x G5814
Locks 4 mod.	.60 each	PC36601	441080 x 49/26	301 x 54 1/4 x P1-S x W5	3109 x 9273 1/2 56 x 1450 x 32	LO165320	237-24 Changes x 93 1/4 YL x 934 x DT901 1/2	604-038	E-1407	E-01-RA3	AF01250	5160 x 1462F x 144 x 310 x 2	5003 x TS25	808 x R035 x R222 x B812
Knobs 210 Roses 330 Escutcheon 351	2.10 each	PC197623 x P161507	434080 1/4 x 9/26	303 x 55 1/4 x EY7 x W5	V3611 x V9174 x V7 x V560 x 32	LO765324	2328 x 82 1/4 YH x CE839 x DM841 1/4	685 1/4 x 01519 1/2 x 01118 x 2/4496	E-01257 x E-P004722 AS x E-200 x E-P1205	E-75 1/4 MA3	AH01272 1/4 P1R02500	5369 x 1462F x 144 x 310 x 2	5003 1/4 x S3585	1820 x G35 x G222 x G5814
Locks 4A	1.10 each	PC36623	444080 1/4 x 49/26	303 x 54 1/4 x P1-S x W5	V3611 x 9273 1/2 x 56 x 1450 x 32	LO165324	2328 x 93 1/4 YL x 934 x DT901 1/2	685 1/4 x 01419 1/2 x 01118 x 2/3560	E-01257 x P00422 1/4 x 22 x P100 1/4	E-75 1/4- RA3	AF01272 1/4	5369 x 1462F x 144 x 310 x 2	5003 1/4 x TS25	1820 x R035 x B222 x B812
Knobs 210B Roses 330A Escutcheon 351	2.04 each	PC197637EK x P161507	44500 x 9/26	308 x 55 1/4 x EY7 x TB5 x W5	V3614 x V9174 x V7 x V560 x 32	LO765460 1/4	E3190 x DN962 x 82 1/4 YH x CE839 x DM841 1/4	0759- Iron x 01519 1/2 x 01118 x 4496 Iron x 3140	E-1180 x E-P004722 AS x E-200 x E-P1205 x E-P1486	E-34-MA3	AH01470EK x P1R02500 x P1R02490B	4650 1/4 x 1852 x 278 x 617 x 125	5003 1/4 x S3585	1819 x M503 x G35 x G222 x G5814 1/4
Locks 17A	1.94 each	PC36637EK	44500 x 49/26	308 x 54 1/4 x P1-S x W5 TB5 x W5	V3614 x 9273 1/2 x 56 x 1450 x 32	LO165460 1/4	E3190 x DT962 x 93 1/4 YL x 934 x DT901 1/2	0759- Iron x 01419 1/2 P W x 01109 1/2 x 3590 1/2 x 3560	E-1180 x P00422 1/4 x 22 x P100 1/4 x P468 1/4	E-31-RA3	AF01470EK	4650 1/4 x 1462F x 310 x 125	5003 1/4 x TS25	1819 x M503 x B035 x B222 x 812 1/2
Locks 20 Knobs 210 Roses 330A	4.04 each	PC1977077	43520	308 1/2 x 55 1/4 x EY7 x TB5	V5538 x V9174 x V7 x V560 x 32	LO765463	E3369 x 2/DN962 x 82 1/4 YH x CE839	1594 x 01519 1/2 x 01118 x 2/3140	E-1182 x E- P004722AS x E-200 x E-1486	E-36 1/2-MA3	AH010482	4675 x 1852 x 278 x 125 x 2	5231 x S3585	1525 x G35 x G222 x 2/G5814 1/4
Locks 20 Knobs 210B Roses 330	3.04 each	PC36P977	44520	308 1/2 x 56 1/4 x P1-S x TB5	V5538 x 9273 1/2 x 56 x 1450 x 32	LO165463	E3369 x 2/DN962 x 93 1/4 YL x 934	1594 x 01419 1/2 P W x 01109 1/2 x 2/3140	E-1182 x P00422 1/4 x 22 x P468 1/4	E-36 1/2-RA3	AF010482	4675 x 1462F x 144 x 125 x 2	5231 x TS25	1525 x B035 x B222 x 2/B812 1/4
Locks 28 Knobs 210 Roses 330A	2.37 each	PC1977210	433000	308 1/2 x 56 1/4 x P1-S x TB5	V1080 x V9174 x V7 x 32	8067 x P1R/9650G x 53 1/2	E1687 x 82 1/4 YH x CE839	049 Iron x 01519 1/2 x 01118	E-1078 x E-P004722AS E-200	E-25-MA3	AH01130	4645 x 1852 x 278 x 2	61 x S3585	1016 x G35 x G222
Locks 28 Knobs 210B Roses 330	1.37 each	PC36P210	443000	308 1/2 x 56 1/4 x P1-S x TB5	V1080 x 9273 1/2 x 56 x 32	8067 x P1R/9536 x 59 1/2	E1687 x 83 1/4 YL x 934	049 Iron x 01419 1/2 P W x 01109 1/2	E-1078 x P00422 1/4 x 22	E-25-RA3	AF01130	4645 x 1462F x 144 x 2	61 x TS25	1016 x B035 x B222
Locks 28 Mod. Knobs 210 Roses 330A	1.72 each	PC1977200	433001	111 x 55 1/4 x EY7	1000 x V194 x V7 x 32	(108 or 9030) x P1R/9650G x 53 1/2	E1502 x 82 1/4 YH x GE839	055 x 01519 1/2 01118	E-1018 1/4 x E-P004722AS E-200	E-39-MA3	AH01110	4621 x 1852 x 278 x 2	53 1/4 x S3585	1003 x G35 x G222
Locks 28 Mod. Knobs 210B Roses 330	.72 each	PC36P200	443001	111 x 54 1/4 x P1-S	1000 x 9273 1/2 x 56 x 32	(108 or 9030) x P1R/9536 x 59 1/2	E1592 x 93 1/4 YL x 934	055 x 01419 1/2 P W x 01109 1/2	E-1018 1/4 x P00422 1/4 x 22	E-39-RA3	AF01110	4621 x 1462F x 144 x 2	53 1/4 x TS25	1003 x B035 x B222

TABLE VI—SECTIONAL LATCH SETS—Continued.

Federal type No.	Maximum price	Barrows Lock Works	Clinton Lock Co.	Earle Hardware Mfg. Co.	Lockwood Hardware Mfg. Co.	Norwalk Lock Co.	Penn Hardware Co.	P. & F. Corblin	Reading Hardware Corporation	Russell & Erwin Mfg. Co.	Seger Lock Works	Sargent & Co.	Skillman Hardware Mfg. Co.	Yale & Towne Mfg. Co.
Locks 28 mod. Knobs 221A Roses 330	6.00 doz.	P200 X P1341½ M X 012	J-4080	111 X JM27		9030 X 9244 X 59½	1532 X 324 X 934	0 X 3600 X 01109½	E-1018½ X 00192 X 22	E-30-A3	110 X J02102¼ M X 02002	4610S X 1232 X 144	531½ X 342½	0 X J412¼ X J30
Locks 28 mod. Knobs 221 Roses 330	6.00 doz.	P200 X P1341½ M X 012	PI-4080	111 X PM27		9030 X 9316 X 59½	1532 X 224 X 934	0 X 820 X 01109½	E-1018½ X 00193 X 22	E-30-AP3	110 X P02102¼ M X 02002	4610S X 1414 X 144	531½ X 242½	0 X P412¼ X J30
Locks 28 mod. Knobs clear glass wrought shank Roses 330	10.70 doz.						DT924G X 1592	955 X 0412 X 011109½		E-30-PA3	AFJF030120	4621 X 3343 X 143		1003 X DG0542 X B222
Locks 28 mod. Knobs clear glass wrought shank Roses 330	10.70 doz.						DT924G X 9062S X 1592			E-30-GA3	AFPF030120	4621 X 3314 X 143		1003 X DG0341 X B222
Locks 28 mod. Knobs metal (French shank) Roses 330	10.10 doz.						DT928 X PF94¼ X 1592	055 X 01430 X 01109½		E-30-AY3	AFYC030120	4621 X 1514 X 143		1003 X XDF134 X B222
Locks 28 mod. Knobs 220 Roses 330	10.70 doz.						1592 X 279 Iron Shank 934	055 X 2842 X 01120½		E-30-AA3	0120 X P2132¼ X 02002B	4621 X 1814F X 144		1003 X G202 X B222
Locks 28 mod. Knobs 221A Roses 330	7.20 doz.	P220 X P1341½ M X 012					1592 X 324 X 934	055 X 3600 X 01109½		E-30-A3	0120 X J02102¼ X 02002	4621 X 1232 X 144		1003 X J412¼ X J30
Locks 28 mod. Knobs 221 Roses 330	7.20 doz.	P220 X P1341½ M X 012					1592 X 224 X 934	055 X 820 X 01109½		E-30-AP3	0120 X P02102¼ X 02002	4621 X 1414 X 144		1003 X P412¼ X J30

NOTE: Closet sets.—When closet spindle is substituted for steel trim x steel knob deduct \$.50 per dozen. When closet spindle is substituted for steel trim x glass knob deduct \$1.00 per dozen.

TABLE VII—BATHROOM SETS

Federal type No.	Maximum price	Barrows Lock Works	Clinton Lock Co.	Earle Hardware Mfg. Co.	Lockwood Hardware Mfg. Co.	Norwalk Lock Co.	Penn Hardware Co.	P. & F. Corblin	Reading Hardware Corporation	Russell & Erwin Mfg. Co.	Seger Lock Works	Sargent & Co.	Skillman Hardware Mfg. Co.	Yale & Towne Mfg. Co.
Locks 17A mod. Knobs Clear Glass Wrought Shank. Roses 330	12.75 doz.	PRF36637EK	GK43-500	BG332 X 308	3129 X V6946 X 56 X 32	LO161341½	E3190 X DT962 X 362S X 934	013159 X 0412 X 01109½	0289¼ X 00S206¼ X 22 X P100¼ X P468¼	E-29-PA3	AFJ03470EK	4661 X 3343 X 143 X 310 X 125	YS543¼ X 45	1513 X DG0542 X B222 X B812 X B812¼ X M503
Locks 17A mod. Knobs Clear Glass Wrought Shank. Roses 330	12.75 doz.	PTF36637EK	GK44-500	BG338 X 308		LO162341½	E3190 X DT962 X 9072S X 934			E-29-GA3	AFPE03470EK	4661 X 3314 X 143 X 310 X 125	AS543¼ X 45	1513 X DG0341 X B222 X B812 X B812¼ X M503
Locks 17A mod. Knobs Metal (French Shank). Roses 330	12.15 doz.	PB37637EK	98-500			GR161341½	E3190 X DT962 X PF94¼ X 934	013159 X 01430 X 01109½		E-29-AY3	AFYC03470EK	4661 X 1514 X 143 X 125 X 310		1513 X XDF134 X B222 X B812 X B812¼ X M503
Locks 17A mod. Knobs 220 Roses 330	12.75 doz.	P637 X 1341 X 012B X EK	P-500	308 X PM27 X P1-S X TB5 X W5	9841 X 8225 X 59½ X 01123		E3190 X DT962 X 279 steel shank x 934	013159 X 2842 X 01120½	0289¼ X E-06603¼ X 22 X P100¼ X P468¼	E-29-AA3	470 X P2132¼ X 02002B X EK	4661 X 1814F X 144 X 125 X 310	YS543¼ X 200	1513 X G202 X B222 X B812 X B812¼ X M503

TABLE VII—BATHROOM SETS—Continued.

Federal type No.	Maximum price	Barrows Lock Works	Clinton Lock Co.	Earle Hardware Mfg. Co.	Lockwood Hardware Mfg. Co.	Norwalk Lock Co.	Penn Hardware Co.	P. & F. Corbin	Reading Hardware Corporation	Russell & Erwin Mfg. Co.	Sager Lock Works	Sargent & Co.	Skilman Hardware Mfg. Co.	Yale & Towne Mfg. Co.
Locks 17A mod. Knobs 221A Roses 330	9.25 doz.	P637 x P1345 1/2 M x 012 x E.K.	J-500	308 x JM27 x P1- S x TB5 x W5	VT5000 1/2 V9174 x V7 x 32	9341 x 9244 x 59 1/2 x 01123	F3190 x P1962 x 324 x 934	013159 x 3600 x 01109 1/2	0289 1/2 x 00192 x 22 x P468 1/2	E-29-A3	470 x J02102 1/2 M x 02002 x E.K.	4661 x 1232 x 144 x 125 x 310	YS543 1/2 x 342 1/2	1513 x J412 1/2 x J30 x J40 x B81 2/2 x M503
Locks 17A mod. Knobs 221 Roses 330	9.25 doz.	P637 x P1341 1/2 M x 012 x E.K.	P1-500	8890 x 54 1/2 x P1-S x P2 1/2- steel x TB5	VT5000 1/2 x 9273 1/2 x 56 x 32	9341 x 9316 x 59 1/2 x 01123	F3190 x P1962 x 224 x 934	013159 x 820 x 01109 1/2	0289 1/2 x 00193 x 22 x P468 1/2	E-29-A P3	470 x P02102 1/2 M x 02002 x E.K.	4661 x 1414 x 144 x 125 x 310	YS543 1/2 x 242 1/2	1513 x P412 1/2 x J30 x J40 x B81 2/2 x M503

