



FEDERAL REGISTER

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Washington, Friday, February 5, 1943

The President

EXECUTIVE ORDER 9298

AMENDING SUBDIVISIONS VII AND XVI OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404), it is ordered that Schedule A of the Civil Service Rules be, and it is hereby, amended as follows:

1. Subdivision VII is amended by the addition of the following paragraph:

"9. The Solicitor of the Post Office Department."

2. Subdivision XVI is amended to read as follows:

"XVI. The Tax Court of the United States

"1. Two private secretaries or confidential assistants to each member of the Court."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 2, 1943.

[F. R. Doc. 43-1832; Filed, February 3, 1943;
2:29 p. m.]

Regulations

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 168]

PART 408—ACCOUNTING SECTION

INSUFFICIENT PAYMENTS

Section 408.00k as amended¹ shall be amended to read as follows:

§ 408.00k *Insufficient payments.* If a remittance purporting to pay a loan in full, or intended as a final settlement in any case involving a release of the Corporation's interest or a part thereof, is insufficient in an amount of one dollar or less, no attempt shall be made to collect any such difference between the amount due and the amount of the payment received.

¹ 7 F.R. 5080.

The appropriate account affected shall be credited with the amount of such insufficiency, with a contra-debit to the account charges to reserve. Overpayments exceeding one dollar shall be refunded, by disbursement from the regional working fund, upon approval of the regional manager and certification by the auditor or an authorized deputy. Overpayments of one dollar or less shall be credited to such accounts as the comptroller shall prescribe; *Provided, however,* That the regional manager, when he is advised by the regional counsel that it is legally necessary to do so, shall direct that the same be refunded.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

Effective December 21, 1942.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 43-1830; Filed, February 3, 1943;
1:44 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5222]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

LIFE INSURANCE COMPANIES

Regulations 103, amended to conform to section 163 of the Revenue Act of 1942, relating to life insurance companies.

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 163 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately below the heading "Insurance Companies" which immediately precedes section 201 the following:

(For taxable years beginning after December 31, 1938 and prior to January 1, 1942)

(Continued on next page)

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PAR. 2. There is inserted immediately after § 19.208-1 the following:

INSURANCE COMPANIES

(For taxable years beginning after December 31, 1941)

SEC. 163. LIFE INSURANCE COMPANIES. (Revenue Act of 1942, Title I.)

(a) Sections 201, 202, and 203 (relating to life insurance companies) are amended to read as follows:

SEC. 201. LIFE INSURANCE COMPANIES.

(a) *Imposition of tax.*

(1) *In general.* There shall be levied, collected, and paid for each taxable year upon the adjusted normal-tax net income (as defined in section 202) and upon the adjusted corporation surtax net income (as defined in section 203) of every life insurance company taxes at the rates provided in section 13 or section 14 (b) and in section 15 (b).

(2) *Foreign life insurance companies.* A foreign life insurance company carrying on a life insurance business within the United States if with respect to its United States business it would qualify as a life insurance company under subsection (b) shall be taxable in the same manner as a domestic life insurance company except that the deter-

minations necessary for the purposes of this chapter shall be made on the basis of the income, disbursements, assets, and liabilities reported in the annual statement for the taxable year of the United States business of such company on the form approved for life insurance companies by the National Association of Insurance Commissioners.

(3) *No United States insurance business.* Foreign life insurance companies not carrying on an insurance business within the United States shall not be taxable under this section but shall be taxable as other foreign corporations.

(b) *Definition of life insurance company.* When used in this chapter, the term "life insurance company" means an insurance company which is engaged in the business of issuing life insurance and annuity contracts (either separately or combined with health and accident insurance), or noncancellable contracts of health and accident insurance, and the life insurance reserves (as defined in subsection (c) (2)) plus unearned premiums and unpaid losses on noncancellable life, health, or accident policies not included in life insurance reserves, of which comprise more than 50 per centum of its total reserves. For the purpose of this subsection, total reserves means life insurance reserves, unearned premiums and unpaid losses not included in life insurance reserves, and all other insurance reserves required by law. For taxable years beginning after December 31, 1943, a burial or funeral benefit insurance company engaged directly in the manufacture of funeral supplies or the performance of funeral services shall not be taxable under this section but shall be taxable under section 204 or section 207.

(c) *Other definitions.* In the case of a life insurance company:

(1) *Gross income.* The term "gross income" means the gross amount of income received during the taxable year from interest, dividends, and rents.

(2) *Life insurance reserves.* The term "life insurance reserves" means amounts which are computed or estimated on the basis of recognized mortality or morbidity tables and assumed rates of interest, and which are set aside to mature or liquidate, either by payment or reinsurance, future unaccrued claims arising from life insurance, annuity, and noncancellable health and accident insurance contracts (including life insurance or annuity contracts combined with noncancellable health and accident insurance) involving, at the time with respect to which the reserve is computed, life, health, or accident contingencies. Such life insurance reserves, except in the case of policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation and except as hereinafter provided in the case of assessment life insurance, must also be required by law. In the case of an assessment life insurance company or association the term "life insurance reserves" includes sums actually deposited by such company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under the charter or articles of incorporation or association, or bylaws approved by State Insurance Commissioner of such company or association exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use.

(3) *Adjusted reserves.* The term "adjusted reserves" means life insurance reserves plus 7 per centum of that portion of such reserves as are computed on a preliminary term basis.

(4) *Reserve earnings rate.* The term "reserve earnings rate" means a rate computed by adding 2.125 per centum (65 per centum of 3¼ per centum) to 35 per centum of the

average rate of interest assumed in computing life insurance reserves. Such average rate shall be calculated by multiplying each assumed rate of interest by the mean of the amounts of the adjusted reserves computed at that rate at the beginning and end of the taxable year and dividing the sum of the products by the mean of the total adjusted reserves at the beginning and end of the taxable year.

(5) *Reserve for deferred dividends.* The term "reserve for deferred dividends" means sums held at the end of the taxable year as a reserve for dividends (other than dividends payable during the year following the taxable year) the payment of which is deferred for a period of not less than five years from the date of the policy contract.

(6) *Interest paid.* The term "interest paid" means:

(A) All interest paid within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this chapter, and

(B) All amounts in the nature of interest, whether or not guaranteed, paid within the taxable year on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time of payment, life, health, or accident contingencies

(7) *Net income.* The term "net income" means the gross income less:

(A) *Tax-free interest.* The amount of interest received during the taxable year which under section 22 (b) (4) is excluded from gross income;

(B) *Investment expenses.* Investment expenses paid during the taxable year. If any general expenses are in part assigned to or included in the investment expenses, the total deduction under this subparagraph shall not exceed one-fourth of 1 per centum of the mean of the book value of the invested assets held at the beginning and end of the taxable year plus one-fourth of the amount by which net income computed without any deduction for investment expenses allowed by this subparagraph, or for tax-free interest allowed by subparagraph (A), exceeds 3 $\frac{3}{4}$ per centum of the book value of the mean of the invested assets held at the beginning and end of the taxable year;

(C) *Real estate expenses.* Taxes and other expenses paid during the taxable year exclusively upon or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a company upon his interest as shareholder, which are paid by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes;

(D) *Depreciation.* A reasonable allowance, as provided in section 23 (1), for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence.

(d) *Rental value of real estate.* The deduction under subsection (c) (7) (C) or (c) (7) (D) of this section on account of any real estate owned and occupied in whole or in part by a life insurance company, shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this subsection) as the rental value of the space not so occupied bears to the rental value of the entire property.

(e) *Amortization of premium and accrual of discount.* The gross income, the deduction provided in section 201 (c) (7) (A) and the credit allowed against net income in section 26 (a) shall each be decreased by the appropriate amortization of premium and increased by the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures or other evidences of indebtedness held by a life insurance company. Such amortization and accrual shall be determined (1) in accordance with the method regularly employed by such company, if such method is reasonable, and (2) in all other cases, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(f) *Double deductions.* Nothing in this section or in section 202 or 203 shall be construed to permit the same items to be twice deducted.

(g) *Credits under section 26.* For the purposes of this section, in computing normal tax net income and corporation surtax net income, the credits provided in section 26 shall be allowed in the manner and to the extent provided in sections 13 (a) and 15 (a)

* * * * *

(b) *Technical amendments.*

(1) Section 103 (relating to rates of tax on citizens and corporations of certain foreign countries) is amended by striking out "201 (b)" wherever appearing therein and inserting "201 (a)".

(2) Section 208 (relating to net operating losses) is repealed.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title 1.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

§ 19.201-1 *Tax on life insurance companies.* All life insurance companies (including a foreign life insurance company carrying on a life insurance business within the United States if with respect to its United States business it would qualify as a life insurance company under section 201 (b)) are subject to both normal tax and surtax. The normal tax is imposed on the adjusted normal-tax net income (as defined in section 202) and the surtax is imposed on the adjusted corporation surtax net income (as defined in section 203) at the rates provided in section 13 or section 14 (b) and in section 15 (b).

The net income of life insurance companies differs from the net income of other corporations. See section 201 (c). Life insurance companies are entitled, in computing normal-tax net income and corporation surtax net income, to the credits provided in section 26 in the manner and to the extent provided in sections 13 (a) and 15 (a) respectively. The gross income, the deduction under section 201 (c) (7) (A) for wholly tax-exempt interest, and the credit under section 26 (a) for partially tax-exempt interest, are decreased by the appropriate amortization of premium and increased by the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures or other evidences of indebtedness held by a life insurance company. (See section 201 (e) and § 19.201-9.) Such companies are not subject to the provisions of section 117 (capital gains and losses) nor to the provisions of section 125 (amortizable bond premiums). For computation of the ad-

justed normal-tax net income from normal-tax net income and the adjusted corporation surtax net income from corporation surtax net income, see §§ 19.202-1, 19.202-2 and 19.203-1.

All provisions of the Internal Revenue Code and of these regulations not inconsistent with the specific provisions of sections 201 to 203, inclusive, are applicable to the assessment and collection of the tax imposed by section 201 (a), and life insurance companies are subject to the same penalties as are provided in the case of returns and payment of income tax by other corporations. The return shall be on Form 1120L.

Foreign life insurance companies not carrying on an insurance business within the United States are not taxable under section 201 (a), but are taxable as other foreign corporations. (See section 231.)

§ 19.201-2 *Foreign life insurance companies.* A foreign life insurance company carrying on a life insurance business within the United States if with respect to its United States business it would qualify as a life insurance company under section 201 (b), is taxable on its income received during the taxable year from interest, dividends, and rents, from sources within and without the United States, pertaining to its United States business. Such a company is taxable in the same manner as a domestic life insurance company except that the determinations necessary for the purposes of chapter 1, such as gross income, the adjustment for certain reserves, deductions and limitations on deductions, amortization of premiums and accrual of discount, and the credits provided in section 26, shall be made on the basis of the income, disbursements, assets, and liabilities reported in the annual statement for the taxable year of the United States business of such company on the form approved for life insurance companies by the National Association of Life Insurance Commissioners. This statement is presumed clearly to reflect the income, disbursements, assets, and liabilities of the United States business of the company and in so far as it is not inconsistent with the provisions of the Code will be recognized and used as a basis for that purpose.

§ 19.201-3 *Life insurance companies; definition.* The term "life insurance company" as used in chapter 1 is defined in section 201 (b). In determining whether an insurance company is a life insurance company the life insurance reserves (as defined in section 201 (c) (2)) plus any unearned premiums and unpaid losses on noncancellable life, health, or accident policies, not included in "life insurance reserves" must comprise more than 50 percent of its total reserves (as defined in section 201 (b)). An insurance company writing only noncancellable life, health, or accident policies and having no "life insurance reserves" may qualify as a life insurance company if its unearned premiums and unpaid losses on such policies comprise more than 50 percent of its total reserves. A noncancellable insurance policy means a contract which the insurance company is under an obligation to renew or continue

at a specified premium and with respect to which a reserve in addition to the unearned premium must be carried to cover that obligation. A burial or funeral benefit insurance company qualifying as a life insurance company shall continue to be taxed under section 201 for taxable years beginning prior to January 1, 1944. For taxable years beginning after December 31, 1943 any such company engaged directly in the manufacture of funeral supplies or the performance of funeral services will be taxable under section 204 or section 207 as an insurance company other than life. (For the definition of an insurance company see § 19.3797-7.)

§ 19.201-4 *Life insurance reserves.* The term "life insurance reserves" is defined in section 201 (c) (2). Generally, such reserves, as in the case of level premium life insurance, are held to supplement the future premium receipts when the latter, alone, are insufficient to cover the increased risk in the later years. In the case of cancellable health and accident policies and similar cancellable contracts, the unearned premiums held to cover the risk for the unexpired period covered by the premiums are not included in life insurance reserves. Unpaid loss reserves for noncancellable health and accident policies are included in life insurance reserves if they are computed or estimated on the basis of recognized mortality or morbidity tables and assumed rates of interest.

In the case of an assessment life insurance company or association, life insurance reserves include sums actually deposited by such company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under the charter or articles of incorporation of such company or association exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use.

Life insurance reserves, except as otherwise provided in section 201 (c) (2), must be required by law either by express statutory provisions or by rules and regulations of the insurance department of a State, Territory, or the District of Columbia when promulgated in the exercise of a power conferred by statute, but such requirement, without more, is not conclusive; for example, life insurance reserves do not include reserves required to be maintained to provide for the ordinary running expenses of a business definite in amount, and which must be currently paid by every company from its income if its business is to continue, such as taxes, salaries, and unpaid brokerage; nor do they include the net value of risks reinsured in other solvent companies; liability for premiums paid in advance; liability for annual and deferred dividends declared or apportioned; liability for dividends left on deposit at interest; liability for accrued but unsettled policy claims whether known or unreported; liability for supplementary contracts not involving, at the time with respect to which the liability is computed, life, health or accident contingencies.

In any case where reserves are claimed, sufficient information must be filed with the return to enable the Commissioner to determine the validity of the claim. Only reserves which are required by law or insurance department ruling, which are peculiar to insurance companies, and which are dependent upon interest earnings for their maintenance will, except as otherwise specifically provided in section 201 (c) (2), be considered as life insurance reserves. A company is permitted to make use of the highest aggregate reserve required by any State or Territory or the District of Columbia in which it transacts business, but the reserve must have been actually held.

In the case of life insurance companies issuing policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation, it is required that reserve funds thereon be based upon recognized mortality or morbidity tables covering disability benefits of the kind contained in policies issued by this particular class of companies but they need not be required by law.

§ 19.201-5 *Interest paid.* Interest paid is one of the elements to be used, together with adjusted reserves, reserve earnings rate, and reserve for deferred dividends, in arriving at the figure to be determined and proclaimed by the Secretary under the formula set forth in section 202 (b) (see § 19.202-1). Interest paid consists of (1) interest paid on indebtedness (except indebtedness incurred or continued to purchase or carry tax exempt securities as set forth in section 201 (c) (6) (A)) and (2) amounts in the nature of interest paid on certain contracts, as provided in section 201 (c) (6) (B). Interest on indebtedness includes interest on dividends held on deposit and surrendered during the taxable year but does not include interest paid on deferred dividends the reserve for which is used in determining the policy and other liability credit provided in section 202 (b). Life insurance reserves as defined in § 19.201-4 are not indebtedness. Dividends left with the company to accumulate at interest are a debt and not a reserve liability. Amounts in the nature of interest include so-called excess-interest dividends as well as guaranteed interest paid within the taxable year on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve at the time of payment, life, health, or accident contingencies. It is immaterial whether the optional mode of settlement specified in the insurance or annuity contract arises from an option exercised by the insured during his or her lifetime or from an option exercised by a beneficiary after the policy has matured, frequently referred to as a supplementary contract not involving life contingencies; for example, a contract to pay the insurance benefit in 10 annual installments. No distinction is made based on the person choosing the method of payment and the full amount of the interest paid and not merely the guaranteed interest is considered as interest paid.

§ 19.201-6 *Adjusted reserves.* For the purpose of determining the figure to be proclaimed by the Secretary under the formula set forth in section 202 (b), certain reserves computed on a preliminary term method are to be adjusted by increasing such reserves by 7 percent (see § 19.202-1). The reserves to be thus adjusted are reserves computed on preliminary term methods, such as the Illinois Standard, or the Select and Ultimate methods. Only reserves on policies in the modification period are to be so adjusted. Where reserves under a preliminary term method are the same as on the level premium method, and in the case of reserves for extended or paid-up insurance, no adjustment is to be made. The reserves as thus adjusted, and the rate of interest on which they are computed should be reported in Schedule A, Form 1120L.

§ 19.201-7 *Net income and deductions—(a) In general.* The net income of a life insurance company is its gross amount of income received during the taxable year from interest, dividends, and rents, less the deductions provided in section 201 (c) (7) for wholly tax-exempt interest, investment expenses, real estate expenses, and depreciation. In addition to the limitations on deductions relating to real estate owned and occupied by a life insurance company provided in section 201 (d), the limitations on the adjustment for amortization of premium and accrual of discount provided in section 201 (e), and the limitation on the deduction for investment expenses where general expenses are allocated to investment income provided in section 201 (c) (7) (B), life insurance companies are subject to the limitation on deductions relating to wholly tax-exempt income provided in section 24 (a) (5). Life insurance companies are not entitled to any deduction for net operating loss.

(b) *Wholly tax-exempt interest.* Interest which in the case of other taxpayers is excluded from gross income by section 22 (b) (4) but included in the gross income of a life insurance company by section 201 (c) (1) is allowed as a deduction from gross income by section 201 (c) (7) (A).

(c) *Investment expenses.* The term "general expenses" as used in the Internal Revenue Code means any expense incurred for the benefit of more than one department of the company rather than for the benefit of a particular department thereof. Any assignment of such expense to the investment department of the company for which a deduction is claimed under section 201 (c) (7) (B) subjects the entire deduction for investment expenses to the limitation provided in that section. The accounting procedure employed is not conclusive as to whether any assignment has in fact been made. Investment expenses do not include federal income and excess profits taxes.

If no general expenses are assigned to or included in investment expenses the deduction may consist of investment expenses actually paid during the taxable year in which case an itemized schedule

of such expenses must be appended to the return.

Invested assets for the purpose of section 201 (c) (7) (B) and this section are those which are owned and used, and to the extent used, for the purpose of producing the income specified in section 201 (c) (1). They do not include real estate owned and occupied, and to the extent owned and occupied, by the company. If general expenses are assigned to or included in investment expenses the maximum allowance will not be granted unless it is shown to the satisfaction of the Commissioner that such allowance is justified by a reasonable assignment of actual expenses.

(d) *Taxes and expenses with respect to real estate.* The deduction for taxes and expenses under section 201 (c) (7) (C) includes taxes and expenses paid during the taxable year exclusively upon or with respect to real estate owned by the company and any sum representing taxes imposed upon a shareholder of the company upon his interest as shareholder which is paid by the company without reimbursement from the shareholder. No deduction shall be allowed, however, for taxes, expenses, and depreciation upon or with respect to any real estate owned by the company except to the extent used for the purpose of producing investment income. (See paragraph (c) of this section.) As to real estate owned and occupied by the company see § 19.201-8.

(e) *Depreciation.* The deduction allowed for depreciation is, except as provided in section 201 (d), identical with that allowed other corporations by section 23 (1). The amount allowed by section 23 (1) in the case of life insurance companies is limited to depreciation sustained on the property used, and to the extent used, for the purpose of producing the income specified in section 201 (c) (1).

§ 19.201-8 *Real estate owned and occupied.* The amount allowable as a deduction for taxes, expenses, and depreciation upon or with respect to any real estate owned and occupied in whole or in part by a life insurance company is limited to an amount which bears the same ratio to such deduction (computed without regard to this limitation) as the rental value of the space not so occupied bears to the rental value of the entire property. For example, if the rental value of the space not occupied by the company is equal to one-half of the rental value of the entire property, the deduction for taxes, expenses, and depreciation is one-half of the taxes, expenses, and depreciation on account of the entire property. Where a deduction is claimed as provided in this section, the parts of the property occupied and the parts not occupied by the company, together with the respective rental values thereof, must be shown in a statement accompanying the return.

§ 19.201-9 *Amortization of premium and accrual of discount.* Section 201 (e) provides for certain adjustments on account of amortization of premium and accrual of discount on bonds, notes, debentures, or other evidences of indebted-

ness held by a life insurance company. Such adjustments are limited to the amount of appropriate amortization or accrual attributable to the taxable year with respect to such securities which are not in default as to principal or interest and which are amply secured. The question of ample security will be resolved according to the rules laid down from time to time by the National Association of Insurance Commissioners. The adjustment for amortization of premium decreases, and for accrual of discount increases, (a) the gross income, (b) the deduction for wholly tax-exempt interest, and (c) the credit for partially tax-exempt interest.

The premium for any such security is the excess of its acquisition value over its maturity value and the discount is the excess of its maturity value over its acquisition value. The acquisition value of any such security is its cost (including buying commissions or brokerage but excluding any amounts paid for accrued interest) if purchased for cash, or if not purchased for cash, then its fair market value. The maturity value of any such security is the amount payable thereunder either at the maturity date or at an earlier call date. The earlier call date of any such security may be the earliest call date specified therein as a day certain, the earliest interest payment date if it is callable or payable at such date, the earliest date at which it is callable at par, or such other call or payment date, prior to maturity, specified in the security as may be selected by the life insurance company. A life insurance company which adjusts amortization of premium or accrual of discount with reference to a particular call or payment date must make the adjustments with reference to the value on such date and may not, after selecting such date, use a different call or payment date, or value, in the calculation of such amortization or discount with respect to such security unless the security was not in fact called or paid on such selected date.

The adjustments for amortization of premium and accrual of discount will be determined:

(a) According to the method regularly employed by the company, if such method is reasonable, or

(b) According to the method prescribed by this section.

A method of amortization of premium or accrual of discount will be deemed "regularly employed" by a life insurance company if the method was consistently followed in taxable years beginning prior to January 1, 1942, or if for taxable years beginning on or after such date the company (including a company which followed a different method in taxable years beginning prior to January 1, 1942), initiates on or before March 15, 1943, or in the first taxable year for which the adjustments are made, a reasonable method of amortization of premium or accrual of discount and consistently follows such method thereafter. Ordinarily, a company regularly employs a method in accordance with the statute of some State, Territory,

or the District of Columbia, in which it operates.

The method of amortization and accrual prescribed by this section is as follows:

(1) The premium (or discount) shall be determined in accordance with this section; and

(2) The appropriate amortization of premium (or accrual of discount) attributable to the taxable year shall be an amount which bears the same ratio to the premium (or discount) as the number of months in the taxable year during which the security was owned by the life insurance company bears to the number of months between the date of acquisition of the security and its maturity or earlier call date, determined in accordance with this section. For the purpose of this section a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month.

SEC. 163. LIFE INSURANCE COMPANIES. (Revenue Act of 1942, Title I.)

(a) Sections 201, 202, and 203 (relating to life insurance companies) are amended to read as follows:

* * * * *

SEC. 202. ADJUSTED NORMAL-TAX NET INCOME.

(a) *Definition.* For the purposes of section 201, the term "adjusted normal-tax net income" means the normal-tax net income minus the reserve and other policy liability credit provided in subsection (b) and plus the amount of the adjustment for certain reserves provided in subsection (c).

(b) *Reserve and other policy liability credit.* As used in this section the term "reserve and other policy liability credit" means an amount computed by multiplying the normal-tax net income by a figure, to be determined and proclaimed by the Secretary for each taxable year. This figure shall be based on such data with respect to life insurance companies for the preceding taxable year as the Secretary considers representative and shall be computed in accordance with the following formula: The ratio which (1) the aggregate of the sums of (A) 2 per centum of the reserves for deferred dividends, (B) interest paid, and (C) the product of (i) the mean of the adjusted reserves at the beginning and end of the taxable year and (ii) the reserve earnings rate bears to (2) the aggregate of the excess of net incomes computed without any deduction for tax-free interest, over the adjustment for certain reserves provided in subsection (c).

(c) *Adjustment for certain reserves.* In the case of a life insurance company writing contracts other than life insurance or annuity contracts (either separately or combined with noncancellable health and accident insurance), the term "adjustment for certain reserves" means an amount equal to 3¼ per centum of the unearned premiums and unpaid losses on such other contracts which are not included in life insurance reserves. For the purposes of this subsection such unearned premiums shall not be considered to be less than 25 per centum of the net premiums written during the taxable year on such other contracts.

* * * * *

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

§ 19.202-1 *Reserve and other policy liability credit for adjusted normal-tax*

net income. Life insurance companies in computing adjusted normal-tax net income are allowed a "reserve and other policy liability credit" in lieu of a deduction for the interest allowed on their reserves, for interest paid and for deferred dividends. This credit is a flat percentage of normal-tax net income. The figure is the same for all companies and is determined on the basis of the aggregate of the interest allowed on reserves, interest paid, and two percent of the reserves held for deferred dividends, as provided in section 202 (b), for all companies. The figure for each taxable year is to be determined and proclaimed by the Secretary of the Treasury, based on such data with respect to life insurance companies for the preceding taxable year as the Secretary considers representative for such year.

The application of the reserve and other policy liability credit for the purpose of this section and section 203 may be illustrated by the following examples:

Example (1). The X Life Insurance Company for the calendar year 1942 has gross income, consisting of interest and rents, of \$4,000,000 of which \$700,000 consists of wholly tax-exempt interest. It has investment expenses of \$100,000, real estate expenses of \$80,000, and depreciation of \$20,000. Its net income and its normal-tax net income is accordingly \$3,100,000 (\$4,000,000 less investment expenses, real estate expenses, and depreciation amounting to \$200,000 and wholly tax-exempt interest of \$700,000). Since the Secretary of the Treasury has determined and proclaimed that for the taxable year 1942 the figure based on data for the taxable year 1941 is .93, the X Life Insurance Company is entitled to a credit of \$2,883,000 (\$3,100,000 x .93) and its adjusted normal-tax net income as well as its adjusted corporation surtax net income is \$217,000 (\$3,100,000 - \$2,883,000).

Example (2). If in example (1) \$100,000 of the \$4,000,000 gross income of the X Life Insurance Company for the calendar year 1942 consisted of partially tax-exempt interest, in addition to the \$700,000 of wholly tax-exempt interest, its corporation surtax net income and adjusted corporation surtax net income would be the same as in the above example. Its normal-tax net income, however, would be \$3,000,000 (\$4,000,000 less \$200,000 less \$700,000 less \$100,000), its credit would be \$2,790,000 (\$3,000,000 x .93) and its adjusted normal-tax net income would be \$210,000 (\$3,000,000 - \$2,790,000).

§ 19.202-2 *Adjustment for certain reserves.* A life insurance company writing contracts other than life insurance or annuity contracts (either separately or combined with noncancellable health and accident insurance contracts) must add to its normal-tax net income and to its corporation surtax net income, as an offset to its reserve and other policy liability credit, an amount equal to 3¼ percent of the mean of the unearned premiums and unpaid losses at the beginning and end of the taxable year on such other contracts as are not included in life insurance reserves. If such unearned premiums, however, are less than 25 percent of the net premiums written during the taxable year on such other contracts, then the amount to be added to normal-tax net income and to corporation surtax net income is 3¼ percent of 25 percent of the net premiums written during the taxable year on such other contracts plus 3¼ percent of the mean

of the unpaid losses at the beginning and end of the taxable year on such other contracts. The term "unearned premiums" when used in this section has the same meaning as in section 204 (b) (5) and the regulations thereunder.

SEC. 163. LIFE INSURANCE COMPANIES. (Revenue Act of 1942, Title I.)

(a) Sections 201, 202, and 203 (relating to life insurance companies) are amended to read as follows:

SEC. 203. ADJUSTED CORPORATION SURTAX NET INCOME.

(a) *Definition.* For the purposes of section 201, the term "adjusted corporation surtax net income" means the corporation surtax net income minus the reserve and other policy liability credit and plus the adjustment for certain reserves provided in section 202 (c).

(b) *Reserve and other policy liability credit.* As used in this section, the term "reserve and other policy liability credit" means an amount computed by multiplying the corporation surtax net income by the figure determined and proclaimed under section 202 (b).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

§ 19.203-1 *Reserve and other policy liability credit for adjusted corporation surtax net income.* Life insurance companies in computing adjusted corporation surtax net income are allowed a reserve and other policy liability credit. This credit is similar to that provided in section 202 except that it is based on corporation surtax net income, which includes partially tax-exempt interest. (See § 19.202-1 for the application and effect of this provision.)

(Sec. 163 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.), and sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed. 62))

[SEAL] NORMAN D. CANN,
Acting Commissioner of
Internal Revenue.

Approved: February 2, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-1860; Filed, February 4, 1943;
10:42 a. m.]

[T.D. 5223]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

CREDIT FOR NET OPERATING LOSS AND DIVIDENDS PAID

Regulations 103 amended to conform to section 132 (a), (b), (c), and (e) of the Revenue Act of 1942, relating to computation of net operating loss credit and dividends paid credit.

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 132 (a), (b), (c), and (e) of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.26-1 the following:

SEC. 132. COMPUTATION OF NET OPERATING LOSS CREDIT AND DIVIDENDS PAID CREDIT. (Revenue Act of 1942, Title I.)

(a) *Net operating loss credit.*

(1) *Limitations.* Section 26 (c) (1) (relating to amount of net operating loss credit) is amended to read as follows:

(1) *Amount of credit.* The amount of net operating loss (as defined in paragraph (2)) of the corporation for the preceding taxable year (if beginning after December 31, 1937) but not in excess of (A) the section 102 net income for the taxable year, in the case of the tax imposed by section 102; (B) the Supplement P net income for the taxable year, in the case of the computations required under Supplement P; or (C) the Subchapter A net income for the taxable year, in the case of the tax imposed under Subchapter A.

(2) *Net operating loss deduction.* Section 26 (c) (2) is amended by inserting after subparagraph (B) the following new subparagraph:

(C) For the purposes of this paragraph, the net operating loss deduction provided in section 122 shall not be allowed.

(3) *Clerical amendment.* Section 26 (c) (2) is amended by striking out "section" where it appears the second and fourth times and inserting in lieu thereof "chapter".

(e) *Years to which amendments applicable.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939, but shall be applicable in the computations with respect to previous taxable years for the purpose of ascertaining the amount of any dividend carry-over from such previous taxable years.

PAR. 2. Section 19.26-2 as amended by Treasury Decision 5086, approved October 10, 1941, is further amended to read as follows:

§ 19.26-2 *Credit of corporation for net operating loss of preceding year—(a) Taxable years beginning after December 31, 1939.* Since the net operating loss credit allowed by section 26 (c) cannot exceed (a) the section 102 net income for the taxable year, in the case of the tax imposed by section 102; (b) the Supplement P net income for the taxable year, in the case of the computations required under Supplement P; or (c) the Subchapter A net income for the taxable year in the case of the tax imposed under Subchapter A, it is the smaller of the following amounts:

(1) The excess of the deductions allowed by chapter 1 for the preceding taxable year over gross income for such year, both computed in accordance with the exceptions and limitations provided by section 26 (c) (2).

(2) (i) The section 102 net income for the taxable year, in the case of the tax imposed by section 102; (ii) the Supplement P net income for the taxable year, in the case of the computations required under Supplement P; (iii) the Subchapter A net income for the taxable year, in the case of the tax imposed under Subchapter A.

In computing deductions for the preceding taxable year any deduction for depletion shall be computed without reference to discovery value or percentage depletion under section 114 (b) (2), (3), or (4) (see § 19.23 (m)-2). The basis for such depletion is the basis provided in section 113 (a), adjusted as

provided in section 113 (b), for the purpose of determining the gain upon the sale or other disposition of the property involved.

In computing deductions for the preceding taxable year the net operating loss provided in section 122 shall not be allowed.

In computing the gross income for the preceding taxable year there must be included the excess, if any, of the amount of any interest received which is wholly exempt from taxes imposed by chapter 1 over the amount of interest paid or accrued which is not allowed as a deduction by section 23 (b), relating to interest on indebtedness incurred or continued to purchase or carry certain tax-exempt obligations.

Example. For 1942 the X Corporation, which makes its income tax returns on the calendar year basis, has a net income of \$1,000,000, computed on the accrual basis and without the net operating loss deduction provided in section 23 (s), capital losses of \$550,000, and no capital gains. Its Federal normal tax and surtax for 1942, not allowable as a deduction under section 23, are \$300,000, and it made no contributions during that year. For 1941 its gross income was \$500,000, and its allowable deductions were \$1,500,000. Included in such deductions was \$500,000 for net operating loss, allowed as a deduction under section 23 (s) and computed under section 122. There was likewise included in such deductions \$300,000 for depletion based on discovery value. If depletion had been computed without reference to discovery value or to percentage depletion, the amount of such deduction would have been \$100,000. For 1941 the corporation had \$300,000 of wholly tax-exempt interest, and paid \$200,000 in interest on indebtedness incurred to carry obligations from which such tax-exempt interest was derived. The net operating loss credit available to such corporation for 1942 is computed as follows:

Deductions for 1941.....	\$1,500,000	
Less excess of depletion deduction computed on basis of discovery value over amount allowable for depletion without reference to discovery value or percentage depletion (\$300,000 minus \$100,000).....	200,000	
Less net operating loss deduction.....	500,000	700,000
Deductions as limited by sections 26 (c) (2) (A) and 26 (c) (2) (C).....		800,000
Gross income for 1941.....	\$500,000	
Plus tax-exempt interest minus interest paid (\$300,000 minus \$200,000).....	100,000	
Gross income contemplated by section 26 (c) (2) (B).....		600,000
Excess of deductions over gross income for 1941.....	200,000	
Net income for 1942 (computed without net operating loss deduction provided in section 23 (s)).....		1,000,000
Less capital losses not allowed by section 117 (d).....	\$550,000	

Less Federal normal tax and surtax for 1942 not allowed as a deduction under section 23.....	300,000	
		850,000
Section 102 net income for 1942..		150,000

The credit for the net operating loss for the preceding year available to the X Corporation for 1942 is \$150,000. Inasmuch as the excess of deductions over gross income for 1941, as computed above, is greater than the section 102 net income for 1942, the net operating loss credit available to the X Corporation for 1942 is equal to the section 102 net income for 1942. If the excess of deductions over gross income for 1941, as computed above, were smaller than the section 102 net income for 1942, the entire amount of such excess would be allowed as the net operating loss credit for 1942.

Similar rules for the computation of the net operating loss credit are applicable in the case of computations required under Supplement P, or the tax imposed under Subchapter A.

(b) *Taxable years beginning after December 31, 1938, and before January 1, 1940.* If the taxable year is one beginning after December 31, 1938, and before January 1, 1940, the "net operating loss" is the smaller of the following amounts:

(1) The excess of the deductions allowed by chapter 1 for the preceding taxable year over gross income for such year, both computed in accordance with the exceptions and limitations provided by section 26 (c) (2).

(2) The adjusted net income for the taxable year, i. e., the net income minus the credit provided by section 26 (a) (see section 13 (a)).

If the preceding taxable year is one beginning after December 31, 1937, and before January 1, 1939, the term "net operating loss" means net operating loss as defined in section 26 (c) of the Revenue Act of 1938.

Example. For 1939 the Y Corporation, which makes its income tax returns on the calendar year basis, has a net income of \$50,000, included in which is \$10,000 of interest on United States obligations allowed as a credit under section 26 (a). For 1938 its gross income was \$25,000 and its allowable deductions were \$50,000. Included in such deductions was \$15,000 for depletion based on discovery value. If depletion had been computed without reference to discovery value or to percentage depletion the amount of such deduction would have been \$5,000. For 1938 the corporation had \$15,000 of wholly tax-exempt interest, and paid \$10,000 in interest on indebtedness incurred to carry the obligations from which such tax-exempt interest was derived. The net operating loss credit available to such corporation for 1939 is \$10,000, computed as follows:

Deductions for 1938.....	\$50,000
Less excess of depletion deduction computed on basis of discovery value over amount allowable for depletion without reference to discovery value or percentage depletion (\$15,000 minus \$5,000).....	10,000
Deductions as limited by section 26 (c) (2) (A).....	40,000

Gross income for 1938.....	\$25,000
Plus tax-exempt interest minus interest paid (\$15,000 minus \$10,000).....	5,000
Gross income contemplated by section 26 (c) (2) (B).....	\$30,000
Excess of deductions over gross income for 1938.....	10,000
Net income for 1939.....	50,000
Less credit under section 26 (a) for interest received.....	10,000
Adjusted net income for 1939..	40,000

The credit for the net operating loss for the preceding year available to the Y Corporation for 1939 is \$10,000, that amount not being in excess of the adjusted net income for 1939. If the excess of deductions over gross income for 1938, as computed above, were greater than \$40,000, the adjusted net income for 1939, only \$40,000 would be allowed as the net operating loss credit for 1939.

PAR. 3. There is inserted immediately preceding § 19.27 (b)-1 the following:

SEC. 132. COMPUTATION OF NET OPERATING LOSS CREDIT AND DIVIDENDS PAID CREDIT. (Revenue Act of 1942, Title I.)

(b) *Basic surtax credit.* The last sentence of section 27 (b) (relating to definition of basic surtax credit) is amended to read as follows: "The aggregate of the amounts under paragraphs (2) and (3) shall not exceed (A) the section 102 net income for the taxable year, in the case of the tax imposed by section 102; (B) the Supplement P net income for the taxable year, in the case of the computations required under Supplement P; (C) the Subchapter A net income for the taxable year, in the case of the tax imposed under Subchapter A."

(e) *Years to which amendments applicable.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939, but shall be applicable in the computations with respect to previous taxable years for the purpose of ascertaining the amount of any dividend carry-over from such previous taxable years.

PAR. 4. Section 19.27 (b)-1 is amended to read as follows:

§ 19.27 (b)-1 *Basic surtax credit.* For taxable years beginning after December 31, 1939, the amount constituting the basic surtax credit of a corporation for the taxable year consists of the sum of the following, less the amount allowable as a credit under section 26 (h) (relating to the credit for dividends paid on certain preferred stock of certain public utility corporations), and less the amount allowable as a deduction under section 121 (relating to the deduction of dividends paid on certain preferred stock of certain banks and trust companies):

(a) The dividends paid during the taxable year (subject to the qualifications, limitations, and exceptions provided in sections 27 (d) to 27 (i), inclusive) plus the consent dividends credit provided by section 28, less the credit for interest on certain obligations of the United States and its instrumentalities, provided by section 26 (a); and

(b) The smaller of the following:
 (1) The sum of the net operating loss credit for the preceding taxable year provided in section 26 (c) (1) and the bank affiliate credit provided in section 26 (d).

(2) (i) The section 102 net income for the taxable year, in the case of tax imposed by section 102; (ii) the Supplement P net income for the taxable year, in the case of computations required under Supplement P; or (iii) the Subchapter A net income for the taxable year, in the case of tax imposed under Subchapter A.

In the case of a taxable year beginning after December 31, 1938, and prior to January 1, 1940, the adjusted net income for such taxable year shall be used in all cases in place of the section 102 net income, the Supplement P net income, or the Subchapter A net income.

PAR. 5. There is inserted immediately preceding § 19.27 (c)-1 the following:

SEC. 132. COMPUTATION OF NET OPERATING LOSS CREDIT AND DIVIDENDS PAID CREDIT. (Revenue Act of 1942, Title I.)

(c) Dividend carry-over. Section 27 (c) (relating to dividend carry-over) is amended to read as follows:

(c) Dividend carry-over. There shall be computed with respect to each taxable year of a corporation a dividend carry-over to such year from the two preceding taxable years, which shall consist of the sum of—

(1) The amount of the basic surtax credit for the second preceding taxable year, reduced by the Subchapter A net income for such year, and further reduced by the amount, if any, by which the Subchapter A net income for the first preceding taxable year exceeds the sum of:

(A) The basic surtax credit for such year; and

(B) The excess, if any, of the basic surtax credit for the third preceding taxable year over the Subchapter A net income for such year; and

(2) The amount, if any, by which the basic surtax credit for the first preceding taxable year exceeds the Subchapter A net income for such year. In the case of a preceding taxable year referred to in this subsection, the Subchapter A net income shall be determined as if the corporation was, under the law applicable to such taxable year, a personal holding company.

(e) Years to which amendments applicable. The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939, but shall be applicable in the computations with respect to previous taxable years for the purpose of ascertaining the amount of any dividend carry-over from such previous taxable years.