TABLE VIII—CYLINDER SETS

Federal type No.	Maximum price	Barrows Lock Works	Clinton Lock Co.	Earle Hardware Mfg. Co.	Lockwood Hardware Mfg. Co.	Norwalk Lock Co.	Penn Hardware Co.	P. & F. Corbin	Reading Hardware Corporation	Russell & Erwin Mfg. Co.	Sager Lock Works	Sargent & Co.	Skilman Hardware Mfg. Co.	Yale & Towne Mfg. Co.
Locks 97 Knobs 210 Roses 330A	\$5.00 each	P C197P378	437030	8890 x 54 1/2 x P1-S x P2 1/2- steel x TB5	VT5000 1/2 x 9273 1/2 x 56 x 32	LO765661	E7200 x 82 1/2 YH x C.E.839	01830 Iron x 01319 1/2 x 01118	E-01606 x E-1004720AS x E-1372AR-8 x E-P1372AR-8	E-56-MA3 or E-156-MA3	AH010781	6705 1/2 x 1353 x 278		7656 x G85 x G222
Locks 97 Knobs 210B Roses 330	4.00 each	P C361P378	447030	8890 x 54 1/2 x P1-S x P2 1/2- steel x TB5	VT5000 1/2 x 9273 1/2 x 56 x 32	LO105661	E7200 x 93 1/4 YL x 934	01839 Iron x 01419 1/2 PW x 01109 1/2	E-01606 x E-1004720AS x E-1372AR-8 x E-P1372AR-8	E-56-RA3 or E-156-RA3	AF010781	6705 1/2 x 1463F x 144		7656 x B222
Locks 93 mod. Knobs 210 Roses 330A	4.60 each	P C197P340 1/2	437000M	9101 x 54 1/2 x P1-S x TB5 x P2 1/2 Steel	VT5000 x V9174 x V7 x 32	LO765617	E7551 x DN882 x 82 1/2 YH x C.E.839	3123 x 01519 1/2 x 01118	E-01612 x E-1004722AS x E-1372AR-8 x E-P1372AR-8	E-124-MA3	AH010671	6725 x 1852 x 278	8886 x S3585	7660 x G35 x G222 x T. T. -P
Locks 93 mod. Knobs 210B Roses 330	3.60 each	P C361P340 1/2	447000M	9101 x 54 1/2 x P1-S x TB5 x P2 1/2 Steel	VT5000 x 9273 1/2 x 56 x 32	LO105617	E7551 x DT962 x 93 1/4 YL x 934	3123 x 01419 1/2 PW x 01109 1/2	E-01612 x E-1004722AS x E-1372AR-8 x E-P1372AR-8	E-124-RA3	AF010671	6725 x 1462F x 316	8886 x TS25	7660 x B035 x B222 x T. T. -P
Locks 94 mod. Knobs 210 Roses 330A	5.33 each	P C197P342	437000C	9102 x 55 1/2 x EY7 x P2 1/2 Steel	VT5020 x V9174 x V7 x 32	LO765616	E7552 x 82 1/2 YH x C.E.839	3122 x 01519 1/2 x 01118	E-01612 x E-1004722AS x E-1372AR-8 x E-P1372AR-8	E-124 1/2- MA3	AH010672	6726 x 1852 x 278	8886 1/2 x S3585	7660 1/2 x G35 x G222
Locks 94 mod. Knobs 210B Roses 330	4.33 each	P C361P342	447000C	9102 x 54 1/2 x P1-S x P2 1/2 Steel	BT5020 x 9273 1/2 x 56 x 32	LO165616	E7552 x 93 1/4 YL x 934	3122 x 01419 1/2 PW x 01109 1/2	E-01612 x E-1004722AS x E-1372AR-8 x E-P1372AR-8	E-124 1/2- RA3	AF010672	6726 x 1462F x 144	8886 1/2 x TS25	7660 1/2 x B035 x B222

TABLE IX—ENTRANCE SETS

Federal type No.	Maximum price	Barrows Lock Works	Clinton Lock Co.	Earle Hardware Mfg. Co.	Lockwood Hardware Mfg. Co.	Norwalk Lock Co.	Penn Hardware Co.	P. & F. Corbin	Reading Hardware Corporation	Russell & Erwin Mfg. Co.	Sager Lock Works	Sargent & Co.	Skilman Hardware Mfg. Co.	Yale & Towne Mfg. Co.
Locks 88 mod. Pendent design	3.90 each	P28P340	83-7000 also 54- 73-79 designs	CT51747 Iron	AZ6011 x 32	420611 Empire Kent Stratford	Pendent 996 x E8300	730-842 x 3343AR	PD6432	71248CY2 Cleo, Juno, Havre, etc.	VS, EP, EW, or MB030670	4748RM etc.	YS8882 x RS26	CY77500 CN77500
Locks 91 mod. Pendent design	3.40 each	P28P340V	83-V-7000 also 54- 73-79 designs	CT61747 Iron	AZ6011 1/2 x 32	420651 Empire Kent Stratford	Pendent 986 x E8305	730-742 x 3423AK	PD6432 1/2	71248 1/2 CY2 Cleo, Juno, Havre, etc.	VS, EP, EW, or MB030670V	4748 1/2 RM etc.	YS8882 1/2 x RS26	CY77900 CN77900

TABLE IX—ENTRANCE SETS—Continued.

Federal type No.	Maximum price	Barrows Lock Works	Clinton Lock Co.	Earle Hardware Mfg. Co.	Lockwood Hardware Mfg. Co.	Norwalk Lock Co.	Penn Hardware Co.	P. & F. Corbin	Reading Hardware Corporation	Russell & Erwin Mfg. Co.	Seger Lock Works	Sargent & Co.	Skillman Hardware Mfg. Co.	Yale & Towne Mfg. Co.
Locks 88 mod. Rectangular design other than broad bevel	3.90 each	P34P340	23-7000	GB51747 Steel	WE6011 x 32		TG996 x E9300	727-842 x 3343AR		71248FA2 Hull	NB030670	4748DU etc.	AS8832 x RS26	DE77500
Locks 91 mod. Rectangular design other than broad bevel	3.40 each	P34P340V	23-V-7000	GB61747 Steel	WE6011½ x 32		TG986 x E8305	727-742 x 3423AR		71248½ FA2 Hull	NB030670V	4748½ DU etc.	AS8832½ x RS26	DK77900
Locks 88 mod. Knobs 210 Escutcheon 300 x 302	3.60 each	PC36P340	117000	OB51747	MD6011 x 32	420611 Fulton	DB986 x 93¼ YL x E9300	702-842 x 3343AR	BE06431	71248RA4 Berkley	AW010670	4745TCF	HS8832½ x TS25	DU77500
Locks 91 mod. Knobs 210B Escutcheon 300 x 300 (7 x 2¼ blank)	3.10 each	PC36P340½	11-V-7000	OB61747 Steel	MD6011½ x 32	420651 Fulton	DB986 x 93¼ YL x E8306	702-742 x 3423AR	BE06427	71248½ RA4 Berkley	AW010670V	4745½ TCF	HS8832 x TS25	DU77900
Locks 28 mod. Pendent design with metal knobs.	7.40 doz.	P28P200 P33P200 P34P200	83-3000 also 54-73-79 designs	VN1545L	AZ6201 x 1000 x 32	120307 Kent Empire Stratford	Pendent 926 x 1532	0 x 01435 x 63031	E-1018¼ x P-00421¼ x P-DB21E	01030CY1 Acro Anthony Cleo Havre Juno, Nille	NB03110 NB03110 EW03110		YS83½ x RS26	CY00
Locks 28 mod. Knobs 210B Escutcheon 301 approx. 7 x 2¼.	7.00 doz.	PC36P200	113000	111 x 5¼ x OB51	MD6201 x 1000 x 32	120307 Fulton	DB916 x 93¼ YL x 1532	602-004		01030RA1 Berkley	AW01110	254TCF x 4610S	83¼ x TS26	DU00
Locks 28 mod. Pendent design with metal knobs.	7.40 doz.		234080 also 48-28-17 designs	CT1545HL	CN6201 x 1000 x 32					01030DY1 Rego	EP03110	254ARM x 4610S		CN00
Locks 28 mod. Rectangular design with metal knobs other than broad bevel.	7.40 doz.			GB1545L	WE6201 x 1000 x 32		TG926 x 1532			01030FA1 Hull	NB03110V	254DU x 4610S	AS83½ x RS26	DK00
Locks 28 mod. Pendent design with glass knobs.	9.65 doz.	PRF34P200 PRF28P200 PRF33P200	GK83000 also 54-73-79 designs	CT1325L	AZ6206 x 1000 x 32	121307 Empire Kent Stratford	Pendent 924G x 1532	630D048 x 0	E-1018¼ x 00S206¼ x P-DB21E	01030PA1 or 01030GA1 Acro Anthony Havre Juno Nille	NB03110 MB03110 EWF01110	284RM x 4610S	YS83½ x 45	GCV05N GCN05N

Issued this 8th day of February 1943.
PRENTISS M. BROWN,
Administrator.
 [F. R. Dec. 43-2068; Filed, February 8, 1943; 2:54 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS
 [MPR 319]

CERTAIN BAKERY PRODUCTS

This regulation provides for the determination of maximum prices for certain bakery products. The prescribed formula for determining these prices

takes into consideration present cost of ingredients and packaging materials, subject to certain limitations, labor costs at March 1942, wage rates, and a dollar and cents mark up as of a specified base period.
 In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair, just and equitable and tend to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Order No. 9250.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 319 is issued si-

multaneously herewith and has been filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, this Maximum Price Regulation No. 319 is hereby issued.

*Copies may be obtained from the Office of Price Administration.
 17 F.R. 8961.

Authority: §§ 1351.1901 to 1351.1920 inclusive, issued under Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871.

§ 1351.1901 *Scope of this regulation.*
 This regulation provides for new maximum prices for all sales of certain bakery products listed in Appendix A. New maximum prices must be recalculated by all sellers during each April and October occurring after the effective date of this regulation as hereinafter provided.

§ 1351.1902 *Maximum prices of producers for sales to retailers.* Each producer of a commodity listed in Appendix A of this regulation shall determine his

maximum prices for each producing plant for sales to retailers as follows:

(a) *Ingredient and packaging material cost.* The producer shall ascertain his actual or estimated actual cost of ingredients and packaging materials for each producing plant per unit of the commodity at the time of calculation, subject to the following limitations:

(1) He shall not include his cost of any ingredient or packaging material at higher than the maximum price thereof to him as prescribed by the Office of Price Administration at that time together with the actual transportation charges to his established place of business where such maximum price is fixed on an f. o. b. basis.

(2) Except as provided in subparagraph (3) of this paragraph (a), if no maximum price has been prescribed by the Office of Price Administration for an ingredient or packaging material, he shall not include it at a cost higher than the average market price of such ingredient or packaging material at his usual source of supply and for the quantities normally purchased by him in March 1942, or if there were no substantial market sales of such ingredient or packaging material during March, 1942, than during the base period of the commodity to be priced as specified in Appendix A of this regulation, together with actual transportation charges paid by him to his established place of business, if any.

(3) Where one of the following commodities is not subject to a maximum price prescribed by the Office of Price Administration at the time of the calculation and constitutes an ingredient of the commodity to be priced, the producer shall include his actual cost of the same delivered to his established place of business during the base period of the commodity to be priced as specified in Appendix A hereof, plus the amount hereinafter specified opposite each such ingredient:

Ingredient:	Amount Per ton
Fresh apples.....	\$6.50
Fresh apricots.....	23.00
Fresh cherries, red sour and pitted.....	50.00
Fresh cherries, sweet.....	56.00
Fresh figs.....	34.00
Fresh grapes.....	14.00
Fresh peaches, clingstone, including clingstone nectarines.....	7.00
Fresh peaches, freestone, including freestone nectarines.....	15.00
Fresh pears.....	15.00
Fresh plums.....	2.00
Fresh prunes.....	13.00
	<i>Per pound</i>
Pecans.....	0.35
Walnuts, black.....	0.12
Walnuts, California.....	0.25
Cashews.....	0.22
Fresh berries, except strawberries.....	0.03
Fresh strawberries, actual cost at the time of calculation not exceeding.....	0.08

(b) *Direct labor costs.* To the cost of ingredients and packaging materials, as ascertained under the preceding paragraph, the producer shall add the "direct labor cost" per unit of the commodity to be priced determined by his actual costs thereof but no higher than his highest "March 1942, wage rates." "Direct labor

cost" shall include the labor involved in the manufacturing, packaging and shipping of the commodity, but shall not include the labor involved in the purchase of ingredients and supplies, plant and machinery maintenance, distribution, selling or advertising of the commodity, or administrative expenses. Said "March 1942 wage rate" shall be the highest wage rates paid by the producer in March 1942, for each class of labor involved in the production of the commodity to be priced. If the producer employs a class of labor included in "direct labor cost" which he did not employ during March 1942, he shall take the highest wage rate paid in March 1942, by a producer of the same or a comparable commodity, operating under the most nearly comparable conditions, who did employ that class of labor during March 1942.