PAR. 6. Section 19.27 (c)-1, as amended by Treasury Decision 5052, approved June 10, 1941, is further amended to read as follows:

§ 19.27 (c)-1 Dividend carry-over. The dividend carry-over to a taxable year beginning after December 31, 1939, is computed as follows:

(a) If the basic surtax credit for the first preceding taxable year exactly equals the Subchapter A net income for such year, the dividend carry-over is the amount of the excess of the basic surtax

credit for the second preceding taxable year over the Subchapter A net income for such year.

(b) If the basic surtax credit for the first preceding taxable year exceeds the Subchapter A net income for such year, the dividend carry-over is the amount of such excess plus the excess of the basic surtax credit for the second preceding taxable year over the Subchapter A net income for such year.

(c) If the basic surtax credit for the first preceding taxable year is less than the Subchapter A net income for such year, the dividend carry-over is the amount by which the basic surtax credit for the second preceding taxable year exceeds the Subchapter A net income for such year reduced by the excess of the Subchapter A net income for the first preceding taxable year over the sum of the basic surtax credit for such year and the excess of the basic surtax credit for the third preceding taxable year over the Subchapter A net income for such year.

In computing the dividend carry-over to a taxable year beginning after December 31, 1939, the Subchapter A net income of any preceding taxable year shall be determined as if the corporation was, under the law applicable to such taxable year, a personal holding company.

The dividend carry-over to a taxable year beginning after December 31, 1938 and prior to January 1, 1940, shall be computed in the same manner as for taxable years beginning after December 31, 1939, except that the adjusted net income shall be used instead of the Subchapter A net income, and except that in computing the dividend carry-over for the purposes of Subchapter A of Chapter 2 the adjusted net income minus the deductions allowed under section 505 (a) (1) for Federal taxes shall be used instead of Subchapter A net income (see § 19.504-1).

In computing the dividend carry-over to a taxable year beginning after December 31, 1938 and prior to January 1, 1940, the adjusted net income for a preceding taxable year which begins in 1936 or 1937 shall be the adjusted net income as defined in section 14 (a) (1) of the Revenue Act of 1936, and the basic surtax credit for such preceding taxable year shall be only the dividends paid credit computed under section 27 of the Revenue Act of 1936 without the benefit of the dividend carry-over provided in section 27 (b) of such Act. In computing the dividend carry-over, the adjusted net income for a preceding taxable year which begins in 1938 shall be the adjusted net income as defined in section 13 (a) of the Revenue Act of 1938 and the basic surtax credit for such preceding taxable year shall be the basic surtax credit as defined in section 27 of the Revenue Act of 1938.

Every corporation claiming a dividend carry-over for any taxable year shall file with its return for such year a concise statement setting forth the amount of the dividend carry-over claimed and all material and pertinent facts relative thereto, including a detailed schedule

showing the computation of the dividend carry-over claimed.

The computation of the dividend carry-over to a taxable year beginning after December 31, 1939, may be illustrated by the following examples:

Example (1). The X Corporation, which makes its income tax return on the calendar year basis, has a Subchapter A net income of \$150,000 and a basic surtax credit of \$225,000 for 1939. For 1940 its Subchapter A net income is \$200,000 and its basic surtax credit is \$350,000, and for 1941 its Subchapter A net income and its basic surtax credit are each \$175,000. Its dividend carry-over to 1942 is \$150,000, computed as follows:

(1) Basic surtax credit for 1940	-----	\$350,000
(2) Less Subchapter A net income for 1940	-----	200,000
(3) Dividend carry-over to 1942 ((1) minus (2))	-----	150,000

Since the basic surtax credit for 1941 exactly equals the Subchapter A net income for that year, neither that year nor the year 1939 need be taken into account. The preceding taxable year (1941) is taken into account only if the basic surtax credit for such year exceeds the Subchapter A net income for such year or if the Subchapter A net income for such year exceeds the sum of the basic surtax credit for such year and the excess of the basic surtax credit for the third preceding taxable year (1939) over the Subchapter A net income for such year. The third preceding taxable year (1939) is taken into account only if the Subchapter A net income for the first preceding taxable year (1941) exceeds the basic surtax credit for such year, in which case it operates to reduce the amount of such excess which must be deducted from the carry-over from the second preceding taxable year (1940).

Example (2). The Y Corporation, which makes its income tax returns on the calendar year basis, has a Subchapter A net income of \$100,000 and a basic surtax credit of \$150,000 for 1939. For 1940 its Subchapter A net income is \$50,000 and its basic surtax credit is \$75,000, and for 1941 its Subchapter A net income and its basic surtax credit are \$25,000 and \$100,000, respectively. Its dividend carry-over to 1942 is \$100,000, computed as follows:

YEAR 1940		
(1) Basic surtax credit	-----	\$75,000
(2) Less Subchapter A net income	-----	50,000
(3) Excess of basic surtax credit over Subchapter A net income	-----	\$25,000
YEAR 1941		
(4) Basic surtax credit	-----	\$100,000
(5) Less Subchapter A net income	-----	25,000
(6) Excess of basic surtax credit over Subchapter A net income	-----	75,000
(7) Dividend carry-over to 1942 (sum of (3) and (6))	-----	100,000

For the reason why the year 1939 is not taken into account, see explanation at end of Example (1).

Example (3). The Z Corporation, which makes its income tax returns on the calendar year basis, has a Subchapter A net income of \$90,000 and a basic surtax credit of \$150,000 for 1939. For 1940 its Subchapter A net income is \$60,000 and its basic surtax credit is \$160,000, and for 1941 its Subchapter A net income and its basic surtax credit are \$120,000 and \$25,000, respectively. Its dividend carry-over to 1942 is \$65,000, computed as follows:

The original petition in this matter requests that no exceptions be allowed with respect to locomotive fuel sold to off-line railroads. Nevertheless, since railroad locomotive fuel Price Exception 1-A in § 330.10 (a) (3) of the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck is applicable to the coals of all other mines in Price Group No. 14 of District No. 10 for which minimum prices have been established for all shipments except truck and since no reason has been advanced for denying the application of this Price Exception to the coals of Mine Index No. 1475, the relief granted herein makes the said Price Exception applicable to the coals of Mine Index No. 1475.

Dated: January 21, 1943.
[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK
§ 330.4 Price groups—Supplement R-I

Price group No.	Producer	Mine	Mine Index No.	Freight origin group	Shipping point	Railroad
14	Miller, Clyde (Miller Coal Co.)	Miller Coal Co.	1475	73	Catlin, Ill.	Wabash.

¹ Mine Index No. 1475 shall be included in Price Group 14 and shall take the same f. o. b. mine prices as other mines in Price Group 14, Schedule No. 1, District No. 10. For All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel: *Provided, however, that these f. o. b. mine prices apply on board transportation facilities at Catlin, Illinois.*

§ 330.10 Special prices—(a) (2) Railroad locomotive fuel prices—Supplement R-II

Price group No.	Producer	Mine	Mine Index No.	Freight origin group	Shipping point	Railroad
14	Miller, Clyde (Miller Coal Co.)	Miller Coal Co.	1475	73	Catlin, Ill.	Wabash.

¹ The railroad locomotive fuel price shall be: Mine Run—\$1.95, Modified Mine Run—\$2.00, and Screenings—\$1.40, and railroad locomotive fuel price exception 1-A shall apply.

[F. R. Doc. 43-1823; Filed, February 3, 1943; 11:16 a. m.]

[Docket No. A-1830]

PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 10.

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

porary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

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

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

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

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

YEAR 1940		YEAR 1941		YEAR 1939	
(1) Basic surtax credit.....	\$160,000				
(2) Less Subchapter A net income.....	60,000				
(3) Excess of basic surtax credit over Subchapter A net income.....	\$100,000				
(4) Subchapter A net income.....		\$120,000			
(5) Basic surtax credit.....		25,000			
(6) Basic surtax credit.....		\$150,000			
(7) Less Subchapter A net income.....		90,000			
(8) Excess of basic surtax credit over Subchapter A net income.....		60,000		85,000	
(9) Excess of Subchapter A net income for the first preceding taxable year (1941) over sum of items (5) and (8).....					35,000
(10) Dividend carry-over to 1942 ((3) minus (9)).....					65,000

Company), for all shipments except truck; and
It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and
No petitions of intervention having been filed with the Division in the above-entitled matter; and

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.4 (Price groups) is amended by adding thereto Supplement R-I, and § 330.10 (Special prices)—(a) (2) Railroad locomotive fuel prices is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

(Sec. 62 of the Internal Revenue Code (53 Stat., 32; 26 U.S.C., 1940 ed., 62) and section 132 (a), (b), (c), and (e) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner of
Internal Revenue.

Approved: February 2, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-1859; Filed, February 4, 1943; 10:42 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1803]

PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10, for establishment of price classifications and minimum prices for Mine Index No. 1475.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Miller Coal Co. Mine, Mine Index No. 1475, of Clyde Miller (Miller Coal

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 1 to Suspension Order S-190]

STANDARD PRESSED STEEL CO.

Paragraph (a) of § 1010.190 *Suspension Order S-190* issued December 30, 1942, is hereby amended to read as follows:

(a) Standard Pressed Steel Company, its successors and assigns, shall not put in process, manufacture or assemble any iron or steel to make industrial work benches, bench legs or parts thereof; and Standard Pressed Steel Company shall not deliver any industrial work benches, bench legs or parts thereof containing iron or steel except with the specific approval of the Regional Compliance Chief, Philadelphia Regional Office, War Production Board.

Issued this 3d day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1833; Filed, February 3, 1943; 3:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-229]

FRANKLIN A. FELTY

Franklin A. Felty, 486 West Columbia Street, Schuylkill Haven, Pennsylvania, is engaged in the marketing of motor fuel. During the months of April, May and June, 1942, Franklin A. Felty made deliveries of motor fuel to twenty-one service stations in excess of the amounts permitted to be so delivered in accordance with the provisions of Limitation Order L-70. During the months of April, May and June, 1942, total deliveries by Franklin A. Felty of motor fuel to the twenty-one service stations were approximately 257,292 gallons, which was approximately 139,851 gallons in excess of the proper quotas for these stations under Limitation Order L-70. Computed by percentages, Franklin A. Felty delivered to the twenty-one service stations during the month of April, 1942 forty-seven per cent in excess of the quotas, during the month of May, 1942 one hundred twenty-nine per cent in excess of the quotas, and during the month of June, 1942, one hundred eighty-seven per cent in excess of the quotas. The average of deliveries during those three months was one hundred twenty-one per cent in excess of the proper quotas.

While the over-deliveries of motor fuel were being made, Franklin A. Felty was fully aware of the provisions of Limitation Order L-70, but acted on an unwarranted and unjustifiable interpretation of such order. This constituted a wilful violation of Limitation Order L-70 which has impeded and hampered

the war effort of the United States. In view of the foregoing: *It is hereby ordered, That:*

§ 1010.229 *Suspension Order S-229.*

(a) Franklin A. Felty, his successors and assigns, shall not deliver or cause to be delivered, directly or indirectly,

during the months of February, March, April, May, June and July, 1943, any quantities of motor fuel, as defined in Limitation Order L-70, to the service stations listed below, in excess of the amounts set forth for each service station:

Name and address	To be delivered in—					
	February	March	April	May	June	July
Jane Appleby, Llewellyn, Pa.....	1,400	1,300	1,240	1,500	1,270	1,450
George Butler, Tremont, Pa.....	500	470	390	600	410	450
Central Garage, Pottsville, Pa.....	1,200	1,200	1,200	1,240	1,240	1,240
Connor's Crossing, Schuylkill Haven, Pa.....	7,700	6,700	5,700	6,200	7,350	8,150
Joe Crush, East Mines, Pa.....	2,680	2,670	2,660	3,300	2,970	3,140
Frank English, Donaldson, Pa.....	3,020	3,210	3,390	4,070	4,320	4,140
Charles Hefner, Tremont, Pa.....	870	850	860	880	880	890
John Harner, Schuylkill Haven, Pa.....	800	830	840	830	860	860
William Jones, Goodsprings, Pa.....	1,730	1,780	1,810	1,790	1,790	1,780
Ivy Krause, Pine Grove, Pa.....	150	200	240	170	140	170
Charles Matz, Landingville, Pa.....	880	1,080	960	1,080	1,170	1,000
Geo. Moses Diner (Alice Butz), Port Carbon, Pa.....	750	750	750	800	670	670
Pine Grove Station, Pine Grove, Pa.....	3,880	4,380	4,870	2,760	5,520	5,900
Roy Schriver, Spring Glen, Pa.....	3,100	3,000	3,000	3,300	3,300	3,350
Claude Stoyer, Orwigsburg, Pa.....	520	500	520	650	940	870
I. Strouphauer, Pine Grove, Pa.....	1,100	1,140	1,200	1,140	1,250	1,240
Jacob Weaver, Muir, Pa.....	590	620	680	920	760	670
Doek St. Station, Schuylkill Haven, Pa.....	3,760	3,770	3,770	3,770	5,350	6,770
Rae Heim, Auburn, Pa.....	200	75	75	75	75	75
Elmer Lemke, Tower City, Pa.....	3,400	3,300	3,300	2,000	3,300	3,300
Raymond Roeder, Long Run, Auburn, Pa.....	100	0	0	0	0	0

(b) During the months of February, March, April, May, June and July, 1943, the service stations listed in paragraph (a) shall not accept delivery of motor fuel as defined in Limitation Order L-70, directly or indirectly, from Franklin A. Felty, his successors and assigns, in excess of the amounts set forth in paragraph (a).

(c) Nothing contained in this Order shall be deemed to relieve Franklin A. Felty from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This Order shall take effect on February 1, 1943 and shall expire on July 31, 1943, at which time the restrictions contained in this Order shall be of no further effect.

Issued this 3d day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1834; Filed, February 3, 1943; 8:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-231]

OAKLAWN, INC.

Oaklawn, Inc., a corporation of New Orleans, Louisiana, created under the laws of the State of Louisiana, is engaged in the business of constructing houses. On March 5, 1942, and on March 30, 1942, this company applied on Form PD-105 to the War Production Board for priorities assistance under Preference Rating Order P-55 in order to construct one hundred and ten (110) family dwelling units for rent in New Orleans, Louisiana. In these applications it agreed to give reasonable pref-

erence as to occupancy to defense workers who desired to rent the premises. In violation of this agreement, with respect to twenty-three of the properties, the company entered into contracts of sale of the dwelling units prior to the time that the construction of the houses was begun. On August 26, 1942, the company was granted permission to enter into lease option contracts with respect to approximately one half of the dwelling units at prices specified in the letter authorizing such action. In the instance of eleven dwelling units, sales contracts were executed at prices in excess of those approved in violation of the agreement of the company with the Government. The contracts of the company with prospective purchasers which purported to conform to the lease option provisions of PD-105 agreements in fact are not lease option contracts, and the lessee-purchaser under such contracts is not given the privileges by the company which the company agreed to give in its contracts with the Government.

The failure of Oaklawn, Inc. to abide by its agreements with the War Production Board has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.231 *Suspension Order S-231.*

(a) Deliveries of material to Oaklawn, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries to Oaklawn, Inc., its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders, or any other orders and regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized

by the Director General for Operations, *Provided, however*, That the preference rating heretofore assigned to Oaklawn, Inc. by Preference Rating Order P-55 may be applied to deliveries of material required for the completion of one hundred units of the project on which construction has begun, with the written approval of the Regional Compliance Chief, War Production Board, Dallas, Texas, but no preference rating shall be applied in connection with the construction of the four housing units which had not been begun on January 27, 1943.

(b) No allocation shall be made to Oaklawn, Inc., its successors or assigns, of any material, the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations: *Provided, however*, That such allocations as may be necessary to enable Oaklawn, Inc., to complete one hundred units of this housing project, may be made, with the written approval of the Regional Compliance Chief, War Production Board, Dallas, Texas, but no allocations to the respondent shall be made in connection with the four housing units on which construction had not been begun on January 27, 1943.

(c) Nothing contained in this order shall be deemed to relieve Oaklawn, Inc., 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.

(d) This order shall take effect on February 6, 1943, and shall expire on August 6, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 3d day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1835; Filed, February 3, 1943;
3:15 p. m.]

PART 923—TUNGSTEN

[General Preference Order M-29 as Amended
Feb. 4, 1943]

Whereas, the national defense requirements have created a shortage of tungsten, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 923.3 *General Preference Order M-29—(a) Definitions.* For the purposes of this order:

(1) "Tungsten" means and includes:

(i) Ores and concentrates, including beneficiated or treated forms, containing commercially recognized tungsten;

(ii) The element tungsten in pure form, in any shape into which the same may be fabricated, except contact points.

(iii) Ferro-tungsten, tungsten metal powder and any other ferrous combination of the element tungsten in semi-manufactured or manufactured form, excluding alloy steel, high speed steel and tool steel.

(iv) All non-ferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same are manufactured by means of melting, pressing, sintering, brazing, soldering or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard facing materials, but not including any finished tool;

(v) All chemical compounds having tungsten as a recognizable and essential component from which tungsten is commercially recoverable.

(vi) All scrap or secondary material containing commercially recoverable tungsten as defined in (ii), (iii), (iv) and (v) above, excluding tungsten bearing iron and steel scrap.

(2) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of tungsten.

(3) "Processor" means any person who prepares ores concentrates or any chemical or metallurgical forms of tungsten for any industrial use.

(4) "Dealer" means any person who procures tungsten either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes warehousemen, brokers and jobbers.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 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.

(c) *Restrictions on deliveries—(1) Allocations.* Except as permitted by paragraph (c) (2) of this order, no person shall make or accept delivery of tungsten without the specific authorization of the Director General for Operations.

The Director will from time to time allocate the supply of tungsten and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. The Director may also require any person seeking to place a purchase order for tungsten to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(2) *Permissible deliveries.* Until further order or in the absence of a contrary

direction by the Director General for Operations, the following transactions are permitted without specific authorization by the Director General for Operations:

(i) Tungsten in any form may be delivered by any person 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 any such Corporation.

(ii) Tungsten in any form (except in the form of wire, rod, sheet or metal powder) may be delivered by any person to any person in quantities of 25 pounds or less of contained tungsten, provided that the total quantity in terms of tungsten content which any person may receive pursuant to the provisions of this subparagraph during any one calendar month, beginning with the month of July, 1942, from all sources of supply shall be limited to 25 pounds.

(iii) Tungsten ores or concentrates may be delivered by any producer, dealer or processor:

(a) To any processor for the purpose of being concentrated, further concentrated or beneficiated by the processor receiving such delivery, or

(b) To any dealer, provided that no dealer shall store or otherwise hold for more than 120 days any material acquired by him under the provisions of this subparagraph.

(d) *Reports and applications.* (1) Each processor and dealer shall file with the War Production Board on or before the 20th day of each calendar month reports on form PD-9-d, or such other form as said Board may from time to time prescribe.

(2) Any person who desires an allocation of tungsten shall apply therefor to the War Production Board not later than the 20th day of the month preceding the month in which delivery of the material is desired, on Form PD-9-c, or such other form as the War Production Board may from time to time prescribe, and shall file a copy of such application with each supplier with whom he places a purchase order for tungsten. All such applications to the War Production Board must be accompanied by reports on behalf of the applicant on form PD-9-d, or on such other form as may be prescribed for this purpose from time to time by the War Production Board. Failure by any person to file an application in the manner and on the date required by this paragraph may be construed as notice to the Director General for Operations and to all suppliers of tungsten that such person does not desire an allocation of tungsten during the next succeeding month.

(e) *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 imprison-

ment. 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.

(f) *Effect upon other orders.* Nothing contained in this order shall be construed as altering or modifying any of the terms or provisions of General Imports Order M-63, as the same may be from time to time amended.

(g) *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 the Tungsten Division, War Production Board, Washington, D. C., Reference: M-29.

Issued this 4th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1890; Filed, February 4, 1943;
11:28 a. m.]

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

[Amendment 2 to Limitation Order L-170 as Amended Jan. 19, 1943]

Subdivision (i) of paragraph (c) (1) of § 1029.10 *Limitation Order L-70* as amended [8 F.R. 912, 1222] is hereby amended to read as follows:

(1) *Manufacture, for sale in the continental United States, a total quantity by weight of any item of farm machinery and equipment listed in Schedule A in excess of that quantity obtained by multiplying the applicable quota percentage (designated in the appropriate column of said Schedule A for Class A producers, Class B producers and Class C producers respectively) for such item by his base production of such item for such sale; except that*

(a) *Wherever, in said Schedule A, two or more items are bracketed together and only one quota percentage assigned thereto, such percentage shall be applied to such producer's total base production of all such bracketed items, and the total permissible weight thus determined may be distributed among all or any one or more of such bracketed items at his election;*

(b) *As to silos (Item 296 of Schedule A), the permitted production of a producer shall not exceed the number of units produced by him during either 1940 or 1941, whichever was the greater; and*

(c) *Any producer, instead of conforming to his quota percentages for the items of attachments as indicated respectively in Schedule A, may at his option manufacture not more than an aggregate of 20% of his total base production of such attachments, and the total permissible weight thus determined may be distributed among all or any one or more of such items of attachments at his election: *Provided, That, once such op-**

tion is made, it shall apply to all attachments to be produced.

Issued this 4th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1891; Filed, February 4, 1943;
11:28 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[Preference Rating Order P-133 as Amended Feb. 4, 1943]

§ 3037.5 *Preference Rating Order P-133—(a) Definitions.* For the purpose of this order:

(1) *"Operator"* means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not, the United States, and the several states thereof, and any political, corporate, administrative or other division or agency thereof, to the extent engaged in any activity listed in Schedule A, hereof.

(2) *"Material"* means any commodity, equipment, accessory, assembly or product of any kind; exclusive, however, of automotive replacement parts as defined by General Limitation Order L-158.

(3) *"Maintenance"* means the upkeep of an operator's buildings, structures and equipment in sound working condition; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) *"Repair"* means the reconstruction or restoration without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when such portion has been rendered unsafe or unfit for service by wear and tear or other similar causes, but not including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) *"Operating supplies"* means any material which is essential to and consumed directly in the operation of any of the services specified in paragraph (a)

(1) above, but does not include photographic film, fuel, office or building supplies, or any material which is physically incorporated in whole or in part in the property or equipment of the operator.

(b) *Assignment of preference rating.* Subject to the terms of this order, preference rating of AA-2X is hereby assigned:

(1) *To deliveries of material to an operator for operating supplies and for maintenance and repair.*

(2) *To deliveries to any supplier of material to be physically incorporated in other material required by an operator for operating supplies, maintenance or repair.*

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for maintenance, repair and operating supplies by:

(1) Any operator engaged in an activity in Schedule A hereof and may be applied by

(2) Any supplier, provided deliveries to an operator or another supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this order.

(d) *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.

(e) *Restrictions on inventory and use.* The preference rating hereby assigned may be applied by any operator, provided:

(1) Such rating is not used to replace in inventory more than one spare tube for each active tube socket.

(2) Such rating is not used to replace in inventory any spare parts except:

(i) Those subject to frequent failure, deterioration or other exhaustion.

(ii) Those which are so unique that failure would inevitably result in long delay in resumption of essential operations.

(3) Such rating is not used in any case to increase the value of an operator's inventory of repair parts, other than tubes, above the value of such inventory on the date of this order.

(4) Such rating is not used to replace in inventory a new part if the defective part can be repaired with a smaller consumption of raw material.

(5) The tube which has been replaced from operator's inventory or for which replacement is required has been operated to failure.

(6) The operator has returned to the manufacturer any power tube rated at 25 watts or more which has failed, unless such tube is to be repaired.

(7) Equipment which has failed has been operated within the ratings specified by the manufacturer.

(8) Such rating is not used to build up inventory of operating supplies other than tubes, in excess of requirements for a three-month period.

(9) Such operator was actively engaged in one of the activities listed on Schedule A hereof, on the date of issuance of the order, or has received specific authorization for his installation from the Director General for Operations of the War Production Board.

(f) *Application and extension of rating.* An operator or supplier, in order to apply the preference rating assigned by this order, shall endorse the following statement on the purchase order or con-

tract for such material signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes.

CERTIFICATION

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

Name of purchaser	Address
By _____	_____
(Signature and title of duly authorized officer)	Date

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

(h) *Records.* All operators assigned a preference rating by or pursuant to this order shall keep and preserve for two years copies of all purchase orders or contracts applying such rating.

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

(j) *Communications.* All reports to be filed, and other communications concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington, D. C. Ref: P-133.

Issued this 4th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

1. Radio communication, including broadcasting.
2. Sound recording for commercial purposes.
3. Radio direction finding.

[F. R. Doc. 43-1892; Filed, February 4, 1943; 11:28 a. m.]

PART 3136—STRAPPING FOR SHIPPING CONTAINERS

[Conservation Order M-261 as Amended Feb. 4, 1943]

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

§ 3136.1 *Conservation Order M-261—*

(a) *Definition.* "Strapping means any iron, steel or other metal wire or band reinforcements or closures, twelve (12) inches or more in length, for shipping containers excepting: metal for barrel hoops, stitching, baling of compressed material, fastening of material into bundles, or for fastening or blocking of material to skids or in vehicle or vessels.

(b) *Restriction on use of strapping.* No person shall use commercially any strapping on shipping containers unless:

- (1) The weight of the container and contents exceeds ninety pounds, or
- (2) The net weight of the contents of the container exceeds .058 pounds per cubic inch, or

(3) Use of the strapping is required by regulation or order of the Interstate Commerce Commission, or

(4) The container for which the strapping is used, and its contents, are to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration, and the strapping is required by such agency, or

(5) The shipment is for delivery outside of both the United States and Canada, or

(6) The strapping is for wooden shipping containers for fresh fruits, vegetables, meats, fish or poultry, provided the strapping is essential to the safe delivery of the contents and has been customarily used for the same type of shipment and container, or

(7) The strapping is for wooden lard or butter tubs, and wooden buckets or pails, or

(8) The strapping is for closing fibre drums or hexagonal or octagonal fibre containers.

(c) *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.

(d) *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 for appeal.

(e) *Records.* All persons affected by this order shall keep for at least two years records concerning inventory, production, purchases and sales, and shall make reports on same if required.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington, D. C., Ref.: M-261.

(g) *Violations.* Any person who willfully violates any provision of this or-

der, 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 4th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1893; Filed, February 4, 1943; 11:28 a. m.]

PART 3163—VEGETABLE TANNING MATERIALS

[General Conservation Order M-277]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain imported and domestic vegetable tanning materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3163.1 *General Conservation Order M-277—*(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all the applicable provisions of all the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes 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) "Vegetable tanning materials" means the materials and extracts (including blends and combinations thereof) on the following list:

Domestic raw materials and extracts

California oak bark
Cellulose sulphite by-products (commonly sold as spruce extract, etc.)
Chestnut oak bark
Chestnut wood
Hemlock bark
Sumac

Foreign raw materials and extracts

Algarobilla (pods)
Divi-divi (pods)
Gambier
Hemlock bark
Mangrove bark
Myrobalans (nuts)
Quebracho wood
Sumac
Tara pods
Tara powder
Urunday
Valonia beards and cups
Wattle or mimosa bark

(3) "Processor" means any person who consumed during 1942, or who hereafter consumes, more than 1,000 tan units of vegetable tanning materials during any one calendar month for the production

of leather, furs, pharmaceuticals, crude petroleum oil or any product for treating water, or for any other purpose.

(4) "Inventory" means a processor's vegetable tanning materials within the continental United States (the 48 States and the District of Columbia), including materials in customs bond destined for use in the continental United States, except:

- (i) Tan yard liquors.
- (ii) Domestic wood, bark or other extract producing raw materials not yet delivered to the purchaser thereof.
- (5) "Tan unit" means one pound of 100% tannin as determined by the analytical methods of the American Leather Chemists Association.

(6) "Tan yard liquor" means an aqueous infusion of vegetable tanning materials currently being used in contact with hides and skins to produce leather.

(c) *Non-applicability of inventory restrictions in other regulations and orders.* No person shall be subject to any inventory restriction contained in any other regulation or order issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations or the Director General for Operations of the War Production Board in making or accepting deliveries of vegetable tanning materials: *Provided, however,* That except as permitted under paragraph (g) below, no processor shall sell or deliver any part of his present or future inventory of vegetable tanning materials to any person other than the Defense Supplies Corporation or such other agency of the United States as may be designated by the Director General for Operations.

(d) *Restrictions on the use of tanning materials.* Except as permitted under paragraph (g) below,

(1) No processor shall use any vegetable tanning material for any purpose other than the following:

- (i) The processing of leather.
- (ii) The manufacture of pharmaceutical products.
- (iii) The manufacture of water treatment materials (not containing chestnut extract).

(2) No processor shall consume, during any calendar quarter beginning with the first quarter of 1943, a quantity of tan units in excess of one-quarter of the number of tan units consumed by him during 1942 multiplied by the percentage shown in Schedule A.

(e) *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 of using material under priority control and may be deprived of priorities assistance.

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

Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference: M-277.

(g) *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.

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

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

Issued this 4th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.
SCHEDULE A

Product:	Percent
Leather	100
Pharmaceutical products.....	100
Water Treatment materials.....	100

[F. R. Doc. 43-1894; Filed, February 4, 1943; 11:28 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

[Rev. MPR 230]

REUSABLE IRON AND STEEL PIPE AND USED STRUCTURAL PIPE

The title and preamble to Maximum Price Regulation No. 230¹ are amended and §§ 1306.451 to 1306.465, inclusive, are renumbered and amended to read as set forth herein.

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of reusable iron and steel pipe and used structural pipe which differ, in certain respects, from those established by Maximum Price Regulation No. 230—Reusable Iron and Steel Pipe. The Price Administrator has ascertained and given due consideration to the prices of reusable iron and steel pipe and used structural pipe prevailing between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.
¹ 7 F.R. 7731, 8935, 7914.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Revised Procedural Regulation No. 1² issued by the Office of Price Administration, Revised Maximum Price Regulation No. 230 is hereby issued.

AUTHORITY: §§ 1306.451 to 1306.465, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1306.451 *Sales of reusable iron and steel pipe and used structural pipe at higher than maximum prices prohibited.*

(a) On and after February 9, 1943, regardless of any contract or other obligation, no person shall sell or deliver to a consumer or exporter, and no consumer or exporter shall buy or receive in the course of trade or business, any reusable iron and steel pipe at prices higher than the maximum prices established by Appendix A (§ 1306.464) of this regulation, or any used structural pipe at prices higher than the maximum prices established by Appendix B (§ 1306.465) of this regulation, and no such person, consumer or exporter shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may be charged, paid or offered.

§ 1306.452 *Products, persons and transactions covered by this regulation—*

(a) *Products.* (1) "Reusable iron and steel pipe" means used iron and steel pipe, casing and tubing (including boiler tubing), with or without fittings, of all the types, sizes and weights referred to in Appendix A (§ 1306.464): *Provided,* That such pipe is (i) suitable without reconditioning for the purpose (other than resale) for which it was purchased, (ii) suitable for use for any purpose for which new pipe of prime quality is customarily used and (iii) capable of conducting, without leakage, liquids and gases at a pressure of at least 50 pounds per square inch. It includes such pipe whether black or galvanized and whether plain end, or threaded, or furnished with couplings. It does not include cast iron pipe or chrome-nickel stainless steel pipe.

(2) For the purpose of this regulation "reusable iron and steel pipe" is divided into two categories, i. e. oil country tubular goods and pipe other than oil country tubular goods. The latter must meet the definition contained in subparagraph (1). "Oil country tubular goods" means reusable iron and steel pipe known as oil well casing, tubing, drill and drive pipe (including the grades customarily known to the trade as J-55 and N-80) suitable without further reconditioning for use for any purpose for which such pipe of prime quality is customarily used, when new. Whenever the term "J-55" is used it shall mean and include pipe of the grade formerly known as Grade C and whenever the term "N-80" is used it shall mean and include pipe of the grade formerly known as Grade D.

(3) "Used structural pipe" means used iron and steel pipe, casing or tubing, with or without fittings, which does not

² 7 F.R. 8961.

meet the definition of reusable iron and steel pipe, but which is suitable for use for structural purposes. It does not include cast iron pipe or chrome-nickel stainless steel pipe.

(b) *Persons.* (1) Any person who makes a sale or purchase covered by this regulation is subject to its provisions. The term "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) The term "consumer" means any person who purchases reusable iron and steel pipe or used structural pipe for his own use. It does not include any person purchasing pipe for resale, within one of the forty-eight states, or the District of Columbia.

(3) The term "exporter" means any individual, partnership, association or corporation including a manufacturer, export agent, export merchant, or commission merchant, engaging or participating as principal or agent, in a sale by a seller or his agent of reusable iron and steel pipe or used structural pipe in one of the forty-eight states or the District of Columbia to a purchaser outside the forty-eight states and the District of Columbia.

(c) *Transactions*—(1) *Domestic sales.* This regulation applies to sales of reusable iron and steel pipe or used structural pipe in the forty-eight states and the District of Columbia to a consumer or an exporter.

(2) *Export sales.* The maximum prices at which a purchaser may export reusable iron and steel pipe or used structural pipe shall be determined in accordance with the provisions of Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1306.453 *How to figure maximum prices.* Maximum prices and extras specified in Appendix A (§ 1306.464) for reusable iron and steel pipe and in Appendix B (§ 1306.465) for used structural pipe are f. o. b. shipping point. "Shipping point" means: In the case of a shipment wholly or partially by rail, vessel, or combination, the point at which such shipment is placed f. o. b. railroad car or f. a. s. vessel for shipment except that in the case of an import, f. o. b. dock at port of entry; in the case of a shipment solely by motor vehicle, the point at which such shipment is placed on such vehicle for shipment; in a case in which movement by motor vehicle precedes rail or vessel movement, the point at which the shipment is placed f. o. b. railroad or f. a. s. vessel for shipment.

Additions to these maximum shipping point prices and extras may be made for transportation, where transportation is at the expense and risk of the seller as follows:

Maximum charges for delivery. The maximum delivery charge shall be the established charge from the shipping point to the point of delivery by the mode of transportation employed: *Provided*, That no charge may be made for delivery within the seller's customary free delivery area. Reusable iron and steel pipe and used structural pipe are at their point of delivery when they have arrived for unloading at the point designated by the buyer: *Provided*, That if the buyer designates a point away from the rail siding and delivery is by rail, they are at their point of delivery when they have arrived for unloading at the rail siding nearest the point designated by the buyer. Where transportation from shipping point to point of delivery includes water movement and if no established charge exists for such movement, the actual charge incurred in such movement may be included in the delivery charge. Where transportation from shipping point to the point of delivery includes water movement and there are no established dock charges, the actual charges incurred at the dock may be included in the delivery charge. In no case may any charge or cost incurred in placing the pipe at shipping point or unloading the pipe at the point of delivery be added to the delivery charge.

§ 1306.454 *Adjustable pricing.* (a) Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

(b) Where a petition for amendment has been made pursuant to § 1306.460 of this regulation, petitioner, and any consumer who proposes to purchase or who purchases reusable iron and steel pipe or used structural pipe, may offer or agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1306.455 *Taxes.* As to any tax upon, or incidental to, the sale or delivery of reusable iron and steel pipe and used structural pipe imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1306.456 *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollar-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings, and the like. For example, no purchas-

ing commission or bonus may be paid or received if the purchase price plus the commission or bonus totals more than the price permitted by this regulation.

§ 1306.457 *Records and invoicing.*

(a) Every person making sales of reusable iron and steel pipe and used structural pipe for which maximum prices are established by this regulation, shall render an invoice to the purchaser for each such sale, stating separately: (1) the date of the sale; (2) name and address of the purchaser; (3) whether it is a sale of oil country tubular goods or whether it is pipe other than oil country tubular goods or whether it is used structural pipe; (4) if other than oil country tubular goods, whether it is black or galvanized and whether it is plain end, threaded, or threaded and coupled; (5) the size or sizes in inches (stating whether such size is the inside or the outside diameter); (6) the quantity in lineal feet; (7) the weight in pounds per foot; (8) the shipping point price per hundred feet; (9) the city or town and state nearest the shipping point and the city or town and state nearest the point of delivery; (10) the mode of transportation employed and the charges for delivery, if any were made; (11) the amount of the premium, if any, and if a premium is added a certification that each of the required tests has been applied, that each piece of pipe has successfully withstood each such test and that all other conditions of charging a premium have been met.

(b) Each invoice received shall be retained by the purchaser and a copy thereof shall be retained by the seller for inspection by the Office of Price Administration for a period of not less than two years, or for so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, whichever is shorter.

§ 1306.458 *Reports.* (a) Reports regarding customary charges for extras shall be made in accordance with the provisions of § 1306.464 (d) of this regulation.

(b) Persons affected by this regulation shall submit such other reports to the Office of Price Administration as it may from time to time require.

§ 1306.459 *Enforcement.* (a) Persons violating any provisions of this regulation, as amended, 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.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1306.460 *Petition for amendment.* Persons seeking any modification of this

regulation may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1306.461 *Applicability of other maximum price regulations or revised price schedules*—(a) *Revised Price Schedule No. 4.*³ Maximum prices for used iron and steel pipe, other than that for which maximum prices are established by this regulation, when sold to a consumer as defined in Revised Price Schedule No. 4—Iron and Steel Scrap—are established by said Revised Price Schedule No. 4.

(b) *Other regulations and schedules.* This regulation supersedes all existing maximum price regulations or revised price schedules including Revised Price Schedule No. 49⁴ with respect to sales of reusable iron and steel pipe and used structural pipe.

§ 1306.462 *Licensing.* The provisions of Supplementary Order No. 17, licensing of iron and steel products, are applicable to every person selling reusable iron and steel pipe and used structural pipe for which maximum prices are established by this regulation. Said order provides in

substance that a license is required for every person selling reusable iron and steel pipe and used structural pipe for which maximum prices are established by this regulation, that every person subject to this regulation is granted a license as a condition of selling reusable iron and steel pipe and used structural pipe hereunder, and that every such person may, in the future, be required to register with the Office of Price Administration at such time and in such manner as the Administrator may prescribe. Licensees violating any of the provisions of this regulation or of said license are subject to the license suspension proceedings provided in the Emergency Price Control Act of 1942, as amended.

§ 1306.463 *Effective date.* This Revised Maximum Price Regulation No. 230 (§§ 1306.451 to 1306.465, inclusive) shall become effective the 9th day of February 1943.

§ 1306.464 *Appendix A—Maximum prices for reusable iron and steel pipe.*

(a) *Shipping point zone.* The zone in which a shipping point is located is determined by ascertaining the lowest applicable railroad charge at the carload rate in cents per hundred pounds for transporting iron and steel pipe from Lorain, Ohio, to the rail siding nearest the shipping point, and then by selecting the zone applicable to such charge in accordance with the following:

Cents per hundred pounds:	Zone
Less than 25.....	1
25 and over but less than 50.....	2
50 and over but less than 75.....	3
75 and over but less than 100.....	4
100 and over but less than 125.....	5
125 and over but less than 150.....	6
150 and over.....	7

The above shall not apply where the shipping point is located in the state of Florida; the state of Florida is deemed to be in Zone 5 in such case.

(b) *Maximum shipping point prices for reusable iron and steel pipe other than oil country tubular goods.* (1) The maximum shipping point price shall be the applicable price for the same type, size and weight listed in Table I for the zone in which the shipping point is located: *Provided*, That (i) if the pipe is threaded only, the shipping point price shall be ninety-five per cent (95%) of the applicable price when threaded and coupled; (ii) where the pipe, when new, was oil well casing or tubing or drill pipe or drive pipe, the maximum shipping point price shall be ninety-five per cent (95%) of the applicable price for the same type, size and weight established in paragraph (c) (1) of this § 1306.464; and (iii) to be considered galvanized pipe within the meaning of Table I the pipe must have a clean, unbroken galvanized coating both inside and out.