(c) *The mark up.* The producer shall ascertain his mark up for each producing plant for sales to retailers as follows: He shall ascertain (1) his weighted average actual selling price for each producing plant per unit of the commodity to be priced which he sold to retailers during the base period set forth for each commodity in Appendix A of this regulation, and subtract therefrom (2) his weighted average actual cost of ingredients, packaging materials and direct labor (as above defined) per unit of the commodity for all such sales to retailers during such base period. If the producer did not sell the same commodity during such base period, he shall ascertain his mark up by taking the margin computed as herein before provided on the nearest comparable commodity which he did sell during such base period. If he did not sell the same or any such comparable commodity during such base period, he shall take the mark up determined in like manner for the same or the nearest comparable commodity sold to retailers during such base period by his closest competitive producer operating under the most nearly comparable conditions. If he cannot ascertain his mark up under the foregoing provisions, he shall take as his mark up his margin computed in like manner on a commodity having the nearest cost and which he sold during said base period to retailers in the same or the nearest price line for sales to retailers. In calculating his margins hereunder by the use of his weighted average actual selling prices, the producer must distinguish prices which are f. o. b. producer's plant and delivered prices. He may not average f. o. b. prices and delivered prices together. If he had both, he shall average each separately and thus arrive at separate margins and ultimately by following paragraph (d) hereof, at a separate maximum price f. o. b. producer's plant and a maximum price delivered respectively. If he had only an f. o. b. producer's plant selling price, his maximum price ultimately arrived at under paragraph (d) hereof will be f. o. b. producer's plant; and to determine a maximum delivered price therefrom, he may: (i) as to each subsequent transaction, add the actual delivery cost thereto; or

(ii) he may take a representative list of his deliveries in the area served by him and average the actual or estimated actual cost of each such delivery and add that figure to said maximum f. o. b. producer's plant price, thereby arriving at a uniform delivered maximum price to which he may add no further delivery costs. If he had only a delivered selling price, his maximum price ultimately arrived at under paragraph (d) hereof will be a maximum delivered price to which he may never add further delivery costs. To determine a maximum price f. o. b. producer's plant from a maximum price delivered, he shall take all or a representative list of his deliveries in the area served by him during the base period and average the actual cost of each such delivery and subtract that figure from said maximum delivered price.

(d) The producer shall add together his present cost of ingredients and packaging materials as determined under paragraph (a) of this section, direct labor costs as determined under paragraph (b) of this section, and his dollar and cents margin or mark up as determined under paragraph (c) of this section, and the resulting figure shall be his maximum price for the producing plant in question per unit of the commodity for all sales to retailers.

§ 1351.1903 *Maximum prices of producers for sales to ultimate consumers.* Each producer of a commodity listed in Appendix A of this regulation shall determine his maximum prices for each producing plant for sales to ultimate consumers as follows:

(a) *Ingredient and packaging material cost and direct labor costs.* The producer shall ascertain his actual or estimated actual cost of ingredients and packaging materials, and his direct labor per unit of the commodity at the time of calculation pursuant to paragraphs (a) and (b) of § 1351.1902.

(b) *Mark up.* The producer shall next ascertain his average margin per unit of the commodity to be priced during the base period set forth for each commodity in Appendix A of this regulation by deducting from the average selling price for all sales to ultimate consumers during said base period, his weighted average actual cost of ingredients, packaging materials and direct labor (as above defined) during said base period for all such sales. If the producer did not sell the same commodity during such base period, he shall ascertain his mark up by taking the margin computed as hereinbefore provided on the nearest comparable commodity which he did sell during such base period. If he did not sell the same or any such comparable commodity during such base period he shall take the mark up determined in like manner for the same or the nearest comparable commodity sold to ultimate consumers during such base period by his closest competitive producer operating under the most nearly comparable conditions. If he cannot ascertain his mark up under the foregoing provisions he shall take as his mark up his margin computed in like

manner on a commodity having the nearest cost and which he sold to ultimate consumers during said base period in the same or the nearest price line to ultimate consumers.

(c) The producer shall add together his present cost of ingredients, packaging materials and direct labor as determined under paragraph (a) of this section and his dollar and cents margin or mark up as determined under paragraph (b) of this section, and the resulting figure shall be his maximum price for the producing plant in question per unit of the commodity for sales to ultimate consumers, to which he may add no additional delivery charges.

(d) Wherever a producer sold only to ultimate consumers during said base period and he finds that his records are insufficient during said base period prescribed to determine his maximum prices for direct sales to ultimate consumers, he may at his option, take the month of March 1942, as the base period in place of said otherwise prescribed base period.

§ 1351.1904 *Maximum prices of retailers for sales to ultimate consumers.* The maximum price for every retailer for sales of a commodity listed in Appendix A hereof to ultimate consumers shall be the figure resulting from multiplying the maximum price of his producer for sales to retailers by 125 per cent. If the figure resulting contains a fraction which is more than one-half cent, the retailer shall adjust it to the next higher cent, or if less than one-half cent, to the next lower cent.

§ 1351.1905 *Maximum prices of producers for sales to wholesalers and routesellers.* (a) If the producer has determined his maximum price for sales of a commodity listed in Appendix A of this regulation under § 1351.1902 hereof, he shall determine his maximum prices for sales of that commodity to wholesalers and routesellers by deducting 20% from his maximum prices for sales to retailers, f. o. b. producer's plant, and the figure resulting shall be his maximum f. o. b. price for sales to wholesalers and routesellers to which he may add the actual costs of delivery if any, and so arrive at a maximum delivered price for sales to wholesalers and routesellers; or he may determine his maximum delivered price for sales to wholesalers and routesellers by deducting 20% from his maximum delivered price for sales to retailers, to which he may add no further delivery costs.

(b) If the producer has not determined his maximum price for sales to retailers under § 1351.1902 hereof, and has determined his maximum price for sales to ultimate consumers under § 1351.1903 hereof, he shall determine his maximum price for sales to wholesalers and routesellers by deducting 25% from his maximum price for sales to ultimate consumers, and the resulting figure shall be his maximum price f. o. b. producer's plant for sales to wholesalers and routesellers to which he may add the actual costs of delivery, if any, and so arrive at a maximum price delivered for sales to wholesalers and routesellers.

(c) If the producer cannot determine his maximum price for sales to wholesalers and routesellers under the foregoing provisions of this section, he shall take and adopt the maximum price for sales to wholesalers and routesellers of the same or most comparable commodity sold by his closest competitive producer operating under the most nearly comparable conditions.

§ 1351.1906 *Maximum prices of wholesalers and routesellers.* (a) The maximum price of every wholesaler for sales of a commodity listed in Appendix A hereof to retailers shall be his producer's maximum price for sales of this commodity to retailers, or if none, the maximum price of the closest competitor of said wholesaler for sales of the same or most comparable commodity to retailers.

(b) The maximum price of every wholesaler for sales of a commodity listed in Appendix A hereof to other wholesalers or to routesellers, shall be the producer's maximum price for sales of this commodity to wholesalers or routesellers respectively, or if none, the maximum price of the closest competitor of said wholesaler for sales of the same or most comparable commodity to wholesalers or routesellers.

(c) The maximum price of every routeseller for sales of a commodity listed in Appendix A hereof to ultimate consumers shall be his producer's maximum price for sales of this commodity to ultimate consumers or if none, the maximum price of the closest competitor of said routeseller for sales of the same or most comparable commodity to ultimate consumers.

(d) The maximum price of every routeseller for sales of a commodity listed in Appendix A hereof to retailers shall be his producer's maximum price for sales to retailers, or if none, the maximum price of the closest competitor of said routeseller for sales of the same or most comparable commodity to retailers.

(e) The maximum price of every routeseller for sales of a commodity listed in Appendix A hereof to wholesalers or to other routesellers shall be his producer's maximum price for sales to wholesalers or routesellers respectively, or if none, the maximum price of the closest competitor of said routeseller for sales of the same or most comparable commodity to wholesalers or routesellers.

§ 1351.1907 *Producers' wrappers must show retail price.* Wherever a producer sells a commodity listed in Appendix A hereof in a wrapper or package he shall calculate the maximum price of the retailer for sales to ultimate consumers in accordance with § 1351.1904, and he shall print it on the face of said wrapper or package inserting it in the following statement:

Retailer's ceiling price ———.

§ 1351.1908 *Package or unit net weight changes.* Where it is the customary practice of a producer of a commodity listed in Appendix A of this regulation to reflect cost changes by package or unit net weight changes, he may reflect the price changes prescribed by this

regulation by changes in package or unit net weight in the following manner: He shall divide the maximum price per unit of the commodity as determined under this regulation into his selling price per unit of the commodity prevailing immediately before the effective date of this regulation, and then multiply the existing package or unit net weight of the commodity by the percentage so determined. The resulting figure shall be the new package or unit net weight for sales under this regulation at the selling price per unit of the commodity prevailing immediately before the effective date of this regulation and said selling price shall be his maximum price hereunder.

§ 1351.1909 *Exempt sales.* Sales or deliveries of any commodity listed in Appendix A to the War Department or the Department of the Navy of the United States shall be exempt from this regulation and the General Maximum Price Regulation but sales or deliveries of any such commodity to post exchange shall be and remain subject to this regulation.

§ 1351.1910 (a) *Time within which maximum prices must be calculated and reported.* Every person subject to this regulation shall calculate and report his maximum prices in writing to the Office of Price Administration within 60 days after the effective date of this regulation. At any time after any such person has calculated or reported his maximum prices under this regulation, he may not sell these commodities at a price higher than the price reported or calculated although he may sell at a lower price. Maximum prices for sales to ultimate consumers shall be reported to the State or district office of the Office of Price Administration. Wholesalers, routesellers or retailers whose suppliers of these commodities have not reported their maximum prices as required herein within two weeks before the last day required or until after the time has expired for so doing, may report their prices within two weeks after the prices have been reported by their suppliers.

(b) *Recalculation of maximum prices periodically.* During the months of April and October of each year after the effective date of this regulation beginning with October, 1943, every person subject to this regulation shall recalculate his maximum prices on all commodities listed in Appendix A of this regulation pursuant to the provisions of this regulation on the basis of his then existing ingredient and packaging costs, but using the previous direct labor costs and mark up and report these new maximum prices in writing to the Office of Price Administration. At any time after he has calculated or reported his new maximum prices under this regulation, he may not sell these commodities at a price higher than the price reported or calculated although he may sell at a lower price.

(c) *Maximum prices reported under this regulation cannot be changed without consent.* Maximum prices calculated and reported to the Office of Price Administration under this regulation, may not be changed except by the written

permission of the Office of Price Administration which will be given solely in cases of excusable clerical error or other mistake.

§ 1351.1911 *Limiting applicability of the General Maximum Price Regulation.*² After any person subject to this regulation has calculated or reported his maximum prices under this regulation on any commodity covered hereby the provisions of the General Maximum Price Regulation shall have no further application to sales or deliveries by him thereof. Sixty days after the effective date of this regulation, the provisions of the General Maximum Price Regulation shall not apply to sales or deliveries by producers, wholesalers and routesellers of any of the commodities covered by this regulation, or by retailers thereof.

§ 1351.1912 *Prohibition against dealing in the commodities covered by this regulation by producers above maximum prices determined hereunder.* Sixty days after the effective date of this regulation, regardless of any contract or other obligation, no producer, wholesaler, retailer or routeseller shall sell, deliver or offer to sell any bakery commodity listed in Appendix A of this regulation unless he has calculated and reported his maximum prices thereon as provided in this regulation, nor shall any person sell, deliver or offer to sell any such commodity at any time thereafter at a price higher than the maximum price permitted by this regulation; nor shall any person buy or receive any such commodity from a producer, wholesaler, retailer or routeseller at any time at a price higher than the price permitted by this regulation.

§ 1351.1913 *Notice of retailer's ceiling price.* Where any unpackaged item of any commodity under this regulation is sold by a producer, wholesaler or routeseller to a retailer for the first time after the maximum price for it has been established or recalculated under this regulation, or in the case of a producer selling a unit of the commodity to any of the foregoing classification or persons for the first time after the maximum price for it has been established or recalculated under this regulation, the seller shall notify his purchaser in writing before or at the time of delivery of the retailer's ceiling price for the commodity, which shall be forwarded to the retailer selling the commodity. When the retailer receives this notice he shall keep it and make it available upon request for public examination. This notice shall contain the retailer's ceiling price for the commodity arrived at by multiplying the producers maximum price for sales thereof to retailers by 125 percent and shall read as follows:

Notice of retailer's ceiling price. The Office of Price Administration has established a new ceiling price for retailers for sales by them of (insert name of commodity) at (insert retailer's ceiling price for this commodity):

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4467, 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.

This price was arrived at by multiplying the producer's maximum price for sales of this commodity to retailers by 125 percent. The Office of Price Administration requires you to keep this information for public examination.

§ 1351.1914 *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of any commodity covered by this regulation alone or in conjunction with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-in-agreement or other trade understanding or otherwise.

§ 1351.1915 *Export sales.* The maximum prices at which any person subject to this regulation may export any commodity covered by this regulation shall be determined in accordance with the provisions of the Revised Export Regulation issued by the Office of Price Administration.

§ 1351.1916 *Protests and petitions for amendments.* Any person seeking a protest or an amendment of any provisions of this regulation may file a protest or petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1351.1917 *Enforcement.* (a) Any person violating any provision of this regulation shall be subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or of 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 district, State or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.1918 *Definitions.* (a) When used in this regulation the term:

(1) "Producer" means any person, group of persons, firm or corporation who operates a producing plant at which he bakes, manufactures, produces or processes a commodity listed in Appendix A.

(2) "Wholesaler" means any person, group of persons, firm or corporation purchasing a commodity listed in Appendix A from a producer thereof for resale to any person other than an ultimate consumer.

(3) "A comparable commodity" means a commodity of equal weight and quantity, having substantially the same cost, and made from the same basic type of dough. In the case of pies, the comparable commodity must have the same kind of filler.

(4) "Retailer" means any person, group of persons, firm or corporation other than a routeseller purchasing a commodity listed in Appendix A for resale to ultimate consumers. It includes restaurants, cafes, cafeterias, hotels and all other eating places purchasing a commodity listed in Appendix A for resale or distribution to their customers and all institutions, public or private, purchasing

a commodity listed in Appendix A for resale or distribution to their customers or inmates, except that any of the foregoing retailers who sell these commodities for consumption on the premises shall not be required to establish maximum prices under this regulation for those commodities so sold to be consumed on the premises.

(5) "Routeseller" means any person, group of persons, firm or corporation, other than a retailer, purchasing a commodity listed in Appendix A for resale from a vehicle operated by him over a regular route.