TABLE I
PIPE OTHER THAN OIL-COUNTRY TUBULAR GOODS
BLACK PIPE

Description of pipe			Price per hundred feet—dollars													
Size	Weight per foot (pounds)	Zone 1 Less than \$0.25 freight rate ¹ per hundred pounds	Zone 2 \$0.25 and over but less than \$0.50 freight rate ¹ per hundred pounds		Zone 3 \$0.50 and over but less than \$0.75 freight rate ¹ per hundred pounds		Zone 4 \$0.75 and over but less than \$1.00 freight rate ¹ per hundred pounds		Zone 5 \$1.00 and over but less than \$1.25 freight rate ¹ per hundred pounds		Zone 6 \$1.25 and over but less than \$1.50 freight rate ¹ per hundred pounds		Zone 7 \$1.50 and over freight rate ¹ per hundred pounds			
			Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end
1/8	.24	\$2.18	\$2.10	\$2.30	\$2.20	\$2.40	\$2.30	\$2.50	\$2.40	\$2.60	\$2.50	\$2.80	\$2.70	\$2.90	\$2.80	
1/8	.314	5.10	5.10	5.40	5.40	5.70	5.70	5.90	5.90	6.20	6.20	6.50	6.50	6.70	6.70	
1/8	.42	2.20	2.20	2.40	2.30	2.50	2.40	2.60	2.50	2.70	2.60	2.80	2.80	3.00	2.90	
1/8	.525	3.10	3.10	3.20	3.20	3.40	3.40	3.60	3.60	3.70	3.70	3.90	3.90	4.10	4.10	
1/8	.56	2.20	2.20	2.40	2.30	2.50	2.40	2.60	2.50	2.70	2.60	2.80	2.80	3.00	2.90	
1/8	.738	3.10	3.10	3.20	3.20	3.40	3.40	3.60	3.60	3.70	3.70	3.90	3.90	4.10	4.10	
1/8	.85	2.80	2.65	3.00	2.80	3.20	3.00	3.40	3.20	3.60	3.40	3.70	3.60	3.90	3.90	
1/8	1.087	4.00	4.00	4.20	4.20	4.50	4.50	4.70	4.70	5.00	5.00	5.20	5.20	5.50	5.50	
1/8	1.13	3.50	3.30	3.80	3.50	4.00	3.80	4.30	4.00	4.50	4.30	4.80	4.60	5.00	4.80	
1/8	1.47	5.00	5.00	5.20	5.20	5.60	5.60	5.90	5.90	6.20	6.20	6.60	6.60	6.90	6.90	
1/8	1.67	4.90	4.60	5.20	4.90	5.60	5.30	6.00	5.70	6.40	6.10	6.70	6.40	7.10	6.80	
1/8	2.17	6.90	6.90	7.40	7.40	7.90	7.90	8.40	8.40	8.90	8.90	9.40	9.40	9.90	9.90	
1/8	2.27	6.60	6.20	7.10	6.70	7.60	7.20	8.10	7.70	8.60	8.20	9.10	8.70	9.60	9.20	
1/8	2.996	9.40	9.40	10.00	10.00	10.70	10.70	11.40	11.40	12.10	12.10	12.80	12.80	13.40	13.40	
1/8	2.71	7.90	7.40	8.50	8.00	9.10	8.60	9.70	9.20	10.30	9.80	10.90	10.40	11.50	11.00	
1/8	3.63	11.40	11.40	12.20	12.20	13.00	13.00	13.90	13.90	14.70	14.70	15.50	15.50	16.40	16.40	
2	2.4	8.80	8.10	9.30	8.70	9.80	9.20	10.30	9.70	10.90	10.20	11.40	10.80	11.90	11.30	
2 1/4	2.73	9.90	9.20	10.50	9.80	11.00	10.30	11.60	10.90	12.20	11.50	12.80	12.10	13.40	12.70	
2 1/2	3.2	11.70	10.90	12.40	11.60	13.10	12.30	13.80	13.00	14.50	13.70	15.20	14.40	15.90	15.10	
2 3/4	3.0	11.00	10.20	11.60	10.80	12.30	11.50	12.90	12.10	13.60	12.80	14.20	13.50	14.90	14.10	
2 3/8	3.67	10.60	10.00	11.40	10.80	12.20	11.60	13.00	12.40	13.80	13.20	14.70	14.00	15.50	14.80	
2 3/4	4.60	13.20	12.40	14.20	13.40	15.20	14.40	16.20	15.40	17.20	16.40	18.20	17.40	19.20	18.40	
2 3/8	5.022	15.60	15.60	16.70	16.70	17.90	17.90	19.00	19.00	20.10	20.10	21.20	21.20	22.40	22.40	
2 3/4	4.3	15.70	14.60	16.60	15.50	17.60	16.50	18.50	17.40	19.50	18.30	20.40	19.30	21.40	20.20	
2 3/8	5.85	16.80	15.70	18.00	17.00	19.30	18.30	20.60	19.60	21.90	20.90	23.20	22.10	24.40	23.40	
2 3/4	6.16	17.50	16.40	18.80	17.70	20.20	19.10	21.50	20.40	22.80	21.80	24.20	23.10	25.50	24.40	
2 3/8	7.66	24.00	24.00	25.80	25.80	27.50	27.50	29.30	29.30	31.00	31.00	32.80	32.80	34.50	34.50	
3	3.36	13.20	11.20	14.10	11.90	14.85	12.60	15.60	13.40	16.40	14.10	17.20	14.80	18.00	15.50	
3 1/4	4.5	18.00	15.20	19.10	16.30	20.20	17.20	21.30	18.20	22.40	19.20	23.50	20.20	24.60	21.20	
3 1/2	5.29	20.90	17.60	22.10	18.80	23.40	19.90	24.60	21.10	25.90	22.20	27.20	23.30	28.30	24.50	
3 3/4	7.70	21.90	20.60	23.60	22.30	25.30	23.90	26.90	25.60	28.60	27.30	30.30	29.00	32.00	30.60	
3 1/2	10.25	32.10	32.10	34.40	34.40	36.80	36.80	39.10	39.10	41.50	41.50	43.80	43.80	46.20	46.20	
4	5.29	19.40	16.30	20.70	17.40	21.90	18.50	23.10	19.70	24.40	20.80	25.60	22.00	26.90	23.10	
4	6.09	22.30	18.80	23.90	20.10	25.30	21.40	26.70	22.70	28.20	24.00	29.60	25.30	31.00	26.80	
4	9.20	25.40	26.00	30.40	28.00	32.40	30.00	34.40	32.00	36.40	34.00	38.40	36.00	40.50	38.00	
4	12.51	39.50	39.50	42.40	42.40	45.20	45.20	48.10	48.10	50.90	50.90	53.80	53.80	56.60	56.60	
4 1/4	5.98	22.00	18.50	23.40	19.70	24.90	21.00	26.30	22.30	27.70	23.60	29.10	24.90	30.60	26.20	

¹ Established charge for transporting pipe by rail at the rate for the lowest minimum carload weight, from Lorain, Ohio, to the rail siding nearest the shipping point.

TABLE I—Continued
PIPE OTHER THAN OIL COUNTRY TUBULAR GOODS—continued
BLACK PIPE

Description of pipe			Price per hundred feet—dollars													
Size		Weight per foot (pounds)	Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6		Zone 7	
Inside diameter (inches)	Outside diameter (inches)		Less than \$0.25 freight rate per hundred pounds		\$0.25 and over but less than \$0.50 freight rate per hundred pounds		\$0.50 and over but less than \$0.75 freight rate per hundred pounds		\$0.75 and over but less than \$1.00 freight rate per hundred pounds		\$1.00 and over but less than \$1.25 freight rate per hundred pounds		\$1.25 and over but less than \$1.50 freight rate per hundred pounds		\$1.50 and over freight rate per hundred pounds	
			Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end	Threaded and coupled	Plain end
4 1/2	6.6	6.6	\$24.60	\$20.70	\$26.20	\$22.10	\$27.80	\$23.50	\$29.40	\$25.00	\$31.00	\$26.40	\$32.20	\$27.90	\$34.10	\$29.30
4 1/2	8.6	26.50	24.30	28.40	26.20	30.30	28.00	32.20	29.90	34.00	31.80	35.90	33.70	37.80	35.60	
4 1/2	10.79	33.60	30.80	36.00	33.20	38.40	35.50	40.80	37.90	43.20	40.30	45.50	42.70	47.90	45.10	
4 1/2	14.98	47.40	44.40	50.90	47.40	54.30	50.90	57.70	54.30	61.10	57.70	64.50	61.10	67.90	64.50	
4 3/4	7.1	22.20	20.20	25.60	23.80	27.20	25.30	28.70	26.90	30.30	28.40	31.80	30.00	33.40	31.50	
4 3/4	9.3	28.70	26.20	30.70	28.30	32.80	30.30	34.80	32.30	36.80	34.40	38.90	36.40	40.90	38.40	
4 3/4	15.75	49.70	46.80	53.20	50.20	56.80	53.80	60.40	57.40	64.00	61.00	67.60	64.60	71.20	68.20	
5	6.96	23.40	21.60	24.90	23.10	26.40	24.60	27.90	26.10	29.40	27.62	30.90	29.10	32.50	30.60	
5	9.6	29.60	27.10	31.70	29.20	33.80	31.30	35.90	33.40	38.00	35.50	40.10	37.60	42.20	39.70	
5	12.53	38.60	35.30	41.30	38.00	44.00	40.70	46.80	43.50	49.50	46.20	52.20	49.00	55.00	51.70	
5	14.87	46.80	43.50	50.20	46.90	53.50	50.20	56.90	53.60	60.30	57.00	63.60	60.30	67.00	63.70	
5 1/4	8.3	28.10	26.00	30.00	27.80	31.80	29.60	33.60	31.40	35.40	33.20	37.20	35.00	39.00	36.80	
5 1/4	12.89	39.50	36.10	42.30	38.90	45.10	41.70	47.90	44.50	50.70	47.30	53.50	50.10	56.30	53.10	
5 1/4	10.41	35.30	32.50	37.60	34.80	39.80	37.10	42.10	39.40	44.40	41.60	46.60	43.90	48.90	46.20	
5 1/4	8.79	32.40	27.20	34.50	29.10	36.60	31.00	38.70	32.90	40.80	34.80	42.90	36.70	45.00	38.90	
5 1/4	16.87	51.80	47.40	55.50	51.10	59.20	54.80	62.80	58.40	66.50	62.10	70.20	65.80	73.90	69.50	
5 1/2	19.81	62.60	58.20	67.10	62.70	71.60	67.20	76.10	71.70	80.60	76.20	85.10	80.70	89.60	85.20	
5 1/2	8.76	28.80	26.60	30.70	28.40	32.50	30.30	34.40	32.20	36.30	34.00	38.10	35.90	40.00	37.70	
5 1/2	14.62	45.90	41.20	48.20	44.40	51.40	47.60	54.60	50.80	57.80	54.00	61.00	57.20	64.20	60.40	
5 1/2	17.07	52.40	48.00	56.20	51.70	59.90	55.40	63.60	59.10	67.30	62.80	71.00	66.60	74.70	70.50	
5 1/2	20.78	65.80	61.30	70.50	65.90	75.20	70.60	79.90	75.30	84.60	80.00	89.30	84.70	94.00	89.40	
6	8.76	29.50	27.20	31.40	29.10	33.30	31.00	35.20	32.90	37.10	34.80	39.00	36.70	40.90	38.60	
6	11.64	39.30	36.30	41.90	38.80	44.40	41.40	47.20	43.90	49.50	46.40	52.00	49.00	54.60	51.50	
6	15.35	47.20	43.20	50.50	46.50	53.90	49.90	57.20	53.20	60.60	56.60	63.90	59.90	67.30	63.30	
6	21.63	68.30	63.30	73.20	68.20	78.10	73.10	83.00	78.00	87.90	82.90	92.80	87.80	97.70	92.70	
6 1/4	11.65	40.90	37.70	43.50	40.40	46.20	43.00	48.80	45.70	51.50	48.30	54.10	51.00	56.80	53.70	
6 1/4	12.89	45.10	41.60	48.10	44.60	51.00	47.50	53.90	50.40	56.80	53.30	59.70	56.20	62.60	59.10	
6 1/4	17.02	54.50	49.90	58.40	53.80	62.30	57.70	66.10	61.50	70.00	65.40	73.90	69.30	77.70	73.10	
6 1/4	18.97	60.90	55.80	65.30	60.10	69.60	64.40	73.90	68.70	78.20	73.10	82.60	77.40	86.90	81.70	
6 1/4	28.57	90.50	84.50	97.00	91.00	103.50	97.50	110.00	104.00	116.50	110.50	123.00	117.00	129.50	123.50	
7	10.09	36.20	33.40	38.50	35.70	40.70	38.00	43.20	40.50	45.70	43.00	48.20	45.50	50.70	48.00	
7	13.64	49.20	45.50	52.30	48.60	55.40	51.70	58.50	54.80	61.60	57.90	64.70	61.00	67.80	64.10	
7	16.7	55.10	50.50	58.90	54.30	62.70	58.10	66.50	61.90	70.30	65.70	74.10	69.50	77.90	73.30	
7	19.54	64.30	59.00	68.80	63.40	73.20	67.80	77.60	72.20	82.00	76.60	86.40	81.00	90.80	85.40	
7	23.64	77.90	71.40	83.20	76.80	88.60	82.20	94.00	87.50	99.30	92.80	104.70	98.20	110.10	103.60	
7	25.66	83.30	76.80	89.10	82.60	94.90	88.40	100.70	94.20	106.50	100.00	111.80	105.30	117.10	110.60	
7 1/4	14.89	53.50	49.50	56.90	52.90	60.30	56.30	63.60	59.60	67.00	63.00	70.40	66.30	73.70	69.60	
7 1/4	19.69	64.70	59.30	69.10	63.80	73.60	68.30	78.00	72.70	82.50	77.10	87.00	81.60	91.40	86.00	
7 1/4	29.04	94.40	88.00	101.00	94.60	107.50	101.10	114.10	107.70	120.70	114.30	127.30	120.90	133.90	127.50	
8	13.23	47.80	44.10	50.80	47.20	53.80	50.20	56.80	53.20	59.80	56.20	62.80	59.20	65.80	62.20	
8	15.64	56.40	52.20	60.00	55.70	63.50	59.30	67.10	62.80	70.60	66.40	74.20	69.90	77.70	73.50	
8	18.28	60.00	55.10	64.20	59.20	68.30	63.40	72.40	67.50	76.60	71.60	80.70	75.80	84.90	79.90	
8	23.19	75.20	69.30	80.40	74.50	85.70	79.80	90.90	85.00	96.20	90.30	101.40	95.50	106.60	100.70	
8 1/4	16.23	58.60	54.20	62.30	57.90	66.00	61.60	69.70	65.30	73.30	68.90	77.00	72.60	80.70	76.30	
8 1/4	22.36	80.70	74.60	85.70	79.70	90.80	84.70	95.90	89.80	101.00	94.90	106.00	100.00	111.10	105.00	
8 1/4	24.70	81.50	74.70	87.10	80.40	92.70	86.00	98.30	91.60	104.00	97.20	109.60	102.80	115.20	108.40	
8 1/4	25.06	82.50	75.70	88.20	81.30	93.00	87.00	99.50	92.72	105.20	98.40	110.90	104.10	116.60	109.80	
8 1/4	28.55	95.00	87.10	101.60	93.70	108.10	100.20	114.70	106.80	121.20	113.40	127.80	119.90	134.30	126.40	
8 1/4	43.39	141.20	131.00	150.10	140.00	161.00	151.00	170.80	160.80	180.70	170.70	190.60	180.60	200.40	190.40	
9	17.65	63.70	58.90	67.70	62.90	71.70	66.90	75.70	70.90	79.70	74.90	83.70	78.90	87.70	82.90	
9	32.77	107.90	99.00	115.30	106.40	122.80	113.80	130.20	121.30	137.60	128.70	145.10	136.10	152.50	143.60	
9	45.39	147.40	137.50	157.70	147.80	168.00	158.10	178.30	168.40	188.60	178.70	198.90	189.00	209.20	200.30	
9 1/4	18.90	69.20	64.10	73.50	68.40	77.80	73.40	82.10	77.00	86.40	81.30	90.70	85.60	95.00	89.90	
9 1/4	25.03	83.60	76.80	89.30	82.50	95.00	88.20	100.70	93.80	106.40	99.50	112.10	105.20	117.70	110.90	
9 1/4	37.05	123.80	113.60	132.20	122.10	140.60	130.50	149.00	138.90	157.40	147.30	165.80	155.70	174.30	164.10	
9 1/4	48.73	162.90	152.80	174.00	163.90	185.00	175.00	196.10	186.00	207.20	197.10	218.30	208.20	229.40	219.30	
10	19.65	71.80	66.40	76.30	70.90	80.70	75.40	85.20	79.90	89.60	84.30	94.10	88.70	98.50	93.20	
10	26.03	95.20	88.10	101.10	94.10	107.10	100.00	113.00	105.90	118.90	111.80	124.80	117.70	130.70	123.60	
10	38.54	128.80	118.20	137.50	127.00	146.30	135.80	155.00	144.50	163.80	153.30	172.60	162.00	181.30	170.80	
10	50.73	169.60	158.10	181.10	170.60	192.60	182.10	204.20	193.70	215.70	205.20	227.20	216.70	238.80	228.30	
10 1/4	22.87	83.50	77.30	88.70	82.50	93.90	87.70	99.10	92.80	104.30	98.00	109.40	103.20	114.60	108.40	
10 1/4	28.04	102.60	94.90	108.90	101.30	115.30	107.70	121.70	114.00	128.00	120.40	134.40	126.80	140.80	133.10	
10 1/4	31.20	107.00	98.28	114.30	105.60	121.60	112.80	128.90	120.10	136.10	127.40	143.40	134.70	150.70	142.00	
10 1/4	34.24	117.00	1													

TABLE I—Continued
PIPE OTHER THAN OIL COUNTRY TUBULAR GOODS—continued
BLACK PIPE

Description of pipe			Price per hundred feet—dollars													
Size		Weight per foot (pounds)	Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6		Zone 7	
Inside diameter (inches)	Outside diameter (inches)		Less than \$0.25 freight rate per hundred pounds	Plain end	\$0.25 and over but less than \$0.50 freight rate per hundred pounds	Plain end	\$0.50 and over but less than \$0.75 freight rate per hundred pounds	Plain end	\$0.75 and over but less than \$1.00 freight rate per hundred pounds	Plain end	\$1.00 and over but less than \$1.25 freight rate per hundred pounds	Plain end	\$1.25 and over but less than \$1.50 freight rate per hundred pounds	Plain end	\$1.50 and over freight rate per hundred pounds	Plain end
14	14	36.71	\$139.40	\$129.40	\$147.80	\$137.80	\$156.10	\$146.10	\$164.50	\$154.50	\$172.80	\$162.80	\$181.20	\$171.20	\$189.50	\$179.50
14	14	45.68	157.00	144.50	167.40	154.90	177.80	165.30	188.20	175.70	198.60	186.10	208.97	196.50	219.40	206.90
14	14	54.57	187.20	172.30	199.60	184.70	212.00	197.10	224.40	209.50	236.80	221.90	249.20	234.30	261.60	246.70
14	14	72.09	247.30	227.70	263.70	244.10	280.10	260.40	296.50	276.80	312.90	293.20	329.20	309.60	345.60	326.00
15	15	35.04	134.50	125.00	142.50	133.00	150.50	141.00	158.50	148.90	166.40	156.90	174.40	164.90	182.30	172.80
15	15	39.38	151.10	140.40	160.00	149.30	169.00	158.30	177.90	167.20	186.90	176.10	195.80	185.10	204.70	194.00
15	15	49.02	181.70	168.30	192.90	179.50	204.00	190.60	215.10	201.80	226.30	212.90	237.40	224.10	248.60	235.20
15	15	58.57	216.90	201.00	230.20	214.30	243.60	227.60	256.90	240.90	270.20	254.20	283.50	267.50	296.80	280.80
15	15	77.43	287.00	265.90	304.60	283.50	322.20	301.10	339.80	318.70	357.50	336.30	375.10	353.90	392.70	371.50
16	16	39.40	151.50	140.70	160.40	149.70	169.40	158.70	178.40	167.60	187.30	176.60	196.30	185.50	205.30	194.50
16	16	42.05	161.50	150.00	171.00	159.60	180.60	169.10	190.10	178.70	199.70	188.20	209.30	197.80	218.80	207.30
16	16	52.36	201.50	187.20	213.40	199.10	228.30	211.00	237.20	222.90	249.20	234.80	261.10	246.80	273.00	258.70
16	16	62.58	231.80	214.70	246.00	228.90	260.20	243.10	274.40	257.40	288.60	271.60	302.90	285.80	317.10	300.00
16	16	82.77	306.70	284.10	325.50	302.90	344.30	321.70	363.10	340.50	381.90	359.40	400.74	378.20	419.60	397.00
18	18	46.46	168.20	156.20	178.80	166.80	189.40	177.40	199.90	187.90	210.50	198.50	221.10	209.10	231.70	219.70
18	18	47.39	171.10	159.10	181.90	169.90	192.60	180.60	203.40	191.40	214.10	202.10	224.90	212.90	235.70	223.70
18	18	59.03	205.40	193.40	218.80	206.80	232.20	220.20	245.60	233.60	259.00	247.00	272.50	260.50	285.90	273.90
18	18	70.59	245.40	233.40	261.40	249.40	277.50	265.50	293.50	281.50	309.60	297.60	325.60	313.60	341.60	329.60
18	18	93.45	325.10	313.10	346.40	334.40	376.60	364.60	388.90	377.90	410.10	398.10	431.40	419.40	452.60	440.60
20	20	52.73	190.60	178.60	202.60	190.60	214.60	202.60	226.60	214.60	238.60	226.60	250.60	238.60	262.60	250.60
20	20	65.71	228.70	216.70	243.60	231.60	258.60	246.60	273.50	261.50	288.50	276.50	303.40	291.40	318.40	306.40
20	20	78.60	273.60	261.60	291.50	279.50	309.40	297.40	327.20	315.20	345.10	333.10	363.00	351.00	380.90	368.90
20	20	104.13	362.40	350.40	386.00	374.00	409.70	397.70	433.40	421.40	457.10	445.10	480.80	468.80	504.50	492.50
22	22	69.76	255.30	243.30	271.20	259.20	287.00	275.00	302.90	290.90	318.70	306.70	334.60	322.60	350.40	338.40
22	22	94.62	333.00	321.00	355.10	343.10	376.70	364.70	398.20	386.20	419.70	407.70	441.20	429.20	462.70	450.70
22	22	114.81	404.90	392.90	431.00	419.00	457.10	445.10	483.20	471.20	509.30	497.30	535.40	523.40	561.60	549.60
24	24	79.06	289.40	277.40	307.30	295.30	325.30	313.30	343.30	331.30	361.30	349.30	379.20	367.20	397.20	385.20
24	24	94.62	333.60	321.60	355.10	343.10	376.70	364.70	398.20	386.20	419.70	407.70	441.20	429.20	462.70	450.70
24	24	125.49	442.20	430.20	470.80	458.80	499.30	487.30	527.80	515.80	556.30	544.30	584.90	572.90	613.40	601.40
26	26	119.44	421.00	409.00	448.20	436.20	475.40	463.40	502.50	490.50	529.70	517.70	556.90	544.90	584.00	572.00

GALVANIZED PIPE

1/4	.024	2.62	2.36	2.75	2.48	2.88	2.59	3.00	2.70	3.12	2.80	3.36	2.92	3.48	3.13
1/4	.42	2.64	2.38	2.90	2.61	3.00	2.70	3.12	2.80	3.24	2.92	3.48	3.13	3.60	3.24
1/4	.56	2.64	2.38	2.90	2.61	3.00	2.70	3.12	2.80	3.24	2.92	3.48	3.13	3.60	3.24
1/2	.85	3.36	3.03	3.60	3.24	3.84	3.46	4.08	3.68	4.32	3.88	4.44	4.00	4.68	4.21
1/2	1.13	4.20	3.78	4.60	4.14	4.80	4.32	5.16	4.64	5.40	4.86	5.76	5.18	6.00	5.40
1	1.67	5.88	5.52	6.24	5.88	6.72	6.36	7.20	6.84	7.68	7.32	8.04	7.68	8.52	8.16
1 1/4	2.27	7.60	6.80	8.20	7.40	8.70	7.80	9.30	8.40	9.90	8.90	10.50	9.50	11.00	9.90
1 1/2	2.71	9.10	8.20	9.80	8.80	10.50	9.50	11.20	10.10	11.80	10.60	12.50	11.30	13.20	11.90
2	3.67	12.20	11.00	13.10	11.80	14.00	12.60	15.00	13.50	15.90	14.30	16.90	15.20	17.80	16.00
2 1/2	5.85	19.30	17.40	20.70	18.60	22.20	20.00	23.70	21.30	25.20	22.70	26.70	24.00	28.10	25.30
3	7.70	25.20	22.70	27.10	24.40	29.10	26.20	30.90	27.80	32.90	29.60	34.80	31.30	36.80	33.10
3 1/2	9.20	32.70	29.40	35.00	31.50	37.30	33.60	39.60	35.60	41.90	37.70	44.20	39.80	46.60	41.90
4	10.79	38.70	34.80	41.40	37.30	44.20	39.80	46.90	42.20	49.70	44.70	52.30	47.10	55.10	49.60
5	14.87	51.70	46.50	55.40	49.90	59.10	53.20	62.80	56.50	66.50	59.90	70.10	63.10	73.80	66.40
6	18.97	70.00	63.00	75.10	67.60	80.00	72.00	85.00	76.50	89.90	80.90	95.00	85.50	99.90	89.90

PIPE OTHER THAN OIL COUNTRY TUBULAR GOODS

Odd Sizes and Weights

Prices per hundred feet for pipe not of the same size and/or weight as pipe listed elsewhere in this Table I shall be determined as follows:

- (1) Ascertain the price for the nearest comparable size and weight of pipe of the same type;
- (2) Divide this price by the weight per foot (in pounds) for the pipe for which this price is listed;
- (3) Multiply the result of (2) by the weight per foot (in pounds) of the odd size and/or weight of pipe to be priced.

Example: Seller in Shreveport, Louisiana, has a quantity of 5 1/4" OD 26# tubes for sale. The freight rate for carload quantities from Lorain, Ohio, to Shreveport, Louisiana, is 69¢ per cwt. Seller's location then would be in Zone 3. The Zone 3 price listed for the nearest comparable size and weight, 5 1/4" OD 12.89#, is \$41.70. The maximum price at which the 5 1/4" OD 26# tubes may be sold is determined as follows:

$$\begin{aligned}
 & \$41.70 \div 12.89\# \text{ equals } .032\# \text{ per lb.} \\
 & .032 \text{ cent per lb.} \times (26\# \times 100 \text{ lineal feet}) \text{ equals} \\
 & \$84.10 \text{ Maximum price per 100 ft for } 5\frac{1}{4}" \text{ OD } 26\# \text{ tubes.}
 \end{aligned}$$

(2) **Premiums.** Where the pipe is to be used for high pressure water, gas or oil lines and a pressure of more than 50 pounds per square inch is required and where all of the following specifications are met, ten per cent (10%) of the applicable price listed in Table I may be added in the case of shipments in any quantity and twenty per cent (20%) may be added in the case of any shipment of threaded and coupled, or threaded pipe of less than 40,000 pounds. **Specifications:** Each length of pipe must be of

American manufacture; must be commercially straight and free from injurious surface defects; if threaded, must have first class undamaged threads; if threaded and coupled, must also have couplings free from visible breaks and galling; must weigh within five per cent (5%) of the weight for new pipe of the same size and weight per foot (as determined by caliper measurement of wall thickness), must have been hydrostatically tested to a minimum pressure of five hundred pounds (500 lbs.) per square

inch with nipple and coupling screwed into each joint, the pressure to be applied for five (5) seconds without leakage; and must be stamped with a steel die, or otherwise indelibly marked, to show clearly the seller's identification mark.

(c) **Maximum shipping point prices for oil country tubular goods—(1) Other than types J-55 and N-80 but including type N-80 steel drill pipe—(i) Threaded and coupled.** The maximum shipping point price shall be the applicable price for the same type, size and weight listed

in Table II* for the zone in which the shipping point is located.

(ii) *Threaded only.* The maximum shipping point price shall be ninety-five per cent (95%) of the applicable price when threaded and coupled.

(iii) *Plain end.* The maximum shipping point price shall be ninety per cent (90%) of the applicable price when threaded and coupled.

(2) *Types J-55 and N-80 but not including N-80 steel drill pipe—(1)*

* Table II is set forth at the end of subparagraph (3).

Threaded and coupled. The maximum shipping point price shall be, in the case of J-55, one-hundred and ten per cent (110%) and, in the case of N-80 (but not steel drill pipe), one-hundred and twenty-two per cent (122%) of the applicable price for steel casing or tubing nearest comparable in size and weight (to the J-55 or N-80 being sold or offered for sale) listed in Table II for the zone in which the shipping point is located.

(ii) *Threaded only.* The maximum shipping point price shall be ninety-five

per cent (95%) of the applicable price when threaded and coupled.

(iii) *Plain end.* The maximum shipping point price shall be ninety per cent (90%) of the applicable price when threaded and coupled.

Proviso: The prices in this subparagraph (2) may not be used on any sale unless there be noted on, or appended to, the invoice a sworn statement by the seller setting forth where, when and from whom the pipe was obtained, and whether the pipe is J-55 and N-80.

TABLE II
OIL COUNTRY TUBULAR GOODS—THREADED AND COUPLED

Description of pipe		Price per hundred feet—dollars						
Size	Weight per foot (pounds)	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7
Outside diameter (inches)		Less than \$0.25 freight rate ¹ per hundred pounds	\$0.25 and over but less than \$0.50 freight rate ¹ per hundred pounds	\$0.50 and over but less than \$0.75 freight rate ¹ per hundred pounds	\$0.75 and over but less than \$1.00 freight rate ¹ per hundred pounds	\$1.00 and over but less than \$1.25 freight rate ¹ per hundred pounds	\$1.25 and over but less than \$1.50 freight rate ¹ per hundred pounds	\$1.50 and over freight rate ¹ per hundred pounds
<i>Steel tubing—plain</i>								
2 3/4	4.60	\$17.00	\$17.80	\$18.70	\$19.50	\$20.40	\$21.30	\$22.10
2 7/8	6.20	22.00	23.20	24.30	25.40	26.60	27.80	28.90
3 1/2	9.20	31.60	33.40	35.10	36.80	38.50	40.30	42.00
<i>Steel tubing—upset</i>								
2 3/4	4.60	21.30	22.20	23.10	24.00	24.80	25.70	26.60
2 7/8	6.20	28.00	29.20	30.40	31.60	32.90	34.10	35.30
3 1/2	9.20	40.90	42.70	44.40	46.10	47.90	49.60	51.40
4	12.00	53.30	55.70	57.90	60.10	62.50	64.70	67.00
<i>Steel casing</i>								
4 1/2	9.50	34.30	36.10	37.90	39.70	41.40	43.20	45.00
4 3/4	16.00	57.80	60.80	63.80	66.80	69.80	72.80	75.80
5	13.00	48.60	51.10	53.60	55.90	58.40	60.80	63.20
5 1/4	14.00	49.80	52.50	55.10	57.70	60.30	63.00	65.60
5 1/2	15.00	53.50	56.30	59.10	61.90	64.70	67.50	70.30
5 3/4	18.00	64.00	65.20	70.80	74.20	77.60	80.90	84.30
5 7/8	10.00	39.60	40.70	42.60	45.20	47.10	49.00	50.90
5 1/2	13.00	47.50	49.90	52.30	54.80	57.20	59.60	62.08
5 3/4	16.00	54.40	57.30	60.30	63.30	66.30	69.30	72.30
5 1/2	13.00	48.70	51.20	53.70	56.20	58.60	61.20	63.70
5 3/4	20.00	74.90	78.70	82.30	86.10	89.90	93.60	97.40
5 1/2	14.00	42.50	45.10	47.80	50.40	53.00	55.70	58.30
5 3/4	15.00	44.90	47.70	50.50	53.30	56.10	58.90	61.70
5 1/2	17.00	51.20	54.40	57.60	60.70	63.90	67.10	70.30
5 3/4	16.00	62.60	65.60	68.60	71.60	74.60	77.60	80.60
6	18.00	69.80	73.20	76.50	79.90	83.30	86.70	90.00
6 1/4	13.00	51.50	53.90	56.30	58.80	61.20	63.70	66.10
6 1/2	17.00	60.10	63.30	66.40	69.60	72.80	76.00	79.20
6 3/4	20.00	70.90	74.60	78.40	82.10	85.90	89.60	93.30
6 1/2	24.00	84.70	89.20	93.70	98.20	102.70	107.20	111.70
6 3/4	26.00	90.60	95.40	100.30	105.20	110.10	114.90	119.80
7	17.00	53.30	56.40	59.60	62.80	66.00	69.20	72.40
7 1/4	18.00	56.40	59.80	63.10	66.50	69.90	73.30	76.70
7 1/2	20.00	62.40	66.60	69.90	73.60	77.40	81.10	84.90
7 3/4	22.00	68.90	73.00	77.20	81.30	85.40	89.50	93.70
7 1/2	24.00	76.60	81.10	85.60	90.10	94.60	99.10	103.60
7 3/4	26.00	82.40	87.20	92.10	97.00	101.90	106.80	111.60
7 1/2	28.00	92.60	97.80	103.10	108.30	113.60	118.80	124.10
7 3/4	26.40	98.10	103.10	108.00	113.00	117.90	122.90	127.00
8	20.00	76.40	80.10	83.90	87.70	91.40	95.20	98.90
8 1/4	20.00	76.50	80.10	83.90	87.70	91.40	95.20	98.90
8 1/2	24.00	88.80	93.10	97.90	102.30	106.80	111.30	115.80
8 3/4	28.00	95.10	100.30	105.60	110.80	116.10	121.30	126.60
8 1/2	32.00	101.60	107.80	113.80	119.80	125.80	131.80	137.80
8 3/4	36.00	131.30	138.00	144.80	151.50	158.30	165.00	171.80
9	34.00	143.60	150.00	156.30	162.70	169.10	175.50	181.90
9 1/4	38.00	161.20	168.30	175.40	182.56	189.70	196.80	203.90
9 1/2	40.00	169.70	177.20	184.70	192.20	199.70	207.20	214.70
9 3/4	36.00	143.00	149.70	156.50	163.20	170.00	176.10	184.40
9 1/2	40.00	164.00	171.50	179.00	186.50	194.00	201.50	209.00
9 3/4	43.50	176.70	184.90	193.10	201.30	208.50	217.80	225.90
10 1/4	40.50	158.70	166.20	173.90	181.50	189.00	196.50	203.90
10 3/4	32.75	113.10	119.20	125.40	131.50	137.60	143.80	149.90
10 1/2	35.75	133.10	139.70	146.50	153.10	159.80	166.50	173.20
10 3/4	45.50	168.10	176.70	185.20	193.70	202.30	210.80	219.30
11 1/4	47.00	171.80	180.70	189.50	198.30	207.10	215.90	224.70
12 1/4	45.00	133.60	142.00	150.40	158.80	167.20	175.60	184.00
12 3/4	51.00	206.70	216.30	225.90	235.40	245.00	254.60	264.10
13	40.00	156.60	164.10	171.60	179.10	186.60	194.10	201.60
13 1/2	45.00	169.90	178.30	186.70	195.20	203.60	212.00	220.50

¹ Established charge for transporting pipe by rail at the rate for the lowest minimum carload weight, from Lorain, Ohio, to the rail siding nearest the shipping point.

TABLE II—Continued
OIL COUNTRY TUBULAR GOODS—THREADED AND COUPLED—continued
Steel tubing—plain—Continued

Description of pipe		Price per hundred feet—dollars						
Size	Weight per foot (pounds)	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7
Outside diameter (inches)		Less than \$0.25 freight rate per hundred pounds	\$0.25 and over but less than \$0.50 freight rate per hundred pounds	\$0.50 and over but less than \$0.75 freight rate per hundred pounds	\$0.75 and over but less than \$1.00 freight rate per hundred pounds	\$1.00 and over but less than \$1.25 freight rate per hundred pounds	\$1.25 and over but less than \$1.50 freight rate per hundred pounds	\$1.50 and over freight rate per hundred pounds
13	50.00	\$184.90	\$194.30	\$203.70	\$213.00	\$222.40	\$231.80	\$241.20
13 1/8	48.00	206.80	215.80	224.80	233.80	242.80	251.80	260.80
13 1/4	54.50	225.30	235.50	245.70	255.90	266.10	276.30	286.60
13 3/8	61.00	250.10	261.50	273.00	284.40	295.80	307.20	318.70
14	50.00	227.80	237.20	246.50	255.95	265.30	274.70	284.00
16	55.00	285.00	295.30	305.60	315.90	326.20	336.50	346.90
16 1/8	65.00	333.60	345.80	358.00	370.10	382.30	394.50	406.70
16 1/4	70.00	354.40	367.50	380.70	393.80	406.90	420.00	433.20
16 3/8	75.00	376.50	390.60	404.70	418.70	432.80	446.90	460.90
18 1/8	78.00	447.00	461.60	476.20	490.80	505.50	520.10	534.70
18 3/8	87.50	487.10	503.50	519.90	536.30	552.70	569.10	585.50
18 1/2	96.50	522.30	540.40	558.50	576.50	594.60	612.70	630.80
20	84.00	469.50	485.30	501.00	516.80	532.50	548.30	564.00
20 1/8	90.00	503.00	520.00	536.80	553.70	570.60	587.50	604.30
21 1/4	92.50	599.90	617.30	634.60	651.90	669.30	686.60	704.00
21 1/2	103.00	648.70	668.00	687.30	706.60	725.90	745.20	764.50
21 3/4	114.00	669.20	717.60	738.90	760.30	781.70	803.10	824.40
2 3/8	3.75	15.40	16.10	16.90	17.50	18.30	19.00	19.70
2 7/8	5.90	21.80	22.90	24.00	25.10	26.20	27.30	28.40
3 1/2	7.70	28.50	29.90	31.40	32.80	34.30	35.70	37.10
4	9.25	33.70	35.40	37.20	38.90	40.60	42.40	44.10
4 1/2	11.60	40.10	42.10	44.20	46.30	48.30	50.40	52.40
5 1/16	15.00	54.20	57.00	59.80	62.70	65.50	68.30	71.10
6 5/8	19.45	69.90	73.50	77.20	80.80	84.50	88.20	91.80
6 7/8	25.55	98.10	102.90	107.70	112.50	117.30	122.10	126.90
6 3/4	29.35	113.10	118.60	124.10	129.60	135.10	140.60	146.20
6 1/2	32.40	125.10	131.10	137.20	143.30	149.40	155.40	161.50
10 3/4	32.75	127.30	133.40	139.60	145.70	151.90	158.00	164.20
10 1/2	35.75	139.90	146.60	153.30	160.00	166.70	173.40	180.20
10 3/8	41.85	163.10	171.00	178.80	186.70	194.50	202.40	210.20
12 3/4	45.45	180.80	189.30	197.80	206.40	214.90	223.40	232.00
12 1/2	51.15	203.20	212.80	222.40	232.00	241.60	251.20	260.80
14	57.00	269.80	280.50	291.20	301.90	312.60	323.30	334.00
16	65.30	330.40	342.70	354.90	367.20	379.40	391.60	403.90
18	81.20	442.40	457.60	472.80	488.10	503.30	518.50	533.70
20	90.00	503.10	520.00	536.80	553.70	570.60	587.50	604.30

Steel drill pipe

2 3/8	4.80	25.00	25.90	26.80	27.70	28.60	29.50	30.40
2 3/8	6.65	35.90	37.10	38.40	39.60	40.90	42.10	43.40
2 7/8	6.45	34.80	36.00	37.20	38.40	39.70	40.90	42.10
2 7/8	8.35	43.00	45.20	46.80	48.40	49.90	51.60	53.20
2 7/8	10.40	54.00	56.50	58.50	60.40	62.40	64.30	66.30
3 1/2	8.50	45.70	47.30	48.90	50.50	52.10	53.70	55.30
3 1/2	11.20	60.40	62.50	64.60	66.70	68.80	70.90	73.00
3 1/2	13.30	69.80	72.30	74.80	77.30	79.80	82.30	84.80
4 1/2	12.75	66.20	68.60	71.00	73.40	75.80	78.20	80.60
4 1/2	13.75	71.50	74.10	76.70	79.30	81.90	84.50	87.00
4 1/2	16.60	86.40	89.50	92.60	95.80	98.90	102.00	105.10
5 1/16	19.60	99.10	102.70	106.30	109.90	113.40	116.90	120.50
5 1/16	22.90	117.50	121.80	126.10	130.40	134.70	139.00	143.20
5 1/16	25.25	132.40	137.20	141.90	146.60	151.40	156.10	160.90
6 5/8	22.20	117.40	121.60	125.80	129.90	134.10	138.30	142.40
6 5/8	31.90	166.70	172.60	178.60	184.60	190.60	196.50	202.50
7 5/8	29.25	160.90	166.30	171.50	177.30	182.80	188.30	193.80
8 3/8	40.00	234.20	241.70	249.20	256.70	264.20	271.70	279.20
8 3/8	46.50	271.70	280.40	289.10	297.90	306.60	315.30	324.00

OIL COUNTRY TUBULAR GOODS

Odd sizes and weights

Prices per hundred feet for pipe not of the same size and/or weight as pipe listed elsewhere in this Table II shall be determined as follows:

- (1) Ascertain the price for the nearest comparable size and weight of pipe of the same type;
- (2) Divide this price by the weight per foot (in pounds) for the pipe for which this price is listed;
- (3) Multiply the result of (2) by the weight per foot (in pounds) of the odd size and/or weight of pipe to be priced.