(6) "Shipping" as included in direct labor means costs and wages involved in the payment of shipping clerks who pack, wrap and load the commodities for the purpose of preparing for delivery.

(7) All commodities listed in Appendix A are those known to the trade as such; *Provided*, That any commodity so included herein which is now or hereafter covered by another regulation shall be and remain subject to such other regulation.

§ 1351.1919 *Effective date.* This Maximum Price Regulation No. 319 (§ 1351.1901 to 1351.1920, inclusive) shall become effective on February 13, 1943.

§ 1351.1920 *Appendix A: Commodities covered by this regulation.*

Commodity:	Base period
Cakes other than cookies.....	March 1942.
Pastries.....	March 1942.
Doughnuts.....	March 1942.
Sweet yeast raised goods.....	March 1942.
Pies.....	September 14th, to October 11, 1941.

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

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2069; Filed, February 8, 1943; 2:54 p. m.]

PART 1381—SOFTWOOD LUMBER
[MPR 26, Amendment 11]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

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

Section 1381.62 has been amended by adding paragraph (m) as set forth below:

§ 1381.62 *Appendix A: Maximum prices for Douglas Fir and other West Coast Lumber where shipment originates at a mill.* * * *

(m) The maximum f. o. b. mill prices for shipments originating in Alaska shall be the maximum f. o. b. mill prices set forth in this Appendix for domestically produced lumber plus an amount equal to the Maritime Commission's published freight rate from Seattle, Washington, to the mill's shipping point, including surcharges, War Risk Insurance and the

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

¹ 7 F.R. 4573, 5180, 5360, 6168, 6388, 6424, 7285, 7942, 8384, 8877, 8948; 8 F.R. 138.

published Seattle Wharfage and Handling rate for comparable lumber. The maximum delivered prices for shipments originating in Alaska shall be the above maximum price plus the transportation charges permitted in § 1381.62 (d).

§ 1381.61a *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§ 1381.62 (m)) to Maximum Price Regulation No. 26 shall become effective February 15, 1943.

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

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2072; Filed, February 8, 1943;
2:55 p. m.]

PART 1392—PLASTICS

[MPR 263, Amendment 2]

NEW PHONOGRAPH RECORDS AND RECORD
SCRAP

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

Section 1392.57 (b) (2) is amended to read as follows:

§ 1392.57 *Posting of maximum prices for records and allowances for scrap.* * * *

(b) Every manufacturer of records covered by this Maximum Price Regulation No. 263 shall make available to dealers selling such records:

* * * * *

(2) Envelopes, albums or containers for records or sets of records made by such manufacturer, bearing a legible statement showing the maximum prices established by this Maximum Price Regulation No. 263, for records or sets of records made by such manufacturer. The requirements of this subparagraph (2) shall be put into effect with respect to each size or type of envelope, album or container, upon exhaustion of each manufacturers' supply thereof on hand on the effective date of this regulation.

§ 1392.62a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1392.57 (b) (2)) to Maximum Price Regulation No. 263 shall become effective on the 13th day of February 1943.

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

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2073; Filed, February 8, 1943;
2:55 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 21 Under Supp. Reg. 15 of GMPR]

NOBLE TRANSIT COMPANY

Order No. 21, under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3-1117.

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

7 F.R. 9191; 8 F.R. 165.

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

§ 1499.1321 *Adjustment of maximum prices for contract carrier services sold by John F. Noble, doing business as the Noble Transit Company, South St. Paul, Minnesota.* (a) John F. Noble, doing business as The Noble Transit Company, 316 Maulden Street, South St. Paul, Minnesota, may sell and deliver contract carrier services in connection with the transportation of general commodities between points located in Minnesota, Wisconsin, Illinois, North Dakota, and Iowa, at prices not to exceed 1% above his highest March, 1942 rates as printed in his Minimum Rate Schedule, MF-ICC No. 22.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 21 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 21 (§ 1499.1321) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 21 (§ 1499.1321) shall become effective February 9, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2074; Filed, February 8, 1943;
2:56 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 276 Under § 1499.3 (b) of GMPR]

CHATHAM MANUFACTURING COMPANY

Chatham Manufacturing Company of Elkin, North Carolina, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of maximum prices for mohair warp blankets. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered:*

§ 1499.1712 *Approval of maximum prices for sales of blankets by Chatham Manufacturing Company.* (a) On and after February 8, 1943, the maximum prices at which Chatham Manufacturing Company of Elkin, North Carolina, may sell, deliver and offer for sale the following blankets shall be:

(1) No. 215-A, 72" x 84", 3½ pound, single woven, composed of 25% warp 2/15's mohair worsted yarn, balance wooler filling yarn, \$1.725 per pound finished.

(2) No. 216-A, 72" x 90", 4½ pound, double woven, composed of 36% warp 2/15's mohair worsted yarn, balance woolen filling yarn, \$2.25 per pound finished.

(b) The maximum prices enumerated herein shall be subject to discounts, terms and allowances no less favorable to the purchaser than those offered during March 1942 by Chatham Manufacturing Company on sales of its all wool blankets.

(c) The maximum prices authorized by this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

(e) This order shall become effective February 3 1943.

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

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2071; Filed, February 8, 1943;
2:54 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 270 Under § 1499.3 (b) of GMPR]

CEROPHYL LABORATORIES, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1706 *Authorization of maximum prices for sales of "Grass Tips," a product made from dehydrated cereal grasses fortified with additional vitamins packed in 1½ pound packages for sales by Cerophyl Laboratories Inc., Kansas City, Missouri, by wholesalers and retailers.* (a) On and after February 9, 1943, the maximum selling prices delivered to purchasers' stations for "Grass Tips" for sale by Cerophyl Laboratories, Inc., Kansas City, Missouri, shall be:

	Cents per 1½ pound package
For sales made to wholesalers.....	48
For sales made to retailers.....	60
For sales made to consumers.....	72

Sales made to wholesalers and retailers shall be subject to a discount of 2 percent for prompt payment.

(b) Sellers at wholesale are authorized a maximum delivered selling price of 60 cents per 1½ pound package of "Grass Tips."

(c) Sellers at retail who purchase this product directly from the manufacturer are authorized a maximum selling price of 72 cents per 1½ pound package of "Grass Tips".

Sellers at retail who purchase this product from wholesalers are authorized a maximum selling price of 90 cents per 1½ pound package of "Grass Tips."

(d) Cerophyl Laboratories, Inc., and sellers at wholesale shall not change the customary allowances, discounts, and/or trade practices in the sale of "Grass Tips" which they customarily apply to comparable commodities of this type unless a change in these customary allowances, discounts and/or trade practices results in lower selling prices.

(e) On and after February 9, 1943, Cerophyl Laboratories, Inc., shall supply to each of its purchasers who resell

at wholesale or retail, before or at the time of the first delivery of "Grass Tips" to such purchasers, a written notification for each type of purchaser and, for a period of three months thereafter, shall include with each shipping case unit of "Grass Tips" a written notification to retailers. The written notifications, for each type of purchaser, shall include the following appropriate statements:

Notification from Cerophyl Laboratories, Inc. to Wholesalers

The OPA has authorized us to charge the following price for "Grass Tips"—48 cents per 1½ pound package subject to a discount of 2% for prompt payment. Sellers at wholesale are authorized a maximum selling price of 60 cents per 1½ pound package of "Grass Tips". Sellers at retail who purchase this product from wholesalers are authorized a maximum selling price of 90 cents per 1½ pound package. Sellers at retail who purchase this product directly from the manufacturer are authorized a maximum selling price of 72 cents per 1½ pound package. A copy of the notification to retailer is included in every shipping unit of this item. If your initial sale of this item is less than a shipping unit, 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 Cerophyl Laboratories, Inc. to Retailers

Retailers who purchase "Grass Tips" from wholesalers are authorized a maximum selling price of 90 cents per 1½ pound package. Retailers who purchase "Grass Tips" directly from the manufacturer, (Cerophyl Laboratories, Inc.) are authorized a maximum selling price of 72 cents per 1½ pound package. OPA requires that you keep this notice for examination.

(f) This Order No. 270 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 270 (§ 1499.1706) shall become effective as of February 9, 1943.

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

Issued this 8th day of February 1943.
PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2070; Filed, February 8, 1943; 2:56 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 271 Under § 1499.3 (b) of GMPR]

ALCO LEATHER MANUFACTURING CO.

Alco Leather Manufacturing Company, 583 Market Street, San Francisco, California, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of a maximum price for a 2 inch garrison belt with gold plated buckle. Due consideration has been given to the application and it appears that the new belt cannot be priced by the seller under § 1499.2 of the General Maximum Price Regulation. For the reasons set forth in an opinion in support of this order, which has been issued simultaneously herewith and has been filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Pro-

cedural Regulation No. 1, issued by the Office of Price Administration, It is ordered:

§ 1499.1707 *Approval of a maximum price for sales by the Alco Leather Manufacturing Company, 583 Market Street, San Francisco, California of its 2 inch garrison belt with gold plated buckle.*
(a) On and after February 9, 1943, the maximum price at which the Alco Leather Manufacturing Company, 583 Market Street, San Francisco, California, may sell, deliver and offer for sale its 2 inch leather garrison belt with gold plated buckle shall be \$11.09 per dozen.

(b) The maximum price authorized by this order shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942 for sales by Alco Leather Manufacturing Company of its 1¾ inch garrison belt with brass plated buckle.

(c) The maximum price authorized by paragraph (a) of this Order No. 271 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 271 may be amended or revoked by the Office of Price Administration at any time.

(e) This Order No. 271 shall become effective February 9, 1943.

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

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2080; Filed, February 8, 1943; 4:36 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C, Amendment 18]

MILEAGE RATIONING: GASOLINE REGULATIONS
Correction

The reference to Ration Order No. 50 in § 1394.8206a (c) of the document appearing on page 1283 of the issue for Friday, January 29, 1943, should read "Ration Order No. 5C."

PART 1499—COMMODITIES AND SERVICES
[Order 178 Under § 1499.18 (b) of GMPR]

GENERAL WINE CO.

Correction

Paragraph (b) of the document appearing on page 1386 of the issue for Tuesday, February 2, 1943, should read as follows:

"(b) This Order No. 178 (§ 1499.1079) shall become effective February 1, 1943."

PART 1372—SEASONAL COMMODITIES
[MPR 210¹, Amendment 9]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

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

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

¹ 7 F.R. 6789, 7318, 7173, 7912, 8651, 8930, 8937, 8948, 9614, 10109; 8 F.R. 973.

Section 1372.101 (c) is amended to read as follows:

§ 1372.101 *Applicability of this Maximum Price Regulation No. 210.* * * *

(c) *Purpose of this regulation.* This regulation establishes maximum prices for the particular fall and winter seasonal commodities which are listed in Appendix A (§ 1372.112). On and after August 31, 1942, regardless of any contract or other obligation, no person is permitted to sell any of the list of commodities, at wholesale or at retail, at a price higher than the maximum price permitted by this regulation. However, this regulation permits any person who determined the maximum price of a listed commodity under the General Maximum Price Regulation and offered it for sale at that price before August 31 to sell it prior to September 16, 1942, either at that price or at a price determined under this regulation. Furthermore, maximum prices for wholesale and retail sales of commodities covered by this regulation may be set by orders which are issued under regulations covering manufacturers' sales of the commodities and which specifically extend to wholesale and retail sales. No person is permitted to buy or receive any of these commodities in the course of trade or business at prices higher than the maximum price.

§ 1372.111a *Effective dates of amendments* * * *

(i) Amendment No. 9 (§ 1372.101 (c)) of Maximum Price Regulation No. 210 shall become effective February 15, 1943.

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

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2100; Filed, February 9, 1943; 11:24 a. m.]

PART 1412—SOLVENTS

[MPR 170,¹ Amendment 3]

ANTI-FREEZE

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

The proviso in paragraph (g) of § 1412.13 is amended to read as set forth below:

§ 1412.13 *Appendix A: Maximum prices for anti-freeze.* * * *

(g) *Standard strength anti-freeze, Type C.* * * *

Provided, That until and including March 15, 1943, any seller of Type C anti-freeze other than a manufacturer or retailer, who prior to February 1, 1943 had purchased Type C anti-freeze and had it in his possession or in the custody of a carrier or warehouse other than a carrier or warehouse owned or controlled by the person from whom such anti-freeze was acquired, may sell such anti-freeze at a price not to exceed the maximum price established in this section or at his cost of acquisition, whichever is higher, *And provided further,*

¹ 7 F.R. 4763, 5717, 8948, 1232.

That until and including March 15, 1943, any retailer may sell Type C anti-freeze at a price not to exceed the maximum price established in this section or at his cost of acquisition plus \$.25 per gallon, whichever is higher.

This amendment shall become effective as of February 1, 1945.

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

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2101; Filed, February 9, 1943; 11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 52 to Supp. Reg. 1 to GMPR²]
UNFINISHED GRAPE WINE

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

Subparagraph (3) of paragraph (a) of § 1499.26 is revoked.

(e) *Effective dates.* * * *

(53) Amendment No. 52 (§ 1499.26 (a) (38)) shall become effective February 15, 1943.

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

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2102; Filed, February 9, 1943; 11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 105 to Supp. Reg. 14² to GMPR²]
UNFINISHED WINES

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 (63) is added to paragraph (a) of § 1499.73 as set forth below.

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

¹ 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5086, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7595, 7604, 7739, 8021, 8336, 8652, 8798, 8810, 8930, 8833, 9032, 9131, 9616, 9622, 9975, 9976, 10022, 10718, 10557, 11118, 8 F.R. 130, 265, 927, 1454.

² 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, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454, 8 F.R. 371, 1204, 1317.