Example: Seller in Shreveport, Louisiana, has a quantity of 8" OD 24# casing for sale. The freight rate for carload quantities from Lorain, Ohio, to Shreveport, Louisiana, is 6¢ per cwt. Seller's location then would be in Zone 3. The Zone 3 price listed for the nearest comparable size and weight, 8" OD 20#, is \$83.90. The maximum price at which the 8" OD 24# casing may be sold is determined as follows:

$$\begin{aligned} & \$83.90 \div 20\# \text{ equals } .0419\# \text{ per lb.} \\ & .0419 \text{ cents per lb.} \times (24\# \times 100 \text{ lineal ft.}) \text{ equals } \\ & \$100.56 \text{ Maximum price per 100 ft. for 8" OD 24\# casing.} \end{aligned}$$

(3) **Premiums.** Where the following specifications are met and where the pipe has been hydrostatically tested to a minimum pressure of fifteen hundred pounds per square inch (Provided, however, That where the American Petroleum Institute (API) test for new pipe is less than fifteen hundred pounds per square inch such pipe must have been tested to a minimum pressure required by API specifications for pipe of the same size,

weight and grade), the pressure in such hydrostatic test to be applied for not less than one minute without leakage with nipple and coupling screwed into each joint using a zinc base thread compound, twenty per cent (20%) of the applicable price listed in Table II may be added.*

* Example: Seller in Shreveport, Louisiana, wishes to determine the premium price for 5 1/2" OD 17# T&C J-55 casing to be sold out of his yard. This pipe has been hydrostatically

Provided, That on sales for delivery and use within any of the states of New York, Pennsylvania, West Virginia, Ohio, cally tested and meets the specifications, all as required by subparagraph (3).

	Per 100 ft.
The applicable listed price in Table II.....	\$60.70
Multiply by 110% (\$60.70 x 110%) for J-55.....	66.80
Premium price (\$6.80 by 120%).....	80.16

Michigan, Indiana, Kentucky and Illinois where the following specifications are met but the pipe has not been hydrostatically tested as above, fifteen per cent (15%) of the applicable price listed in Table II may be added.

Specifications: Each length of pipe must be of American manufacture; must be straight and free from injurious surface defects; if threaded, must have first-class undamaged threads; if threaded and coupled, must also have couplings free from visible breaks and galling; must weigh within five per cent (5%) of the weight for new pipe of the same size and weight per foot (as determined by calliper measurement of wall thickness); must in the case of all pipe up to and including 8 3/8" outside diameter have been drifted with cylindrical mandrel six inches in length having an outside diameter of not more than 1/8" smaller than the nominal inside diameter of the pipe; and must be stamped with a steel die, or otherwise indelibly marked, to show clearly the seller's identification mark.

(d) *Charges for extras.* The following charges for extras may be added to the maximum shipping point prices in this Appendix A (§1306.464). These charges may be added only with respect to the piece or pieces on which the extra service or services are performed and may be added only where the service or services are furnished specifically at consumer's request and where the performance of such service or services is necessary to meet the request.

(1) *Cutting or threading or both.*

Size of pipe inside diameter (ID) (inches)	For delivery & use in places other than Cal., Ore. & Wash.		For delivery & use in Cal., Ore. & Wash.	
	Per cut	Per thread	Per cut	Per thread
1/8"	\$.04	\$.07	\$.08	\$.10
1/4"	.04	.07	.08	.10
3/8"	.04	.07	.08	.10
1/2"	.04	.07	.08	.10
3/4"	.04	.07	.08	.10
1"	.05	.10	.10	.14
1 1/4"	.05	.10	.11	.14
1 1/2"	.06	.11	.12	.15
2"	.10	.15	.15	.19
2 1/2"	.12	.20	.18	.23
3"	.15	.30	.23	.31
3 1/2"	.15	.35	.29	.37
4"	.20	.40	.40	.53
4 1/2"	.25	.45	.51	.68
5"	.30	.55	.63	.83
6"	.40	.70	.78	1.05
7"	.45	.85	.88	1.16
8"	.55	1.00	1.05	1.40
9"	.65	1.25	1.29	1.72
10"	.75	1.50	1.55	2.07
12"	1.10	2.00	2.00	2.50

There may also be added for cutting to specified lengths at the request of the consumer a charge not to exceed ten per cent (10%) of the applicable maximum shipping point price for the pipe cut.⁸

(2) *Other extras.* Whenever pipe is dipped in genuine asphalt or bituminous

⁸ Example: Seller in Tampa, Florida, wishes to determine the shipping point price for 10 lengths of 2" ID 3.67# pipe cut 10 feet exact. The state of Florida is considered to be in Zone 5. The seller will compute his price as follows:

2" OD 3.67# (Zone 5 shipping pt. price per 100 ft.)	\$13.20
10% waste allowance	1.32
10 cuts @ 10¢	1.00

Total (Shipping pt. price for 100 ft. cut length order) **\$15.52**

tar, wrapped with a protective coating, cleaned by sandblasting or steaming or both, safe-ended or reconditioned in the case of boiler tubing to underwriters' specifications so as to be suitable for retubing purposes, and joint-welded to customers' specifications, the charge or charges therefor may not exceed those, if any, which the seller customarily made for such service or services between August 15, 1941 and October 15, 1941, inclusive: *Provided*, That no charge may be made for cleaning by sandblasting or steaming or both if the premiums applicable under subparagraphs (b) (5) and (c) (5) of this Appendix A (§1306.464) are charged: *Provided further*, That no extra charge or charges authorized in this subparagraph (2) may be made after April 1, 1943 unless the seller has filed with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., on or before such date a sworn statement setting forth the charge or charges which the seller customarily made between August 15, 1941 and October 15, 1941, inclusive, for each such extra. A seller who was not engaged in the business of selling reusable iron and steel pipe between August 15, 1941 and October 15, 1941, inclusive, may apply to the Office of Price Administration, Washington, D. C., for the charge or charges which it will be permissible for him to make for any of these extras.

§ 1306.465 *Appendix B: Maximum shipping point prices for used structural pipe.* The maximum shipping point price shall be \$35.00 per net ton. Where cutting to specified lengths is done by the seller at the request of the consumer and this is necessary to meet the request, the following charges may be added with respect to the piece or pieces on which the extra service is performed:

Size of pipe inside diameter (ID) (inches)	For delivery & use in places other than Cal., Ore. & Wash.	
	Per cut	Per cut
1/2"	\$.04	\$.08
3/4"	.04	.08
1"	.04	.08
1 1/4"	.04	.08
1 1/2"	.04	.08
2"	.05	.10
2 1/2"	.05	.11
3"	.06	.12
3 1/2"	.10	.15
4"	.12	.18
4 1/2"	.15	.23
5"	.15	.23
5 1/2"	.15	.29
6"	.20	.40
6 1/2"	.25	.51
7"	.30	.63
7 1/2"	.40	.78
8"	.45	.88
8 1/2"	.55	1.05
9"	.65	1.29
9 1/2"	.75	1.55
10"	.75	1.55
12"	1.10	2.00

In addition there may also be added for cutting to specified lengths at the request of the consumer a charge not to exceed \$3.50 per ton for the pipe cut.

Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1840; Filed, February 3, 1943; 3:22 p. m.]

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

[Ration Order 1A,¹ Amendment 8]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

Sections 1315.502 (a) and (b), 1315.601 (c), 1315.701 (a) and 1315.704 are amended to read as follows:

§ 1315.502 *Additional proof of need for passenger automobile.* * * *

(a) That he has a gasoline ration currently valid under Ration Order No. 5C for a passenger automobile if the automobile is driven by gasoline;

(b) *Inspection record.* That the applicant has a tire inspection record, signed by an authorized tire inspector, showing that the required tire inspections have been made, and that either the serial number of the tire to be replaced has been entered upon such record or the applicant has Part D of a certificate authorizing acquisition of such tire: *Provided, however*, That the Board may waive the requirement that the applicant have a tire inspection record showing the required tire inspections if the applicant can establish that serious illness of the applicant or the physical condition or location of the automobile made it impossible to obtain the required inspections, and if the current inspection shows no evidence of abuse or neglect of any of the tires or tubes upon the vehicle. The provisions of this paragraph shall not apply to vehicles exempt from maintaining a tire inspection record under § 1315.701. Tire inspection records for automobiles operated on official rations need not show the serial number of the tire to be replaced.

§ 1315.601 *Application for certificates.* * * *

(c) *Presentation of tire inspection record.* Any applicant for a certificate who is required to have a tire inspection record (OPA Form R-534-B) shall present to the Board such record at the time of filing his application. If the serial numbers of any tire shown on the tire inspection record are different from those previously entered on the record, the applicant shall produce the Part D of a certificate authorizing the acquisition of such tire. Tire inspection records for automobiles operated on official rations need not show the serial number of any tire.

§ 1315.701 *Periodic inspection.* * * *

(a) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the tire inspection record, the inspector shall not sign such record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers

*Copies may be obtained from the Office of Price Administration.
17 F.R. 9160, 9392, 9724, 10072, 10336; 8 F.R. 435, 606.

on the tire inspection record including those on Part D, and those on the mounted tires, shall be recorded by the inspector on OPA Form R-47 and filed with the Board which appointed the inspector. An inspector may sign a record for an automobile operated on an official ration even though such record does not list the serial number of any tire, and the inspector need not report any discrepancy between serial numbers listed on such record and those on the mounted tires.

§ 1315.704 *Shifting of tires.* No person shall mount on a passenger automobile any tire not duly entered upon the tire inspection record for such passenger automobile, or acquired in exchange for a certificate issued to equip such passenger automobile. This prohibition is subject to the following qualifications:

(a) Any person may apply to a Board for authorization to shift tires from one passenger automobile owned by him to another such automobile and upon approval by the Board, may be issued tire inspection records authorizing such shifting of tires in exchange for the surrender of the tire inspection records then applicable to such passenger automobiles;

(b) Any person may mount tires which are being tested in accordance with § 1315.807 (c). He shall report the mounting by letter within seven days to the Board which issued the tire inspection record for the automobile upon which tires are to be mounted. The report shall state (1) identification of any vehicle involved and (2) serial numbers of any tires involved. Upon approval by the Board, such person shall be issued Part D of a certificate authorizing the mounting and use of such tires;

(c) Tires may be mounted upon automobiles operated on official rations without complying with the provisions of this section.

§ 1315.1199 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1315.502, 1315.601, 1315.701 and 1315.704) to Ration Order No. 1A shall become effective February 9, 1943.

(Pub. Law No. 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong., E.O. 9125, 7 F.R. 2719, issued April 7, 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1841; Filed, February 3, 1943; 3:23 p. m.]

PART 1315—RUBBER AND MATERIALS OF WHICH RUBBER IS A COMPONENT
[Ration Order 1A, Amendment 9]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

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

¹ 7 F.R. 9160, 9392, 9724, 10072, 10336; 8 F.R. 435, 606.

Section 1315.507 is amended to read as follows:

§ 1315.507 (a) *Who may apply for an emergency reserve.* The following persons may apply for an emergency reserve of tires and tubes:

(1) A State (but not its agency or subdivision).

(2) A person who has an Interstate Commerce Commission Certificate of Public Convenience and Necessity as a common carrier or an Interstate Commerce Commission Permit as a contract carrier.

(3) A person who has applied for an Interstate Commerce Commission Certificate or Permit and has been notified by the Interstate Commerce Commission that he may continue the operations described in his application, pending final determination of his application.

(b) *Conditions to be satisfied by an applicant for an emergency reserve.* An applicant for an emergency reserve must satisfy the following conditions:

(1) That all the commercial motor vehicles operated by the applicant are used exclusively for the purposes set forth in § 1315.505 (a) (List A); and

(2) That he has satisfied the applicable provisions of §§ 1315.501, 1315.502 and 1315.504.

(c) *Vehicles for which an emergency reserve may be obtained.* An emergency reserve of tires and tubes may be obtained for the following vehicles if the majority of trips driven in the vehicles are over fifty (50) miles from a place where vehicles operated by the applicant are normally stationed:

(1) Commercial motor vehicles owned and operated by the applicant or leased to the applicant for his exclusive use for a period of at least six (6) months from the date of application;

(2) Vehicles, other than commercial motor vehicles, operated by the applicant for one of the purposes set forth in § 1315.503 (d) (1) (i) (fire fighting or public police service) or eligible under § 1315.506 (a) (3) (non-highway vehicles).

(d) *Amount of emergency reserve.* Certificates shall be issued for the number of tires or tubes required by the applicant in order to maintain a supply equal to 10% of the running wheels of vehicles which meet the requirements of paragraph (c). This supply is in addition to the tires and tubes on running

wheels and allowable spares for vehicles operated by the applicant. In making the computation under this section a dual wheel shall be considered as two wheels.

(e) *Inspection and proof of sale.* An applicant for an emergency reserve must present a certification by an inspector on OPA Form R-1, revised, or R-21 for each tire or tube to be replaced or recapped. If the applicant requests certificates on OPA Form R-20 he must deliver to the Board a proof of sale on OPA Form R-22 for each tire or tube to be replaced. No certificate shall be issued for both tires and tubes.

§ 1315.1199 *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1315.507) to Ration Order No. 1A shall become effective February 9, 1943.

(Pub. Law No. 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 10, 7 F.R. 9121)

Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1842; Filed, February 3, 1943; 3:23 p. m.]

PART 1340—FUEL

[MPR 120, Amendment 35]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

§§ 1340.232 (b) and 1340.233 (b) are amended to read as set forth below:

§ 1340.232 *Appendix U: Maximum prices for bituminous coal produced in District No. 22.* * * *

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7570, 7914, 7942, 8354, 8650, 8948.

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this Appendix.*

[From all mines]

	Prices and size group Nos.														
	1	2	3	4	5	6	7	8	9	10	11	12	15		
Subdistrict No. 1.....	440	440	440	-----	425	-----	325	295	300	190	155	130	270		
Subdistrict No. 2.....	440	440	440	-----	400	-----	295	275	245	185	155	130	255		
Subdistrict No. 7.....	435	435	410	385	-----	385	360	335	260	185	135	115	-----		
Subdistrict No. 8.....	-----	435	-----	-----	-----	-----	260	-----	185	135	-----	-----	-----		
Subdistrict No. 9.....	440	440	440	-----	425	-----	325	-----	270	205	-----	130	-----		
Subdistrict No. 12.....	435	-----	-----	-----	360	-----	-----	-----	185	-----	-----	-----	-----		

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of October 1, 1942, plus: a sum not exceeding 85 cents for Size Group 9, and 35 cents for Size Groups 1, 2, 3, 4, 5, 6, 7, 8, 10, 11 and 12.

Producer	Mine	Mine Index	Movement	Prices and size group numbers																											
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25			
SUBDISTRICT D Bellingham Coal Mines.....	Bellingham #1.....	3	Rail.....	555	545	510	445	490	505	460	425	415	415	415	415	415	415	415	415	415	415	415	415	415	415	415	415	415	415		
				Truck.....	675	625	625	585	585	585	560	560	535	500	485	460	460	460	460	460	460	460	460	460	460	460	460	460	460	460	460
				Rail.....	720	720	720	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680
SUBDISTRICT E Pacific Coast Coal Co.....	Black Diamond Mine.....	32	Truck.....	720	720	720	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680	680		
				Rail.....	775	775	775	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735
				Truck.....	775	775	775	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735	735
SUBDISTRICT F Continental Coal Co., c/o James S. Ramage.....	McKay.....	19	Truck.....	630	630	630	585	585	585	575	575	575	575	575	575	575	575	575	575	575	575	575	575	575	575	575	575	575	575		
				Rail.....	685	685	685	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645
				Truck.....	685	685	685	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645	645
SUBDISTRICT G Springbrook Mining Co. (A. F. Plant).....	Springbrook.....	33	Rail.....	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585		
				Truck.....	600	600	600	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560
				Rail.....	600	600	600	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560
SUBDISTRICT H Renton Mining Co., Inc. (c/o John S. Methven).....	Talbot.....	150	Truck.....	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585		
				Rail.....	600	600	600	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560
				Truck.....	600	600	600	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560
SUBDISTRICT I Consolidated Coal Mines, Inc.....	Cedar Mountain #2.....	160	Truck.....	590	590	590	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585		
				Rail.....	625	625	625	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585
				Truck.....	625	625	625	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585	585
SUBDISTRICT J Franklin Gem Coal Co. (Geo. T. Wake, Jr.).....	Franklin Gem.....	162	Truck.....	565	565	565	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525			
				Rail.....	600	600	600	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560	560
				Truck.....	670	670	670	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630	630
SUBDISTRICT K Hyde Mines, Inc.....	Hyde #2.....	161	Truck.....	710	710	710	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670			
				Rail.....	710	710	710	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670
				Truck.....	710	710	710	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670	670

¹ When sold to Superior Portland Cement Co., Concrete, Skagit County, Wash., and Olympic Portland Cement Co., Bellingham, Whatcom County, Wash.
² For all other sales for rail shipment.

This amendment shall be effective as of February 3, 1943.
 (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)
 Issued this 3d day of February, 1943.
 PRENTISS M. BROWN,
Administrator.

[F. E. Doc. 43-1839; Filed, February 3, 1943; 3:20 p. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT
 [MPR 234; Amendment 4]
APPROVED STIRRUP PUMPS

A statement of considerations involved in the issuance of this Amendment No. 4 and filed with the Division of the Federal Register.*
 The last two paragraphs of § 1350.57 are amended to read as follows:
 § 1350.57 *Retail price labels.* * * * If each pump is not separately packaged by the manufacturer, he shall fill
 * Copies may be obtained from the Office of Price Administration.
 17 F.R. 7976, 7988, 8948, 9428, 10378.

in the price on the tag. If each pump is separately packaged, the manufacturer shall, at his option, either (1) fill in the price on the tag or (2) stamp on the outside of the package the following statement and fill in the price on the outside of the package:
 The Office of Price Administration has established a retail ceiling price of \$..... for this stirrup pump. Lower prices may be charged. If this package is broken before delivery to the consumer, the tag attached to the pump must be filled in by inserting the price stamped on this package.

In the case of pumps sold by the manufacturer directly to retailers, the price designated as the lower retail price shall be inserted in the blank on the tag or in the statement stamped on the outside of the package. In the case of pumps sold by the manufacturer to wholesalers or jobbers, the price indicated as the higher retail price shall be inserted in the blank. In the case of pumps sold by the manufacturer to municipalities or defense councils, the price indicated as the wholesale price shall be inserted in the blank.
 A person customarily selling at both wholesale and retail must re-mark the tags or the packages, as the case may be, on those pumps, purchased directly from

the manufacturer, which he sells to ultimate consumers, so that the tags or packages will state the price designated as the lower retail price.
 § 1350.64 *Effective dates of amendments.* * * *
 (d) Amendment No. 4 (§ 1350.57) to Maximum Price Regulation No. 234 shall become effective February 9, 1943.
 (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of February 1943.
 PRENTISS M. BROWN,
Administrator.
 [F. E. Doc. 43-1843; Filed, February 3, 1943; 3:23 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS
 [Ration Order 12; Amendment 14]
COFFEE RATIONING REGULATIONS
 A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*
 17 F.R. 9710, 10380, 11071, 11072; 8 F.R. 28, 167, 566, 621, 978, 1316, 1366, 1286.

A new item is added to § 1407.1091 and paragraph (n) of § 1407.1090a is added, as set forth below:

Schedules
 § 1407.1091 *Designation of ration periods and of coffee stamps valid therein.*
 Ration period: * * * *Coffee stamp valid during ration period.*
 Feb. 8, 1943, to Mar. 21, 1943, inclusive. * * * Coffee Stamp No. 25

Effective Date
 § 1407.1090a *Effective dates of amendments.* * * *
 (n) Amendment No. 14 (§§ 1407.1091 and 1407.1090a (n)) to Ration Order No. 12 shall become effective February 3, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R)
 Issued this 3d day of February 1943.
 PRENTISS M. BROWN,
Administrator.
 [F. E. Doc. 43-1844; Filed, February 3, 1943; 3:21 p. m.]

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 193, Amendment 4]

DOMESTIC DISTILLED SPIRITS

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.*

Subparagraphs (5), (6) and (7) are added to paragraph (a) of § 1420.10; a sentence is added to subparagraph (3) of § 1420.13 (a); and paragraphs (e), (f), (g), (h) and (i) are added to § 1420.13 as set forth below:

§ 1420.10 Definitions. (a) * * *

(5) "Domestic bulk whiskey" shall mean any and all whiskey produced in the continental United States which is sold in containers having a capacity in excess of one wine gallon.

(6) "License contract" shall mean any written contract for the sale of domestic bulk whiskey which authorizes the purchaser to bottle and sell such whiskey under a trade mark or brand name owned by the seller.

(7) "Warehouse receipt" shall mean a warehouse receipt for domestic bulk whiskey as set forth in section 3 of Regulations No. 3 issued by the Federal Alcohol Administration relating to bulk sales and bottling of distilled spirits.

§ 1420.13 Appendix A: * * *

(a) * * *

(3) Notification: * * * When any modification of maximum prices is made under paragraph (f) of this section for the addition of new or increased Federal taxes which become effective after February 2, 1943, or under subparagraph (3) of paragraph (g) of this section for the addition of new or increased State or local taxes which become effective after February 2, 1943, the separate statement of the amount of the new or increased tax on the invoice of the seller shall likewise be deemed to be a proper notification under this section.

(e) Maximum prices for domestic bulk whiskey in bond. (1) The seller's maximum prices for sales of domestic bulk whiskey in bond by transfer of warehouse receipt or other evidence of title, or otherwise, shall be the maximum prices set forth in paragraph (g) in accordance with the age of such whiskey to be priced hereunder.

(2) Accrued charges to date of sale. The maximum prices set forth in paragraph (g) for each particular age of domestic bulk whiskey include all taxes of any State or subdivision thereof in effect on February 3, 1943 incident to the sale, processing or use of such whiskey imposed upon the seller or any prior vendor and storage, and all other charges applicable to the particular quantity of such whiskey to be priced hereunder accrued to the date of sale. Such maximum prices include brokerage commissions, if any, paid by the seller incident to the particular sale.

(f) Maximum prices for domestic bulk whiskey tax-paid. The seller's maximum prices for sales of domestic bulk whiskey tax-paid by transfer of warehouse receipt or other evidence of title, or otherwise, shall be the maximum prices set forth in paragraph (g) in accordance with the age of such whiskey to be priced hereunder, plus the amount of any tax incident to the sale, processing or use of such whiskey imposed upon the seller or any prior vendor by any statute of the United States with respect to the particular quantity of such whiskey to be priced hereunder: *Provided*, That the amount of such tax has been paid by the seller to the proper taxing authorities or shall have been paid or shall be payable to any prior vendor. The maximum prices for domestic bulk whiskey tax-paid determined pursuant to this paragraph include accrued charges to the date of sale as set forth in subparagraph (2) of paragraph (e).

(g) Table of maximum prices for domestic whiskey in bulk.

Age		Maximum prices per original proof gallon
More than	Not more than	
Months	Months	
2	2	.69
2	4	.73
4	6	.77
4	8	.81
6	10	.85
6	12	.89
8	14	.93
8	16	.97
10	18	1.01
10	21	1.07
12	24	1.13
12	27	1.19
14	30	1.25
14	33	1.31
16	36	1.36
16	39	1.41
18	42	1.46
18	45	1.51
21	48	1.56
21	51	1.61
24	54	1.65
24	57	1.69
27	60	1.72
27	63	1.75
30	66	1.78
30	69	1.81
33	72	1.84
33	75	1.87
36	78	1.90
36	81	1.93
39	84	1.96
39	87	1.98
42	90	2.00

(1) Determination of age of whiskey. The age of the whiskey to be priced hereunder shall be calculated by determining the number of full calendar months intervening between the date of entry into bond (as indicated on the warehouse receipt) to and including the date of sale. A full calendar month shall be computed from the date of the month of original entry into bond to, but not including the corresponding date of the following month, and in like manner from such corresponding date for each succeeding month.

(2) New or increased State or local taxes. Sellers may add to the amounts set forth in paragraph (g) the amount of any new tax or increase in an existing tax incident to the sale, processing or use of domestic whiskey in bulk imposed upon the seller or any prior vendor after February 2, 1943 with respect to

the particular quantity of such whiskey to be priced hereunder by any statute or ordinance of any State or subdivision thereof: *Provided*, That the amount of such new or increased tax has been paid or shall have accrued and be payable by the seller to the proper taxing authorities or to any prior vendor.

(h) License contracts. (1) The provisions of paragraphs (e), (f) and (g) shall be inapplicable to sales of domestic bulk whiskey made pursuant to license contracts entered into prior to February 3, 1943 or to sales pursuant to renewals of such contracts made after February 2, 1943, but within 90 days from the expiration date of the preceding contract, at prices not in excess of the prices contained in such preceding contract. The seller's maximum prices for sales of domestic bulk whiskey pursuant to such contracts entered into prior to February 3, 1943 shall be the seller's maximum prices to each particular class of such purchasers established under paragraphs (a) or (b) as the case may be. The seller's maximum prices for such sales pursuant to renewals of license contracts after February 2, 1943 as limited above shall be determined by reference to the price contained in the preceding contract for the particular age or type of such whiskey in question.

(2) After February 2, 1943 the seller's maximum prices for sales of domestic bulk whiskey pursuant to license contracts, except as provided in (h) (1), shall be established under paragraph (c). After February 2, 1943 no person shall enter into a license contract or similar agreement for the sale of domestic bulk whiskey until the maximum price therefor shall have been determined by the seller after specific authorization from the Office of Price Administration pursuant to paragraph (c), except as provided in subparagraph (1) of paragraph (h).

(3) Each seller of domestic bulk whiskey pursuant to a license contract entered into after March 31, 1942 and prior to February 3, 1943, shall file a true and exact copy of such contract with the Beverage Section of the Food Price Division, Office of Price Administration, Washington, D. C., on or before March 3, 1943.

(i) Alterations from original proof. No sales, except sales for export, of domestic bulk whiskey shall be made after the original proof of such whiskey has been altered. The seller's maximum domestic price for export sales of domestic bulk whiskey at any degree of proof other than original proof shall be determined pursuant to the provisions of paragraph (c).

This amendment shall become effective February 3, 1943.

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

Issued this 3d day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1845; Filed, February 3, 1943; 3:21 p. m.]

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

17 F.R. 6006, 8940, 8947, 8948, 10068.

(b) *Effective dates.* . . .

(104) Amendment No. 103 to Supplementary Regulation No. 14 (§§ 1499.73 (a) (12) (iii) and 1499.73 (a) (12) (v)) shall become effective February 9, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1850; Filed, February 3, 1943; 3:24 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 262 Under § 1499.3 (b) of GMPR]

AMERICAN PLYWOOD CORPORATION

Maximum prices for Grade No. 1, birch, maple, walnut, mahogany and red oak and Grade No. 2 elm and ash plywoods, graded according to the standards set forth in Commercial Standard 35-42.

The American Plywood Corporation of New London, Wisconsin, made application under § 1499.3 (a) of the General Maximum Price Regulation for determination of maximum prices for certain new grades of plywood, not previously manufactured or sold by them. 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 and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered:*

§ 1499.1498 *Approval of maximum prices for the sale by American Plywood Corporation of certain standard grades of plywood.* (a) On and after February 4, 1943, the American Plywood Corporation of New London, Wisconsin, may sell and deliver, and any person may purchase from the American Plywood Corporation, plywood of the Commercial Standard 35-42 grades and description shown at prices, f. o. b. New London, Wisconsin, set forth in the following schedule:

Prices per thousand square feet in panels of 84" or less

	Grade No. 1					Grade No. 2
	Birch	Maple	Walnut	Mahogany	Red Oak	
3 PLY						Elm and ash
3/4".....	\$100.00	\$95.00	\$122.50	\$152.50	\$100.00	\$95.00
3/8".....	112.50	105.00	132.50	162.50	112.50	105.00
1/2".....	127.50	122.50	147.50	180.00	127.50	122.50
5 PLY						
3/4".....	192.50	185.00	212.50	242.50	192.50	185.00
1/2".....	235.00	227.50	250.00	280.00	235.00	227.50
1/4".....	265.00	260.00	280.00	310.00	265.00	260.00

For 96" lengths a maximum charge of 1 cent per square foot or \$10.00 per thousand square feet may be added to the prices shown in the schedule above.

(b) This order may be revoked or amended at any time.

(c) This order shall become effective February 4, 1943.

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

Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1847; Filed, February 3, 1943; 3:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 263 Under § 1499.3 (b) of GMPR]

NICKEY BROTHERS, INCORPORATED

Maximum prices for oak dimension Army bunk stock.

Nickey Brothers, Inc., of Memphis, Tennessee, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization to determine the maximum price for a commodity which cannot be priced under § 1499.2 thereof. 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 and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

§ 1499.1499 *Approval of maximum prices for sale by Nickey Brothers, Inc., of oak dimension army bunk stock.* (a) On and after February 4, 1943, Nickey Brothers, Inc., of Memphis, Tenn., may sell and deliver and any person may purchase and receive from Nickey Brothers, Inc., oak dimension army bunk stock consisting of 19 pieces per set of the following specifications, at a price not in excess of \$162.00 per thousand feet board measure, f. o. b. mill:

Set of Oak Dimension Army Bunk Stock

	Footage per piece
Head assembly:	
4 pieces 2 7/8" x 2 3/4" x 40" S4S square edges—to count 1" x 3" x 40".....	0.834
1 piece 2 7/8" x 3 1/2" x 30 1/2" S4S 4 edges on 1/8" radius—to count as 1" x 3 3/4" x 30 1/2".....	.794
2 pieces 2 7/8" x 3 1/2" x 29 3/8" S4S 4 edges 1/8" radius—to count as 1" x 3" x 29 3/8".....	.765
Foot assembly:	
4 pieces 2 7/8" x 2 3/4" x 28" S4S square edges—1" x 3" x 28".....	.584
2 pieces 2 7/8" x 3 1/2" x 29 3/8" S4S round 4 edges 1/8" radius—1" x 3 3/4" x 29 3/8".....	.765
Spring assembly:	
2 pieces 2 7/8" x 4 1/2" x 75 1/8" S4S round 4 edges on 1/8" radius—1" x 4 3/4" x 75 1/8".....	2.478
2 pieces 2 7/8" x 4 1/2" x 30 1/2" S4S round 4 edges on 1/8" radius—1" x 4 3/4" x 30 1/2".....	1.006
2 pieces 2 7/8" x 3 1/2" x 29 3/8" S4S round 4 edges on 1/8" radius—1" x 3 3/4" x 29 3/8".....	.775

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

(b) This Order No. 263 may be revoked or amended at any time.

(c) This Order No. 263 (§ 1499.1499) shall become effective February 4, 1943. Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1848; Filed, February 3, 1943; 3:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 264 Under § 1499.3 (b) of GMPR]

LIBERTY VITAMIN CORPORATION

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

§ 1499.1500 *Approval of maximum prices for sales of vitamin products of the Liberty Vitamin Corporation—*(a) *Maximum prices for sales at retail of vitamin products of the Liberty Vitamin Corporation by any person—*(1) *Maximum prices for sales at retail other than on prescription.* The maximum prices for sales at retail other than on prescription by any person of vitamin products of the Liberty Vitamin Corporation, 95 Madison Avenue, New York, New York, shall be established according to the following methods or shall be any lower prices selected by Liberty Vitamin Corporation.

(i) *Tablets and capsules.*

Number of tablets or capsules per package:	Method
1-100, inclusive..	4.5 times direct unit manufacturing cost= maximum price.
101-199, inclusive..	4.25 times direct unit manufacturing cost= maximum price.
1,000 and over....	4 times direct unit manufacturing cost= maximum price.

(ii) *Fluids.*

Quantity of fluid per package:	Method
Up to 32 ounces, inclusive.	4.5 times direct unit manufacturing cost= maximum price.
33-128 ounces, inclusive.	4.25 times direct unit manufacturing cost= maximum price.
129 ounces and over.	4 times direct unit manufacturing cost= maximum price.

(iii) *Ampoules and ointments.*

Any quantity....	4.5 times direct unit manufacturing cost= maximum price.
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(2) *Maximum prices for sales on prescription.* The maximum prices established pursuant to subparagraph (1) of this paragraph shall not apply to sales on prescription of vitamin products of the Liberty Vitamin Corporation. The maximum price for a sale on prescription of a vitamin product of the Liberty Vitamin Corporation shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (a) of the General Maximum Price Regulation, except that

no report of the maximum price so determined need be filed as required by that section.

(b) *Maximum prices for sales other than that at retail of vitamin products of the Liberty Vitamin Corporation.* The maximum prices for sales other than at retail of vitamin products of the Liberty Vitamin Corporation by any person are established as the prices determined under paragraph (a) (1) hereof less the appropriate discount set forth below:

(1) *Sales to retailers, hospitals, institutions, and industrial users.* 33 $\frac{1}{3}$ per cent.

(2) *Sales to wholesalers.* 33 $\frac{1}{3}$ per cent and 20 per cent of the remainder.

(3) *Sales to licensed practitioners of public health professions.* 25 per cent.

(4) *Sales to registered nurses.* 20 per cent.

(5) *Sales to kennels.* 20 per cent.

(c) *Discounts and allowances on sales by Liberty Vitamin Corporation of its vitamin products.* As to sales by Liberty Vitamin Corporation the maximum prices set forth above are delivered, 2 per cent of the maximum price applicable to a given sale to be deducted from such maximum price for payment within 10 days.

(d) *Discounts, allowances and price differentials on sales by persons other than Liberty Vitamin Corporation of the latter's vitamin products.* Any person other than Liberty Vitamin Corporation making sales of the latter's vitamin products shall apply to the maximum price set forth for such sales in paragraph (a) or paragraph (b) all quantity differentials, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on his sales of the vitamin product most nearby comparable to the Liberty Vitamin Corporation product being sold.

(e) *Export sales.* Maximum prices for export sales of vitamin products of the Liberty Vitamin Corporation are established pursuant to the Revised maximum Export Price Regulation.¹

(f) *Marking package with retail ceiling price.* Liberty Vitamin Corporation shall mark each package of its vitamin products with the word "Ceiling Price—." The blank shall be filled with the appropriate dollar and cent maximum price for that package determined under subparagraph (1) of paragraph (a). The legend shall be printed or stamped in letters at least one quarter as large as those used for the name of the product on the package to be sold by the seller at retail to the ultimate consumer when it is not sold on prescription and the type shall be sufficiently bold and the words shall be printed or stamped in a color which sharply contrasts with the background so that the words are clearly legible. No retailer, except a person making a sale on prescription, shall make sales of such vitamin products unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

Liberty Vitamin Corporation need not so mark such packages as it exports or sells to an exporter to be exported.

(g) *Notification of maximum prices—*
(1) *By Liberty Vitamin Corporation to wholesalers.* Liberty Vitamin Corporation shall supply to each wholesaler before or at the time of its first delivery of a vitamin product a written notification of maximum prices as follows, the blanks filled in with the applicable dollar and cent maximum prices:

OPA has authorized us to charge wholesalers not more than _____ each for packages of (number of tablets, ounces of fluid, etc.) of (name of vitamin product), delivered, subject to 2 per cent discount for payment within 10 days.

Wholesalers are required to establish maximum prices at a discount of at least 33 $\frac{1}{3}$ per cent from the ceiling price of _____ stated on the package for sales to retailers, hospitals, institutions, and industrial users.

(2) *By Liberty Vitamin Corporation to retailers via wholesalers.* The Liberty Vitamin Corporation shall include a written notification with each shipping unit of one of its vitamin products for a period of three months from the date of its first shipment to a wholesaler of that product. If such notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice. The written notification shall read as follows, the blanks filled in with the applicable dollar and cent maximum prices:

OPA has authorized wholesalers to charge _____ each for packages of (number of tablets, ounces of fluid, etc.) of (name of vitamin product), subject to all cash discounts and customary allowances.

Retailers are authorized to establish ceiling prices of _____ each for such packages.

If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice.

OPA requires that you keep this notice for examination.

(3) *By the Liberty Vitamin Corporation to retailers.* The Liberty Vitamin Corporation shall supply a written notification to each retailer before or at the time of its first delivery of one of its vitamin products to such retailer. The written statement shall read as follows, the blanks filled in with the applicable dollar and cent maximum prices:

OPA has authorized us to charge retailers _____ each for packages of (number of tablets, ounces of fluid, etc.) of (name of vitamin product), delivered, subject to 2 per cent discount for payment within 10 days.

Your ceiling prices are authorized to be _____ each for such packages.

OPA requires that you keep this notice for examination.

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

(1) "Vitamin product" means a substance manufactured by Liberty Vitamin Corporation containing specific vitamin substances such as vitamin A or riboflavin or specific mineral substances such as calcium or iron.

(2) "Direct unit manufacturing cost" means costs to Liberty Vitamin Corporation for a single packaged vitamin product of direct labor and materials, computed on the basis of the following wage rates, material prices and operating conditions.

(i) *Wage rates.* The wage rates used in the computation shall be no higher than the average wage rate in effect in Liberty Vitamin Corporation's plant at the time the vitamin product is being priced for each class of labor used in its production.

(ii) *Material costs.* Material cost used in the computation for each material shall be no higher than the maximum price at the time the new product is being priced for such material as established under any regulation now issued or which may be issued by the Office of Price Administration, or if the actual purchase price is lower, or the material has no such maximum price, the actual purchase price. Where the maximum price for any such material is a maximum price which is not a specific maximum price but one which may vary with the seller, the maximum price used in the computation shall be the maximum price of that seller who supplied the largest amount of such material to Liberty Vitamin Corporation during the 6-month period immediately preceding the time at which the new article is being priced, or lacking such a seller, the maximum price for that material of Liberty Vitamin Corporation's potential supplier thereof.

(iii) *Operating conditions.* In calculating the direct unit manufacturing cost for a single packaged vitamin product on the basis of the wage rates and materials prices determined under subdivisions (i) and (ii), the manufacturer shall employ his current or shortly expected volume of production and his current or shortly expected production techniques (for example, proportions of various wage-classes of labor to be used).

(i) *Reports.* Liberty Vitamin Corporation shall submit, for each vitamin product for which a maximum price is established hereunder, a report to the Office of Price Administration in Washington, D. C. not later than 20 days after its first packaging of such product showing the following information:

(1) Computation in detail of the direct unit manufacturing cost.

(2) Maximum prices as determined under subparagraph (1) of paragraph (a) of this order.

(j) This Order No. 264 may be revoked or amended by the Price Administrator at any time.

(k) This Order No. 264 (§ 1499.1500) shall become effective on February 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671)

Issued this 3d day of February 1943.
PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1838; Filed, February 3, 1943; 3:20 p. m.]

¹ 7 F.R. 5059, 7242, 8829, 9000, 10530.

PART 1499—COMMODITIES AND SERVICES
[Order 186 Under § 1499.18 (b) of GMPR]

PETER PAUL, INC.

Maximum prices authorized under § 1499.18 (b) of the General Maximum Price Regulation—Order No. 186—Docket No. GF3-2794.

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

§ 1499.1087 *Adjustment of maximum prices through decrease in weight of "Mounds" manufactured and sold by Peter Paul, Inc.* (a) Peter Paul, Inc., Naugatuck, Connecticut, is hereby authorized to reduce the size of its chocolate covered coconut bar, known as "Mounds" packed 24 to the box, from 2½ ounces to 1¾ ounces net per bar, and sell such 1¾ ounce bar at a maximum price no higher than that established for its 2½ ounce bar pursuant to the General Maximum Price Regulation. Authorization to reduce the size of "Mounds" is given on the specific condition that in reducing the size of this bar, Peter Paul, Inc. shall not change or alter its formula for such bar in any manner.

(b) The adjustment is granted to Peter Paul, Inc. on condition that all purchasers from it shall in no event charge more for the present 1¾ ounce bar of "Mounds" at retail than their respective maximum prices for the 2½ ounce bar of "Mounds" as determined pursuant to the General Maximum Price Regulation.

(c) All wholesalers and retailers who purchase "Mounds" for resale are hereby permitted to sell said bar in its new weight of 1¾ ounces at a price not in excess of the maximum price which they established for the 2½ ounce bar of "Mounds" pursuant to the General Maximum Price Regulation.

(d) All sellers are required to continue the same discounts, allowances, and price differentials as they offered in March 1942, provided, however, that sellers may change discounts, allowances, and price differentials only if such changes result in prices lower than the maximum price fixed herein.

(e) Peter Paul, Inc. shall mail or cause to be mailed to all persons who purchase "Mounds" from it for resale a notice reading as follows:

The Office of Price Administration has authorized us to reduce the weight of our bar "Mounds" from 2½ ounces to 1¾ ounces. This reduction in weight represents only that part of the cost increase which we were unable to absorb, and permission to decrease our weight was granted with the understanding that no increase in price would be made at either the wholesale or the retail level. The Office of Price Administration does, however, authorize you and all other sellers to sell the new 1¾ ounce bar at a price which is not in excess of the maximum price you established for the 2½ ounce bar pursuant to the General Maximum Price Regulation.

(f) Peter Paul, Inc. shall attach to or place in each smallest box or other packing unit of "Mounds," a notice reading as follows:

The weight of our "Mounds" bar has been reduced to 1¾ ounces. The Office of Price

Administration has authorized all retailers to sell this 1¾ ounce bar of "Mounds" for a price not in excess of the maximum price established by each retailer for the 2½ ounce bar of "Mounds" pursuant to the General Maximum Price Regulation.

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

(h) This Order No. 186 may be revoked or amended by the Price Administrator at any time.

(i) This Order No. 186 (§ 1499.1087) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(j) This Order No. 186 (§ 1499.1087) shall become effective February 4, 1943.

(Pub. Laws 431 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1849; Filed, February 3, 1943; 3:21 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11¹, Amendment 36]

FUEL OIL RATIONING REGULATIONS

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

In § 1394.5001, a new subdivision (ii) is added to subparagraph (19), and subparagraphs (31), (32), (33) of paragraph (a) are amended; the text of § 1394.5051 is designated § 1394.5051 (a) and a new paragraph (b) is added thereto; in § 1394.5201, new subparagraphs (6), (7) and (8) are added to paragraph (b); §§ 1394.5252 (a), 1394.5255 (a) and 1394.5257 (c) are amended; subparagraphs (1) and (2) of § 1394.5258 (a) are amended; §§ 1394.5260 (a) and 1394.5262 (c) are amended; the text of § 1394.5263 (a) is amended and a new paragraph (c) is added thereto; § 1394.5264 (b) is amended; in § 1394.5266, paragraph (a) is amended and new subparagraphs (5), (6) and (7) are added to paragraph (c); § 1394.5267 (a) is amended; paragraphs (a) and (b) of § 1394.5268 are amended; paragraphs (b) (e) and (f) of § 1394.5269 are amended; §§ 1394.5270 (c), 1394.5302 (a), 1394.5352 (a), 1394.5353 (a), 1394.5354 (a), and 1394.5401 (b) are amended; paragraphs (b) and (c) of § 1394.5402 are amended; paragraphs (b) and (c) of § 1394.5403 are amended; new paragraphs (c) and (d) are added to § 1394.5451; §§ 1394.5452 (a) and 1394.5459 (c) are amended; the text of § 1394.5603 (a) is amended and a new paragraph (c) is added thereto; §§ 1394.5651 and 1394.5652 (a) are amended; in § 1394.5653 the text of

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

¹ 7 F.R. 8480, 8708, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10181, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 698, 977.

paragraph (f), and subparagraphs (3) and (4) of paragraph (f) are amended; §§ 1394.5661 and 1394.5663 (a) are amended; in § 1394.5701, paragraph (a) and (b), and subparagraph (2) of paragraph (d) are amended; §§ 1394.5702 and 1394.5703 are amended; in § 1394.5707, the texts of paragraphs (a) and (b) and of subparagraphs (3), (4), (7) and (8) of paragraph (b) are amended; §§ 1394.5711 and 1394.5731 (a) are amended; and new subparagraphs (1) are added to paragraphs (a) and (b) of § 1394.5851.

Definitions

§ 1394.5001 *Definitions.* (a) When used in this Ration Order No. 11:

(19) Limitation area means:
(i) The states of Connecticut, Delaware, Florida, (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia; and
(ii) The states of Oregon and Washington, designated in this Ration Order No. 11 as "Area A".

(31) "Thermal Zone A" means the states of Maine, New Hampshire, Vermont, Michigan, Wisconsin, Minnesota, North Dakota and South Dakota; that part of the State of New York north of, and including the counties of Washington, Saratoga, Montgomery, Otsego, Herkimer, Oneida, Lewis and Jefferson; and that part of the State of Iowa north of, and including, the counties of Allamakee, Winneshiek, Chickasaw, Floyd, Cerro Gordo, Hancock, Kossuth, Palo Alto, Clay, O'Brien and Sioux; and that part of the state of Oregon including the counties of Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, Walla, Jefferson, Wheeler, Grant, Baker, Deschutes, Crook, Klamath, Lake, Harney and Malheur; and that part of the state of Washington including counties of Okanogan, Ferry, Stevens, Pend Oreille, Chelan, Douglas, Lincoln, Spokane, Kittitas, Grant, Adams, Whitman, Yakima, Franklin, Benton, Walla Walla, Columbia, Garfield, Asotin and Klickitat.

(32) "Thermal Zone B" means the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania and Nebraska; that part of the State of New York south of, and including, the counties of Rensselaer, Albany, Schenectady, Schoharie, Delaware, Chenango, Madison, Onondaga, Oswego, Cayuga, Wayne, Monroe, Orleans and Niagara; that part of the State of Ohio north of, and including the counties of Columbiana, Jefferson, Belmont, Noble, Morgan, Perry, Hocking, Pickaway, Fayette, Clinton, Greene, Montgomery, and Preble; that part of the State of Indiana north of, and including, the counties of Union, Fayette, Rush, Hancock, Marion, Hendricks, Putnam, Parke and Vermilion; that part of the State of Illinois north of, and including, the counties of Ed-

gar, Coles, Shelby, Christian, Sangamon, Morgan, Scott and Pike; that part of the State of Missouri north of, and including, the counties of Pike, Ralls, Monroe, Randolph, Chariton, Livingston, Caldwell, Clinton and Buchanan; that part of the State of Iowa south of, and including, the counties of Clayton, Fayette, Bremer, Butler, Franklin, Wright, Humboldt, Pocahontas, Buena Vista, Cherokee and Plymouth; and that part of the State of Kansas north of, and including, the counties of Atchison, Jackson, Shawnee, Pottawatomie, Riley, Clay, Cloud, Mitchell, Osborne, Rooks, Ellis, Trego, Gove, Lane, Scott, Wichita and Greeley; that part of the state of Washington including the counties of San Juan, Island, Kitsap, Whatcom, Skagit, Snohomisk, King, Pierce, Thurston, Lewis, Cowlitz, Clark, Skamania, Clallam, Jefferson, Mason, Grays Harbor, Pacific and Wahkiakum.

(33) "Thermal Zone C" means the states of Delaware, Maryland, District of Columbia, Virginia, West Virginia and Kentucky; that part of the State of Ohio south of, and including, the counties of Monroe, Washington, Athens, Vinton, Ross, Highland, Brown, Clermont, Warren and Butler; that part of the State of Indiana south of, and including, the counties of Franklin, Decatur, Shelby, Johnson, Morgan, Owen, Clay and Vigo; that part of the State of Illinois south of, and including, the counties of Clark, Cumberland, Effingham, Fayette, Montgomery, Macoupin, Greene and Calhoun; that part of the State of Missouri south of, and including, the counties of Lincoln, Montgomery, Audrain, Boone, Howard, Saline, Carroll, Ray, Clay and Platte; and that part of the State of Kansas south of, and including, the counties of Wyandotte, Leavenworth, Jefferson, Douglas, Osage, Wabaunsee, Geary, Dickinson, Ottawa, Lincoln, Barton, Russell, Hodgeman, Rush, Ness, Finney, Kearny and Hamilton; and that part of the state of Oregon including the counties of Clatsop, Columbia, Washington, Multnomah, Tillamook, Yamhill, Clackamas, Marion, Polk, Lincoln, Benton, Linn, Lane, Douglas, Coos, Curry, Josephine, and Jackson.

Scope of Ration Order No. 11

§ 1934.5051 *Territorial limitations.*

(a) Except as otherwise expressly provided, Ration Order No. 11 shall apply only within the limitation area as defined on subparagraph (19) of paragraph (a) of § 1394.5001;

(b) Sections 1394.5263 (b), 1394.5266 (b) (3), 1394.5604; 1394.5653 (g), 1394.5707 (c), of this Ration Order shall not apply in "Area A".

Coupon Sheets

§ 1394.5201 *Class 1 and Class 2 Coupon Sheets.*

(b) Unit value coupons on Class 1 and Class 2 coupon sheets shall be valid, for the transfer of fuel oil to a consumer, only in the thermal zone designated thereon and only during the valid periods indicated below:

(6) In Thermal Zone A in "Area A":

- Coupons numbered: *Valid period*
 4..... From February 2, 1943 to March 27, 1943, inclusive.
 5..... From March 14, 1943 to September 30, 1943, inclusive.

(7) In Thermal Zone B in "Area A":

- Coupons numbered: *Valid period*
 4..... From February 13, 1943 to April 19, 1943, inclusive.
 5..... From April 6, 1943 to September 30, 1943, inclusive.

(8) In Thermal Zone C in "Area A":

- Coupons numbered: *Valid period*
 4..... From February 8, 1943 to April 8, 1943, inclusive.
 5..... From March 26, 1943 to September 30, 1943, inclusive.

Heat and Hot Water Rations

§ 1394.5252 *Applications for rations for heat and hot water; general provisions.* (a) Application for a ration for heat or hot water, or both, may be made to a Board, on or after October 22, 1942, or in "Area A", on or after February 8, 1943. Application may be made either by the owner of the premises served by the equipment, or by the person controlling the use of the equipment, or by the agent of either of them.

§ 1394.5255 *Application for ration for heat or domestic hot water in private dwellings.* (a) Application for a ration for the operation of oil burning equipment furnishing heat or domestic hot water or both, to all or part of a private dwelling shall be made on Form OPA R-1100 (Revised). The applicant shall supply the information required by the form.

§ 1394.5257 *Same: Determination of adjusted fuel oil consumption during base period.*

(c) The amount of fuel oil used during the base period for heating the premises shall be multiplied by the percentage specified in Column 1 of Table I for the thermal sub-zone in which the premises are located; except that in "Area A", such amount of fuel oil shall be multiplied by the percentage specified in column 1 of Table 1A for the county in which the premises are located. The product shall, for the purposes of paragraph (a) of § 1394.5256, be deemed to be the amount of fuel oil consumed during the base period as adjusted for temperature variations from the norm.

§ 1394.5258 *Same: Determination of range.* (a)

(1) The maximum and minimum of gallons per square foot of floor area, as shown in subcolumn (a) of column 2 of Table I for the thermal sub-zone in which the premises are located, (in "Area A" subcolumn (a) of column 2 of Table IA for the county in which the premises are located), if the application is made

for a ration for the operation of central heating equipment; or

(2) The maximum and minimum number of gallons per square foot of floor area, as shown in subcolumn (b) of column 2 of Table I for the thermal sub-zone in which the premises are located, (in "Area A" subcolumn (a) of column 2 of Table IA for the county in which the premises are located), if the application is made for a ration for the operation of space heaters, except that if application is made both for space and central heating equipment used for heating the same premises at different times, the maximum and minimum for both types of equipment shall be determined pursuant to subcolumn (a).

§ 1394.5260 *Application for ration for heat or hot water in premises other than private dwellings.* (a) Application for a ration for the operation of oil burning equipment designed for, and furnishing, heat or hot water, or both, to all or part of any premises other than a private dwelling shall, except as provided in paragraph (a) of § 1394.5268 be made on Form OPA R-1101 (Revised). The applicant shall supply the information required by the form.

§ 1394.5262 *Same: Determination of adjusted fuel oil consumption during the base period.*

(c) The amount of fuel oil used during the base period for heat, or for both heat and hot water (as determined in accordance with paragraph (a) or (b) of this section) shall be multiplied by the percentage specified in column 1 of Table I for the thermal sub-zone in which the premises are located (in "Area A" column 1 of Table IA for the county in which the premises are located). The product shall, for the purposes of paragraphs (a) and (b) of § 1394.5261, be deemed to be the amount of fuel oil consumed during the base period, adjusted for temperature variations from the norm.

§ 1394.5263 *Issuance of rations for heat or hot water for entire heating year.*

(a) After determining the allowable ration for heat or hot water, or both, the Board shall issue Class 1 or Class 2 Coupon Sheets (except as provided in paragraph (d) of § 1394.5264) containing coupons representing the allowable ration less the amount of fuel oil on hand for the operation of the equipment for which the application is made, subject to the provisions of paragraph (c) of this section. Such amount on hand shall be determined in accordance with the provisions of § 1394.5451, except as provided in paragraph (b) of this section.

(c) In "Area A", a percentage of the heating year's ration will be issued as follows: 42% in Zone A, 45% in Zone B, and 43% in Zone C.

§ 1394.5264 *Same: Heat or both heat and hot water.*

(b) The coupons shall be divided equally, insofar as possible, among all

the valid periods described in paragraph (b) of § 1394.5201, except that in "Area A" such coupons shall be divided equally, insofar as possible, between Thermal Period 4 and Thermal Period 5 described in subparagraphs (5), (6) and (7) of paragraph (c) of § 1394.5266.

§ 1394.5266 *Same: Late applications—Heat or both heat and hot water.* (a) If application is made on or after November 1, 1942, or in "Area A" on or after March 1, 1943, for a ration for heat or both heat and hot water, the allowable ration shall be determined in accordance with § 1394.5256 or § 1394.5261, whichever is applicable. One-fifth of the allowable ration shall be deemed allocable to each thermal period specified in paragraph (c) of this section. The Board shall deduct from the allowable ration:

(1) The amount allocable to any expired thermal period; and

(2) The percentage of the amount allocable to the current thermal period shown by Table II for the number of days elapsed between the beginning of such period and the date of application: *Provided, however,* That in "Area A" the allowable ration for the unexpired balance of the heating year shall be the percentage allocable to the period in which the application is made as shown in Table IIA, less the amount of fuel oil on hand for the operation of such equipment.

(c) The thermal periods referred to in paragraphs (a) and (b) of this section shall be:

(5) In Thermal Zone A in "Area A":

Thermal Period No. 4. From Feb. 2, 1943, to Mar. 13, 1943, inclusive.

Thermal Period No. 5. From Mar. 14, 1943, to Sept. 30, 1943, inclusive.

(6) In Thermal Zone B in "Area A":

Thermal Period No. 4. From Feb. 13, 1943, to Apr. 5, 1943, inclusive.

Thermal Period No. 5. From Apr. 6, 1943, to Sept. 30, 1943, inclusive.

(7) In Thermal Zone C in "Area A":

Thermal Period No. 4. From Feb. 8, 1943, to Mar. 25, 1943, inclusive.

Thermal Period No. 5. From Mar. 26, 1943, to Sept. 30, 1943, inclusive.

§ 1394.5267 *Same: Late applications for hot water only.* If application is made on or after November 1, 1942, or in "Area A" on or after March 1, 1943, for a ration for hot water (but not for heat) in premises other than private dwellings, the allowable ration shall be determined in the manner provided in paragraph (b) of § 1394.5261. The Board shall deduct from the allowable ration the part thereof corresponding to the part of the heating year which has elapsed between October 1, 1942 (February 1, 1943, if in "Area A") and the date of application. The Board shall issue Class 3 coupon

sheets containing coupons equal in gallonage value to the allowable ration (after the deduction hereinabove required) less the amount of fuel oil on hand for the operation of such equipment on the date of application.

§ 1394.5268. *Hot water rations; special cases.* (a) The owner, or the person controlling the use of, oil burning equipment designed for, and furnishing, hot water for a purpose directly related to the public health or safety, or as an integral part of a commercial, industrial, agricultural or extractive process (if such equipment is not used for furnishing heat or for furnishing hot water for any other purpose), may obtain a ration for such purpose by applying on form OPA R-1102. No such ration may be obtained for use during the period of validity of any ration issued for the operation of such equipment pursuant to an application made on Form OPA R-1100 or OPA R-1100 (revised) or Form OPA R-1101 or Form OPA R-1101 (revised). Such ration may be obtained for three (3) month periods.

(b) The allowable ration for the operation of such equipment shall, in such case, be the amount of fuel oil needed for such purpose for the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, for the three (3) month period beginning October 1, 1942 (or in Area "A" in the case of an application made prior to March 1, 1943, for the three (3) month period beginning February 1, 1943).

§ 1394.5269 *Rations for vendors of heat and hot water.* * * *

(b) Application for a ration for such purpose shall be made to a Board, on or after October 22, 1942, or in "Area A", on or after February 8, 1943, on Form OPA R-1102, by the owner or by the person controlling the use of the equipment, or by the agent of either of them. The applicant shall supply the information required by the form.

(e) If application is made on or after November 1, 1942, or in "Area A," on or after March 1, 1943, for a ration for heat or both heat and hot water, the Board shall (except in "Area A") make the deductions from the allowable ration required by paragraph (a) of § 1394.5266 and shall issue coupons in accordance with the provisions of paragraph (b) of that section. In "Area A" the Board shall refer to Table IIA for the allowable ration for such applicants.

(f) If application is made on or after November 1, 1942, or in "Area A", on or after March 1, 1943, for a ration for hot water only, the Board shall make the deductions from the allowable ration required by, and shall issue coupons in accordance with, the provisions of § 1394.5267.

§ 1394.5270 *Rations for space heaters in premises other than private dwellings:* * * *

(c) Application for a ration pursuant to this section shall be made on Form OPA R-1100 (Revised). The applicant shall supply the information required by

that form, except that he need not supply the certifications required by paragraph (b) of § 1394.5255 or paragraph (b) of § 1394.5260.

Auxiliary Rations

§ 1394.5302 *Applications for auxiliary rations.* (a) Application for an auxiliary ration may be made to a Board, on or after November 2, 1942, or in "Area A" on or after March 2, 1943 on Form OPA R-1104. The applicant shall supply the information required by that form and such other information as the Board may require. He shall specify the period (not to exceed the balance of the heating year) during which such auxiliary ration is required.

Domestic Cooking and Lighting Rations

§ 1394.5352 *Application for ration for domestic cooking and lighting.* (a) Application for a ration for the operation of equipment used for domestic cooking or lighting may be made to a Board, on or after October 22, 1942 or in "Area A" on or after February 8, 1943 on Form OPA R-1103 or Form OPA R-1103A. The applicant shall supply the information required by the form.

§ 1394.5353 *Determination of allowable ration for domestic cooking.* (a) Subject to the provisions of paragraph (b) of this section, the allowable ration for all units of cooking equipment used for domestic cooking for a single family shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, (prior to March 1, 1943 if in "Area A") during the three (3) month period beginning October 1, 1942 (beginning February 1, 1943 if in "Area A").

§ 1394.5354 *Determination of allowable ration for domestic lighting.* (a) Subject to the provisions of paragraph (b) of this section, the allowable ration for all units of lighting equipment providing domestic lighting for a single family shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or in case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942, or in "Area A", where application is made prior to March 1, 1943, during the three month period beginning February 1, 1943.

Commercial Motor Vehicles

§ 1394.5401 *Rations for commercial motor vehicles.* * * *

(b) Application for a ration for the operation of a commercial motor vehicle shall be made to a Board, on or after October 22, 1942, or in "Area A" on or after February 8, 1943 on Form OPA R-1102 (or, in the case of a farm vehicle, on Form OPA R-1103) by the owner, or by the person controlling the use, of the vehicle, or by the agent of either of them.

The applicant shall supply the information required by the form. A single application may be made for all commercial motor vehicles for which the applicant requires a ration.

Miscellaneous Uses

§ 1394.5402 *Rations for miscellaneous uses.* * * *

(b) Application for a ration for a necessary purpose not otherwise specified in this Ration Order No. 11, shall be made to a Board on or after October 22, 1942 or in "Area A" on or after February 8, 1943.

(c) The allowable ration shall, except as provided in paragraph (d) of this section, be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942, or in "Area A" where application is made prior to March 1, 1943, during the three (3) month period beginning February 1, 1943: *Provided*, That the allowable ration shall not exceed the amount used for such purpose during the corresponding period of the preceding year, unless the applicant shows good cause for the increased requirements.

§ 1394.5403 *Heat rations for railroad cars.* Notwithstanding any other provision of Ration Order No. 11: * * *

(b) Application for such ration shall be made to a Board on or after October 22, 1942, or in "Area A" on or after February 8, 1943, on Form OPA R-1102, by the owner of the equipment, or by the person controlling the use of such equipment, or by the agent of either of them. The applicant shall supply the information required by that form. A single application may be made for all the units of oil burning equipment for which a ration is required.

(c) The allowable ration shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942; or in "Area A" where application is made prior to March 1, 1943, during the three (3) month period beginning February 1, 1943.

General Provisions With Respect to Issuance of Rations

§ 1394.5451 *Determination of fuel oil inventory.* Before issuing a ration, the Board shall determine the amount of fuel oil on hand for the use for which the ration is required. The date as of which such amount is to be determined shall be:

(c) February 1, 1943 in the case of an application made prior to March 1, 1943, in "Area A", or

(d) The date of application, in the case of an application made on or after March 1, 1943 in "Area A".

§ 1394.5452 *Notations on coupon sheets; validating stamp.* (a) At the time of issuing a coupon sheet, the Board shall enter thereon the name and address of the person to whom it is issued and the number and kind of coupons issued therewith. The Board shall also enter on such coupon sheet the date on which it becomes valid (or October 1, 1942, in the case of an application made prior to November 1, 1942; and in "Area A" February 1, 1943 in the case of an application made prior to March 1, 1943) and the date on which it expires. Such dates shall be, respectively, the first and last day of the period for which the ration is issued. Where a coupon sheet is issued in exchange for coupons, coupon sheets or other evidences previously issued, the Board shall inscribe the word "Exchange" below the serial number on the coupon sheet so issued.

§ 1394.5459 *Same: Where ration insufficient for current period.* * * *

(c) Such application may be made to a Board, on or after November 16, 1942, or in "Area A" on or after March 2, 1943, on Form OPA R-1104. The applicant shall supply the information required by that form and such other information as the Board may require.

Restrictions on Use of Rations and Fuel Oil

§ 1394.5603 *Restrictions on consumption of fuel oil.* (a) Except as provided in §§ 1394.5505 (b), 1394.5602, 1394.5658, 1394.5665, and paragraphs (b) and (c) of this section, no person shall consume fuel oil unless such fuel oil was acquired by him or on his behalf in exchange for valid coupons or other evidences, or delivery receipts, or was transferred to him pursuant to paragraph (f) or (g) of § 1394.5653: *Provided*, That fuel oil included in a consumer's inventory pursuant to § 1394.5451, with respect to which a deduction has been made, or with respect to which coupons or other evidences, or delivery receipts, have been surrendered to a Board pursuant to subparagraph (2) of § 1394.5659 (b) shall be deemed to have been acquired in exchange therefor. If, at the time he makes application therefor, the consumer's inventory of fuel oil exceeds his allowable ration, he may not consume fuel oil in excess of such allowable ration.

(c) Prior to March 1, 1943 the provisions of paragraph (a) of this section shall not be applicable to "Area A".

Restrictions on Transfers to and by Consumers

§ 1394.5651 *Restrictions on transfers to consumers.* Except as provided in § 1394.5664, on and after November 1, 1942, and in "Area A" on and after March 1, 1943, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or supplier shall transfer or offer to transfer fuel oil to a consumer and no consumer shall accept a transfer of fuel oil from any person other than a dealer or supplier.

§ 1394.5652 *Transfers to consumers.* (a) On and after November 1, 1942, and in "Area A" on and after March 1, 1943, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no dealer or supplier shall transfer fuel oil from within or without the limitation area to a consumer within the limitation area, or from within the limitation area to a consumer without the limitation area, and no consumer shall accept such transfer except in exchange for valid coupons or other evidences, or delivery receipts, authorized by this Ration Order No. 11.

§ 1394.5653 *Transfers to consumers in exchange for coupons.* * * *

(f) Notwithstanding any other provisions of Ration Order No. 11, a dealer or supplier may, during the period from November 1, 1942 to December 9, 1942, inclusive, or in "Area A" from February 1, 1943 to February 28, 1943, inclusive, transfer fuel oil to a consumer who has not received a ration, without requiring the surrender of coupons or other evidences, or delivery receipts, subject to the following conditions:

(3) Such consumer shall immediately after the issuance of a ration to him surrender to his transferor, coupons or other evidences, or delivery receipts equal in gallonage value to the amount of fuel oil so transferred unless he receives a notice pursuant to subparagraph (8) of this paragraph. At the time of such surrender and transferor shall make the entries required by § 1394.5653 or § 1394.5655 as the case may be. In "Area A", coupons numbered "4" may be surrendered for transfers of fuel oil accepted during the month of February, 1943.

(4) Any dealer or supplier who has made a transfer of fuel oil pursuant to paragraph (d) (2) of Limitation Order L-56, or pursuant to this paragraph or paragraph (g), to a consumer who has failed to surrender coupons or other evidences, or delivery receipts, as required by paragraph (d) of § 1394.5604 or subparagraph (3) of this paragraph, whichever is applicable, shall, on January 14, 15, or 16, 1943, (or in "Area A" on March 15 or 16, 1943) apply in writing to the Board which issued a ration to such consumer, or to which the consumer applied for a ration, or, if the consumer failed to apply for a ration, to the Board having jurisdiction of the area in which the consumer's premises are located, for an exchange certificate or certificates (Form OPA R-1118) equal in gallonage value to the coupons or other evidences, or delivery receipts, which the consumer has failed to surrender. (The applicant may include two (2) or more consumers in one application if all such consumers are within the jurisdiction of the same Board.) The applicant shall state:

§ 1394.5661 *Discriminations in transfers to consumers.* On and after November 1, 1942, (or on and after February 1, 1943 in "Area A"), no dealer or supplier shall discriminate, in the transfer

of fuel oil, among consumers entitled to acquire fuel oil under this Ration Order No. 11: *Provided, however*, That notwithstanding the provisions of this section, a primary supplier may conform to the provisions of Petroleum Administrative Order No. 1, as amended, issued by the Petroleum Administration for War.

§ 1394.5663 *Transfers of fuel oil from the limitation area to persons outside the limitation area.* (a) Except as provided in paragraphs (b) and (c) of this section, on and after November 1, 1942, (on and after February 1, 1943 in "Area A"), notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person shall transfer or offer to transfer fuel oil from within the limitation area to any point in the continental United States without the limitation area, and no person shall accept such transfer.

Provisions Relating to Dealers and Suppliers

§ 1394.5701 *Registration of dealers and suppliers.* (a) Every primary supplier shall, on October 27 or 28, 1942, (or, if he became a primary supplier after October 28, 1942, within five (5) days after becoming a primary supplier) or in "Area A" on February 12 or 13, 1943 (or if he becomes a primary supplier after February 13, 1943, within five (5) days after becoming a primary supplier) register with a Board within the limitation area (on Form OPA R-1116 (Revised), in duplicate) during the hours provided by the Board, the following matters, together with such other information as may be required by such form:

- (1) His name, firm name and business address.
- (2) His total fuel oil storage capacity and his total inventory of fuel oil on hand as of 12:01 a. m. on October 1, 1942, or in "Area A" as of 12:01 a. m. on February 1, 1943, or, if he has become a primary supplier since October 1, 1942, or in "Area A" since February 1, 1943, at the time he became a primary supplier.

(b) Every dealer and secondary supplier transacting business within the limitation area shall, on October 27 or 28, 1942, and in "Area A" on February 12 or 13, 1943 register with a Board (on Form OPA R-1116, in duplicate) during the hours provided by the Board, the following matters, together with such other information as may be required:

- (1) His name, firm name, business address and type of business.
- (2) His total fuel oil storage capacity.
- (3) His total inventory of fuel oil on hand as of 12:01 a. m. on October 1, 1942 and in "Area A" as of 12:01 a. m. on February 1, 1943.

(d) (2) Such dealers or suppliers shall furnish, together with such other information as may be required by such form, their names and addresses, the total

fuel oil capacity of such facilities, and their total combined inventory of fuel oil on hand in such facilities as of 12:01 a. m. on October 1, 1942 and in "Area A" as of 12:01 a. m. on February 1, 1943.

§ 1394.5702 *What constitutes fuel oil on hand.* The registrant shall register all fuel oil on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, mobile containers, or other containers (but not fuel oil in the fuel supply tank of oil burning equipment). The registrant shall not register fuel oil in transit which did not arrive at his place of business prior to 12:01 a. m. on October 1, 1942, (prior to 12:01 a. m. on February 1, 1943 in "Area A"). Fuel oil shipped prior to 12:01 a. m. on October 1, 1942, (prior to 12:01 a. m. on February 1, 1943 in "Area A"), but received by the transferee after 12:01 a. m. on such day, shall be included in the inventory of the transferor and shall be deemed to have been transferred after 12:01 a. m. on October 1, 1942 (after 12:01 a. m. on February 1, 1943 in "Area A").

§ 1394.5703 *What constitutes storage capacity.* The registrant shall register the total capacity of all stationary fuel oil storage facilities in use as of 12:01 a. m. on October 1, 1942, (as of 12:01 a. m. on February 1, 1943 in "Area A"), but not the capacity of the tank trucks, tank wagons, drums, or other mobile containers, except that a dealer or supplier who maintains no stationary fuel oil storage facilities shall register the total capacity of all his mobile or portable facilities.

§ 1394.5707 *Restriction on transfers.* (a) Except as provided in § 1394.5708, on and after November 1, 1942, (on and after March 1, 1943 in "Area A") no primary supplier within or without the limitation area, and no dealer or supplier within the limitation area, shall transfer or offer to transfer fuel oil to any dealer or supplier within the limitation area, and no dealer or supplier within the limitation area shall accept such transfer, except in exchange (made at, or at the option of the transferor within five (5) days after, the time of the actual transfer of the fuel oil or in advance thereof) for valid coupons bearing an inscribed serial number, or for other evidences, equal in gallonage value to the amount of the fuel oil transferred, or (where transfer is regularly made on a temperature adjustment basis) equal in gallonage value to the adjusted amount of fuel oil transferred: *Provided*, That no dealer or supplier shall knowingly transfer, or accept the transfer of, an amount of fuel oil in exchange for any exchange certificate in excess of the amount of fuel transferred for the coupons or exchange certificates for which such exchange certificate was issued. No exchange of coupons or other evidences shall accompany a transfer of fuel oil directly from without the limitation area, to a primary supplier within the limitation area or a transfer from one primary supplier to another primary supplier.

(b) Notwithstanding any other provisions of Ration Order No. 11, any transfer required by paragraph (a) of this section to be accompanied by an exchange of coupons or other evidences, or any transfer specified in § 1394.5708, may, during the period from November 1, 1942 to December 9, 1942, inclusive, and in "Area A" during the period from February 1, 1943 to February 28, 1943, inclusive, be made without requiring the surrender of coupons or other evidences, subject to the following conditions:

(3) Any dealer who received a transfer of fuel oil pursuant to paragraph (e) (1) of Limitation Order L-56, or pursuant to paragraph (c) or this paragraph shall, on or before January 18, 1943, or in "Area A" on or before March 20, 1943, surrender to the transferor coupons or other evidences, or exchange certificates furnished pursuant to subparagraph (6) of § 1394.5653 (f), equal in gallonage value to the amount of fuel oil so transferred.

(4) Any secondary supplier or primary supplier who has made a transfer of fuel oil to a dealer pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, for which the dealer has failed to surrender coupons or other evidences, or exchange certificates furnished pursuant to subparagraph (6) of § 1394.5753 (f) shall, on January 22 or 23, 1943, or in "Area A" on March 23, 1943, apply in writing to the Board with which the dealer is registered for an exchange certificate or certificates (Form OPA R-1118) equal in gallonage value to the coupons or other evidences, or exchange certificates, which the dealer failed to surrender pursuant to subparagraph (3) of this paragraph. (The applicant may include two (2) or more dealers in one application if all such dealers are registered with the same Board) The applicant shall state:

(7) Any secondary supplier who, pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, received a transfer of fuel oil from a primary supplier shall, on or before January 25, 1943, and in "Area A" on or before March 27, 1943, surrender to the transferor coupons or other evidences, or exchange certificates, equal in gallonage value to the amount of fuel oil so transferred.

(8) Any primary supplier who has made a transfer of fuel oil to a secondary supplier pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, for which the secondary supplier has failed to surrender coupons or other evidences, or exchange certificates furnished pursuant to subparagraph (6) of this paragraph shall, on January 29, or 30, 1943, and in "Area A" on March 30, 1943, apply in writing to the Board with which the secondary supplier is registered for an exchange certificate or certificates (Form OPA R-1118) equal in gallonage value to the coupons or other evidences, or exchange certificates, which the secondary supplier failed to surrender pursuant to subparagraphs (3) or (7)

of this paragraph. (The applicant may include two (2) or more secondary suppliers in one application if all such secondary suppliers are registered with the same Board.) The applicant shall state:

§ 1394.5711 *Discrimination in transfers to dealers or suppliers.* On and after January 9, 1943, and in "Area A" on and after February 1, 1943, no dealer or supplier shall discriminate, in the transfer of fuel oil, among dealers or suppliers entitled to acquire fuel oil under this Ration Order No. 11: *Provided, however,* That notwithstanding the provisions of this section, a primary supplier may conform to the provisions of Petroleum Administrative Order No. 1, as amended, issued by the Petroleum Administration for War.

Same: *Records, Audits and Inspections*

§ 1394.5731 *Reports by primary suppliers.* (a) On or before the twenty-fifth day of each month, commencing with the twenty-fifth day of November, 1942, and in "Area A", commencing with the twenty-fifth day of March, 1943, every primary supplier shall forward to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., a report, on Form OPA R-1119, showing, in addition to all other information required by the form, the matters set forth below, and every primary supplier shall forward, together with such statement, exchange certificates as required below:

§ 1394.5851 *Tables.* (a) * * *

(1) TABLE IA.—PERCENTAGE ADJUSTMENT TO OBTAIN NORMAL CONSUMPTION AND MAXIMUM AND MINIMUM RATIOS PER SQUARE FOOT OF HEATED FLOOR AREA BY STATE AND COUNTIES

State and County	(1) Percentage of 1941-42 consumption to obtain normal consumption	(2) Maximum and minimum ration per square foot of heated floor area			
		Central heating equipment		Space heating equipment	
		Maximum	Minimum	Maximum	Minimum
OREGON					
Baker.....	97	1.250	.959	1.500	1.151
Benton.....	104	.893	.685	1.071	.822
Clackamas.....	104	.893	.685	1.071	.822
Catsop.....	110	.893	.685	1.071	.822
Columbia.....	110	.893	.685	1.071	.822
Coos.....	104	.893	.685	1.071	.822
Crook.....	90	1.161	.890	1.393	1.068
Curry.....	104	.893	.685	1.071	.822
Deschutes.....	90	1.250	.959	1.500	1.151
Douglas.....	104	.893	.685	1.071	.822
Gilliam.....	100	1.161	.890	1.393	1.068
Grant.....	97	1.071	.822	1.286	.986
Harney.....	97	1.250	.959	1.500	1.151
Hood River.....	104	.893	.685	1.071	.822
Jackson.....	104	.893	.685	1.071	.822
Jefferson.....	95	1.161	.890	1.393	1.068
Josephine.....	104	.893	.685	1.071	.822
Klamath.....	97	1.161	.890	1.393	1.068
Lake.....	97	1.250	.959	1.500	1.151
Lane.....	104	.893	.685	1.071	.822
Lincoln.....	104	.893	.685	1.071	.822
Linn.....	104	.893	.685	1.071	.822
Malheur.....	97	1.161	.890	1.393	1.068
Marion.....	104	.893	.685	1.071	.822

(1) TABLE IA.—PERCENTAGE ADJUSTMENT TO OBTAIN NORMAL CONSUMPTION AND MAXIMUM AND MINIMUM RATIOS PER SQUARE FOOT OF HEATED FLOOR AREA BY STATE AND COUNTIES—Continued

State and County	(1) Percentage of 1941-42 consumption to obtain normal consumption	(2) Maximum and minimum ration per square foot of heated floor area			
		Central heating equipment		Space heating equipment	
		Maximum	Minimum	Maximum	Minimum
OREGON—con.					
Morrow.....	90	1.071	.822	1.286	.986
Multnomah.....	104	.893	.685	1.071	.822
Poik.....	104	.893	.685	1.071	.822
Sherman.....	100	1.161	.890	1.393	1.068
Tillamook.....	104	.893	.685	1.071	.822
Umatilla.....	90	.982	.753	1.179	.904
Union.....	97	1.071	.822	1.286	.986
Wallowa.....	97	1.339	1.027	1.607	1.233
Wasco.....	104	.892	.753	1.179	.904
Washington.....	104	.893	.685	1.071	.822
Wheeler.....	90	1.161	.890	1.393	1.068
Yamhill.....	104	.893	.685	1.071	.822
WASHINGTON					
Adams.....	100	1.161	.890	1.393	1.068
Asotin.....	95	1.339	1.027	1.607	1.233
Benton.....	100	.982	.753	1.179	.904
Chelan.....	100	1.161	.890	1.393	1.068
Chillam.....	110	1.071	.822	1.286	.986
Clark.....	104	.893	.685	1.071	.822
Columbia.....	95	.982	.753	1.179	.904
Cowlitz.....	110	.893	.685	1.071	.822
Douglas.....	100	1.339	1.027	1.607	1.233
Ferry.....	100	1.339	1.027	1.607	1.233
Franklin.....	100	.982	.753	1.179	.904
Garfield.....	95	.982	.753	1.179	.904
Grant.....	100	1.071	.822	1.286	.986
Grays Harbor.....	110	.982	.753	1.179	.904

(1) TABLE IA.—PERCENTAGE ADJUSTMENT TO OBTAIN NORMAL CONSUMPTION AND MAXIMUM AND MINIMUM RATIOS PER SQUARE FOOT OF HEATED FLOOR AREA BY STATE AND COUNTIES—Continued

State and County	(1) Percentage of 1941-42 consumption to obtain normal consumption	(2) Maximum and minimum ration per square foot of heated floor area			
		Central heating equipment		Space heating equipment	
		Maximum	Minimum	Maximum	Minimum
WASHINGTON—continued					
Island.....	110	.982	.753	1.179	.904
Jefferson.....	110	.982	.753	1.179	.904
King.....	110	.893	.685	1.071	.822
Kittitas.....	100	1.161	.890	1.393	1.068
Kitsap.....	110	.893	.685	1.071	.822
Klickitat.....	100	1.161	.890	1.393	1.068
Lewis.....	110	.893	.685	1.071	.822
Lincoln.....	100	1.339	1.027	1.607	1.233
Mason.....	110	.982	.753	1.179	.904
Okanogan.....	100	1.161	.890	1.393	1.068
Pacific.....	110	.982	.753	1.179	.904
Pend Oreille.....	100	1.339	1.027	1.607	1.233
Pierce.....	110	.893	.685	1.071	.822
San Juan.....	110	1.071	.822	1.286	.986
Skegit.....	110	.982	.753	1.179	.904
Skamania.....	104	1.161	.890	1.393	1.068
Snohomish.....	110	.982	.753	1.179	.904
Spokane.....	95	1.161	.890	1.393	1.068
Stevens.....	100	1.339	1.027	1.607	1.233
Thurston.....	110	.982	.753	1.179	.904
Wahkiakum.....	110	.893	.685	1.071	.822
Walla Walla.....	95	.893	.685	1.071	.822
Whatcom.....	110	1.071	.822	1.286	.986
Whitman.....	100	1.161	.890	1.393	1.068
Yakima.....	100	.982	.753	1.179	.904

(b) * * *

(1) TABLE 2A.—PERCENTAGE OF FUEL OIL ALLOCABLE TO THERMAL PERIODS AND PERCENTAGE OF FUEL OIL ALLOCABLE TO THE HEATING SEASON BY THERMAL ZONES FOR LATE APPLICANTS

Thermal zone	Dates of registration (inclusive)			Percentage allocable to—	
	Thermal zone A	Thermal zone B	Thermal zone C	Period	Season
PERIOD I					
Nov. 1-Nov. 6			Nov. 1-Nov. 4	40	90
Nov. 7-Nov. 11		Nov. 1-Nov. 5	Nov. 5-Nov. 9	30	88
Nov. 12-Nov. 16		Nov. 6-Nov. 10	Nov. 10-Nov. 14	20	86
Nov. 17-Nov. 20		Nov. 11-Nov. 15	Nov. 15-Nov. 19	10	84
Nov. 21-Nov. 25		Nov. 16-Nov. 21	Nov. 20-Nov. 24	5	82
PERIOD II					
Nov. 26-Nov. 29		Nov. 22-Nov. 25	Nov. 25-Nov. 29	90	80
Nov. 30-Dec. 2		Nov. 26-Nov. 29	Nov. 30-Dec. 2	80	77
Dec. 3-Dec. 5		Nov. 30-Dec. 3	Dec. 3-Dec. 6	70	75
Dec. 6-Dec. 8		Dec. 4-Dec. 8	Dec. 7-Dec. 10	60	73
Dec. 9-Dec. 12		Dec. 9-Dec. 12	Dec. 11-Dec. 14	50	71
Dec. 13-Dec. 15		Dec. 13-Dec. 16	Dec. 15-Dec. 18	40	69
Dec. 16-Dec. 19		Dec. 17-Dec. 20	Dec. 19-Dec. 21	30	67
Dec. 20-Dec. 23		Dec. 21-Dec. 24	Dec. 22-Dec. 25	20	65
Dec. 24-Dec. 26		Dec. 25-Dec. 28	Dec. 26-Dec. 28	10	63
Dec. 27-Dec. 31		Dec. 29-Jan. 2	Dec. 29-Jan. 2	5	61
PERIOD III					
Jan. 1-Jan. 3		Jan. 3-Jan. 5	Jan. 3-Jan. 5	90	60
Jan. 4-Jan. 6		Jan. 6-Jan. 9	Jan. 6-Jan. 9	80	57
Jan. 7-Jan. 9		Jan. 10-Jan. 13	Jan. 10-Jan. 12	70	55
Jan. 10-Jan. 12		Jan. 14-Jan. 17	Jan. 13-Jan. 15	60	53
Jan. 13-Jan. 15		Jan. 18-Jan. 21	Jan. 16-Jan. 19	50	51
Jan. 16-Jan. 19		Jan. 22-Jan. 25	Jan. 20-Jan. 22	40	49
Jan. 20-Jan. 22		Jan. 26-Jan. 29	Jan. 23-Jan. 26	30	47
Jan. 23-Jan. 25		Jan. 30-Feb. 3	Jan. 27-Jan. 30	20	45
Jan. 26-Jan. 28		Feb. 4-Feb. 7	Jan. 31-Feb. 3	10	43
Jan. 29-Feb. 1		Feb. 8-Feb. 12	Feb. 4-Feb. 7	5	42
PERIOD IV					
Feb. 2-Feb. 5		Feb. 13-Feb. 17	Feb. 8-Feb. 11	90	40
Feb. 6-Feb. 8		Feb. 18-Feb. 23	Feb. 12-Feb. 15	80	37
Feb. 9-Feb. 12		Feb. 24-Feb. 28	Feb. 16-Feb. 20	70	36
Feb. 13-Feb. 16		Mar. 1-Mar. 2	Feb. 21-Feb. 25	60	33
Feb. 17-Feb. 20		Mar. 3-Mar. 7	Feb. 26-Mar. 1	50	31
Feb. 21-Feb. 25		Mar. 8-Mar. 12	Mar. 2-Mar. 4	40	30
Feb. 26-Feb. 28		Mar. 13-Mar. 17	Mar. 5-Mar. 9	30	27
Mar. 1-Mar. 3		Mar. 18-Mar. 22	Mar. 10-Mar. 14	20	26
Mar. 4-Mar. 8		Mar. 23-Mar. 28	Mar. 15-Mar. 19	10	24
Mar. 9-Mar. 13		Mar. 29-Apr. 6	Mar. 20-Mar. 25	5	22

(1) TABLE 2A—PERCENTAGE OF FUEL OIL ALLOCABLE TO THERMAL PERIODS AND PERCENTAGE OF FUEL OIL ALLOCABLE TO THE HEATING SEASON BY THERMAL ZONES FOR LATE APPLICANTS—continued

Dates of registration (inclusive)			Percentage allocable to—	
Thermal zone A	Thermal zone B	Thermal zone C	Period	Season
PERIOD V				
Mar. 14-Mar. 18.....	Apr. 6-Apr. 11.....	Mar. 26-Apr. 2.....	90	20
Mar. 19-Mar. 24.....	Apr. 12-Apr. 18.....	Apr. 3-Apr. 8.....	80	18
Mar. 25-Mar. 30.....	Apr. 19-Apr. 25.....	Apr. 9-Apr. 15.....	70	16
Apr. 1-Apr. 5.....	Apr. 26-May 1.....	Apr. 16-Apr. 23.....	60	14
Apr. 6-Apr. 12.....	May 2-May 9.....	Apr. 24-Apr. 30.....	50	12
Apr. 13-Apr. 20.....	May 10-May 19.....	May 1-May 10.....	40	10
Apr. 21-Apr. 30.....	May 20-May 31.....	May 11-May 20.....	30	8
May 1-May 15.....	June 1-June 13.....	May 21-June 2.....	20	6
May 16-June 3.....	June 14-June 29.....	June 3-June 17.....	10	4
June 4-Sept. 30.....	June 30-Sept. 30.....	June 18-Sept. 30.....	5	3

This amendment shall become effective on February 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive 1-O, as amended, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1768; Filed, February 1, 1943; 5:15 p. m.]