³ 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, 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, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005; F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878, 1139, 1590, 1121, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the 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:

(63) *Unfinished wines*—(i) *Maximum prices for unfinished wines; all sellers.* A seller's maximum price for a particular kind and type of unfinished wine shall be:

(a) The maximum price established for such seller under §§ 1499.73 (a) (40) or 1499.73 (a) (61) for wine of the same kind and type sold in a finished condition to a purchaser of the same class; or

(b) If a seller's maximum price for a particular kind and type of unfinished wine cannot be determined under (a), his maximum price therefor shall be that established under §§ 1499.73 (a) (40) or 1499.73 (a) (61) by a seller of the same class for the most closely comparable kind and type of unfinished wine sold to a purchaser of the same class.

(c) A seller's customary differentials charged in March 1942 for bulk unfinished wine in barrels or other containers larger than 4½ gallons capacity but less than a carload lot may be charged for the same container size after February 14, 1943.

(ii) *Notice to be given to purchasers.* On and after February 15, 1943 every seller of unfinished wine shall place upon the invoice, or upon the other evidence of sale of unfinished wine delivered by him to any purchaser a signed statement as follows:

The price for the unfinished wine covered by this invoice (or evidence of sale) does not exceed our ceiling price for unfinished wine established under OPA regulation, Amendment No. 105 to Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(Signed) _____
(Seller)

Only one such statement need be given by a seller for any particular sale of unfinished wine.

(iii) *Definitions.* (a) "Wine" means that commodity as defined in Article II of Regulation No. 4 (as amended to March 1, 1939) relating to the Labeling and Advertising of Wine and issued by the Federal Alcohol Administration.

(b) "Unfinished wine" means wine which in the usual course of wine production, will receive further finishing treatment before it is sold for consumption.

(c) "Finished condition" with reference to wine means wine which, in the usual course of wine production, will not receive further finishing treatment before it is sold for consumption.

(d) "Finishing treatment" means additional cellar treatment customarily used to change unfinished wine to wine in a finished condition, including but not limited to filtering, fining, aging, or the addition of acidulents or sweetening, but not including blending or fortification.

(e) "Kind and type" with reference to wine refers to the customary trade classification of wine as to (1) the material

from which it is made, viz, fruit, berries, grapes grown in the State of California, or grapes grown elsewhere in the United States, etc.; (2) the alcoholic content, viz, table wine, dessert wine, unfortified wine, fortified wine, etc.; (3) the character of the processing used in its production, viz, natural sparkling, artificial carbonation, etc.; (4) the type of wine within such classification, viz, sherry, champagne, American Scuppernong, muscatel, etc.

(iv) *Applicability.* The provisions of this subparagraph (63) shall be applicable to the United States and the District of Columbia.

(b) *Effective dates.* * * *

(106) Amendment No. 105 (§ 1499.73 (a) (63)) to Supplementary Regulation No. 14 shall be effective as of February 15, 1943.

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

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2105; Filed, February 9, 1943; 11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Supp. Reg. 14, Amendment 106]

MODIFICATION OF MAXIMUM PRICES FOR CERTAIN COMMODITIES, SERVICES AND TRANSACTIONS

A statement of 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 (64) is added to § 1499.73 (a), 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:

(64) *Sales covered by orders issued under regulations covering manufacturers' sales.* Maximum prices for wholesale and retail sales covered by the General Maximum Price Regulation may be set by orders issued under regulations covering manufacturers' sales of the commodities.

(b) *Effective dates.* * * *
(107) Amendment No. 106 (§ 1499.73 (a) (64)) to Supplementary Regulation

¹ 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, 7535, 7739, 7610, 7812, 7914, 7946, 3237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 10381, 9639, 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, 1139, 1590, 980, 1030, 876, 1121, 878, 1142, 1279, 1383, 1589, 1455, 1460, 1633, 1467.

No. 14 shall become effective February 15, 1943.

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

Issued this 9th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2104; Filed, February 9, 1943; 11:26 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 188,¹ Amendment 5]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

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

A new sentence is added in paragraph (a) of § 1499.158, as set forth below:

§ 1499.158 *Fourth pricing method; specific authorization by the Office of Price Administration—(a) Maximum prices.* * * *

Such authorization will be given in the form of an order prescribing a method of determining the maximum price for the applicant or for sellers of the commodity generally, including purchasers for resale, or for a class of such sellers.

§ 1499.165a *Effective dates of amendments.* * * *

(e) Amendment No. 5 to Maximum Price Regulation No. 188 (§ 1499.158 (a)) shall be effective February 15, 1943.

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

Issued this 9th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2105; Filed, February 9, 1943; 11:24 a. m.]

Chapter XIII—Petroleum Administration for War

PART 1575—PETROLEUM INDUSTRY

[Petroleum Regulation 1]

§ 1575.1 *Petroleum Regulation No. 1—(a) Purpose.* In order to promote the national defense and to provide adequate supplies of petroleum for military and other essential uses, it is necessary that directions be issued to persons engaged in the petroleum industry with respect to the delivery or receipt of petroleum by or to any person engaged in the petroleum industry.

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

(2) "Petroleum" means petroleum as defined in Executive Order No. 9276.

(c) *Directions.* The Petroleum Administrator for War may from time to time issue specific directions requiring, forbidding or otherwise providing for the

delivery of petroleum by or to any person or persons. Where such a direction is issued, it shall take precedence over the provisions of any petroleum administrative order, petroleum distribution order, or petroleum directive and over the provisions of any contract to which any person to whom the direction is issued may be a party.

(d) *Violations.* Any person who willfully violates any provision of this regulation or any provision of any direction issued pursuant to this regulation, or who, by any act or omission, falsifies records kept or information furnished in connection with this regulation or any direction issued pursuant to this regulation is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this regulation or any provision of any direction issued pursuant to this regulation may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of February 1943.

R. K. DAVIES,
Acting Petroleum Administrator
for War.

[F. R. Doc. 43-2061; Filed, February 8, 1943; 1:41 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 8, Revised, Supp. 8, Revised]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

Supplement 8 (§§ 302.76 to 302.87 inclusive) to General Order 8 (Revised) (§§ 302.12 to 302.16 inclusive) is revised to read: "Prescribing regulations for determining time lost by the United States of America under Time Charters executed by and through the War Shipping Administration or the United States Maritime Commission" and "Prescribing regulations for determining compensation payable to owners and chartered owners of vessels time chartered to the United States Maritime Commission or War Shipping Administration, for time lost in partially or entirely arming, degaussing, or demagnetizing, prior to delivery of such vessels to the Government."

§ 302.76 *Definitions.* (a) The word "Warshiptime" when used herein refers to the form of time charter approved by the Administration under its General Order No. 11 (§ 302.50); however, the regulations promulgated herein shall also be applicable, in so far as they may be relevant, to all other forms of time charters executed by the United States of America, acting by and through the War Shipping Administration or its predecessor, the United States Maritime Commission.

(b) The words "owner" or "owners" when referred to herein shall be deemed to include the owners or chartered-own-

ers or owner's agents of vessels operated or operating under Warshiptime as hereinabove defined.

(c) The word "charterer" shall be deemed to mean the United States of America, acting by and through the War Shipping Administration or United States Maritime Commission.

(d) The word "agent" shall be deemed to mean the agent of the charterer.

§ 302.77 *Provisions of Warshiptime under which time is lost by the charterer but hire may continue, be suspended or reduced to one-half.* (a) Full hire continues to run, although time is lost by the charterer, under circumstances within the following clauses of Part II of Warshiptime (§ 302.50);

(1) The happening of any event listed in Clause 4 (a) caused by the fault of the charterer or caused or contributed to by war or warlike acts as more fully described in Clause 4 (i);

(2) Time lost (when the vessel needs repairs necessary to her working) due to circumstances described in Clause 4 (b) (ii);

(3) Time lost in the installation or repair (for charterer's account) of equipment or defensive armament as described in Clause 11, subject, however, to regulations issued pursuant to Article 2 (d) of General Order 8 (Revised) (§ 302.13 (d)); and

(4) Time lost because of the unavailability of drydock as prescribed in Clause 12.

(b) Hire is reduced to one-half, when time is lost by the charterer, under circumstances within the following Clauses of Part II of Warshiptime (§ 302.50);

(1) Time lost from circumstances described in paragraphs (a) and (b) of Clause 4; *Provided, however,* That the events described in said paragraph (a) are not caused by the charterer or caused or contributed to by war or warlike acts as described in Clause 4 (i);

(2) Time lost in excess of 48 hours in any two-month period in the cleaning of boilers and overhauling of machinery as prescribed in the last paragraph of Clause 4; and

(3) Time lost in the event of a disabled winch or winches or insufficient power to operate winches as prescribed in Clause 17.

(c) Hire is suspended under circumstances within the following Clauses of Part II of Warshiptime (§ 302.50);

(1) Time lost in remedying defects in the vessel's condition upon delivery as described in Part I of Warshiptime (§ 302.50) and in Clause 1;

(2) Time lost in drydocking, cleaning and painting the bottom of the vessel as described in Clause 12;

(3) Time lost in remedying defects caused by the owner's failure to maintain the condition of the vessel as prescribed in Clause 1;

(4) Time lost from damage to the vessel resulting in its constructive total loss (damage in excess of 50% of the value of the vessel) as prescribed in Clause 3.

(5) Time lost due to any act of neglect, fault, omission to act, breach of contract, or breach of any order of the charterer, by the owner pursuant to the provisions of Warshiptime. (§ 302.50)

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

¹ 7 F.R. 5872, 7967, 8943, 10155; 8 F.R. 537.

§ 302.78 *Savings required to be credited to the charterer during periods in which full hire continues, and expenses to be borne by the owner when hire is suspended, or is reduced to one-half*

(a) During periods in which full hire accrues under circumstances described in § 302.77 (a) hereinabove, the provisions of Warshiptime (§ 302.50) provide that credit shall be given the charterer for savings effected by owners with respect to those expenses set forth in Clause 6, and a corresponding deduction therefor shall be made from charter hire.

(b) (1) Under the provisions of Warshiptime, the cost of fuel and water consumed shall be borne by the owner during all periods in which hire is reduced;

(2) If, during the period that hire is reduced under the provisions of Warshiptime, the vessel shall be required to put into any port or place other than that to which the vessel is bound, the cost of fuel and water consumed, as well as all port charges, pilotages, and other expenses for the charterer's account incurred during such period, shall be borne by the owner.

(3) The last sentence of Clause 12 of Part II of Warshiptime provides that all towage, pilotage, and other expenses incidental to the drydocking, and all port charges incurred and fuel and water consumed (to the extent such fresh water is to be provided or paid for by the charterer) while hire is suspended as provided in this clause, shall be for the owner's account.

§ 302.79 *Concurrent "off-hire" situations.* When time is lost by the charterer from events or series of events which, under the provisions of the foregoing regulations, would require the simultaneous suspension, reduction or continuation of hire (excluding, however, defending and repairs thereto as one of the events), the charterer will adjust such instances as follows: (1) Determine the number of days and/or hours during which such events were concurrent; (2) add the hire applicable to the two or more events; and (3) divide the sum thereof by the number of such events, the quotient thereof being the hire payable during such period to the owners. However, if the same rate of hire is applicable to two or more of such events, they shall be considered as one event.

Example: A. Assume that the following work is performed concurrently:

(a) Repairs listed in Clause 4 (a), of Warshiptime, caused or contributed to by a warlike act (for which 100% hire is payable), time consumed three days;

(b) Repairs listed in the same Clause 4 (a) of Warshiptime, which are not the result of a warlike act (for which 50% hire is payable), time consumed two days;

(c) Cleaning boilers in excess of two days as provided in Clause 4 (for which 50% hire is payable), time consumed one day;

(d) Cleaning and painting the bottom of the ship as provided in Clause 12 of Warshiptime (for which no hire is payable), time consumed one day; and

(e) Defending not to be considered as a concurrent event, time consumed four days.

CALCULATION

Days consumed	First day		Second day		Third day		Fourth day	
	Percent hire	Events	Percent hire	Events	Percent hire	Events	Percent hire	Events
(a) 3.....	100	1	100	1	100	1		
(b) 2.....	50	1	50	1				
(c) 1.....								
(d) 1.....	0	1						
(e) 4.....							100	
Rate of hire.....	150	3	150	2	100	1	100	
	50		75		100		100	

Items (b) and (c) have been treated as one event for the first day inasmuch as they both take the same rate of hire. Item (e) is not taken into the calculation as long as other work is being performed concurrently.

§ 302.80 *Preparation of "off-hire" certificate.* (a) For each event within the provisions of § 302.77 hereinabove, the owner shall execute, and the charterer's Agent shall countersign (whether or not the owner and agent are the same), in triplicate a certificate (hereinafter referred to as "off-hire certificate") setting forth the following information:

(1) The cause or causes which produced such occurrence;

(2) The relevant extracts from the engine, deck or port logs, whichever may be pertinent;

(3) The time lost by the vessel (computed in days and hours) as a result of such occurrence;

(4) Statement whether hire should continue be reduced to one-half, or be suspended during the time specified in subparagraph (3) above;

(5) (i) If hire is to continue a statement should be made of the savings effected by the owner.

(ii) If hire is suspended or reduced a statement should be made of the expenses which would otherwise be borne

by the charterer but which are because of such suspension or reduction, borne by the owner.

(iii) Such savings effected or such expenses borne by the owner, if any, should be deducted from the hire accruing to the owner under subparagraph (4) above.

(6) Such certificate of off-hire should then be mailed to the Manager, Charters and Agencies Section, Division of Operations, War Shipping Administration, Washington, D. C. not later than 30 days after knowledge by the owner of the occurrence except that for occurrences prior to the effective date of this order, such certificate shall be mailed immediately.

(b) Every owner shall be required to exercise due diligence to effect savings during periods in which the vessel remains on hire as more fully described in § 302.78.