PART 1340—FUEL

[RPS 88, Amendment 65]

PETROLEUM AND PETROLEUM PRODUCTS

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 § 1340.159 (d) (2) subdivision (iv) is amended and new subdivisions (vi) and (vii) are added as set forth below:

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

(d) Petroleum gas, natural gas. * * *

(2) Dry gas. * * *

(iv) (a) Notwithstanding the provisions of other subdivisions of this subparagraph (2), a seller's maximum price for deliveries of dry gas to a particular purchaser shall be either the maximum price established under subdivision (i), (ii), or (iii) of this subparagraph (2) or a price agreed upon between the seller and the purchaser and reported to the Office of Price Administration by such seller within 10 days of the date of the agreement, or February 10, 1943, whichever is later, which price must be in line with the level of maximum prices for dry gas generally prevailing in the particular producing area, or if there is only one

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

¹ 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684, 11069, 11112, 11075; 8 F.R. 157, 222, 233, 857, 1227, 1200.

producer of dry gas in one particular producing area, a price in line with the level of maximum prices prevailing in the nearest producing area in which similar conditions obtain. Once the seller has determined his maximum price for deliveries of dry gas to a particular purchaser under this subdivision (iv) that price is his maximum price to that purchaser thereafter.

(b) The report required in subdivision (iv) (a) shall be mailed to the Office of Price Administration, Petroleum Branch, Washington, D. C. In connection with any such report and concurrently therewith the following shall be submitted to the Office of Price Administration.

BY THE SELLER

(i) The seller's present maximum price for dry gas established by this price schedule and the maximum price agreed upon accompanied both by a statement as to the point (such as the well-head, the pipe line or pipe line terminus) at which delivery to the purchaser is made, and by copies of the contract (if any) on the basis of which the present maximum price is established and of the proposed renewal thereof, or of the new contract for the sale of dry gas contemplated by the parties.

(ii) Names and addresses of the purchasers of the seller's production.

BY THE PURCHASER

(iii) The disposition made of the gas purchased from the seller by each purchaser thereof.

(iv) Maximum prices of dry gas established for other sellers in the particular producing area or, if the seller is the only producer in the particular area, in the nearest producing areas in which similar conditions obtain. Maximum prices should be stated for each class of purchasers together with a description of each class. Estimated percentage of total volume moving at each price should be stated and the nature of the facilities used in making delivery to each purchaser should be described.

(v) A statement in writing signed by the purchaser or purchasers that they will absorb any increase in the cost of dry gas resulting from the reported price and that they do not intend prior to the expiration of the Emergency Price Control Act of 1942, as amended, to rely upon such cost increase as a basis of application for increase in their resale prices or in the prices of other commodities or services sold or supplied by them.

The information required to be submitted by either the purchaser or the seller may be filed either with the report or separately. Information required of either the seller or the purchaser, if filed separately, will, upon request, be treated as confidential.

(c) The seller may not accept payment for deliveries of dry gas subject to a maximum price determined under subdivision (iv) (a) until fifteen days have elapsed after mailing the report of such maximum price. Within the fifteen day period, the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon written order of the Office of Price Administration.

(vi) Where a seller is unable to determine his maximum price for dry gas under (ii), (iii) or (iv) above, a tentative maximum price may be set, and the seller shall comply with the requirements of filing as provided in subparagraph (1), subdivision (iii), and the tentative maximum price shall be subject to disapproval and change as therein provided.

(vii) Nothing in this subparagraph (2) shall be construed to authorize the regulation of a rate that is exempt from control by the Office of Price Administration under the Emergency Price Control Act of 1942.

§ 1340.158a Effective dates of amendments. * * *

(nnn) Amendment No. 65 (§§ 1340.159 (d) (2) (iv), (vi) and (vii)) to Revised Price Schedule No. 88 shall become effective February 10, 1943.

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

Issued this 4th day of February, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1900; Filed, February 4, 1943; 11:41 a. m.]

PART 1337—RAYON

[MPR 167, Amendment 4]

RAYON YARN AND STAPLE FIBER

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

In § 1337.42 the text of paragraph (b) is amended, a new table is added to subparagraph (b) (1), the text of subparagraph (b) (3) is amended and a new table is added, subparagraph (b) (3b) is amended, subparagraph (b) (4) is redesignated (b) (5) and a new subparagraph (b) (4) is added and paragraph (c) is amended as set forth below:

§ 1337.42 Appendix A: Maximum prices for rayon yarn and staple fiber. * * *

(b) Maximum prices for rayon yarn and staple fiber sold by producers. The following are maximum prices per pound for sales of rayon yarns and staple fiber sold by producers at destination, except that on shipments to points west of the Mississippi River, only the actual cost of transportation to the Mississippi River

¹ 7 F.R. 4662, 6895, 7403, 8948, 10448.

shall be allowed. The seller shall have the right to designate the carrier. When shipment is via common or contract carrier, the seller must prepay the cost of transportation or make allowance therefor at the lowest published rate. When shipment is via vehicle owned, leased or operated by the buyer, the seller shall make allowance for transportation at not less than the lowest published carload or truckload rates, irrespective of quantity shipped. These maximum prices are established on the basis of net 30 days. The extension of credit shall not entitle the seller to make any additional charge. However, a charge at a rate not in excess of 6% per annum may be made on past due accounts. Where the seller requires payment to be made in less than 30 days the maximum prices established herein shall be reduced at a rate no lower than 6% per annum for the period of demanded anticipation.

(1) *Acetate process continuous filament yarns.*

CHEESES	
Denier	Price per pound (Regular twist, 3 to 5 turns per inch, inclusive)
120	\$.63
150	.54

(Viscose process continuous filament yarns.)

The following premiums above the maximum prices set forth in paragraph (3) for first quality continuous filament yarns shall be allowed:

- (i) 4¢ per pound for 6 turns per inch on 150 denier or finer yarns;
- (ii) 5¢ per pound for 7 turns per inch on 150 denier or finer yarns and 1¢ per pound for each turn per inch in excess of 7;
- (iii) 5¢ per pound for dark tinted cones; and
- (iv) 10¢ per pound for spun dyed black yarn.

CAKES	
Denier:	Price per pound
50	\$1.00
75	.83
100	.71
150	.52
200	.50
300 and coarser	.47

(3b) *1100 denier and 2200 denier viscose process high tenacity continuous filament yarns.* The prices set forth below are maximum prices for sales of 1100 denier and 2200 denier viscose process high tenacity continuous filament yarns with a twist of 2 turns per inch or less:

Denier:	Price per pound on cones and beams
1100	\$.43
2200	.3675

The maximum prices for 1100 denier and 2200 denier high tenacity denier yarns with a twist of more than two turns per inch shall be the maximum prices set forth above plus the following premiums:

Number of turns per inch:	Price per pound
3 to 4	\$.03
4 to 5	.04
over 5	.01 for each additional turn per inch

(4) *Maximum prices for other than first quality rayon yarns.* The maximum prices for other than first quality rayon yarns shall be the prices set forth in paragraphs (b) (1), (2) and (3) above for yarns of the same denier, put-up and twist less the differentials between representative prices charged by the individual producers during March, 1942 for first quality and the respective types and grades of inferior rayon yarns to the same class of purchasers. In determining which yarns are first quality and which are inferior or other than first quality each producer shall employ the classifications which he used during March, 1942.

(c) *Maximum prices for sales of rayon yarn and staple fiber by persons other than producers—(1) Maximum prices for sales by jobbers.* The maximum prices for sales of rayon yarn and staple fiber by jobbers shall be the prices set forth below, f. o. b. seller's warehouse:

- (i) *First quality rayon yarn.* The maximum prices for sales of first quality rayon yarn set forth in § 1337.42 (b) (1), (2), and (3) above, plus \$.04 per pound.
- (ii) *Other than first quality rayon yarn.* The maximum prices for sales of first quality rayon yarn set forth in § 1337.42 (b) (1), (2), and (3) above.
- (iii) *Rayon staple fiber.* The maximum prices for sales of rayon staple fiber set forth in § 1337.42 (b) (5) above.

As used herein, the term "sales by jobbers" means sales by a person primarily engaged in the business of purchasing rayon yarn or staple fiber for resale either in substantially the same form as that in which he purchased it or after it has been subjected to converting operations such as those listed in Maximum Price Regulation No. 168.²

(2) *Maximum prices for sales by other sellers.* The maximum prices for sales of rayon yarn and staple fiber by persons other than jobbers shall be the maximum prices for sales by producers set forth in § 1337.42 (b) above.

§ 1337.41a *Effective dates of amendments.*

(d) Amendment No. 4 (§ 1337.42 (b) (1), (3), (4) and (5), (c)) to Maximum Price Regulation No. 167 shall become effective February 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9280, 7 F.R. 7871)

Issued this 4th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1899; Filed, February 4, 1943; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 1 to Order 132 Under § 1499.18 (b) of GMPR]

COMFORT MANUFACTURING CO.

Comfort Manufacturing Company, Chicago, Illinois—Docket No. GF3-2796. For the reasons set forth in an opinion issued simultaneously herewith, paragraph (g) of § 1499.1033 of Order No. 132

² 7 F.R. 4663, 8193, 8948; 8 F.R. 373.

is amended to read as follows and a new paragraph (h) is added to § 1499.1033 as set forth below:

§ 1499.1033 *Adjustment of maximum prices for sales of solid cologne by Comfort Manufacturing Company and Roure Dupont, Inc.*

(g) This Order No. 132 (§ 1499.1033) shall be effective as of June 17, 1942.

(h) Amendment No. 1 (§ 1499.1033 (g) and (h)) to Order No. 132 under § 1499.18 (b) of the General Maximum Price Regulation shall become effective February 4, 1943.

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

Issued this 4th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1901; Filed, February 4, 1943; 11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 187 Under § 1499.18 (b) of GMPR]

SWIFT AND COMPANY

Order No. 187 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2007.

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

§ 1499.1088 *Adjustment of maximum price of Swift and Company for rough beef tongue gullet trimmings.* (a) Swift and Company, Union Stock Yards, Chicago, Illinois, may sell and deliver and agree, offer, solicit and attempt to sell and deliver rough beef tongue gullet trimmings, and any person may buy and receive from Swift and Company such rough beef tongue gullet trimmings at a price not in excess of 7¢ per pound.

(b) Swift and Company, Union Stock Yards, Chicago, Illinois, shall mail or cause to be mailed to all persons who purchase rough beef tongue gullet trimmings from it for resale a notice reading as follows:

The Office of Price Administration by Order No. 187 effective February 5, 1943 pursuant to Section 1499.18 (b) of the General Maximum Price Regulation, as amended, has permitted us to raise our maximum price for sales to you of rough beef tongue gullet trimmings from 4½¢ per pound to 7¢ per pound.

This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that purchasers making use of this item will not raise prices of their products. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of products containing rough beef tongue gullet trimmings. In order that we may continue to provide you with rough beef tongue gullet trimmings it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 187 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation, as amended, shall apply to the terms used herein.

(e) This Order No. 187 is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 187 shall become effective February 5, 1943.

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

Issued this 4th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1902; Filed, February 4, 1943;
11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 188 Under § 1499.18 (b) of GMPR]

WHITEHOUSE MANUFACTURING COMPANY

Order No. 188 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-646.

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

§ 1499.1089 *Adjustment of maximum prices for waiters' jackets manufactured by Whitehouse Manufacturing Company for The Pennsylvania Railroad Company.* (a) Whitehouse Manufacturing Company of Chicago, Illinois may sell and deliver and The Pennsylvania Railroad Company may buy and receive the following commodity at prices no higher than those set forth below:

(1) \$15.10 per dozen for No. 430 bleached 76 x 80 drill waiters' jackets manufactured by Whitehouse Manufacturing Company for The Pennsylvania Railroad Company, having the same specifications as to quality of fabrics and trimmings, standards of construction and garment dimensions as those for which Whitehouse Manufacturing Company established \$11.80 per dozen as its maximum price under § 1499.2 of the General Maximum Price Regulation.

(b) The adjustment granted to Whitehouse Manufacturing Company in paragraph (a) is subject to the following conditions:

(1) This adjustment shall apply only to sales by the Whitehouse Manufacturing Company to The Pennsylvania Railroad Company.

(2) All discounts, trade practices, and practices relating to shipping and shipping charges in effect in March 1942, shall be applicable to the maximum price set forth in paragraph (a) hereof.

(3) The Whitehouse Manufacturing Company shall mail to The Pennsylvania Railroad Company a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of our waiters' jackets from \$11.80 to \$15.10 per dozen. This amount represent increases in costs which we are unable to absorb, and it was granted with the understanding that the jackets are supplied by you to your employees without any charge and that accordingly the granting of the requested increase could not cause an increase in retail prices.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 188 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 188 is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 188 shall become effective February 5, 1943.

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

Issued this 4th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1903; Filed, February 4, 1943;
11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 4 Under Supp. Reg. 15]

KEYSTONE FELDSPAR & CHEMICAL CO.

Order No. 4 under § 1499.75 (a) (4) of Supplementary Regulation No. 15 to the General Maximum Price Regulation.

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

§ 1499.1604 *Adjustment of maximum prices for sales and deliveries of scrap mica by the Keystone Feldspar & Chemical Co.* (a) The Keystone Feldspar & Chemical Co., 3900 Board of Trade Building, Chicago, Illinois, may sell and deliver and any person, in the course of trade or business, may buy and accept delivery of scrap mica at a price not higher than \$22.00 per ton, f. o. b. mine shipping point.

(b) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 4 (§ 1499.1604) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established under § 1499.2 of the General Maximum Price Regulation.

(d) This Order No. 4 (§ 1499.1604) shall become effective February 5, 1943.

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

Issued this 4th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1904; Filed, February 4, 1943;
11:42 a. m.]

Chapter XVI—Office of Censorship

PART 1801—U. S. CENSORSHIP REGULATIONS

Issued under the authority vested in the Director of Censorship pursuant to the Trading with the Enemy Act of 1917, as amended; the First War Powers Act, 1941 (40 Stat. 412, 55 Stat. 838); Executive Order 8985, and Treasury Decision 50536.

Part 1801, U. S. Cable and Radio Censorship Regulations and Part 1802, U. S. Radio Telephone Censorship Regulations of February 19, 1942, and Part 1804, U. S.

Postal Censorship Regulations of March 13, 1942, and April 13, 1942, are hereby revoked and the following new regulations issued:

GENERAL REGULATIONS

Sec.	
1801.1	Scope of regulations.
1801.2	Definitions.
1801.3	Submitting communications to censorship.
1801.4	Discretion of censor.
1801.5	Communication with enemy territory or enemy nationals.
1801.6	Communications to members of the armed forces.
1801.7	Subjects prohibited.

POSTAL CENSORSHIP REGULATIONS

1801.21	Mail requirements.
1801.22	Codes and secret inks.
1801.23	Mail to enemy nationals.
1801.24	Postal confirmations of cablegrams, etc.
1801.25	Films, prints, and plates.
1801.26	Scientific, technical, or professional data.
1801.27	Printed matter.
1801.28	Postage stamps.

CABLE AND RADIO REGULATIONS

1801.41	Wire and radio traffic.
1801.42	Information regarding messages.
1801.43	Proper address.
1801.44	Registered addresses.
1801.45	Signature.
1801.46	Supplementary information.
1801.47	Text.
1801.48	Languages permitted.
1801.49	Commercial codes.
1801.50	Test words.
1801.51	Information from sender.
1801.52	Numbers in text.
1801.53	Market reports.
1801.54	Press messages.
1801.55	Personal messages in commercial cables

TELEPHONE CENSORSHIP REGULATIONS

1801.71	Call requirements.
1801.72	Calls from hotels.
1801.73	Calls from public pay stations.
1801.74	Languages permitted.
1801.75	Exemptions.
1801.76	Application to incoming calls.

AUTHORITY: §§ 1801.1 to 1801.76 inclusive issued under the authority vested in the Director of Censorship pursuant to sec. 3 (c) of the Trading with the Enemy Act of October 6, 1917, 40 Stat. 412 as amended; sec. 303 of the First War Powers Act of December 18, 1941, 55 Stat. 838; Executive Order 8985, 6 F.R. 6625; Treasury Decision 50536; 6 F.R. 6807.

§ 1801.1 *Scope of regulations.* These regulations pertain to all communications passing between the United States, its territories or possessions, and any foreign country, or which may be carried by any vessel or other means of transportation touching at any port, place, possession, or territory of the United States and bound to or from any foreign country.

§ 1801.2 *Definitions.* As used in these regulations:

(a) The term "communication" shall include any letter or other writing, book, map, plan, or other paper, picture, sound recording or other reproduction, telegram, cablegram, wireless message, telephone conversation either by landlines or radiotelephone circuits, or any message transmitted by any signaling device, carrier pigeon, by word of mouth, or by any other means.

(b) The term "enemy territory" shall include the territory of and the territory occupied or controlled by any nation with which the United States is or may hereafter be at war.

(c) The term "enemy national" shall mean:

(1) The government of any country with which the United States is or may hereafter be at war, and any agent, instrumentality, or representative of such government, or other person acting therefor, wherever situated;

(2) The government of any other country having its seat within enemy territory to which the provisions of Executive Order No. 8389, as amended, have been extended, and any agent, instrumentality, or representative thereof, or other person acting therefor, actually situated within enemy territory;

(3) Any individual within enemy territory, or any partnership, association, corporation, or other organization, to the extent that it is actually situated within enemy territory;

(4) Any person whose name appears on the Proclaimed List of Certain Blocked Nationals, as revised and supplemented, promulgated pursuant to the President's Proclamation of July 11, 1941, and any other person acting therefor.

§ 1801.3 *Submitting communications to censorship.* (a) Whoever takes or sends out of, or brings into, or attempts to take or send out of, or bring into the United States any communication, except in the regular course of the mail or through a communications company whose traffic normally passes through censorship or a communication examined and passed by the Bureau of Customs, shall submit such communication to the Director of Censorship, Washington, D. C., prior to transmission, or prior to the disclosure of the contents of such communication or any part thereof.

(b) Whoever either for himself or on behalf of another receives a communication, except an unaddressed regularly scheduled radio broadcast communication intended for reception by the general public or through a communications company whose traffic normally passes through censorship or a communication examined and passed by the Bureau of Customs or a communication received in the regular course of the mail, shall immediately submit such communication and all information relative thereto to the Director of Censorship, Washington, D. C., and shall not disclose the contents or any part thereof until authorized by him.

(c) The master of any vessel entering the territorial waters of, or any port, place, possession, or territory of, the United States and having on board, carrying, conveying, or otherwise transporting upon such vessel any communication, whether in a foreign postal service or otherwise, except communications in International Postal Service destined to enter United States Postal Service or communications examined and passed by the United States Bureau of Customs, shall immediately submit such communication to Censorship by delivering the same to the nearest United States Post-

master or to the Censorship officer boarding such vessel.

(d) Any person upon any vessel entering the territorial waters of, or any port, place, possession, or territory, of the United States and having in his possession or custody any communication, except a communication examined and passed by United States Bureau of Customs, shall immediately submit such communication to Censorship by delivering the same to the nearest United States Postmaster, or to the Censorship officer boarding said vessel.

§ 1801.4 *Discretion of censor.* All communications shall be sent, filed or transmitted at the sender's risk and may be condemned, suppressed, delayed, or otherwise dealt with at the discretion of the censor without notice.

§ 1801.5 *Communication with enemy territory or enemy nationals.* No communication shall be sent or transmitted to enemy territory or to any enemy national except as specifically provided in these regulations, or as otherwise authorized by the Office of Censorship.

§ 1801.6 *Communications to members of the armed forces.* Communications to members of the United States Armed Forces located outside the United States, in addition to complying with these regulations, must bear the address officially designated by the Military or Naval authorities.

§ 1801.7 *Subjects prohibited.* No reference, either open or hidden, shall be made to any of the following subjects in any communication unless officially disclosed by appropriate governmental authority:

(a) *Troops.* The general character and movements of United States Army, Navy, or Marine Corps units, within or without continental United States, their location, identity, or exact composition, equipment, or strength; destination, routes, and schedules; assembly for embarkation, prospective embarkation, or actual embarkation; similar information regarding the troops of United Nations. Possible future military operations should not be revealed by identifying an individual known for a specialized activity.

NOTE: Names or numbers of troop units except unit designations of training camps within continental United States may be used only when required by the Military or Naval authorities for address purposes.

(b) *Ships and shipping.* Information regarding Naval or merchant vessels of the United States, other United Nations, or neutral nations, if it discloses:

(1) Identity, location, description, movement, or prospective movement, including assembly ports, anchorages, and methods of routing of convoys or transports;

(2) Time of departure or arrival of any ship more specific than one week's time; but approximate dates such as "next week," "soon," etc., are permissible;

(3) The identity of location of enemy naval or merchant vessels;

(4) Existence of mine fields or other harbor defenses, secret orders or other secret instructions regarding lights, buoys, and other guides to navigators;

(5) Number, size, character, and location of ships in construction, or advance information as to the date of launchings or commissionings; the physical set-up or technical details of ship yards.

Communications pertaining to the shipment of material or movements of surface vessels must be so worded as not to associate any two of the following elements unless the communication is sent by secure channels approved by Censorship: (i) Name of the vessel; (ii) nature of the cargo; (iii) name of port of arrival or departure.

Information about the sinking or damaging of United States war or merchant vessels unless officially disclosed by appropriate authority. Information about the identity, location, sinking or damaging of Naval or merchant vessels of other nations, friendly or otherwise, unless disclosed by appropriate authority or made public outside continental United States and the origin stated.

(c) *Military operations.* The fact or effect of military or naval operations by the United States or the United Nations, until officially disclosed.

The fact or effect of enemy operations against the United States or the United Nations, including casualties and material damage, until officially disclosed.

Warnings or reports of impending air raids on continental United States, and the fact or effect of such attacks until the raid is ended and the all-clear has sounded; estimates of number of planes involved, their routes, defense measures, number of bombs dropped; damage to fortifications, docks, railroads, ships, airfields, public utilities, industrial plants engaged in war work, and all other military objectives.

(d) *Planes.* The disposition, movements, missions, new characteristics, or strength of military air units of the United States or the United Nations; activities of commercial airlines and private pilots for the military services; activities, operations, and installation of the Air Forces Ferry Command of the United States or other United Nations; information about performance; construction, and armament of new or current military aircraft or related items of equipment; messages pertaining to international operations of commercial airlines unless sent by secure channels approved by Censorship.

(e) *Fortifications and defenses.* The location, description, and strength of forts and other fortifications, bases, and other installations of the United States or the United Nations; the location, nature and number of coast-defense emplacements, anti-aircraft guns, bomb shelters, and other defense installations; location of camouflaged objects; the identity, performance, movement or prospective movement of defensive or offensive weapons, supplies, material, or equipment of the United States or the United Nations.

(f) *Production.* Specific information from which the enemy could estimate the extent, tempo, progress or location of our production for war, such as:

(1) Information which saboteurs could use to gain access to or damage war production plants;

(2) Contracts for the manufacture of war materials or for construction of bases, docks, depots, and yards; cost and nature of production involved in such contracts;

(3) Location, description, production, capacity, schedules, delivery dates, or specific output of war production plants or industries;

(4) Statistical information disclosing the amounts of strategic or critical materials produced, imported, or in reserve;

(5) Information about damage to production plants by sabotage or enemy action; information about new or secret military designs, formulas, experiments, manufacturing processes or factory designs;

(6) Information about production; amounts, dates, and method of delivery, destination or routes of lend-lease war material;

(7) Detailed reports of production and conditions in the mining, lumbering, fishing, livestock, and farming and other key American industries, and shortages or surpluses in connection therewith;

(8) Nation-wide or other roundups of current war production or war contract procurement data.

(g) *Weather.* Current weather conditions, weather forecasts, and all other current meteorological data.

Descriptions of past local weather conditions, obtainable from public observation or newspaper publication, may be transmitted at the discretion of the censor.

(h) *General.* (1) Any data concerning military or naval communications or intelligence methods or results;

(2) Rumors which might render aid and comfort to the enemy;

(3) Information disclosing the new location of national archives, or of public or private art treasures;

(4) Names of persons arrested, questioned, or interned as enemy aliens; names of persons moved to resettlement centers; location and description of places of internment and resettlement;

(5) Premature disclosure of diplomatic negotiations or conversations;

(6) Information about the movements of the President of the United States or officials or agents of the United States or the United Nations, including high ranking Army or Naval officers and staffs and diplomatic missions;

(7) The number, description, location, or identity of prisoners of war;

(8) Propaganda detrimental to the war efforts of the United States or the United Nations, except official enemy communiqués and claims;

(9) Information concerning the planning or effecting of any inter-governmental loans or financial or economic transactions or agreements between or among neutral and United Nations;

(10) Any sketch, photo, drawing, blueprint, map, or chart, of which the denominator of the representative fraction

is less than 500,000, disclosing information prohibited by these regulations;

(11) Any other matter whose dissemination might directly or indirectly bring aid or comfort to the enemy, or interfere with the war effort, or disparage the foreign relations of the United States or the United Nations.

POSTAL CENSORSHIP REGULATIONS

In addition to the foregoing general regulations, the following regulations apply in particular to those communications carried in the mails.

§ 1801.21 *Mail requirements.* All mail directed to foreign countries shall comply with the following requirements:

(a) The full name and complete address of the sender must be shown both on the outside of the envelope and in the letter itself;

(b) Communications will be written in English, if possible. If English is not used, the name of the language used should be written in English on the face of the envelope.

§ 1801.22 *Codes and secret inks.* The use of codes or ciphers, unless authorized, secret inks, and other secret writings is prohibited.

§ 1801.23 *Mail to enemy nationals.* The sending of any communication by mail to an enemy national, directly or indirectly, requires an individual license from the Office of Censorship, except as provided in (a), (b), and (c) below:

(a) The American Red Cross has been authorized to transmit, after censorship, short messages of a personal nature to residents in enemy territory. Letters, documents, and messages of a business nature cannot be sent by this means. Application should be made to any Red Cross chapter.

(b) If not otherwise objectionable to Censorship, and if authorized by a Treasury Department license, communications which relate to, or are a part of a commercial or financial transaction may be sent to persons or firms on The Proclaimed List of Certain Blocked Nationals without further authority from the Office of Censorship: *Provided*, That the communication is in compliance with the terms and conditions of the Treasury license. In such case the original Treasury Department license, a duplicate original, or photostatic copy should be enclosed with each communication and the communication posted in the usual manner. In cases where a communication relating to a transaction with anyone in enemy territory has been authorized by a Treasury Department license, such communications must be submitted, properly addressed and bearing the required postage, to the Chief Postal Censor, Washington, D. C., for censorship action, together with the Treasury license, a duplicate original or photostatic copy.¹

(c) Mail may be sent to prisoners of war, internees, and detainees confined in the United States, in enemy countries,

¹ Application for a license to communicate as provided in § 1801.23 (b) above, may be made at the Federal Reserve Bank in the applicant's district.

and in other foreign countries. Such communications should be addressed to the person concerned at the address furnished by such person or by the Government or other agency authorized to furnish the information. No postage is required unless the communications are sent by air, registered, or insured mail.

NOTE: Licenses to send other communications by mail to enemy nationals will not be granted by the Office of Censorship except at the request of a Government agency, or where the communication would be of special advantage to the United States.

§ 1801.24 *Postal confirmations of cablegrams, etc.* Postal confirmations of cable, landwire, radio, or radio-telephone messages will not be permitted in mails, except between the continental United States and Canada. Correspondents may refer to electrically transmitted messages by name, date, or number and may mention generally the subject matter if they do not use abbreviated or cryptic language or code.

§ 1801.25 *Films, prints, and plates.* (a) Films, prints, and photographic plates will not be exported or imported unless they have been examined and approved by the Office of Censorship, except to and from Canada. After approval, material of this type may be mailed in the usual manner.

(b) Incoming exposed and undeveloped film, except from Canada, will be developed at the expense of the correspondent in the United States prior to release.

(c) Importation of unexposed film, except from Canada, United States territories and possessions, and from members of the United States Armed Forces, or other persons sending mail through military Post Offices, is prohibited unless authority is granted by the Office of Censorship.

(d) Exportation of unexposed film, except to Canada and to members of the United States Armed Forces or other persons receiving mail through military Post Offices, is prohibited unless a license is obtained in advance from the Board of Economic Warfare.

§ 1801.26 *Scientific, technical, or professional data.* (a) Publications devoted in whole or in part to scientific, technical, or professional data containing information whose transmission to foreign countries might be inimical to the interests of the United States, must be licensed prior to export, except to Canada.

(b) Applications for licenses shall be made to the Technical Data License Division, Office of Exports, Board of Economic Warfare, on forms provided by that Agency. Applications may be sent either to the Chicago, Los Angeles, Washington, or New York City office. A separate application must be made for each license, and a separate license will be required for each issue of each publication.

(c) On receipt of each application the Technical Data License Division will review the proofs or copies of the publication submitted, for objectionable subject matter. On final approval of the material, the Technical Data License

Division will recommend to the Office of Censorship that a license be granted.

(d) The license from the Office of Censorship will authorize the publisher to export the particular issue of the publication, including the non-technical as well as the technical material, to the foreign countries specified therein. The license will not be transferable, will be subject to revocation without notice, and will be granted on the express condition that each copy of the publication mailed thereunder corresponds in every respect to the copy submitted to and approved by the Technical Data License Division, and that the wrapping of all copies for export will be under the supervision of employees specifically designated by the publisher for this purpose.

§ 1801.27 *Printed matter.* The sending to neutral countries in Europe of other printed matter such as books, booklets, pamphlets, magazines, circulars, catalogues, newsletters, newspapers, and advertising material, either printed, mimeographed or otherwise mechanically reproduced, and clippings therefrom, will not be permitted unless sent by the publisher, a publications distributing agency, or the organization or firm for which the material is published.

§ 1801.28 *Postage stamps.* Postage stamps, either cancelled or uncanceled, will not be permitted as an enclosure in mail to points outside of the United States, other than mail addressed to the United States armed forces, through the Army Post Offices, naval or other service mails, except by license or permit granted by the Office of Censorship.

CABLE AND RADIO REGULATIONS

In addition to the general regulations, the following regulations apply in particular to all wire and radio traffic.

§ 1801.41 *Wire and radio traffic.* Wire and radio traffic includes (a) all radio traffic, (b) wire traffic originating in the United States and destined outside the United States, or originating outside the United States and destined to a point in the United States, or originating and terminating outside the United States, but handled in transit within the United States, and (c) that wire traffic purporting to be confined to a domestic address but in fact intended for destination beyond the United States. These regulations govern telephone communications only insofar as applicable thereto. For the purpose of these regulations the word "message" shall mean only communications by wire or radio, and the word "patron" shall include both the sender and the addressee of a message.

§ 1801.42 *Information regarding messages.* Reports of delivery, sender's corrections and all other services by a communication company at the request of a patron and the giving of any information to a patron concerning censorship's action on any message are prohibited unless permission is obtained from the Office of Censorship. This regulation does not apply to money orders, cancellations, or press dispatches.

Patrons filing "reply prepaid" messages do so at their own risk.

With the exception of money orders, confirmations of postal, cable, radio or radiotelephone messages are prohibited, subject, in unusual cases, to the discretion of the Censor.

§ 1801.43 *Proper address.* Every message must be so addressed that it will clearly identify the addressee for whom the message is intended.

Except where a registered address is permitted under these regulations, the address must be in plain language. The use of an abbreviation of the entire address, provided such abbreviation is sufficient in itself to insure the identification of the addressee by the censor, is not prohibited, but all such abbreviations are used at the risk of the sender.

The names of large or well-known buildings, banks, and hotels may be sufficient without street addresses.

A combination of two names written as one word is prohibited.

§ 1801.44 *Registered addresses.* Registered addresses may be used only when authorized by the Director of Censorship.

NOTE: In order to expedite the assembly of a complete file of registered addresses being used in other countries, persons or firms who are usual patrons of the cable and radio are requested to inform the Chief Cable Censor, Washington, D. C., by letter of the names, addresses, and corresponding registered addresses of the foreign persons or firms with whom they normally correspond. Unless addresses registered in the United States, its territories or possessions, are renewed as they expire, there may be a great delay in authorizing their use.

§ 1801.45 *Signature.* All messages, except Government messages of the United States and the United Nations, must be signed.

The signature transmitted should, when considered in connection with the text and addressee, be such as to identify the sender clearly, and distinguish him from any other individual, firm, or organization with a similar name. A surname is rarely considered sufficient identification.

The transmitted signature of a firm or organization must be sufficiently complete to identify it clearly. The name of a responsible member of the firm or officer of the organization may be used, provided satisfactory information regarding him is made available to the censor. A combination of two names written as one word is prohibited.

§ 1801.46 *Supplementary information.* The following supplementary information need not be transmitted as a part of the message, but may, by direction of the sender and on payment by him of the landline toll, be transmitted as far as the station of the Cable Censor having jurisdiction:

(a) *Addresses.* When any registered address or any abbreviation of a plain language address is used in a message, the full name and full address of the addressee must also be recorded on the form on which such message is filed with the communication company.

If the message is addressed to an individual acting on behalf of a firm, organization or individual, the name and address of such firm, organization or individual, and the addressee's connection with it, must appear on the form as well as the name and address of the addressee.

(b) *Sender.* In addition to the signature required on the message, the full name and full address of the sender must be recorded, as supplementary information, on the form on which each message is filed with the communication company.

If the message is signed by an individual acting in behalf of a firm, organization or individual, or by an abbreviated form or the name of that organization, or is charged to an individual or organization other than the signer, the full name and full address of that individual or organization must also be given on the form.

(c) The name of the commodity, if any, involved in the message, must be stated on the form, and should, except as provided in the general regulations, be stated in the text of the message.

§ 1801.47 *Text.* Messages will not be passed unless the meaning of the text is clear to the Censor. Messages consisting of address and signature only, with no text, are not permitted.

§ 1801.48 *Languages permitted.* All language messages must be in English, French, Portuguese, or Spanish, except messages to Alaska, which must be in English. All press dispatches should be filed in English; if in any of the other authorized languages, they may be subject to delay.

Any word, term, phraseology or language having a double meaning as used is prohibited. Terms or words common in any profession or trade may be used if intelligible to the Censor and not susceptible to double meaning as used.

§ 1801.49 *Commercial codes.* Use of only the following commercial codes is permitted:

Name of code	Indicating symbol
ABC Sixth Edition.....	Abc
Acme Code and Supplement.....	Acme
Bentley's Complete Phrase Code....	Bencom
Bentley's Second Phrase Code.....	Bensec
Lombard General Code.....	Lomgen
Lombard Shipping Code and Appendix	Lomship
New Standard Half Word Code.....	Stanhaf
New Standard Three Letter Code....	Stanter
Peterson's Third Edition.....	Pet

The code used must be indicated by placing the appropriate indicating symbol in the preamble of the message.