(c) For repeated failure by owners to furnish voluntarily the certificates of off-hire required hereunder, or for failure to exercise due diligence in effecting savings

or assuming the expenses which are ordinarily borne by the charterer (in the applicable circumstances described in § 302.77 hereinabove), the proper officers of the charterer are authorized to suspend payments of hire in an amount equaling, in the estimate of the charterer, the time lost by the charterer plus any savings which should have been effected by the owners for the benefit of the charterer, and any expenses which should have been borne by the owner in the applicable cases which are normally for the account of the charterer.

§ 302.81 *Applicability of regulations.* The regulations published hereunder shall be applicable, to the extent permissible under the particular charter, to all time charters executed with owners by the charterer from July, 1941. In the event that an "off-hire" situation occurs which is not covered by regulations promulgated hereunder, such situation shall be settled on the basis of the law applicable under the provisions of the charter.

§ 302.82 *Off-hire certificate.* The form of off-hire certificate to be used in connection with the foregoing regulations shall be furnished, in triplicate, in the following form:

WAR SHIPPING ADMINISTRATION,
Charters and Agencies Section,
Division of Operations,
Washington, D. C.

GENTLEMEN: This is to advise that, to the best of our knowledge and belief, we hereby certify that the following events took place with respect to the SS/MS..... under time charter to the United States of America (Contract No.):

(1)

(2) The time lost by the vessel, as a result of the above occurrence, was days, hours (for major fractions of an hour a full hour shall be added, and for minor fractions of an hour such fraction shall be deducted, to bring the total to even hours).

(3) Hire should (continue) (be reduced to one-half) (be suspended)

during the period specified in (2) above for the following reasons:

(4) During the period specified in (2) above, the following deductions should be made from accrued hire because of savings effected by us or because the charges were assumed by us during such period.

(5) The sum total of hire to be suspended or reduced to one-half plus the savings specified in (4) above totals \$..... which should be deducted from monthly hire accruing under the above-mentioned time charter party agreement.

.....
(Signature of Owner)

.....
(Signature of Charterer's Agent)

NOTE: If the facts recited in subparagraph (1) set forth time lost by the vessel in a repair yard, the written concurrence of the local District Manager of Maintenance and Repairs of the charterer should be obtained as to the statement of time lost in making the various types of repairs, including defending time.

§ 302.83 *Determination of and payment for time lost resulting from defending, for which the owner has not been*

previously compensated, prior to the delivery of the vessel to the administration under form of charter tendered pursuant to General Order 8 (Revised) and supplements thereto (§ 302.12 et seq.). Owners shall be compensated for time lost by them resulting from defending of vessels subsequently delivered to the Government under a time charter tendered pursuant to said General Order 8 (Revised) as set forth below:

The Administration shall reimburse owners for time lost by them in partially or entirely arming or degaussing in instances where delivery of the vessel was effected prior to the effective date of the charter tendered pursuant to General Order 8 (Revised) at the applicable rate of hire set forth in such charter, except that no hire shall be paid for time consumed by such owners in making repairs to the vessel of a nature which would have, but for the defending, prevented the vessel from working in whole or in part and which were performed during the period of such arming and degaussing.

(a) Owners shall prepare public vouchers in the usual form which shall be supported by a statement, or statements, reflecting:

(1) Date and time vessel was made available upon receipt of the order for defending, and date and time vessel was again ready for service after completion of defending;

(2) Total time consumed in (1) above computed in days and hours;

(3) Deduction for full time consumed in making owners' repairs of a nature which would have, but for the defending, prevented the vessel from working in whole or in part and which were performed during the period of such defending;

(4) Value of net time lost in defending, calculated at the applicable charter hire rate, or pro rata part thereof, prescribed in General Order 8 (Revised) or supplements thereto (§§ 302.12 to 302.75 incl.);

(5) Deductions from the value of the net time lost, referred to in subparagraph (4) above, the following, if applicable:

(i) Credit shall be given the charterer for savings effected by owners, during periods in which full hire has accrued, with respect to expenses set forth in § 302.78 (a); and

(ii) During periods in which hire is reduced or suspended, the cost of fuel and water, if for the charterer's account, shall be borne by the owner.

(6) Net amount claimed for time lost resulting from defending; and

In no event shall the owner receive compensation in an amount in excess of the value of the time representing the loss of the use of the vessel to the owner.

In addition to the above statements there shall be required a statement, in duplicate, from the yard which performed such defending setting forth the time consumed in such defending and repairs, such statement to bear the written approval of the Administration's local District Manager of Maintenance and Repairs.

(b) Public vouchers (Form 1034, revised) shall be prepared for each vessel and shall be submitted in quadruplicate to the local district auditor or port auditor, or the General Auditor of Operations, Division of Finance, War Shipping

Administration, Washington, D. C. (if there is no district auditor or port auditor in the home port of the owner), and shall be prepared to read substantially as follows:

Compensation for time lost in defending SS -----, prior to delivery to the Government, for which compensation has not heretofore been received, calculated at the applicable time charter rate prescribed in General Order 8 (Revised), and supplements thereto (§§ 302.12 to 302.75 incl.), and in the manner prescribed in Supplement 8 (Revised) thereto (§ 302.76), subject to adjustment to conform with the provisions of the said general order and the applicable time charter. Payment by the War Shipping Administration of all, or any part of the amounts claimed herein shall not be construed as an approval of the correctness of the amounts stated to be due the owner, nor as a waiver of any of the rights or remedies of the War Shipping Administration under the terms of the applicable time charter agreement or otherwise.

§ 302.84 *Disputes.* In the event of a dispute between the owner and the War Shipping Administration as to the amount of time consumed in performing defending, owner's repairs, etc., the decision of the Administrator, War Shipping Administration, shall be final and binding.

E. S. LAND,
Administrator.

FEBRUARY 6, 1943.

[F. R. Doc. 43-2089; Filed, February 8, 1943;
5:23 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-266]

E. D. RAFFERTY

ORDER RESCHEDULING HEARING AND REDESIGNATING TRIAL EXAMINER

The hearing in the above-entitled matter having been postponed by an order issued herein dated July 22, 1942, to a time and place to be thereafter designated by an appropriate order; and

The Director deeming it advisable that said hearing should now be rescheduled;

Now, therefore, it is ordered, That the hearing in the above-entitled matter shall be held on March 9, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at Daviess Circuit Court, Owensboro, Kentucky; and

It is further ordered, That Charles O. Fowler shall preside at said hearing vice Edward J. Hayes; and

It is further ordered, That the Notice of and Order for Hearing issued June 20, 1942, shall, in all other respects, remain in full force and effect.

Dated: February 6, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-2091; Filed, February 9, 1943;
11:16 a. m.]

[Docket No. B-292]

RIDGWAY COAL CO.

ORDER GRANTING APPLICATION, ETC.

In the matter of John H. Ridgway, doing business under the name and style of Ridgway Coal Company, Code Member.

Order granting application filed pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for disposition hereof without formal hearing and Cease and Desist Order.

A complaint, dated July 8, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on July 11, 1942, with the Bituminous Coal Division (the "Division") by the Bituminous Coal Producers Board for District No. 4, a district board (the "Complainant"), alleging that John H. Ridgway, doing business under the name and style of Ridgway Coal Company (the "Code Member"), operating the Buckeye Mine (Mine Index No. 1803) and the Ridgway Mine (Mine Index No. 1804), both located in Tuscarawas County, Ohio, District No. 4, willfully violated the provisions of the Act, the Bituminous Coal Code (the "Code"), and rules and regulations promulgated thereunder, as more fully set forth in the complaint; and

The complaint herein and the Notice of and Order for Hearing, issued July 24, 1942, having been duly served on the code member on July 30, 1942; and the hearing noticed for September 22, 1942, having been postponed to September 28, 1942, by order issued September 10, 1942; and

A hearing having been held, and a record made, at the Post Office Building, Canton, Ohio, on September 28, 1942, and code member and its counsel having failed to appear at such hearing due to a misunderstanding on their part as to the time and date of the postponed hearing; and

The code member having, by reason of said misunderstanding and failure to appear at the hearing, been given special permission by the Director on October 20, 1942, to file within seven (7) days from the date thereof an application under § 301.132 of the Rules of Practice and Procedure for consideration in the same manner as though the hearing had not been held, and the code member having filed such application on October 27, 1942; and

Notice, dated November 24, 1942, of the filing of said application having been published in the FEDERAL REGISTER on November 25, 1942, pursuant to said § 301.132 of the rules, and copies of said notice having been duly mailed to interested parties, including the complainant herein; and

Said notice of filing having provided that interested parties desiring to do so, might, within fifteen (15) days from the date of said notice, file recommendations or requests for informal conferences in respect to said application, and it appearing that no such recommendations or requests have been filed with the Division; and

It appearing from said application that the code member admits wilfully committing those violations alleged in the complaint herein in so far as they relate to failing and refusing to file with the Statistical Bureau for District No. 4, a report of all sales made during the period January 1, 1941, to and including June 30, 1942, of coals produced at the Buckeye Mine (Mine Index No. 1803) and Ridgway Mine (Mine Index No. 1804) as required by Orders Nos. 307 and 309,

promulgated by the Division on December 11, 1940 and January 14, 1941, respectively, pursuant to the authority granted in section 4 II (a) of the Act; and

It further appearing that the code member, during the period January 1941 to June 1942, both months inclusive, did not maintain and keep on file shipping records nor file with the Statistical Bureau for District No. 4, debit or credit memoranda relative to coal produced at said mines and shipped by rail, as required by Orders Nos. 156 and 313, promulgated on January 18, 1937, and February 24, 1941, respectively, as alleged in the complaint herein for the reason that no coal was sold or shipped by rail during said period; and

It further appearing in said application that the code member consents to the entry of an order canceling and revoking its code membership, or of an order directing it to cease and desist from further violations of the Act, the Code, and regulations thereunder, or to the entry of an order revoking its code membership and also enjoining and restraining the code member from further violations of the Act, the Code, and rules and regulations thereunder upon any restoration of its code membership;

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act, authorizing it to adjust complaints of violations, and to compose the differences of the parties therein, and upon said application filed pursuant to § 301.132 of the Rules of Practice and Procedure before the Division and upon evidence in the possession of the Division, it is hereby found that:

(1) John H. Ridgway is an individual doing business under the name and style of Ridgway Coal Company, and is engaged in the business of mining and producing bituminous coal in Tuscarawas County, Ohio, District No. 4;

(2) John H. Ridgway, doing business under the name and style of Ridgway Coal Company, filed with the Division an acceptance of the Bituminous Coal Code, dated August 12, 1938, and his code membership was made effective as of December 15, 1937, and since said date he has been and is now a code member operating the Buckeye Mine (Mine Index No. 1803) and the Ridgway Mine (Mine Index No. 1804), both located in Tuscarawas County, Ohio, District No. 4;

(3) John H. Ridgway, doing business under the name and style of Ridgway Coal Company, failed and refused to file with the Statistical Bureau for District No. 4, a report of all sales, by truck or wagon, during the period January 1, 1941, to and including June 30, 1942, of coal produced at the Buckeye Mine (Mine Index No. 1803) and the Ridgway Mine (Mine Index No. 1804), as required by Orders Nos. 307 and 309 promulgated by the Director of the Bituminous Coal Division on December 11, 1940, and January 14, 1941, respectively, pursuant to authority granted in section 4 II (a) of the Act; and said code member, during the period January 1, 1941, to and including June 30, 1942, neither sold nor shipped coal for rail movement from the Ridgway Mine (Mine Index No. 1804).

Upon the basis of the application, the above findings, and the authority vested in the Division as herein above set forth,

It is ordered, That the application filed pursuant to § 301.132 of the Rules of Practice and Procedure for disposition of this compliance proceeding without formal hearing be and the same hereby is granted;

It is further ordered, That pursuant to section 5 (b) of the Act, John H. Ridgway, doing business under the name and style of Ridgway Coal Company, his agents, servants, employees, attorneys, receivers, assigns, and all persons claiming to act on his behalf or in his interest cease and desist, and they are hereby permanently enjoined and restrained from further violations of the Act, the Code, and rules and regulations issued thereunder;

It is further ordered, That upon any failure to comply with this order, the Division may apply to any United States Circuit Court of Appeals having jurisdiction for enforcement thereof, or take other appropriate action.

Dated: February 6, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-2092; Filed, February 9, 1943;
11:16 a. m.]

[Docket No. B-350]

EARL M. READ

ORDER RESCHEDULING HEARING

The above-entitled matter having been scheduled for hearing at a hearing room of the Bituminous Coal Division at the Clearfield County Courthouse, Clearfield, Pennsylvania, on January 27, 1943, pursuant to an order of the Director issued December 19, 1942, and subsequently postponed by Order of the Director issued January 23, 1943, to a date and hearing room to be thereafter designated by an appropriate order;

Said order of December 19, 1942, having designated Charles O. Fowler or any other officer or officers of the Bituminous Coal Division to preside at the hearing in such matter; and

It appearing to the Director that the place and date of said hearing should now be designated.

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on March 13, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Edward J. Hayes, vice Charles O. Fowler, or any other duly designated officer or officers of the Bituminous Coal Division, shall preside at the hearing in such matter.

It is further ordered, That the notice of and order for hearing herein dated December 19, 1942, as amended, shall in all other respects remain in full force and effect.

Dated: February 6, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-2093; Filed, February 9, 1943;
11:16 a. m.]