Patrons should ascertain from the communication companies whether the code used is acceptable by the Censorship authorities, if any, in the country of destination of the message.

The use of private codes is not permitted except by special license granted by the Director of Censorship. Such licenses will not be granted unless the applicant furnishes 15 copies of the code book for the use of Censors.

The use of code words to express prices is forbidden. Code words from catalogues or price lists may be used to designate commodities when accompanied in each case by an identifying word, if the meaning is clear to the Censor.

§ 1801.50 *Test words.* Banks and business institutions which have previously used test words in the conduct of their business are privileged to continue to use test words in transmitting messages.

Any other bank or other business institution desiring to use test words in transmitting its messages may apply to the Office of Censorship for permission, but before the privilege is granted, and at any time thereafter, must furnish such information as may be required.

A test word must normally be the first or last word in the text of a message. If several transactions are combined in any one message, a test word for each transaction is permitted.

The test word privilege may be withdrawn at any time.

§ 1801.51 *Information from sender.* Information required by the Censor from the sender in the United States in regard to a specific message may be requested by a collect telegram from the Censor to the sender.

In connection with any message relating to a financial or commercial transaction, the Censor may require complete information relative to the identity of all parties involved, the ultimate purpose of the transaction, and all facts deemed necessary by the Censor.

Any information which the sender may consider necessary to make the meaning of his message clear to the Censor may be imparted in a prepaid domestic telegram addressed to the Censor having jurisdiction. This telegram (Memorandum Message) should be filed with the message to which it refers.

§ 1801.52 *Numbers in text.* Numbers that are unrelated to the text and not readily understandable to the Censor are not permitted.

Serial numbers in messages are subject to deletion, but may, at the sender's risk, be included as the first word in the message when they can be readily understood by the Censor and plainly do not convey a hidden meaning.

§ 1801.53 *Market reports.* Routine daily market reports will be expedited by the Censor when received from recognized news agencies.

§ 1801.54 *Press messages.* No person engaged in transmitting press material shall accept or transmit as press messages any message intended for personal use unless such message is designated as personal and relates only to the personnel employed by such person. The word "person" as used in this regulation means an individual, corporation, partnership, society, or association.

§ 1801.55 *Personal messages in commercial cables.* The sending of personal messages, in behalf of others, either in the text of financial cables, or as sepa-

rate messages, by banks, brokers, corporations, or any individual who transfers funds or handles financial transactions on behalf of others, is hereby prohibited. This regulation shall not apply to communication companies.

For the purpose of this regulation, a personal message is a message which is personal in nature and is not essential to the transfer of funds or the commercial transaction involved in the message.

TELEPHONE CENSORSHIP REGULATIONS

In addition to the general regulations, the following regulations apply in particular to all telephone calls.

§ 1801.71 *Call requirements.* Before an outgoing telephone call will be completed, the patron must furnish the telephone operator with his full name, the number and address of the telephone from which the call is put through, his occupation and business address (if he does not have a business address, his home address), his proposed topic of conversation, namely, (a) Government, (b) business (exact business subject, e. g., oil, coffee, etc.) or (c) social, and the full name and address of the person called. This information must be furnished on both person-to-person and station-to-station calls.

If other than immediate service is desired, the patron may state the time at which he desires his call completed. Patrons will not be permitted to "hold the 'phone'" while calls are being completed. It is permissible, if the censor is notified beforehand of the names and addresses of all persons participating, for personal conversations to be shared by various persons at either end of the line.

§ 1801.72 *Calls from hotels.* Patrons calling from hotels must be identified by the hotel management or other known authority. They may call from any instrument in the hotel.

§ 1801.73 *Calls from public pay stations.* Calls will not be completed from public pay stations or from other telephone stations where the person calling cannot subsequently be identified.

§ 1801.74 *Languages permitted.* The English and Spanish languages will be permitted on calls between the United States and Mexico, and the English and French languages on calls between the United States and Canada. On radio-telephone circuits, in addition to English, the French, Spanish, and Portuguese languages will be permitted except in the event that translators are not available at the censorship point.

§ 1801.75 *Exemptions.* The Office of Censorship may in its discretion allow exemptions to Telephone Censorship Regulations 1801.71 to 1801.74, inclusive, on certain specially designated landline telephone traffic by informing the telephone company of exemptions to be permitted.

§ 1801.76 *Application to incoming calls.* Where any of the foregoing regulations apply specifically to -outgoing

calls, the general principles apply as well to incoming calls.

BYRON PRICE,
Director.

DECEMBER 10, 1942.

THE WHITE HOUSE,

Approved: January 30, 1943.

FRANKLIN D ROOSEVELT

[F. R. Doc. 43-1852; Filed, February 4, 1943; 10:38 a. m.]

PART 1803—RULES FOR COMMUNICATION COMPANIES

The following rules for companies operating overseas cable and radio circuits and affiliated landwire companies supersede the "Rules for Operating Companies", signed by the Director of Censorship, February 19, 1942, approved by the President, February 20, 1942 (7 F.R. 1501). It should be clearly understood that these rules are not intended to, nor do they have the effect of, authorizing action by the communication companies which is in violation of the Communications Act of 1934, as amended, the rules, regulations and orders of the Federal Communications Commission promulgated thereunder, or the tariffs filed by the communication companies with the Federal Communications Commission.

Sec.

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- 1803.24 Service messages.

AUTHORITY: §§ 1803.0 to 1803.24 inclusive issued under the authority of E.O. 8985, 6 F.R. 6625.

§ 1803.0 *Definitions.* For the purpose of these rules the word "message" shall mean any international communication by landwire, cable, or radio, and the word "patron" shall include both the sender and the addressee of a message.

§ 1803.1 *General provisions.* (a) Upon receipt of any message, communication companies must submit such to the censorship station having jurisdiction.

The communication companies shall require the full name and address of

the sender to be placed on the form on which each outgoing message is filed, in addition to the signature required on the message.

(b) Such landwire or radio traffic as is involved in the handling of messages between the point of entry into or departure from the United States and the patron is subject to control of Censorship.

§ 1803.2 *Employees.* All employees having contact with cable and radio patrons, and all operating personnel at the sending and receiving apparatus must be generally familiar with the "Rules for Communication Companies" and the "U. S. Censorship Regulations." Such employees and personnel should be thoroughly familiar with those portions of such rules and regulations which are applicable to them. They must be furnished also with such data on foreign censorship regulations as will best serve the interests of their patrons.

§ 1803.3 *Censorship stations and jurisdiction.* Cable censorship stations have been established in New York, Miami, New Orleans, San Antonio, San Francisco, Seattle, Tucson, and Los Angeles, and will be established in such other places as experience shall from time to time indicate to be necessary. The jurisdiction of each of these cable censorship stations extends to all international traffic by cable, radio, shipshore radio, or other means, over the areas specified below:

(a) New York: The Atlantic seaboard north of the State of Georgia. Traffic to Mexico over the Galveston-Tampico-Vera Cruz cable of the Western Union Company shall be routed via New York for censoring.

(b) Miami: The seaboard of the States of Florida and Georgia.

(c) New Orleans: The seaboard of the States of Alabama, Mississippi, Louisiana, and Texas.

(d) San Antonio: The Mexican border of the State of Texas, excluding El Paso, Texas.

(e) San Francisco: The Pacific seaboard of the State of California north of Santa Barbara.

(f) Seattle: The Pacific seaboard of the States of Washington and Oregon, and traffic to or from Alaska.

(g) Los Angeles: The Pacific seaboard of the State of California, south of and including Santa Barbara, and the Mexican Border of the State of California.

(h) Tucson: The Mexican border of the States of New Mexico and Arizona, and El Paso, Texas.

§ 1803.4 *Overseas censors.* Overseas censorship stations have been established in the Virgin Islands, Puerto Rico, Guantanamo Bay, Canal Zone, Honolulu, Alaska, and Iceland. Additional overseas stations will be established as necessary.

§ 1803.5 *Confirmations.* (a) With the exception of money orders, confirmations of postal, cable, radio, or radiotelephone messages are prohibited, subject, in exceptional cases, to the discretion of the Censor. Before a message is accepted by telephone the sender must be informed that a confirmation will not

be delivered and that after the message has been read back to him no further confirmation or repetition will be permitted.

(b) During business hours on Monday to Saturday, inclusive, communication companies may telephone an incoming passed message to the addressee at the address appearing on the message and later deliver the passed copy to the same address provided written instructions for telephoning messages, signed by the patron, have been previously filed with the communication company or, in New York City, with the communication company or the Central Bureau for Registered Addresses.

(c) For the after business hours period on Monday to Saturday, inclusive, and on Sundays and holidays, a patron may arrange to have on file with the communication company, or, if in New York City, with the communication company or the Central Bureau for Registered Addresses written Sunday and holiday instructions to telephone or deliver any message received for the patron to one or two individuals designated in the instructions. One address and one telephone number for each individual must be listed. The two individuals designated must be employees of the patron or members of the customer's organization and patron can not under any circumstances designate any agency for this purpose.

(d) The communication companies shall supply lists of after-hours, Sunday and holiday instructions when requested by a censor.

(1) The communication company on receiving a message for a patron may call the first number listed and if there is no response may call the other number until contact is made with one of the two designated individuals. The message may then be telephoned with the advice that it will be telephoned on that one occasion only and to that one individual only and that the passed copy will later be delivered to the address on the message.

(2) If the patron desires messages telegraphed or delivered instead of telephoned to an individual on its Sunday and holiday instructions he will so state in his written instructions. The communication company will send the messages as directed but it will not thereafter deliver any copies except under the provisions of § 1803.12.

§ 1803.6 *Field censors.* The Office of Censorship will maintain field censors in the operating rooms of the communication companies. Their duties are:

(a) To insure that Censorship has acted upon all outgoing messages before transmission, and upon all incoming messages before delivery (See § 1803.8).

(b) To cooperate with the communication companies in seeing that all readable messages comply with "U. S. Censorship Regulations" before being submitted to the censorship stations.

(c) To cooperate with the communication companies in preventing or correcting mutilations.

(d) To pass on the communication companies' "service" messages if communicated beyond the United States, or

if transmitted on domestic point-to-point radio circuits.

(e) To provide any other liaison required.

§ 1803.7 *Communications between censors and communication companies.*

(a) Censors will communicate directly with the officials of the communication companies in their respective areas as regards:

(1) The enforcement of instructions, regulations, and rules already established; and

(2) The establishment or adjustment of local routine arrangements not affecting other censorship stations or Censorship as a whole.

(b) All other communications between Censorship and the communication companies will be handled by the Chief Cable Censor.

§ 1803.8 *Primary responsibility.* (a) It is the primary responsibility of the communication companies to see that all messages are submitted to Censorship for action either before being sent out of the country on any circuit, or before being delivered or further transmitted for delivery to the addressee after receipt in this country.

(b) All transit traffic irrespective of code or language except traffic originating in or addressed to enemy or enemy-occupied territory will pass expeditiously through the censorship station, at the point of entry into and departure from continental United States. Included also are abnormally routed messages which might not otherwise have entered the jurisdiction of the United States. Transit traffic originating in or addressed to enemy or enemy-occupied territory shall pass through full censorship at the point of departure from the United States.

(c) Domestic point-to-point commercial radio traffic must be submitted to Censorship before transmission. At present all point-to-point radiotelegraph circuits within the continental United States (excluding Alaska) which are in the Fixed Public Radio Service as defined by the Federal Communications Commission, are closed, except for those circuits used for relay of international traffic and service messages relating thereto.

(d) Permission from the local cable censor having jurisdiction must be obtained by a communication company to change the normal routing of messages.

§ 1803.9 *Landlines and domestic radio circuits.* Communication companies operating landwire communication facilities within the jurisdiction of the United States will route all messages as follows:

(a) Outgoing international traffic carried by landwire telegraph will be sent to the office of the communication company where the message is to be transmitted out of the country. This company, before transmitting the message, will submit it for censoring to the censorship station having jurisdiction as provided in § 1803.8. See §§ 1803.3 and 1803.6 (a).

(b) Outgoing marine radiograms will be sent to the office of the radio company over whose facilities the message is to be transmitted. This company, be-

fore transmitting the message, will submit it for censoring to the censorship station having jurisdiction. (See §§ 1803.3 and 1803.6 (a).)

(c) *Shipboard radio stations.* Any person filing a radiogram on board ship shall register his full name and address, and if the radiogram is an answer to a message censored by the U. S. Authorities, shall also state when and by what communication company such original message was handled. Radio companies shall furnish the censor with this information by service message. This rule applies, however, only to vessels from which radio transmissions are permitted under wartime conditions (see regulations covering the use, control, supervision, inspection, or closure of radio stations on all vessels under the jurisdiction of the United States: 7 F.R. 206).

(d) *Point-to-point commercial radio traffic* including service messages must be submitted to Censorship before transmission.

§ 1803.10 *Copies.* The communication company may retain a copy of each message for accounting purposes. The communication companies may be required, in specific cases, to supply copies of messages to Censorship.

§ 1803.11 *Files.* Communication companies must preserve during the entire continuance of Censorship, either the original or at least one copy of each message now on file in the office of the companies and either the original or at least one copy of each message that may be received either for transmission or for delivery during the continuance of censorship. Such files shall be made available to Censorship when required.

§ 1803.12 *Methods of censoring, and action in connection therewith—(a) Types of action.* Censors may: (1) Pass, (2) delay, (3) paraphrase, (4) delete a part, (5) suppress, (6) cancel or permit cancellation of, (7) return for correction (technical irregularity), or (8) refer to the chief cable censor for his action or advice.

Every message received in Censorship will eventually receive one of the treatments listed above.

(b) *Censorship marks.* Censors in acting on a message may place thereon either in the preamble, or in Memorandum Messages (MM's) following the message, certain censorship indicators for the information of other censors. Such additions made to messages by censors shall not be removed by the personnel of the communication companies, but shall be transmitted by the communication companies until removed by a censor. MM's will be charged for at Government rates and billed to the Office of Censorship, Washington, D. C. Censor's "passmarks", inserted in the preamble, shall be carried free, and if lost from a message and recovered by a "service" message, shall be replaced at the expense of the company. When the phrase "c/o Cable Censor" is used in connection with a passmark, both the passmark and the phrase will be inserted immediately following the address.

Censorship marks, etc., may be removed from traffic by the censor who last

handles the messages before transmission beyond United States Censorship jurisdiction. Incoming messages which bear passmarks may be released for local delivery to the public. If the message must be retransmitted by a communication company, prior to delivery, the passmark should not be retransmitted, unless the message is subject to further United States Censorship.

(c) *Technical irregularities.* Communication companies are required to notify by service message the station of origin when a message does not conform to censorship regulations or is badly mutilated or garbled, and for such reasons is "Returned for Correction" by the censor. Communication companies should not accept messages not conforming to censorship regulations, and the burden of obtaining their technical readjustment is, therefore, on the company. Technical irregularities must be corrected either by the sender or by the communication company before a message can be released by a censor.

In case the technical irregularity is, in the censor's opinion, not capable of being readjusted, the censor, instead of returning the message for correction, may cancel the message because of technical irregularities. (See § 1803.12 (h).)

(d) *Inquiries to senders.* Explanations required by a censor from a sender in the United States as to any message filed by him may be obtained by a "collect message" from the censor to the sender, or by a free service to the office of origin, at the discretion of the censor.

(e) *Replies to inquiries.* Censorship requests that the communication companies report within twenty-four (24) hours to the originating censor the inability to obtain a reply to a service or to deliver an inquiry, and the reason therefor. Subsequent reports shall be made every 24 hours until the case is disposed of. This cooperation will make it possible to censor immediately messages that otherwise might be held in expectation of receiving either a reply from the sender, or action by the office of origin.

(f) *Non-delivery.* Except money order messages, and as provided in § 1803.5, any delivery to an address or an addressee other than that appearing on the message without the prior approval of Censorship is prohibited. The communication company is invited to advise the censor as to some other addressee or address where it is believed delivery is intended or will be accepted.

(g) *Retyping.* When Censorship deletes or paraphrases a message, and desires that it be retyped, it shall be the responsibility of Censorship to perform this operation. Communication companies are requested to keep Censorship supplied with appropriate forms.

(h) *Action not to be revealed.* Communication companies, their executives and employees, are prohibited from revealing the action taken by a censor on messages other than press dispatches, except by written permission of, and to the extent prescribed by, the Office of Censorship. (See § 1803.24) An exception to this rule is that cancellation of a message for any reason carries with it

the requirement that the communication company notify the sender. However, the censor is authorized to instruct communication companies to cancel and file undeliverable messages without refund and without notice to the sender.

(i) *Cancellation by sender.* Censors may grant the cancellation of any message at the request of the sender unless the message has already been transmitted out of their jurisdiction. If the message has been so transmitted, the censor may pass a service message to go forward requesting cancellation further on if the time of transmission is recent enough for such service message to serve its purpose.

(j) *Censorship marks.* Before making delivery of a message, communication companies will insure that the delivery copy does not reveal any action of the censor, other than pass stamps and such passmarks as may be permitted.

(k) *Copies.* The communication companies may furnish an addressee, upon request, a copy of a previously delivered message subject to the approval of the censor. Such copy must be submitted to the censor together with the delivered message or duplicate thereof for his approval.

(l) *Delivery of copies.* Communication companies are prohibited from delivering a copy of a message filed with them for transmission outside of the continental United States except upon approval of the censor.

§ 1803.13 *Charges—(a) In general.* Communication companies will charge for the actual number of words filed, and not merely for the actual number of words transmitted. The entire number of words filed will be charged for even if the message is not returned by the censor for transmission. Credits for words not transmitted will be allowed only if and when permission to consider refund has been granted by the Office of Censorship. This does not apply to press dispatches.

(b) *Collect messages.* With the exception of recognized press dispatches and Government messages, "collect" messages are prohibited. The term "collect message" includes T. A.s, R. T. P.s and all other collect arrangements.

§ 1803.14 *Information.* Disclosure by a communication company of any information concerning a message is prohibited except as provided in § 1803.15, unless permission is obtained from the Office of Censorship. There are five exceptions to this rule, namely: Press dispatches, cancellations, service messages between or within operating companies for company information, money order messages, and, at the discretion of the censor, Government messages. Patrons filing "reply prepaid" messages do so at their own risk.

§ 1803.15 *Complaints and refunds.* When a complaint or request for refund is received by a communication company, such company is authorized to make a complete investigation of the handling of the message in question without obtaining the prior approval of Censorship. Such investigation shall not include the action of Censorship on the message and the results of such investigation shall not be disclosed to the patron.

(a) When such complaints or requests for refunds relate to non-delivery, errors in transmission, mutilation, omission, delay, etc., the following rules shall govern:

(1) When the company ascertains that the difficulty was due to some irregularity or error made by it, or an affiliate, as a matter of company operation, the matter may be disposed of as the company sees fit, without reference either to the local censor or the Chief Cable Censor.

(2) When the company ascertains that the non-delivery, error or irregularity complained of is due to some action taken by a censor, the complaint is required to be referred to the Chief Cable Censor, without disclosing any information to the cable patron that this has been done and without offering any explanation. (See § 1803.11 (h))

(b) The interest of Censorship in matters of refund is limited to the prevention of disclosure of the action of Censorship by the adjustment of a refund between a communication company and a patron. If communication companies determine to make refunds they must assume the responsibility that such action is consistent with the Communications Act of 1934, the rules, regulations, and orders of the Federal Communications Commission, and the tariffs filed by the communication companies.

(c) Requests for refund must be made to the communication company, and not to the Office of Censorship.

(d) There are three exceptions to this rule: Cancellations, press dispatches and money order messages.

§ 1803.16 *Code.* (a) "U. S. Censorship Regulations" prohibit the use of private codes, unless authorized by the Director of Censorship. Any privilege so granted by the Director of Censorship may be revoked by him at any time. However, censors are instructed that the use of the communication company's private code may be permitted on the company's own circuit for official business, provided a copy of the code is in the possession of the Censor. Field censors may pass "service messages" themselves, if such messages are perfectly clear to them and legitimate. Nothing in this paragraph shall be construed as excepting such company messages in private code from the scrutiny and control of the Censor.

This rule does not apply to: (1) United States Government messages, (2) diplomatic and other messages of foreign governments in those cases in which use of private code is permitted, and (3) individuals or associations already permitted the use of a private code by the Director of Censorship.

§ 1803.17 *Registered addresses.* (a) "U. S. Censorship Regulations" prohibit the use of registered addresses except those now or hereafter approved by the Director of Censorship.

Any privilege so granted by the Director of Censorship may be revoked by him at any time.

(b) Censorship will control registration of all addresses which are authorized for use by the Director of Censorship. Addresses will continue to be reg-

istered with the appropriate agencies, and such agencies will charge the established fee for the service.

§ 1803.18 *Registered address records.* (a) All registered address records shall be open and available to censors at any time.

(b) If the registered address is not available or on record at the place of the censorship station, it must be obtained for censorship through the company's connections and affiliates.

§ 1803.19 *Reports of suspicious circumstances.* The Director of Censorship and all local censors will welcome any information of suspicious circumstances in connection with the filing of messages. Employees or agents of the communication companies may communicate such circumstances by an MM on the message. It should be pointed out to said employees or agents that they should not consider themselves as exercising the functions of Censorship, and should not alter or delay a message.

§ 1803.20 *Holiday greetings.* Hereafter no fixed greeting ("canned") messages or "XLT" messages will be accepted without the permission of the Director of Censorship whose decision will be based upon existing circumstances and published in sufficient time prior to holidays.

§ 1803.21 *Transmission of call letters.* No communication company will permit the transmission of any call letters, signals, service messages, or any communication whatever intended for reception or interception in enemy or enemy-occupied territory without the specific authority of the censor in each case.

§ 1803.22 *Diversion or rerouting of traffic.* Censors may divert traffic from one communication company to another, or reroute traffic, at their discretion, when such action is deemed to be in the public interest.

§ 1803.23 *Press dispatches.* The following action is authorized in connection with the handling of press dispatches:

(a) Communication companies handling press dispatches are authorized to inform any recognized news agency and correspondent of the fact and the time of transmission of any bona fide news dispatch, including news service dispatch, filed by that agency or correspondent.

(b) The communication company may also inform the news agency or correspondent of the actual number of words transmitted in any of his news dispatches and may make arrangements with the news agency to charge for the number of words transmitted rather than for the number of words filed.

(c) Communication companies which offer their facilities to the press on a time basis may keep the news agencies informed of the copy on hand in order that available transmission time may be fully utilized, and may notify the news agencies with regard to messages suppressed or held by censorship when so authorized by the censor.

§ 1803.24 *Service messages.* A service message within the meaning of U. S.

Censorship Rules and Regulations is a message of any kind transmitted between the various offices of a communication company, between communication companies, or between communication companies and Censorship for which no payment is received from any outside source. All service messages, except B. Q.s and R. Q.s and those relating to the operation, release and maintenance of the circuits must be submitted to the Field Censor.

Sender's corrections are prohibited except on transit, Government and press messages.

DECEMBER 10, 1942.

BYRON PRICE,
Director.

THE WHITE HOUSE,

Approved: January 30, 1943.

FRANKLIN D ROOSEVELT

[F. R. Doc. 43-1853; Filed, February 4, 1943;
10:38 a. m.]

Chapter XVII—Office of Civilian Defense

[Administrative Order 31]

PART 1900—ORGANIZATION

IDENTIFYING INSIGNIA DURING AIR RAID ALARMS

Order prescribing insignia to identify persons and emergency vehicles entitled to move on public ways during periods of air raid alarm in the Eastern Military Area.

Whereas, by virtue of Executive Order No. 9066, dated February 19, 1942, Air Raid Protection Regulations No. 1 have been issued by the Commanding Generals of the First, Second, Third and Fourth Service Commands and of the Military District of Washington, pursuant to Public Proclamation No 4, dated January 27, 1943, of the Commanding General of the Eastern Defense Command and First Army, applicable to the Eastern Military Area prescribed in Public Proclamation No. 1 dated May 16, 1942, by the Commanding General of the Eastern Defense Command and First Army; and

Whereas said regulations provide that the term "emergency vehicles" shall include, among others, "vehicles in emergency service identified by insignia prescribed by the Director of Civilian Defense", and that among the persons who are not required to take shelter during periods of air raid alarm are those who, as authorized by civilian defense authorities, wear arm bands or carry identification cards with insignia prescribed by the Director of Civilian Defense;

It is hereby ordered by the Director of Civilian Defense as follows:

§ 1900.50 *Vehicles which may move on public ways.* Vehicles of the class which may move on public ways in the Eastern Military Area during periods of air raid alarm if identified by insignia prescribed by the Director of Civilian Defense shall be identified as follows:

(a) A pennant, as hereinafter described, shall be mounted in an upright position at the forward left side of the vehicle, and located so as to be visible

from both sides without obscuring the vision of the driver. Such pennants shall be of white material in the shape of an equilateral triangle with sides 18" in length, and shall have in the center thereof the prescribed basic insignie, entirely in red and 6" in diameter, of the Office of Civilian Defense. Such insignie shall consist of the letters "CD" centered in a white equilateral triangle, embossed on a circular field, in the form of the applique emblem granted by Letters Patent No. D-129797 of October 7, 1941.

(b) A mask, as hereinafter described, for use during hours of darkness, shall be fastened securely over the lighted right front headlight of any automobile, truck, or other vehicle, or over an auxiliary headlight of a motorcycle. Such masks shall be removable opaque masks, made of any suitable material which can be easily and quickly secured to the headlight, and shall embody the above-described basic insignie of the Office of Civilian Defense, 2½ to 3 inches in diameter; the letters "CD" and the three segments of the surrounding circular field of the basic insignie shall be translucent green, and the triangle on which the letters "CD" are superimposed shall be opaque.

§ 1900.51 *Vehicles entitled to use pennants and masks.* Vehicles entitled to use such pennants and masks shall be only those designated by, or pursuant to, regulations prescribed by State Defense [War] Councils or designated pursuant to authority granted by the Director of Civilian Defense.

§ 1900.52 *Persons wearing official arm bands.* Persons in the Eastern Military Area engaged, during periods of air raid alarm, in the performance of emergency duties who, as a result of wearing arm bands with insignia prescribed by the Director of Civilian Defense, are not required to take shelter shall be limited to persons properly wearing official arm bands in accordance with Regulations No. 2 of the Office of Civilian Defense and orders issued pursuant thereto. Such arm bands may embody only the officially prescribed insignia of the Administrative Staff, the United States Citizens Defense Corps (except instructors), the Civil Air Patrol, the Forest Fire Fighters Service, or the Civilian Defense Auxiliary Group, all as described and set forth in the aforesaid Regulations No. 2. Persons entitled to wear such arm bands shall be only those designated by, or pursuant to, regulations prescribed by the State Defense [War] Councils in accordance with the aforesaid Regulations No. 2, or designated pursuant to authority granted by the Director of Civilian Defense.

§ 1900.53 *Manufacture and sale of official pennants, masks and arm bands.* The above-described pennants, masks and arm bands are official articles of the Office of Civilian Defense, and their manufacture, sale, distribution and use is governed by Office of Civilian Defense Regulations No. 2. The pennants, masks and arm bands may be manufactured and sold only by licensed manufacturers;

they shall not be sold, offered for sale, worn, exhibited, displayed or used except with the approval of the State Defense [War] Council having jurisdiction or of the United States Office of Civilian Defense. The aforesaid regulations of Service Commanders restrict the right of any person to wear, exhibit, display, use, manufacture, sell or offer for sale, any such pennants, masks or arm bands, or simulation or adaptation thereof, except in accordance with rules and regulations of the Director of Civilian Defense.

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

FEBRUARY 3, 1943.

[F. R. Doc. 43-1898; Filed, February 3, 1943;
1:15 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PRESERVED OR PROCESSED BUTTER CONTRACTS EXCEPTION FROM PROVISIONS OF WALSH- HEALEY ACT

In the matter of an exception from the provisions of the Walsh-Healey Public Contracts Act for preserved or processed butter (such as Carter's Spread and Army Spread).

Whereas the Secretary of War has made written findings that the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) in contracts awarded on or before the termination of the present war and three months thereafter for preserved or processed butter, such as Carter's Spread and Army Spread, will seriously impair the conduct of Government business; and

Whereas the Secretary of War has filed a request in writing that an exception be granted under section 6 of the Act to permit the award of contracts during the present war and for three months thereafter for preserved or processed butter without the inclusion of the representations and stipulations of the Public Contracts Act; and

Whereas it appears that justice and public interest will be served by the granting of the exception on the basis of the findings of the Secretary of War.

Now, therefore, I do hereby grant an exception, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35), permitting the award of contracts for preserved or processed butter during the period from this date to the termination of the present war and three months thereafter, unless otherwise ordered, without the inclusion in such contracts of the representations and stipulations of section 1 of the Act.

Dated: February 3, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-1829; Filed, February 3, 1943;
1:28 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 99]

PART 97—ROUTING OF TRAFFIC

APPOINTMENT OF AGENT

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

It appearing, that upon representations from the Office of Defense Transportation, and due to the fact that certain railroads have recently been unable to transport promptly trans-continental carload traffic offered to them so as to properly serve the public; and that an emergency exists requiring immediate action to prevent shortage of railroad equipment and congestion of traffic and to promote the service in the interest of the public and the commerce of the people: *It is ordered, That:*

§ 97.6 *Routing of transcontinental traffic; appointment of agent.* (a) W. F. Kirk, 208 South La Salle Street, Chicago, Ill., is hereby designated and appointed an Agent of the Interstate Commerce Commission and vested with authority to divert or reroute transcontinental carload traffic from the line of any railroad or railroads, which in his opinion cannot currently accept and move such traffic, over the line or lines of any other railroad or railroads less congested, and in a better position to handle the traffic. Such rerouting or diversion shall be made regardless of the routing shown on the bill of lading designated by either shipper or carrier. Such diversion or rerouting shall be made by said Agent either at point of origin or as soon as possible after the shipment has left the point of origin.

(b) As Agent he is authorized and directed to set up, subject to the approval of the Commission, an Advisory Committee on which shall be at least one representative of the Office of Defense Transportation, and one representative of the Association of American Railroads.

(c) As Agent he is hereby directed to avail himself of the facilities of the Association of American Railroads, its various departments, field forces, records, and reports.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carri-

ers; and, upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately, and shall remain in force until further order of the Commission; that copies of this order and direction shall be served upon all common carriers by railroad subject to the Interstate Commerce Act; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1895; Filed, February 4, 1943;
11:32 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR CARRIERS BY WATER OF CLASS C

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 23d day of January, A. D. 1943.

In the matter of annual reports from carriers by water and the corresponding section of the Code of Federal Regulations, the following order was entered:

It is ordered, That the order of this Commission dated January 19, 1942, In the Matter of Annual Reports from Carriers by Water of Class C be, and it is hereby, vacated and set aside effective January 1, 1943, and the following order shall become effective:

§ 120.51b *Form prescribed for carriers by water of Class C.* (a) All carriers by water of Class C subject to the provisions of the Interstate Commerce Act are hereby required to file annual reports for the year ended December 31, 1942, and for each succeeding year until further ordered, in accordance with Annual Report Form K-C,¹ which is hereby approved and made a part of this order.

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, secs. 434-435, 41 Stat. 493, secs. 13, 313, 54 Stat. 916, 944; 49 U.S.C. 20 (1)-(8), 913)

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1896; Filed, February 4, 1943;
11:32 a. m.]

¹ Filed as part of the original document.

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED BY CARRIERS BY WATER OF CLASS A AND CLASS B

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 23d day of January, A. D. 1943.

In the matter of annual reports from carriers by water and the corresponding section of the Code of Federal Regulations, the following order was entered:

It is ordered. That the orders of this Commission dated January 19, 1942, (§§ 120.51 and 120.51a of Title 49, Code of Federal Regulations) In the Matter of Annual Reports From Carriers By Water of Class A, and of Class B, be, and they are hereby, vacated and set aside effective January 1, 1943, and the following order shall become effective:

§ 120.51 *Form prescribed for carriers by water of Class A and Class B.* (a) All carriers by water of Class A and Class B subject to the provisions of the Interstate Commerce Act are hereby required to file annual reports for the year ended December 31, 1942, and for each succeeding year until further order, in accordance with Annual Report Form K-A (Large and Medium Carriers by Water),¹ which is hereby approved and made a part of this order.

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, secs. 434-435, 41 Stat. 493, secs. 13, 313; 54 Stat. 916, 944; 49 U.S.C. 20 (1)-(8), 913)

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1897; Filed, February 4, 1943;
11:32 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1824]

DISTRICT BOARD 8

ORDER DENYING REQUEST FOR TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8 for a change in price classifications and minimum prices for the coals of the Burning Creek Mine, of the Burning Springs Collieries Company in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by District Board No. 8, request-

ing that temporary and final relief be granted changing the price classification and minimum prices heretofore established for certain coals produced by Burning Springs Collieries Company, at its Burning Creek Mine, Mine Index No. 5474; and

It appearing that a reasonable showing of necessity has not been made for the granting of temporary relief in this matter prior to the hearing herein; and

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

Now, therefore, It is ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon a further showing, or upon the basis of the record to be made at the hearing to be held herein;

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 23, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 20, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to petition filed by District Board

No. 8 requesting that the price classification heretofore established for the Size Group 10 coals produced by Burning Springs Collieries Company, at its Burning Creek Mine, Mine Index No. 5474, be changed from "L" to "G" for rail and rail-lake shipments; and that the minimum price heretofore established for the Size Group 5 coals produced at this mine be changed from \$2.05 to \$2.25 per net ton f. o. b. said mine for truck shipments.

Dated: February 3, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1856; Filed, February 4, 1943;
10:45 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 436]

EGIDIO D'EUSTACHIO

Re: Certain real property in Wilmette, Illinois, and a certain savings account in the Banco di Napoli Trust Company of Chicago, Illinois owned by Egidio D'Eustachio.

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:

(a) Finding that Egidio D'Eustachio and Antoinette D'Eustachio, his wife, Italian citizens, the last known address of each of whom was represented to the undersigned as being Italy, are nationals of a designated enemy country (Italy);

(b) Finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Egidio D'Eustachio and Antoinette D'Eustachio, his wife, and each of them, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situated at 1500 Washington Avenue, Village of Wilmette, County of Cook, State of Illinois, and particularly described as follows:

Lot forty (40) in Walnut Grove Addition to Wilmette, in the North East fractional quarter of fractional Section thirty-three (33), Township forty-two (42) North, Range thirteen (13) East of the Third Principal Meridian, in Cook County, Illinois,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

(c) Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Egidio D'Eustachio in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by the Banco di Napoli Trust Company of Chicago, Illinois, including but not limited to all security rights in and to any or all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly the savings account, No. 3952, at the aforesaid Banco di Napoli Trust Company of Chicago, which is carried in the name of said Egidio D'Eustachio,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

(d) Determining that the property described in subparagraph (c) is necessary for the maintenance or safeguarding of other

property [namely, that hereinbefore described in subparagraph (b)] 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;

(e) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Italy);

(f) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(g) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs (b) and (c) 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 a special account 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 times as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The term "national" 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 December 4, 1942.

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

[F. R. Doc. 43-1864; Filed, February 4, 1943;
11:11 a. m.]

[Vesting Order 524]

CHRISTOPHER GRADL

Re: Real property in Baltimore County, Maryland, certain mortgages covering real property in Baltimore, Maryland, and cash owned by Christoph Grادل.

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 Christoph Grادل, whose last known address was represented to the undersigned as being Nurnberg, Germany, is a citizen of Germany and therefore is a national of a designated enemy country (Germany);

2. Finding that all right, title, interest and estate, both legal and equitable, of said Christoph Grادل in and to that certain real prop-

erty, together with all fixtures, improvements and appurtenances thereto situated at the intersection of Frederick Road and Balfred Avenue, Baltimore County, Maryland, and particularly described in Exhibit A attached hereto and made a part hereof, is property within the United States owned by a national of a designated enemy country (Germany);

3. Finding that all right, title, interest, estate and claim of any name or nature whatsoever of said Christoph Grادل in and to the following obligations (contingent or otherwise, and whether or not matured), including but not limited to all security rights in and to any and all collateral (including the mortgages hereinafter mentioned) for any or all of such obligations and the right to enforce and collect such obligations:

(a) Obligation secured by a second mortgage held by said Christoph Grادل and recorded in the land records of Baltimore City in Liber MLP No. 5907 folio 156 &c, which mortgage covers certain real property together with all fixtures, improvements and appurtenances thereto situated at 4742 Parkheights Avenue, Baltimore City, Maryland, and

(b) Obligation secured by a second mortgage held by said Christoph Grادل and recorded in the land records of Baltimore County in Liber CWB Jr. No. 1056 folio 45, which mortgage covers certain real property together with all fixtures, improvements and appurtenances thereto situated at 1 Nunnery Lane, Baltimore County, Maryland,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Finding that all right, title, interest and claim of any name or nature whatsoever of said Christoph Grادل in and to all indebtedness, contingent or otherwise, and whether or not matured, owing to him by H. D. Hinternesch, Baltimore, Maryland, including, but not limited to, all security rights in and to any and all collateral for any or all such indebtedness and the right to sue for and collect such indebtedness, and including particularly indebtedness owing on account of monies collected and held by said H. D. Hinternesch for said Christoph Grادل, is property within the United States owned or controlled by a national of a designated enemy country (Germany);

5. Determining that the property described in subparagraph 4 hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 2) 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;

6. 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);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs 2, 3 and 4 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 December 18, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot or parcel of land situated in the First Election District of Baltimore County, Maryland, more particularly described as follows:

Beginning for the same at the corner formed by the intersection of the southeasterly side of the Frederick Road and the westerly side of a road forty feet wide laid out for the use in common of all land binding thereon and now called Balfred Avenue running thence binding on the westerly side of said road the two following courses and distances south ten degrees thirty-one minutes east three hundred and seventy-four feet and ten one-hundredths feet to a stake planted at a bend in said road thence south seventeen degrees eighteen minutes east one hundred and eighty-three feet and forty one-hundredths feet to a stake thence leaving said road and running north seventy-four degrees eighteen minutes west two hundred and ninety-eight feet and ten one-hundredths feet to a steel bar thence south seventy-two degrees fifteen minutes west one hundred and eighteen feet and eighteen one-hundredths feet to a point distant three hundred and eighty-eight feet and ninety-four one-hundredths feet southerly from the Frederick Road thence running north three degrees twenty-five minutes east three hundred and eighty-eight feet and ninety-four one-hundredths feet to intersect a line drawn southwesterly from the place of beginning along the southeasterly side of the Frederick Road at a point distant three hundred and thirty-three and eighty-one hundredths feet from said place of beginning and thence reversing the line so drawn and binding thereon northeasterly on the southeast side of the Frederick Road three hundred and thirty-three feet and eighty-one hundredths feet to the place of beginning.

Containing three and forty-one one-hundredths acres of land or thereabout.

Being part of the whole tract of land which by deed dated April 24, 1923 and recorded among the Land Records of Baltimore County in Liber W P C No. 573 folio 147 etc was conveyed by Nellie M Collins to Eli L M Fishpaw and Lilly M Fishpaw his wife.

[F. R. Doc. 43-1865; Filed, February 4, 1943; 11:11 a. m.]

[Vesting Order 595]

HERMAN WANGNER

Re: Personal property owned by, and certain indebtedness owing to, Herman Wangner.

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 Herman Wangner, whose last known address was represented to the undersigned as being Revtingen, Germany, is a citizen of Germany and is a national of a designated enemy country (Germany):

2. Finding that the personal property described as follows:

366 steel poles located in the warehouse of Baker and Williams, 513 West 20th Street, New York, New York; and

Approximately 3,000 fiber spools located in the warehouse of the Wilson Wire Works, Kearny, New Jersey;

is owned by said Herman Wangner and therefore is property within the United States owned or controlled by a national of a designated enemy country (Germany);

3. Finding that all right, title, interest and claim of any name or nature whatsoever of said Herman Wangner in and to all obligations, contingent or otherwise and whether or not matured, owing to him by Neu-Diamond Wire Corporation, 1819 Broadway, New York, New York, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and collect such obligations, is 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 hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 2) 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 subparagraphs 2 and 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 December 30, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1866; Filed February 4, 1943; 11:06 a. m.]

[Vesting Order 598]

REAL PROPERTY, ETC., OWNED BY CERTAIN
GERMAN NATIONALS

Re: Real property in Rochester, New York, certain mortgages covering real property in Rochester, New York, and certain fire insurance policies owned by certain German nationals.