[Docket No. B-354]

HOMER MICHAEL

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 17, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 22, 1942, by Bituminous Coal Producers Board for District No. 1, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Homer Michael, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 11, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Homer Michael, a code member, La Jose, Pennsylvania, whose code membership became effective as of July 16, 1938, and who operates the Michael Mine, Mine Index No. 1763, located in Clearfield County, Pennsylvania, Subdistrict No. 18 of District No. 1, has wilfully violated the Act, the Code promulgated thereunder, and orders, rules and regulations of the Division as follows:

1. By selling and delivering, by truck, subsequent to September 30, 1940, coal produced at the aforesaid mine, at prices below the effective minimum prices established for said coal, plus the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to the point at which all such charges were assumed and directly paid by the purchasers, including the following transactions:

The sale and delivery during the period from January 31, 1942, to February 23, 1942, both dates inclusive, of approximately 33.6 net tons of run of mine coal, Size Group 3, to various purchasers, at \$2.25 per net ton f. o. b. destination, whereas the effective minimum f. o. b. mine price of said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipment (the "Schedule"), was \$2.25 per ton plus an amount at least as nearly as practicable to the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to the points at which all such charges were assumed and directly paid by the purchasers, as required by Price Instruction No. 6 as amended and contained in Supplement No. 1 to said Schedule, each of which transactions resulted in a wilful violation of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code.

2. By selling subsequent to September 30, 1940, below the effective minimum price established therefor, coal produced at his aforesaid mine including:

Approximately 107 net tons of run of mine coal, Size Group 3, sold during the period January 1, 1942, to March 7, 1942, both dates inclusive, to various purchasers at prices ranging from \$1.50 to \$2.00 f. o. b. said mine, whereas the effective minimum price for said coal as set forth in said Schedule, was \$2.25 per net ton f. o. b. the mine, each of which said transactions resulted in a wilful violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

3. By failing to file with the Statistical Bureau for District No. 1, not later than 5 days after the first day of the fifteenth day in each month, duplicate copies of each sales slip or invoice covering sales of coal produced at said mine by said code member, for shipment by truck or wagon during the period October 1, 1940, to December 31, 1940, both dates inclusive, each of such failures to so file, constituted a wilful violation of said Order No. 296, dated September 23, 1940, the Act, the Code, and orders, rules and regulations of the Division, pursuant to which said order was promulgated.

4. By failing to file with the Statistical Bureau for District No. 1, for each month commencing with the period January 1, 1941, to the date hereof, a report of all sales of coal sold and shipped from said mine by truck or wagon, within 5 days after the end of the month, copies of truck tickets, sales slips, or invoices for each such sales, giving all the information required by section III (b) of Order No. 307, or a listing of each such sales giving all the information required by section III (b) of Order No. 307 (on B. C. D. No. 468), each of such failures to so file, constituted a wilful violation of said Order No. 308, dated January 14, 1941, the Act, the Code and orders, rules and regulations of the Division, pursuant to which said order was promulgated.

Dated: February 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-2094; Filed, February 9, 1943;
11:16 a. m.]

[Docket No. B-358]

REED COAL MINING COMPANY
NOTICE OF AND ORDER FOR HEARING

A complaint dated December 29, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 31, 1942, by Bituminous Coal Producers Board for District No. 1, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Reed Coal Mining Company, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 15, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other

duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that said Reed Coal Mining Company, a corporation, 1015 U. S. National Bank Building, Johnstown, Pennsylvania, whose code membership became effective as of June 21, 1937, operator of the Reed No. 1 Mine, Mine Index No. 416, located in Subdistrict 24 of District No. 1, Cambria County, Pennsylvania, has wilfully violated the Act, the Code, and orders, rules and regulations of the Division as set forth below.

By allowing or paying directly or indirectly sales agency commissions, pursuant to sales agency contracts entered into after August 8, 1940, appointing the sales agents indicated below, on sales of coal produced at its said mine and sold through said sales agents and delivered to various purchasers after January 1, 1941, in the following transactions:

Sales agents	Date of sales Agency contracts	Period of sales (1941)	Sales by tons	Commissions allowed	Allowable commissions
Eastern Coal & Coke Co.....	Oct. 18, 1940	Jan. 2 to Sept. 16	8,917.25	\$1,528.19	\$1,072.10
Louis Gulotta & Co., Inc.....	Apr. 30, 1941	Aug. 8 to Sept. 23	422.30	87.49	50.67
Cortright Coal Co.....	Sept. 30, 1940	Jan. 4 to 17	504.00	3,379.88	2,105.78
A. K. Althouse & Co.....	July 26, 1941	Dec. 29 to March 6	45.75	12.59	5.40

said commissions as allowed or paid, directly or indirectly, were in excess of the maximum discounts which said sales agents could have received if they had purchased said coal as distributors under the schedule of due and reasonable maximum discounts for distributors established pursuant to section 4 II (h) of the Act and such commissions so allowed and paid, directly or indirectly, resulted in violations of Rule 13 (A) of section II of the Marketing Rules and Regulations by said code member by reason of the fact that no applications pursuant to said rule were filed with the Division for permission to allow and pay said commissions.

Dated: February 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-2095; Filed, February 9, 1943;
11:17 a. m.]

[Docket No. B-359]

PRESS COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of Steve Pysz doing business under the name and style of Press Coal Company, Code Member.

A complaint dated December 29, 1942 pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 31, 1942 by Bituminous Coal Producers Board for District No. 1, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Steve Pysz doing business as Press Coal Company, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 17, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other

parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that said Steve Pysz doing business under the name and style of Press Coal Company, a code member, R. F. D., Barnesboro, Pennsylvania, whose code membership became effective as of October 15, 1938, and who operates the Thermal #7 Mine, Mine Index No. 598, located in Cambria County, Pennsylvania, in District No. 1, has wilfully violated the Act, the Code, orders, rules and regulations of the Division as set forth below.

1. By allowing or paying directly or indirectly, sales agency commissions in the aggregate amount of \$3,063.96, pur-

suant to a sales agency contract entered into on or about October 1, 1940, appointing R. G. Strand, trading under the name and style of Thermal Coal Sales Company, Johnstown, Pennsylvania ("Thermal"), formerly a registered distributor, as sales agent for said code member, on sales of approximately 19,549.55 net tons of coal produced at his mine and sold through said sales agent and delivered by rail to various purchasers, during the period January 9, 1941 to March 31, 1942 which commissions as allowed or paid, directly or indirectly, were \$1,458.56 in excess of the maximum discounts which said sales agent could have received if it had purchased said coal as a distributor under the schedule of due and reasonable maximum discounts for distributors established pursuant to section 4 II (h) of the Act, and that such commissions so allowed and paid directly or indirectly, resulted in a violation of Rule 13 (A) of section II of the Marketing Rules and Regulations by said code member by reason of the fact that no application pursuant to said rule was filed with the Division for permission to allow and pay said commissions.

2. By allowing or paying directly or indirectly sales agency commissions in the aggregate amount of \$8.16, pursuant to the sales agency contract referred to in (1) hereof, on approximately 54.2 net tons of 2" nut and slack coal produced at said mine and sold through Thermal and delivered by rail to Valley Camp Coal Company, Baltimore, Maryland, Registered Distributor, Registration No. 9204, on or about October 4, 1940, which commission as allowed or paid, directly or indirectly was \$2.34 in excess of the maximum discount which Thermal could have received if it had purchased said coal as a distributor under the schedule of due and reasonable maximum discounts for distributors established pursuant to section 4 II (h) of the Act, and that such commission so allowed or paid directly or indirectly, resulted in violations of Rule 13 (A) of section II of the Marketing Rules and Regulations by said code member by reason of the fact that no application pursuant to said rule was filed with the Division for permission to allow and pay said commission.

3. By selling, for rail shipment, through Thermal, subsequent to September 30, 1940, to Valley Camp Coal Company, Baltimore, Maryland, Registered Distributor, Registration No. 9204, coal produced at the aforesaid mine, below the effective minimum price established therefor by the Division, including the sale of 54.2 net tons of 2" nut and slack coal on or about October 4, 1940 at \$2.15 per net ton f. o. b. said mine, whereas the size of said coal fell within a size group or classification for which no price was listed for said mine in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, and, therefore, pursuant to said Schedule, said coal should have been sold at not less than \$2.25 per net ton f. o. b. said mine, the applicable minimum price established for the next largest size, to wit, Size Group No. 3, for which a price was listed for said mine, therefore said sale and delivery resulted in a violation

of said section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: February 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-2096; Filed, February 9, 1943; 11:17 a. m.]

[Docket No. C-23]

GREAT NORTHERN RAILWAY CO.

ORDER POSTPONING HEARING UNTIL FURTHER ORDER

In the matter of the application of the Great Northern Railway Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at the Giffen Mine of The Great Northern Railway Company in District No. 22 having been filed by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937; and

A hearing in this matter having been scheduled to be held on February 11, 1943; and

It appearing appropriate that said hearing should be postponed until further order;

Now, therefore, it is ordered, That the hearing in the above-entitled matter, heretofore scheduled to be held on February 11, 1943, be, and it hereby is, postponed until further order.

Dated: February 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-2097; Filed, February 9, 1943; 11:16 a. m.]

[Docket No. C-24]

B. F. GOODRICH CO.

ORDER POSTPONING HEARING UNTIL FURTHER ORDER

In the matter of the application of The B. F. Goodrich Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at certain mines of The B. F. Goodrich Company in Tuscarawas County, Ohio, District No. 4, having been filed by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937; and

A hearing in this matter having been scheduled to be held on February 23, 1943; and

It appearing appropriate that said hearing should be postponed until further order;

Now, therefore, it is ordered, That the hearing in the above-entitled matter, heretofore scheduled to be held on February 23, 1943, be, and it hereby is, postponed until further order.

Dated: February 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-2098; Filed, February 9, 1943; 11:17 a. m.]

BLUE GRASS COAL CO., ET AL.

ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Blue Grass Coal Company, (a corporation), the M. A. Hanna Coal & Dock Company, North Western Fuel Company and Fred-eric Parker (Hanson & Parker).

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, it is so ordered.

Dated: February 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

EXHIBIT A

Registration Number and Name	Address
0863 Blue Grass Coal Co. (a corporation).	3301 Carew Tower, Cincinnati, Ohio.
3960 The M. A. Hanna Coal & Dock Co.	1240 Baker Bldg., Minneapolis, Minn.
6897 North Western Fuel Co.	2196 University Ave., St. Paul, Minn.
7150 Frederick Parker (Hanson & Parker).	50 Congress St., Boston, Mass.

[F. R. Doc. 43-2099; Filed, February 9, 1943; 11:17 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

MARKETING AGREEMENTS AND ORDERS

DELEGATION OF AUTHORITY

Order authorizing the Director of Food Distribution to perform certain functions in connection with marketing agreements and orders.

Pursuant to the authority vested in the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") by Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed., sec. 601 et seq.), hereinafter referred to as the "act", the order (7 F.R. 938) executed by the Secretary on February 10, 1942, authorizing the Administrator of Agricultural Marketing to perform certain functions in connection with marketing agreements and orders, is hereby amended by deleting from said order the words "Administrator of Agricultural Marketing", wherever such words appear therein, and inserting, in lieu thereof, the words "Director of Food Distribution".

Done at Washington, D. C., this 8th day of February 1943. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-2060; Filed, February 8, 1943; 1:35 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES.

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942, (7 F.R. 4724)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940, (5 F.R. 4203)

Glove findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940, (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940, (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940, (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941, (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940, (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941, (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective February 8, 1943. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

B & B Manufacturing Company, 26 Canfield Street, Orange, New Jersey; Cotton dresses, apron; 5 learners (T); February 8, 1944.

Bair Shirt Factory, Bair, Pennsylvania; Work shirts; 10 learners (T); February 8, 1944.

The Berkley Company, N. E. Cor. 11th & Washington Ave., Philadelphia, Penn-

sylvania; Men's neckwear, shirts and pajamas; 5 learners (T); February 8, 1944.

Brownstein-Louis Company, 1228 San Julian Street, Los Angeles, California; Shirts, pants and overalls; 10 percent (T); February 8, 1944.

Carbondale Products Company, Inc., 21-23 Dundaff Street, Carbondale, Penn.; Ladies' slips; 6 learners (T); February 8, 1944.

Central Manufacturing Company, Mulberry Street, Dickson, Tennessee; Work shirts and Army shirts; 10 learners (E); August 8, 1943.

Kay Dunhill, Incorporated, 201 Westwood Avenue, Long Branch, New Jersey; House dresses and wash frocks; 10 percent (T); February 8, 1944.

Kay Dunhill, Inc., Hudson and Hill Streets, Mechanicville, New York; House dresses and wash frocks; 10 percent (T); February 8, 1944.

Essex Manufacturing Company, 620 Franklyn Avenue, Essex, Maryland; Cotton work pants; 10 learners (T); February 8, 1944.

Garden Dress Company, Oak & Balliett Streets, Frackville, Pennsylvania; Ladies' dresses; 10 learners (T); February 8, 1944.

B. W. Harris Manufacturing Company, 201 East 6th Street, St. Paul, Minnesota; Sheep-lined coats, mackinaws, jackets, ski suits, etc.; 10 percent (T); February 8, 1944.

Hipsh Incorporated, 2nd & Olive Street, Holden, Missouri; Herringbone twill jackets for U. S. A., men's neckwear; 10 percent (T); February 8, 1944.

Kay Dress Company, Cove Road, New Bedford, Massachusetts; Dresses; 10 learners (T); February 8, 1944.

Lamp Sportsweater Manufacturing Company, 2570 Superior Avenue, Cleveland, Ohio; Women's outerwear garments; 10 percent (T); February 8, 1944.

Niagara Apparel Company, Incorporated, 77 Swan Street, Buffalo, New York; Single pants, Army field jackets, men's and boys' jackets; 10 percent (T); February 8, 1944.

Peter Pan Manufacturing Company, 132 Essex Street, Boston, Massachusetts; Overalls, coveralls; 5 learners (T); February 8, 1944.

Phillely Manufacturing Company, 5 North Lafayette Street, Valparaiso, Indiana; Cotton aprons; 10 learners (T); February 8, 1944.

Pittston Apparel Company, 108 South Main Street, Pittston, Pennsylvania; Ladies' brassieres; 45 learners (E); August 8, 1943.

Rice Six Factory #6, 417 N. Tenth Street, St. Louis, Missouri; Ladies' Sportswear; 10 percent (T); February 8, 1944.

Shane Uniform Company, Incorporated, 2015 W. Maryland Street, Evansville, Indiana; Washable uniforms of all types, women's coveralls, waiters and waitresses uniforms; 10 percent (T); February 8, 1944.

Superior Surgical Manufacturing Company, Incorporated, 10th Avenue and 1st Street, East Northport, New York; Hospital clothing, medical instruments, washable service apparel; 10 learners (T); February 8, 1944.

Warren Shirt Company, 7th and Mifflin Streets, Lebanon, Pennsylvania; Sport

jackets, sport shirts; 10 learners (T); February 8, 1944.

Glove Industry

The Booster Glove Company, 2068-76 Elston Avenue, Chicago, Illinois; Work gloves; 3 learners (T); February 8, 1944.

Fairfield Glove & Mitten Company, Bonaparte, Iowa; Work gloves; 4 learners (T); February 8, 1944.

Menominee Glove Company, Sheridan Road, Menominee, Michigan, Ladies' dress gloves; 5 percent (T); February 8, 1944.

Hosiery Industry

The Alden Mills, 2308 Chartres Street, New Orleans, Louisiana; Seamless hosiery; 5 percent (T); February 8, 1944.

Martinat Hosiery Mills, Incorporated, Valdese, North Carolina; Seamless hosiery; 5 percent (T); February 8, 1944.

Maryon Hosiery Mill, 12 Aycock Street, Carrollton, Georgia; Seamless hosiery; 5 learners (T); February 8, 1944.

Mt. Mitchell Hosiery Mills, Incorporated, 53 Burton Street, Ashville, North Carolina; Seamless hosiery; 5 learners (T); February 8, 1944.

Town House Hosiery Mill, Chilhowie, Virginia; Full-fashioned hosiery; 5 percent (T); February 8, 1944.

Knitted Wear Industry

Eskimo Knitting Manufacturing Corporation, 3016 E. Thompson Street, Philadelphia, Pennsylvania; Knitted outerwear; 5 learners (T); February 8, 1944.

Lincoln Underwear Mills, Incorporated, Evans and Water Streets, Pottstown, Pennsylvania; Knitted underwear; 5 learners (T); February 8, 1944.

Textile Industry

Grantville Mills, Grantville, Georgia; Cotton and rayon yarn; 3 percent (T); February 8, 1944.

Ninety Six Cotton Mill, Ninety Six, South Carolina; Unfinished cotton goods; 3 percent (T); February 8, 1944.

Telephone Industry

Moore Telephone System, 201 Montague Avenue, Caro, Michigan; To employ learners as commercial switchboard operators at its Caro exchange, at Caro, Michigan, until February 8, 1944.

Cigar Industry

General Cigar Company, Incorporated, 154 W. Church Street, Nanticoke, Pennsylvania; Cigars, 69 learners (E); Cigar Machine Operators and Cigar Packers for a learning period of 320 hours at 75% of applicable minimum wage until August 7, 1943.

Signed at New York, N. Y., this 6th day of February 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-2062; Filed, February 8, 1943; 2:15 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 769]

AENNE SCHMICH

Re: Certain real property in California together with money credited to the account of Robert Mayer, owned by Aenne Schmich.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Aenne Schmich is a citizen of Germany whose last known address is Ortenaustrasse 7, Mannheim, Germany, and that therefore she is a national of a designated enemy country (Germany);

2. Finding that said Aenne Schmich is the owner of real and personal property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of said Aenne Schmich, in and to that certain real property situated at 115 Ruby Street, Redondo Beach, California, more particularly described as Lots 1 and 2 in Block 190, of the City of Redondo Beach, County of Los Angeles, State of California, as per map recorded in Book 39, Page 1 et seq., Miscellaneous Records of said County, together with all of the fixtures, improvements and appurtenances thereto, and any and all claims of Aenne Schmich for rents, refunds, benefits or other payments arising from the ownership of such property; and

b. All right, title, interest and claim of any name or nature whatsoever of said Aenne Schmich in and to all obligations, contingent or otherwise and whether or not matured, owing to her by Robert Mayer, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations, and including particularly the obligation arising on account of the delivery by her to Robert Mayer of certain moneys which were credited to the account of Robert Mayer, President, J. Kahn & Company, Dallas, Texas, on the books of said company,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2088; Filed, February 9, 1943;
10:28 a. m.]

[Vesting Order 816]

EMILIE ALTENBACH AND MARGOT BUCHMULLER

Re: Certain real property in California, together with a bank account, owned by Emilie Altenbach and Margot Buchmuller.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Emilie Altenbach and Margot Buchmuller, whose last known addresses are 12 and 14 Beethoven Strasse, Dusseldorf, Germany, respectively, are citizens of Germany and are nationals of a designated enemy country (Germany):

2. Finding that said Emilie Altenbach and Margot Buchmuller are the owners of the real and personal property described in subparagraph 3 hereof;

3. Finding therefore that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Emilie Altenbach and Margot Buchmuller, and each of them, in and to that certain real property situated at 8613-8615 South Broadway, Los Angeles, California, more particularly described as Lot 4 Scovill's Moneta Avenue Tract, as per map recorded in Book 8, at Page 69 of Maps, records of Los Angeles County, together with all the fixtures, improvements and appurtenances thereto, and any and all claims of Emilie Altenbach and Margot Buchmuller, and each of them, for rents, refunds, benefits or other payments arising from the ownership of such property;

b. All right, title, interest and claim, of any name or nature whatsoever of said Emilie Altenbach and Margot Buchmuller, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them, or either of them, by the Security-First National Bank of Los Angeles, Los Angeles, California, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations, and including particularly the account in the Broadway and Olympic Branch of said Security-First National Bank of Los Angeles in the name of T. L. Milburn, agent for Emilie Altenbach and Margot Buchmuller, which bank account is due and owing to, and held for, Emilie Altenbach and Margot Buchmuller,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on February 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2087; Filed, February 9, 1943;
10:28 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 23 Under Rev. MPR 169]

PALMYRA BOLOGNA CO.

APPROVAL OF MAXIMUM PRICE

Order No. 23 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Granting approval of maximum price for a new product to Palmyra Bologna Company.

On December 4, 1942 The Palmyra Bologna Company, Palmyra, Lebanon

County, Pennsylvania, filed an application pursuant to § 1364.52 (j) under Maximum Price Regulation No. 169, as amended, redesignated § 1364.476 (i) under Revised Maximum Price Regulation No. 169, seeking authorization to establish a maximum selling price for a new product.

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) The Palmyra Bologna Company of Palmyra, Lebanon County, Pennsylvania, may sell, and deliver, agree, offer, solicit, and attempt to sell and deliver Seltzer Brand Beef Sausage at a price not in excess of 32 cents per pound; and any person may buy, or receive from the Palmyra Bologna Company such Seltzer Brand Beef Sausage at a price not in excess of 32 cents per pound.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 23 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires the definitions set forth in § 1364.477 of Revised Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 23 shall become effective February 9, 1943.

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2075; Filed, February 8, 1943;
2:57 p. m.]

[Order 24 Under Rev. MPR 169]

JOHN S. WEAVER

ORDER GRANTING APPROVAL OF MAXIMUM PRICE

Order No. 24 Under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Granting approval of maximum price for a new product to John S. Weaver.

On December 4, 1942, John S. Weaver, of Lebanon, Lebanon County, Pennsylvania, filed an application pursuant to § 1364.52 (j) under Maximum Price Regulation No. 169, as amended, redesignated § 1364.476 (i) under Revised Maximum Price Regulation No. 169, seeking authorization to establish a maximum selling price for a new product.

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) John S. Weaver of Lebanon, Lebanon County, Pennsylvania, may sell, and deliver, agree, offer, solicit, and attempt to sell and deliver Penn Dutch Sausage at a price not in excess of 32 cents per pound; and any person may buy, or receive from John S. Weaver such Penn Dutch Sausage at a price not in excess of 32 cents per pound.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 24 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires the definitions set forth in § 1364.477 of Revised Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 24 shall become effective February 9, 1943.

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2076; Filed, February 8, 1943;
2:57 p. m.]

[Order 66 Under RPS 64]

CALORIC GAS STOVE WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 66 under § 1356.1 (d) of Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

Approval of maximum prices for sales by retailers of the Models 20CE, 20E, 20C and 20 Caloric Conservator heating stoves manufactured by the Caloric Gas Stove Works, of Philadelphia.

(a) Retailers may sell and deliver the following models of heating stoves manufactured by the Caloric Gas Stove Works of Philadelphia, to consumers, at prices no higher than the amount set forth below opposite each model number. These maximum prices do not include any amount for installation or delivery by the dealer to the consumer:

Model 20CE (with casing, enamel finish).....	\$57.00
Model 20E (without casing, enamel finish).....	51.50
Model 20C (with casing, Japan finish).....	49.95
Model 20 (without casing, Japan finish).....	46.75

(b) This Order No. 66 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 66 shall become effective on the 9th day of February 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2077; Filed, February 8, 1943;
2:56 p. m.]

[Order 156 Under MPR 188]

CAMBRIDGE CEMENT STONE CO., ET AL.

TEMPORARY MAXIMUM PRICES

Order No. 156 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Temporary maximum prices for certain new fireplace grates manufactured from substitute materials.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emer-

gency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) This Order No. 156 sets temporary maximum prices for sales of certain new fireplace grates manufactured from substitute materials. It applies only to the grates which have been described in applications submitted by the manufacturers to the Office of Price Administration. The order is temporary. No sales or deliveries may be made under its authority after the 1st day of April 1943.

Listed below are the maximum prices for sales by the manufacturers and by retailers. The prices listed below may be charged only if the manufacturer attaches to the grate the written warranty described in paragraph (b). If the manufacturer does not make the warranty, the maximum prices for sales by the manufacturer and by retailers shall be computed by deducting 15% from the prices listed in the table.

Name of manufacturer	Factory to retailer price	Retail price
Cambridge Cement Stone Co., Post Office Box 41, Allston, Mass.:		
6-bar grate.....	8.95	\$14.95
7-bar grate.....	9.90	16.50
8-bar grate.....	10.75	17.95
Economy Cast Stone Co., Post Office Box 1223, Richmond, Va.:		
6-bar grate.....	8.95	14.95
7-bar grate.....	9.90	16.50
8-bar grate.....	10.75	17.95
Edmonds Art Stone Co., 2135 Queens Chapel Road, N.E., Washington, D. C.:		
6-bar grate.....	8.95	14.95
7-bar grate.....	9.90	16.50
8-bar grate.....	10.75	17.95
Long Island Concrete Products Co., 105 E. Merrick Road, Freeport, L. I., N. Y.:		
6-bar grate.....	8.95	14.95
7-bar grate.....	9.90	16.50
8-bar grate.....	10.75	17.95
United Concrete Form Products Co., Inc., 5243 West 25th Place, Chicago, Ill.:		
6-bar grate.....	8.95	14.95
7-bar grate.....	9.90	16.50
8-bar grate.....	10.75	17.95

(1) The price listed under "factory to retailer" in the above table is the maximum price for sales by the manufacturer to retailers. The price is f. o. b. the manufacturer's city.

(2) The price listed under "retail price" in the above table is the maximum price for sales at retail.

(b) The maximum prices set forth in the table contained in paragraph (a) can be charged only if the manufacturer sells the grate with a written warranty in the following form:

"....., the manufacturer of this grate, warrants to the retailer and to any person buying from him that it is fit for burning coal or wood in a fireplace". If the manufacturer desires to do so, he may add: "This warranty, however, does not protect against rough handling by the consumer."

The warranty shall be attached to the grate by the manufacturer and shall not be detached until after the grate has been delivered to the consumer.

(c) Before delivery of a fireplace grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price of the grate. For example, a statement in the following form on a 6-bar grate would be sufficient: "Retail Ceiling Price \$14.95". The tag or label shall not be detached until the grate has been delivered to the consumer.

(d) At or before the time of first delivery after the effective date of this order, the manufacturer shall notify in writing every person who buys from him of the maximum price set by this Order No. 156 for resales by the purchaser. This written notice may be given in any convenient manner; for example, it may be shown on or attached to the invoice, or packed with the merchandise.

(e) Within fifteen days after March 1, 1943, each manufacturer shall prepare and mail to the Office of Price Administration, Washington, D. C., a report covering his operations during the sixty day period which ends February 28, 1943. The report shall contain the following information, so far as the manufacturer's customary methods of keeping records make it available:

The number of units manufactured during the period, the number of units sold, total gross sales, total returns and allowances, and costs per unit for materials, direct labor, and factory overhead. The method of computation of costs should be explained and supporting details should be furnished.

(f) This Order No. 156 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(h) This Order No. 156 shall become effective on the 9th day of February 1943, and shall terminate on the 1st day of April 1943.

Issued this 8th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2078; Filed, February 8, 1943;
2:56 p. m.]

WAR PRODUCTION BOARD.

CANCELLATION OF STOP ORDER

Builder: Texas State Highway Department, Austin, Texas. Project: Grading, drainage, gravel on U. S. 80 from New Mexico line south toward El Paso identified as SN-FAP 439-A (4).

The order issued January 15, 1943 prohibiting further construction on the above-described project and prohibiting the delivery of materials to be used in connection with such construction is hereby cancelled.

Issued February 8, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2085; Filed, February 8, 1943;
4:57 p. m.]