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 the persons, whose names and last known addresses respectively as represented to the undersigned are set forth in Exhibit A attached hereto and made a part hereof, are citizens of Germany and are nationals of a designated enemy country (Germany);

2. Finding therefore that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of the persons listed in said Exhibit A, and each of them, in and to certain real property, together with all fixtures, improvements and appurtenances thereto, situated at 43-45 Raines Park, Rochester, New York, and particularly described as follows:

Lot Number One Hundrey Eighty-Six (186) and the south half of Lot Number One Hundred Eighty-Four (184) of the Selye Subdivision of a part of Lake View Park Tract, as shown on a map of said subdivision and filed in Monroe County Clerk's Office in Liber 9 of Maps, at page 3; said premises being Sixty (60) feet front on the west side of Raines Park and extending back of equal width One Hundred and Two (102) feet;

b. All right, title, interest, estate and claim of any name or nature whatsoever of each and all of the persons listed in said Exhibit A in and to the following obligations (contingent or otherwise, and whether or not matured), including but not limited to all security rights in and to any and all collateral (including the mortgages hereinafter mentioned) for any or all of such obligations and the right to enforce and collect such obligations;

(1) Obligation secured by a first mortgage executed by Kazimierz Czepl and Balbina Czepl and duly assigned by mesne assignments to some or all of the persons listed

in said Exhibit A, which mortgage covers certain real property together with all fixtures, improvements and appurtenances thereto situated at 584 Hudson Avenue, Rochester, New York;

(2) Obligation secured by a first mortgage executed by Joseph L. Guzzetta and Mildred A. Guzzetta and duly assigned by mesne assignments to some or all of the persons listed in said Exhibit A, which mortgage covers certain real property together with all fixtures, improvements and appurtenances thereto situated at 598 Seneca Parkway, Rochester, New York; and

(3) Obligation on account of rents due and owing on the real property situated at 43-45 Raines Park, Rochester, New York;

c. All right, interest and claim of any name or nature whatsoever of each of the persons listed in said Exhibit A in and to the following:

(1) A fire insurance policy issued by Home Insurance Co. of New York covering certain real property situated at 584 Hudson Avenue, Rochester, New York, which policy is in the amount of \$3,800;

(2) A fire insurance policy issued by Pearl Assurance Co., Ltd. covering certain real property situated 598 Seneca Parkway, Rochester, New York, which policy is in the amount of \$9,500; and

(3) A fire insurance policy issued by Law Union & Rock Insurance Co. covering certain real property situated at 598 Seneca Parkway, Rochester, New York, which policy is in the amount of \$8,000;

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

3. Determining that the property described in subparagraphs 2-b-(3) and 2-c hereof is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in subparagraphs 2-a, 2-b-(1) and 2-b-(2)] 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;

4. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2 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 December 30, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Name	
Katherine Keim.....	Waltersbrueck, near Zimmersell, Germany
Karl Wassmuth.....	Dorheim, District of Fritzlar, Germany.
Elise Roes.....	Grossenglls, near Borken, Hessen, Germany.
August Wassmuth..	Kassel, Germany.
Hans Wassmuth....	Kassel, Germany.
Anna Rosentraeger..	Kassel, Germany.
Justus Wassmuth...	Friedberg, Hessen, Germany.
Heinz Kolkmann....	Muelheim on the Ruhr, Germany.

[F. R. Doc. 43-1867; Filed February 4, 1943; 11:11 a. m.]

[Vesting Order 636]

BRIGITTE FECHNER

Re: Certain real property in Deadwood, South Dakota, owned by Brigitte Fechner.

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 Brigitte Fechner is a citizen of and resides in Germany and is a national of a designated enemy country (Germany);

2. Finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of said Brigitte Fechner in and to that certain real property situated at the intersection of Main and Lee Streets, Deadwood, Lawrence County, South Dakota, and particularly described in Exhibit A attached hereto and made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Brigitte Fechner for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

3. 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 enemy designated country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2 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 6, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Lot lettered "A" in Block Numbered Eighteen (18) in Deadwood, South Dakota, also described as Commencing at the South East Corner of Lot from which Corner No. 4 Mineral Lot No. 72 bears South 50 52' East 83 05' feet distant, thence South 39 35' West 24.35 feet, thence North 50 45' West 15.25 feet, thence North 39 35' East 24.35 feet, thence South 50 45' East 15.25 feet to the place of beginning. Magnetic Variations 15 East.

Together with all the hereditaments and buildings thereon or thereto belonging.

[F. R. Doc. 43-1868; Filed, February 4, 1943; 11:06 a. m.]

[Vesting Order 638]

WILLIAM DANNHAEUSER AND HELEN ANNETTE DANNHAEUSER

Re: Accumulated rents belonging to William Dannhaeuser and Helen Annette Streit Dannhaeuser.

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 William Dannhaeuser and Helen Annette Streit Dannhaeuser, his wife, whose last known addresses were represented to the undersigned as being Hassfurt am Main, Germany, are nationals of a designated enemy country (Germany);

2. Finding that the real property situated at 111-59 178th Place, St. Albans, Long Island, New York, was, prior to the vesting thereof by the undersigned pursuant to Vesting Order Number 119 of August 25, 1942, owned by said William Dannhaeuser and Helen Annette Streit Dannhaeuser;

3. Finding that the property described as follows:

The sum of \$181.35, representing rents accumulated on the aforesaid real property prior to the vesting thereof, and presently in the possession of the undersigned;

belongs to the aforesaid persons and therefore is property within the United States owned or controlled by national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3 hereof is necessary for the maintenance or safeguarding of other property (namely, that certain real property particularly described in said Vesting Order No. 119) which, prior to the vesting thereof by the undersigned, belonged to the same nationals of the same designated enemy country (Germany);

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 January 6, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1869; Filed, February 4, 1943;
11:07 a. m.]

[Vesting Order 711]

BODEE REALTY CORP.

Re: Certain obligations owing by Bodee Realty Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Finding that Emil Detzel and Willy Bolle are German citizens and are now interned in the United States, and therefore are nationals of a designated enemy country (Germany);

2. Having found in Vesting Order Number 100 of August 7, 1942, as amended, that Bodee Realty Corporation, a New Jersey corporation, is a business enterprise within the United States which is a national of a designated enemy country (Germany);

3. Finding that said Emil Detzel and Willy Bolle are the persons described in subparagraph 4 hereof as the "officers" to whom the account payable referred to therein is owing;

4. Finding therefore that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Emil Detzel and Willy Bolle, 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 said Bodee Realty Corporation, 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 an obligation represented on the books of said corporation as an account payable to "officers" of said Bodee Realty Corporation, is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

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 hereinbefore described in subparagraph 4, 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 admis-

sion of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 18, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1870; Filed, February 4, 1943;
11:07 a. m.]

[Vesting Order 712]

BOLLE AND DETZEL, INC.

Re: Certain obligations owing by Bolle & Detzel, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Emil Detzel and Willy Bolle are German citizens and are now interned in the United States, and therefore are nationals of a designated enemy country (Germany);

2. Having found in Vesting Order Number 101 of August 7, 1942, that Bolle & Detzel, Inc., a New York corporation, is a business enterprise within the United States which is a national of a designated enemy country (Germany);

3. Finding that said Emil Detzel and Willy Bolle are the persons described in subparagraph 4 hereof as the "officers" to whom the account payable referred to therein is owing;

4. Finding therefore that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Emil Detzel and Willy Bolle, 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 said Bolle & Detzel, Inc., 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 an obligation represented on the books of said corporation as an account payable to "officers" of said Bolle & Detzel, Inc.,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

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 hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts,

pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 18, 1943.

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

[F. R. Doc. 43-1871; Filed, February 4, 1943;
11:06 a. m.]

[Vesting Order 734]

EMPIRE IMPORT AND EXPORT CORPORATION

Re: Certain obligations owing by Empire Import and Export Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Local Filatures Corporation, located at Kobe, Japan, is a national of a designated enemy country (Japan);

2. Having found in Vesting Order No. 177 of September 28, 1942, that Empire Import and Export Corporation, a New York corporation, is a business enterprise within the United States which is a national of a designated enemy country (Japan);

3. Finding that said Local Filatures Corporation is the owner of the property described in subparagraph 4 hereof;

4. Finding therefore that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Local Filatures Corporation, in and to all obligations, contingent or otherwise and whether or not matured, owing to it by said Empire Import and Export Corporation, 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 an obligation represented on the books and records of said corporation as an account payable to said Local Filatures Corporation,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Japan);

5. Determining that to the extent that such nationals are persons not within a desig-

nated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

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 hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 23, 1943.

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

[F. R. Doc. 43-1872; Filed, February 4, 1943;
11:06 a. m.]

[Vesting Order 793]

ESTATE OF KAROLINA HAASZ, ETC.

In re: Estate of Karolina Haasz or Haass or Haas, deceased; file D-66-233; E. T. sec. 2071.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by John M. Huston, Register of Wills and Clerk of Orphans' Court, City-County Building, Pittsburgh, Pennsylvania, acting under the judicial supervision of Orphans' Court of the State of Pennsylvania, in and for the County of Allegheny;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Hungary, namely,

Nationals:	Last known address
Sidonia Lopusan.....	Hungary.
Jakopovisc Antalny	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Sidonia Lopusan and Jakopovisc Antalny, and each of them, in and to the estate of Karolina Haasz or Haass or Haas, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1873; Filed February 4, 1943;
11:03 a. m.]

[Vesting Order 794]

ESTATE OF THOMAS C. HALL

In re: Estate of Thomas C. Hall, deceased; File D-28-1940; E. T. sec. 1967.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Fifth Avenue Bank of New York, 530 Fifth Avenue, New York, N. Y., and John Hall Wheelock, 550 East 57th Street, New York, N. Y., Executors, acting under the judicial supervision of Surrogate's

Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Carl Von Engelhart, whose last known address is Germany; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Carl Von Engelhart in and to the estate of Thomas C. Hall, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1874; Filed, February 4, 1943; 11:03 a. m.]

[Vesting Order 795]

ESTATE OF OLIMPIO IACCHETTI

In re: Estate of Olimpio Iacchetti, deceased; File No. D-38-412; E. T. sec. 1611.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surro-

gate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Last known address

Nationals:
 Michelina DiMichele Iacchetta----- Italy.
 Olanda Iacchetta ----- Italy.
 Vincenzo Iacchetta----- Italy.
 Faustino Iacchetta----- Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Michelina DiMichele Iacchetta, Olanda Iacchetta, Vincenzo Iacchetta and Faustino Iacchetta, and each of them, in and to the Estate of Olimpio Iacchetti, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1875; Filed, February 4, 1943; 11:03 a. m.]

[Vesting Order 796]

ESTATE OF ANNIE KLAUSER

In re: Estate of Annie Klauser, deceased; File No. D-28-1845; E. T. sec. 1456.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursu-

ant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Last known Address

Nationals:
 Paul Krause----- Germany.
 Richard Krause----- Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Paul Krause and Richard Krause, and each of them, in and to the Estate of Annie Klauser, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1876; Filed, February 4, 1943; 11:03 a. m.]

[Vesting Order 797]

ESTATE OF ALFRED OTTO KOESTER

In re: Estate of Alfred Otto Koester, deceased; File D-28-89; E. T. sec. 298.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by L. C. Koster, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	<i>Last known address</i>
Lucy Koester.....	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Lucy Koester in and to the Estate of Alfred Otto Koester, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1877; Filed February 4, 1943;
11:03 a. m.]

[Vesting Order 798]

ESTATE OF ALBERT MAKAY

In re: Estate of Albert Makay, deceased; File No. D-34-61; E. T. sec. 799.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	<i>Last known address</i>
Cecelia Herman.....	Hungary
Meyer Makay Paskes.....	Hungary
Gazela Makay Paskes.....	Hungary

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Cecelia Herman, Meyer Makay Paskes and Gazela Makay Paskes and each of them in and to the Estate of Albert Makay, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1878; Filed, February 4, 1943;
11:04 a. m.]

[Vesting Order 799]

ESTATE OF PASQUALE MALTESE

In re: Estate of Pasquale Maltese, deceased; File No. D-38-453; E. T. sec. 791.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	<i>Last known address</i>
Francesco Maltese.....	Italy
Boccone Del Povero Sciacca.....	Italy

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Francesco Maltese and Boccone Del Povero Sciacca and each of them in and to the Estate of Pasquale Maltese, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1879; Filed, February 4, 1943;
11:04 a. m.]

[Vesting Order 800]

MORTGAGE PARTICIPATION FUND OF INTEGRITY TRUST CO.

In re: Mortgage Participation Fund of Integrity Trust Company; File F-28-17316; E. T. sec. 933.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation.

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Land Title Bank and Trust Company, substituted trustee for Mortgage Participation Fund of Integrity Trust Company, acting under the judicial supervision of Philadelphia County Common Pleas Court No. 2, Philadelphia, Pennsylvania.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	<i>Last known address</i>
Luisse Glenz.....	Germany

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Luisse Glenz in and to Mortgage Participation Fund of Integrity Trust Company,

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 interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests of the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian, a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1880; Filed, February 4, 1943; 11:04 a. m.]

[Vesting Order 801]

ESTATE OF BERTHA OFFT

In re: Estate of Bertha Offt, deceased; File F-28-11879; E. T. sec. 2025.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation.

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, of the estate of Bertha Offt, deceased, acting under the judicial supervision of Superior Court, County of Los Angeles, California;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
B. Werner Offt.....	Germany.
Martha Gebhardt.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of B. Werner Offt, Martha Gebhardt and each of them, in and to the Estate of Bertha Offt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1881; Filed, February 4, 1943; 11:04 a. m.]

[Vesting Order 802]

ESTATE OF FRED RICCI, ETC.

In re: Estate of Fred Ricci also known as Federico Giuseppe Ricci, deceased; File No. D-38-409; E. T. sec. 1609.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation.

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	<i>Last known address</i>
Francesco Ricci.....	Italy.
Giovanna Ricci.....	Italy.
Clelia Ricci.....	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Francesco Ricci, Giovanna Ricci and Clelia Ricci, and each of them, in and to the Estate of Fred Ricci also known as Federico Giuseppe Ricci, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1882; Filed, February 4, 1943; 11:04 a. m.]

[Vesting Order 803]

ESTATE OF ADOLF ROHLFS

In re: Estate of Adolf Rohlf, deceased; File D-28-1576; E. T. Sec. 409.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Gottfried Rohlf, Administrator, acting under the judicial supervision of the First Judicial District Court of the State of Nevada, in and for Ormsby County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Wilhelm Rohlf	Germany
Marie Rohlf	Germany
Johann Friedrich Telkamp	Germany
Henry Wenck	Germany
Mimi Wenck Reppenhagen	Germany
Walter Wenck	Germany
Wilhelm Ficken	Germany
Marie Ficken Appold	Germany
Meta Ficken Sconibbe	Germany
Anni Holling Womhoff	Germany
Auguste Holling Schnaars	Germany
Johanne Holling	Germany
Hinrich Holling	Germany

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelm Rohlf, Marie Rohlf, Johann Frederich Telkamp, Henry Wenck, Mimi Wenck Reppenhagen, Walter Wenck, Wilhelm Ficken, Marie Ficken Appold, Meta Ficken Sconibbe, Anni Holling Womhoff, Auguste Holling Schnaars, Johanne Holling and Hinrich Holling and each of them in and to the Estate of Adolf Rohlf, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on

Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1883; Filed, February 4, 1943;
11:05 a. m.]

[Vesting Order 804]

ESTATE OF CONCHETTA RUSSO

In re: Estate of Conchetta Russo, deceased, File No. D-38-454; E. T. sec. 790.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	Last known address
Gaetano Russo	Italy.
Vincenzo Russo	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Gaetano Russo and Vincenzo Russo and each of them in and to the Estate of Conchetta Russo, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may file with the Alien Property Custodian a notice of his claim; together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1884; Filed, February 4, 1943;
11:05 a. m.]

[Vesting Order 805]

ESTATE OF VINCENZO SABELLA

In re: Estate of Vincenzo Sabella, deceased; File No. D-38-452; E.T. sec. 792.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	Last known address
Paolo Gulino	Italy
Rosa Fazio Sabella	Italy
Francesca Gulino	Italy

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Paolo Gulino, Rosa Fazio Sabella, and Francesco Gulino and each of them in and to the Estate of Vincenzo Sabella, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1885; Filed, February 4, 1943; 11:05 a. m.]

[Vesting Order 806]

ESTATE OF ERIKA E. SCHILLER

In re: Estate of Erika E. Schiller under guardianship; File F-28-15120; E. T. sec. 1235.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by Land Title Bank and Trust Company, Substituted Guardian, of the estate of Erika E. Schiller, acting under the judicial supervision of the Orphans Court, Montgomery County, Pennsylvania.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	<i>Last known address</i>
Erika E. Schiller.....	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Erika E. Schiller in and to the Integrity Trust Pool, and in and to the estate of Erika E. Schiller under guardianship,

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 interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be

paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1886; Filed, February 4, 1943; 11:05 a. m.]

[Vesting Order 807]

ESTATE OF HELENE SCHMIDT

In re: Estate of Helene Schmidt, deceased; File No. D-34-68; E. T. sec. 1221.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Queens County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	<i>Last known address</i>
Anna Baksy Kocsy.....	Hungary.
Paul Kocsy.....	Hungary.
Lenke Kocsy.....	Hungary.
Martha Kocsy.....	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title interest, and claim of any kind or character whatsoever of Anna Baksy Kocsy, Paul Kocsy, Lenke Kocsy and Martha Kocsy, and each of them, in and to the Estate of Helene Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to

limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F.R. Doc. 43-1887; Filed, February 4, 1943; 11:05 a. m.]

[Vesting Order 803]

ESTATE OF MAXIMILIAN SPIESMACHER

In re: Estate of Maximilian Spiesmacher, also known as Max Spiesmacher, deceased; File D-28-1966; E. T. sec. 1918.

Under the authority of the Trading with the Enemy Act as amended and Executive Order 9095 as amended and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Carl Spiesmacher, Administrator of the estate of Maximilian Spiesmacher, also known as Max Spiesmacher, deceased, acting under the judicial supervision of the Surrogate's Court of the State of New York in and for Kings County.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	<i>Last known address</i>
Laura Kleinhans, nee Spiesmacher.....	Germany.
Johann Spiesmacher.....	Germany.
Max Spiesmacher.....	Germany.
Sophie Spiesmacher.....	Germany.
Maria Biederman, nee Spiesmacher.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title and interest of any kind or character whatsoever of Laura Kleinhans, nee Spiesmacher, Johann Spiesmacher, Max Spies-

macher, Sophie Spiesmacher and Maria Biederman, nee Spiesmacher and each of them in and to the estate of Maximilian Spiesmacher, also known as Max Spiesmacher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian, to return such property and interests or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 1, 1943.

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

[F. R. Doc. 43-1888; Filed, February 4, 1943;
11:06 a. m.]

[Vesting Order 812]

ESTATE OF THERESA DIETL

In re: Estate of Theresa Deitl, deceased; File F-28-12665; E. T. sec. 1265.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by Edward J. Swotes, Administrator, 1420 Walnut Street, Philadelphia, Pennsylvania, acting under the judicial supervision of the Orphans' Court of Philadelphia County, State of Pennsylvania;

(2) Such property and interests are payable or deliverable to, and claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Kreszentia Wegmann.....	Germany.
Magnus Wegmann.....	Germany.
Joseph Wegmann.....	Germany.
Innozenz Wegmann.....	Germany.
Xaver Wegmann.....	Germany.
Michael Dietl.....	Germany.
Personal representative or representatives of the Estate of Kornelius Wegmann, deceased.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Kreszentia Wegmann, Magnus Wegmann, Joseph Wegmann, Innozenz Wegmann, Xaver Wegmann, the Estate of Kornelius Wegmann, deceased, the personal representative or representatives of the Estate of Kornelius Wegmann, Michael Dietl, and each of them, in and to the estate of Theresa Dietl, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: February 2, 1943.

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

[F. R. Doc. 43-1889; Filed, February 4, 1943;
11:06 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

TRANSPORTATION OF AGRICULTURAL COMMODITIES AND PRODUCTS

RECOMMENDATION FOR INDUSTRY TRANSPORTATION PLANS

In order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the following plan concerning the transportation of agricultural commodities and products thereof by motor vehicle is promulgated and recommended to the Chairman of the War Production Board for approval under section 12, Public Law 603, 77th Congress (56 Stat. L. 351).

1. *Industry Transportation Committee.* The producers, motor carriers, processors

and dealers in agricultural commodities and products thereof within any designated area shall select a committee to be known as an Industry Transportation Committee. This Committee shall be selected in a manner so as to be equally representative of such producers, motor carriers, processors and dealers. Upon the selection of such Committee the members thereof shall elect a Chairman. The Chairman of such Committee, prior to any action thereby, shall file with the Office of Defense Transportation information concerning the type of industry, membership of the Committee, method of selection thereof and a description of the area within which such Committee will act, together with such other information as may be required by the Office of Defense Transportation. The Office of Defense Transportation will review this information and approve or disapprove the Committee as constituted, and, if approved, will reserve the right to remove at any time any person selected as a member thereof. When approved, the Committee will be recognized by the Office of Defense Transportation as authorized to act within such area in the formulation of an Industry Transportation Plan.

2. *Industry Transportation Plan.* The Industry Transportation Committee shall formulate an Industry Transportation Plan, which plan shall be in conformity with the terms and provisions herein prescribed.

3. *Contents; parts.* The Industry Transportation Plan may consist of one or two parts as follows:

One part of the plan shall consist of a relocation of routes within the designated area arranged with the advice and assistance of such Committee. The routes of the motor carriers shall be revised so as to eliminate nonessential travel and to obtain maximum utilization of the motor trucks used upon the revised routes. The routes shall be so adjusted that the products of each producer will be transported to his chosen market. The price received by the producer shall not be changed by the plan.

The plan may have a second part which shall consist of a further relocation of routes within the same area, by which the products of the producer shall generally be transported to the processor or dealer who is nearest to the farm of the producer in the point of highway miles. This arrangement shall be known as zoning of market areas. Such zoning of market areas shall be arranged so that no producer will receive a price for his product which is less than the price he received under his prior arrangement. The plan shall provide that the processor or dealer will receive approximately the same quantity of such product as under his prior arrangement. Likewise, the plan shall provide that the producer may deliver approximately the same quantity of his product as under his prior arrangement.

4. *Industry Transportation Plan shall be reduced to writing.* The Industry Transportation Committee shall reduce to writing the details of such Industry Transportation Plan, which writing shall

be signed by all members of the Committee. If the plan has been arranged in two parts, the writing shall consist of two parts as follows:

The first part shall describe the area, the number and location of the processors and dealers, the number of producers, the number of motor carriers and location of their present routes, the proposed relocation of routes, the truck mileage savings which will be accomplished by the arrangement, the nature and extent to which the proposed operation will be affected by any regulatory law or regulation and the name and address of any motor carrier who will suspend operations.

The second part of the plan shall contain the same information as required in respect of the first part of such plan, and, in addition, shall contain detailed information concerning the proposed zoning of market areas, a statement to the effect that the price received by the producer will not be changed by the arrangement, and the name, address and objection of any producer, motor carrier, processor or dealer who declines to participate in the arrangement.

5. *General Restrictions.* No provision shall be contained in any Industry Transportation Plan which will deny to the producer, processor or dealer the right to deliver or procure agricultural commodities and products thereof by the use of transportation facilities other than those of the motor carriers participating in the plan; and no provision shall be contained in any such plan which will require the motor carriers participating therein to perform any transportation service which is not authorized or sanctioned by law, or to render any service beyond its transportation capacity.

6. *Publication of plan.* The Industry Transportation Plan shall be publicized by the Industry Transportation Committee in such manner as will give all persons affected thereby an opportunity to examine the provisions of such plan. A true copy of this Recommendation and Certificate No. 28 issued to the Attorney General in respect of such Recommendation by the Chairman of the War Production Board shall be included in such publication.¹ The publication shall provide that any producer, motor carrier, processor or dealer in agricultural commodities and products thereof within such designated area may complain or comment in respect of the proposed relocation of routes or zoning of market areas as described in the plan. The manner and form of such publication shall be described in an appropriate certificate executed by the Chairman of the Industry Transportation Committee and such certificate shall be attached to the plan.

7. *Adjustment of complaints.* In the event complaints are received, the Industry Transportation Committee shall consider and adjust such complaints if possible. The Committee shall, if necessary, revise the plan to accord with any adjustment made by reason of such complaints. Any complaints received by the Committee which have not been adjusted

shall be attached to the plan, together with a brief statement setting forth the position of the Committee in respect of such complaint.

8. *Filing.* The Industry Transportation Plan, as revised, together with the attachments herein prescribed, shall be filed with the Office of Defense Transportation. The General Counsel of the Office of Defense Transportation will review the plan, together with the attachment, and prepare an analysis thereof. If, in his opinion, the adoption thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials without undue injustice or inequity to those affected and the plan conforms to the provisions, conditions and limitations of this Recommendation and Certificate No. 28 issued by the Chairman of the War Production Board in respect of such Recommendation, he will approve the plan and direct those who have agreed, or shall hereafter agree, to participate in the plan, to put it into effect and will so certify in writing to the Chairman of the War Production Board and to the Attorney General and will transmit to each of such persons a copy of the specific plan and his analysis thereof.

9. *Administrator; Industry Advisory Committee.* The Office of Defense Transportation will designate one of its employees to act as administrator of the Industry Transportation Plan. Such administrator will act in such capacity with the advice and assistance of an Industry Advisory Committee. Such Committee shall be selected by the participating producers, motor carriers, processors and dealers located within the designated area and subject to the same conditions and limitations as prescribed for the selection for the Industry Transportation Committee.

10. *Complaints.* After the effectuation of such Industry Transportation Plan, any participating producer, motor carrier, processor or dealer may file a complaint in writing with the administrator in respect of such Industry Transportation Plan. The administrator, with the advice and assistance of the Industry Advisory Committee, will attempt to adjust such complaints. In the event no satisfactory adjustment can be made, no compulsion shall be used upon such producer, processor or dealer. Any complaint received from a participating motor carrier will be considered and decided by the administrator with the advice and assistance of the Industry Advisory Committee. If the carrier is not satisfied with the decision, he may appeal to the District Manager of the Office of Defense Transportation. If his decision is adverse, the carrier may appeal to the Director, Division of Motor Transport, Office of Defense Transportation, Washington, D. C., whose decision shall be final.

11. *Records; inspection.* The administrator shall keep a record of his acts pertaining to the operation of the plan, which record shall be available at all reasonable times for inspection by participants in the plan and by accredited

representatives of the Office of Defense Transportation.

12. *Termination.* This Recommendation shall remain in full force and effect until six months after the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation may designate, or until any certificate issued in respect of this Recommendation shall have been withdrawn by the Chairman of the War Production Board in the manner provided by section 12, Public Law 603, 77th Congress, (56 Stat. L. 351).

Issued at Washington, D. C., this 29th day of January 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-1863; Filed, February 4, 1943;
11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[General Order 44]

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR IN APPROVING RETAIL ECONOMY PRACTICES UNDER SUPPLEMENTARY ORDER 29¹

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, the following order is prescribed:

(a) Any Regional Administrator, State Director or District Manager is hereby authorized, within his region, state or district, to exercise the functions, duties, powers, and authority conferred upon the Price Administrator by Supplementary Order 29 to determine the reasonableness of any curtailment in retail service as permitted by said order.

(b) Any power, authority, or discretion conferred by this General Order 44 upon the Regional Administrators, State Directors, or District Managers may be exercised by such persons through such officers and employees of the Office of Price Administration as may be designated for that purpose.

(c) Any order issued or other action taken pursuant to this delegation of authority shall have the same force and effect as if issued or taken by the Administrator.

(d) This General Order shall become effective the 3d day of February 1943.

Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1836; Filed, February 3, 1943;
3:20 p. m.]

[Order 151 Under MPR 188]

MINNEAPOLIS-HONEYWELL REGULATOR CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 151 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for

¹ 7 F. R. 9616.

¹ 8 F. R. 1668.

Specified Building Materials and Consumers' Goods other than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered*, That:

(a) The Minneapolis-Honeywell Regulator Company of 2747 Fourth Avenue South, Minneapolis, Minnesota, may sell and deliver, and any person may buy and receive from the Minneapolis-Honeywell Regulator Company, specially designed modutrol panel boards, consisting of various component control devices assembled and mounted in a cabinet, which will not become part of Minneapolis-Honeywell Regulator Company's standard line of products, which were not delivered during March 1942 by Minneapolis-Honeywell Regulator Company and the prices for which cannot be determined upon the basis of prices which Minneapolis-Honeywell Regulator Company had in effect for standard items during March 1942, at a price determined by the following formula:

(1) Determine the list price during March 1942 of each component part as appearing in "Section 16, Consolidated Price Book" or in "Minneapolis-Honeywell Automatic Controls, Condensed Catalogue, Price List."

(2) Add cost of painting and packing determined at the rate of \$1.25 per square foot of panel face as set forth in "Section 16, Consolidated Price Book."

(3) Add cost of wiring determined at the rate of \$.05 per panel terminal as set forth in "Section 16, Consolidated Price Book."

(4) Add the assembly labor determined by multiplying the number of assembly hours required, by \$3.50, the list price per hour as set forth in "Section 16, Consolidated Price Book".

(b) All discounts applicable to the sale of regular modutrol panel boards, whether based on quantity, class of purchaser, cash payment, or any other cause, shall be applicable to the sale of specially designed modutrol panel boards and shall not be reduced unless a lower price results.

(c) The Minneapolis-Honeywell Regulator Company shall retain in its files and 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 the following information in respect to each article priced in accordance with this order:

- (1) The description;
- (2) The name and address of the purchaser;
- (3) The price as determined in accordance with paragraph (a) of this order;
- (4) Detailed calculations in determining the price;
- (5) The discount allowed.

(d) This Order No. 151 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 151 shall become effective February 4, 1943.

Issued this 3d day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1851; Filed, February 3, 1943;
3:21 p. m.]

[General Order 45]

DELEGATION OF AUTHORITY TO ACT FOR
THE ADMINISTRATOR

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125, Executive Order No. 9280, War Production Board Directive No. 1, as supplemented, and Food Directive 1 of the Secretary of Agriculture, the following order is prescribed:

(a) Louis H. Harris, Chairman, Industry Council, is authorized and directed to exercise the following functions, duties, powers, authority, and discretion in connection with rationing:

(1) To determine whether any person has violated any regulation or order heretofore or hereafter issued by the Office of Price Administration or the Administrator pursuant to War Production Board Directive No. 1, as heretofore or hereafter supplemented, or Food Directive 1 of the Secretary of Agriculture, and to issue such suspension orders and take such other action as may be appropriate in the premises.

(2) To consider and determine petitions for reconsideration of suspension orders heretofore or hereafter issued, and take such action thereon as may be appropriate in the premises.

(b) Any decision made, order issued, and other action taken by said Louis H. Harris pursuant to this delegation of authority shall have the same force and effect as if made, issued, or taken by the Administrator.

Issued and effective this 4th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1905; Filed, February 4, 1943;
11:41 a. m.]

[Order 155 Under MPR 120]

RED ASH SMOKELESS COAL COMPANY
ORDER GRANTING ADJUSTMENT

Order No. 155 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-111.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered*:

(a) Coals produced by Red Ash Smokeless Coal Company, Iaeger, West Virginia, at its Red Ash Mine (Mine Index No. 389) in District No. 8, may be sold and purchased for shipment by rail at

prices not to exceed \$3.50 per net ton f. o. b. the mine in Size Group 3, and \$3 per net ton f. o. b. the mine in Size Group 15.

(b) Within thirty (30) days from the effective date of this order, Red Ash Smokeless Coal Company shall notify all persons purchasing its coals of the adjustments granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the provisions of Maximum Price Regulation No. 122.

(c) This Order No. 155 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 155 shall become effective February 5, 1943.

Issued this 4th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1906; Filed, February 4, 1943;
11:42 a. m.]

Regional Office, Region I.

[Emergency Order 2 Under Ration Order 11]

FUEL OIL OTHER THAN KEROSENE IN
SOUTHERN NEW ENGLAND

Pursuant to the authority conferred upon the Regional Administrator by § 1394.5715 of Ration Order No. 11, as amended, the following emergency order is prescribed:

(a) *Findings.* The Regional Administrator finds that in the States of Massachusetts, Connecticut and Rhode Island, as the result of a serious decrease in stocks, there exists an emergency in the transportation and distribution of fuel oil which endangers the public health, the public welfare and the war effort.

(b) *Scope of order.* (1) Nothing in this emergency order shall be construed to limit the quantity of fuel oil of any grade which may be acquired by the persons listed in § 1394.5052 of Ration Order No. 11.

(2) This emergency order applies only to fuel oils of grades Nos. 2, 3, 4, 5 and 6, hereinafter referred to as "fuel oil other than kerosene", and does not apply to fuel oil of grade No. 1, commonly known as range oil or kerosene, hereinafter referred to as "kerosene". Nothing in this emergency order shall be construed to affect the operation of Emergency Order No. 1.

(3) This emergency order shall be effective in the states of Massachusetts, Connecticut and Rhode Island.

(c) *Order.* During the effective period of this order, notwithstanding the provisions of § 1394.5661 of Ration Order No. 11 relating to discrimination in transfers to consumers,

(1) No person shall transfer or deliver fuel oil other than kerosene to any consumer nor shall any consumer accept a transfer or delivery if such customer has on hand a supply of such fuel oil sufficient to meet his estimated needs for seven days;

(2) No person shall transfer or deliver fuel oil other than kerosene to any consumer nor shall any consumer accept a transfer or delivery in an amount greater than a supply sufficient to meet his estimated consumption for ten days: *Provided, however,* That this limitation on the amount of a delivery shall not operate to prohibit a delivery of a greater amount

(i) Of residual oil where the minimum practicable delivery is more than a ten days' supply, or

(ii) Of distillate oil to the extent of 100 gallons, where 100 gallons is more than a ten days' supply, or

(iii) Where extraordinary circumstances of transportation or distribution require a delivery of more than a ten days' supply.

(3) *List of priorities of transfers and deliveries.* During the effective period of this order, notwithstanding the provisions of § 1394.5661 of Ration Order No. 11, relating to discrimination in transfers to consumers, transfers and deliveries of fuel oil other than kerosene shall be made to all consumers on the following list, prior to deliveries to any other consumers:

(i) Consumers who require fuel oil other than kerosene for use in private dwellings;

(ii) Consumers who require fuel oil other than kerosene for use in buildings other than private dwellings used for residential purposes, including hospitals, apartment houses, hotels, rooming houses and the like;

(iii) Consumers engaged in operations listed on Schedule A of Petroleum Administrative Order No. 3 to the extent necessary to enable them to carry on such operations, provided that such consumers certify in writing to the transferor the percentage of their present ration that is necessary to enable them to carry on such operations, and provided further that a copy of such certification shall be forthwith mailed by each such consumer to the nearest District Office of the War Production Board;

(iv) Consumers whose operations are not included in Schedule A of Petroleum Administrative Order No. 3 but who may be certified by the Regional Director of the New England Office of the War Production Board, or by his duly authorized representative, to be engaged in essential war production the temporary interruption of which would seriously impede the war effort, provided that any such consumer shall furnish to the transferor such certificate or a copy thereof, prior to delivery;

(v) Consumers, who, in accordance with paragraph (7) of this order, obtain from a Local War Price and Rationing Board a certification in writing that they require fuel oil other than kerosene to a specified amount to meet an emergency involving a serious threat to life, health or valuable property, and who furnish

such certification to the transferor prior to delivery.

The alphabetical or numerical arrangement of the foregoing list does not indicate priority of any consumer over another consumer on such list. All consumers on the list are in the same classification insofar as priority is concerned.

(4) Any person who has satisfied all current demands, as limited above, for either distillate or residual oil or both, made upon him by consumers on the priority list, may thereafter, subject to § 1394.5661 of Ration Order No. 11 relating to discrimination in transfers to consumers, make transfers or deliveries out of his remaining stocks of such distillate or residual oil, as the case may be, to any consumer entitled to acquire fuel oil other than kerosene under Ration Order No. 11, except that the following are prohibited:

(i) Delivery to, and acceptance by, consumers for use in buildings operated exclusively for purposes of amusement, entertainment, athletics or sports, including but not limited to theatres, night clubs, bowling alleys, poolrooms, dance halls, barrooms and skating rinks;

(ii) Acceptance by consumers of delivery for use in buildings devoted in part to purposes of amusement, entertainment, athletics or sports, unless every practicable means has been taken to cut off the radiation and circulation of heat to the portion of such buildings devoted to purposes of amusement, entertainment, athletics or sports. Deliveries allowable under this paragraph shall be no more than sufficient to meet such consumers reduced needs.

(5) Any transferor of fuel oil other than kerosene who in good faith refuses to make a delivery to a consumer because of a reasonable belief on the part of such transferor that such consumer falls within the class of consumers deliveries to whom are prohibited shall not be deemed to have committed a violation of the provisions of § 1394.5661 of Ration Order No. 11 relating to discrimination in transfers to consumers.

(6) Any dealer may make a reasonable classification of consumers not on the priority list, based upon relative essentiality of use, and deliveries made in good faith on the basis of such classification shall not be deemed to be a violation of § 1394.5661 of Ration Order No. 11 relating to discrimination in transfers to consumers.

(7) Any consumer who requires a transfer for an emergency involving serious threat to life, health, or valuable property may, upon satisfying a Local Board of the genuineness of the need and the lack of other means of meeting it, obtain from the Local Board a certification of the existence of the emergency which will authorize delivery of a specified amount to such consumer to the same extent as if he were on the priority list above.

(8) *Definitions.* All terms in this order which are defined in Ration Order No. 11 shall have the meaning assigned to them in that ration order.

(9) *Penalties.* Any violation of this order shall be deemed a violation of Ration Order No. 11.

(10) *Restrictions on transfers to consumers.* Nothing contained in this emergency order shall authorize a transfer or delivery of fuel oil of any grade to a consumer except in exchange for valid coupons or other evidences, or delivery receipts, authorized by Ration Order No. 11.

(11) *Effective period.* This order shall take effect at 12:01 a. m. January 31, 1943, and shall terminate at 12:00 p. m. February 9, 1943, unless extended by further order.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562; Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719; Ration Order No. 11, 7 F.R. 8480)

Issued this 30th day of January 1943.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-1837; Filed, February 3, 1943;
3:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-298]

THE CELOTEX CORP. AND PHOENIX SECURITIES CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of February, A. D., 1943.

An application having been filed by The Celotex Corporation, an affiliated person of an affiliated person, within the provisions of the Investment Company Act of 1940, of Phoenix Securities Corporation, a registered investment company, for an order pursuant to section 17 (b) of the Act exempting from the provisions of section 17 (a) of the Act, a proposed purchase by The Celotex Corporation from Phoenix Securities Corporation of 93,100 shares of the common stock of the South Coast Corporation, at \$3.50 per share of which one-half is payable in cash on the date of purchase and the other half one year less a day thereafter.

It is ordered, That a hearing on the aforesaid application be held on February 11, 1943, at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1831; Filed, February 3, 1943;
2:26 p. m.]

WAR PRODUCTION BOARD.

[Certificate 28]

TRANSPORTATION OF AGRICULTURAL COMMODITIES AND PRODUCTS

THE ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I submit herewith a plan formulated by the Office of Defense Transportation entitled "Recommendation for Industry Transportation Plans for Transportation of Agricultural Commodities and Products".¹

¹ *Supra.*

For the purpose of the aforesaid section 12 of Public Law No. 603, I have approved such plan; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan, is requisite to the prosecution of the war.

Dated: February 2, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-1861; Filed, February 4, 1943;
11:01 a. m.]

[Certificate 29]

GENERAL ELECTRIC CO.—WESTINGHOUSE ELECTRIC MFR. CO.

EXCHANGE OF PLANS, DRAWINGS, AND POOLING INFORMATION

THE ATTORNEY GENERAL: For the purposes of section 12 of Public Law No.

603, 77th Congress (56 Stat. 357), I have approved an arrangement entered into at the request of the Navy Department between General Electric Company and Westinghouse Electric and Manufacturing Company for the exchange of plans, drawings, designs, and the pooling of manufacturing information, with respect to certain auxiliary turbine generators for delivery to the Navy Department; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such approval, is requisite to the prosecution of the war.

Dated: February 2, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-1862; Filed, February 4, 1943;
11:01 a. m.]

