

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 9 NUMBER 94

Washington, Thursday, May 11, 1944

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission
(Civil Service Rule VII, Amdt.)

**PART 7—CERTIFICATION
PROBATIONARY APPOINTMENT**

To the amendment appearing at 9 F. R. 4127 of § 7.2 (a) (3) this sentence should be added, following the text of § 7.2 (a) (3) and immediately before the tabulation:

§ 7.2 *Original appointment and competitive promotion procedure.* (a) * * *
(3) *Probationary appointment.* * * *

A probationer separated from the service without delinquency or misconduct may be restored to the register of eligibles in the discretion of the Commission for the remainder of any period of eligibility thereon.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

MAY 9, 1944.

[F. R. Doc. 44-6679; Filed, May 10, 1944; 10:07 a. m.]

TITLE 7—AGRICULTURE

Chapter I—War Food Administration
(Standards, Inspections, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 65—OFFICIAL UNITED STATES STANDARDS FOR PALATABILITY SCORES FOR DRIED WHOLE EGGS

PREPARATION OF SAMPLES, AND SCORES FOR DRIED WHOLE EGGS

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1944, approved July 12, 1943 (Pub. L. No. 129, 78th Cong., 1st Sess., 57 Stat.

421), and by virtue of the authority vested in the War Food Administrator, the following revision of Official United States Standards for Palatability Scores for Dried Whole Eggs (Title 7, Chapter I, Subchapter C, Part 65, Code of Federal Regulations), published in the FEDERAL REGISTER on February 8, 1944 (9 F.R. 1499), is hereby promulgated:

§ 65.1 *Preparation of samples for palatability test.* Reconstitute 30 grams of dried whole egg powder as completely as possible with 90 grams of distilled water in a 250 to 400 ml. pyrex beaker by adding a third of the water, mixing until smooth and then adding the remainder of the water slowly while stirring. Place the beaker in gently boiling water and stir the reconstituted egg while coagulation takes place. When coagulated to the consistency of scrambled eggs, the sample is ready for palatability test.

§ 65.2 *Palatability scores for dried whole eggs.* The palatability score of the prepared sample shall be determined by a panel of officially qualified graders of dried eggs of War Food Administration.

Score	Description of quality
8	No detectable off flavor, comparable to high quality fresh shell egg.
7½	Very slight off flavor.
7	Slight but not unpleasant off flavor.
6½	Definite but not unpleasant off flavor.
6	Pronounced off flavor (slightly unpleasant).
5	Unpleasant off flavor.
4	Definite unpleasant off flavor.
3	Pronounced unpleasant off flavor.
2	Repulsive flavor.
1	Definite repulsive flavor.
0	Pronounced repulsive flavor.

The foregoing revision shall become effective at 12:01 e. w. t., May 11, 1944.

(Pub. L. No. 129, 78th Cong., 1st Sess., 57 Stat. 421; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334; 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 9th day of May 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-6716; Filed, May 10, 1944; 11:35 a. m.]

CONTENTS

REGULATIONS AND NOTICES

	Page
CIVIL SERVICE COMMISSION:	
Certification; probationary appointment.....	4971
COAL MINES ADMINISTRATION:	
Sheidy, William B., et al., termination of Government possession	4989
COMMERCE DEPARTMENT:	
Montgomery Ward and Co., termination of Government possession	4989
COMMODITY CREDIT CORPORATION:	
Peanuts, 1944 crop (WFO 100) ..	4974
IMMIGRATION AND NATURALIZATION SERVICE:	
Bonds, approval, etc.....	4975
INTERNAL REVENUE BUREAU:	
Income tax:	
Annual returns of information for accounting periods, Dec. 31, 1942, to Apr. 1, 1944; extension of time for filing	4975
Cost-of-living allowances paid to civilian employees of Government outside continental U. S., exclusion from gross income.....	4976
INTERSTATE COMMERCE COMMISSION:	
Agent to issue permits for movement of grain, appointment.....	4988
Carriers by water, uniform system of accounts; inventories of material and supplies....	4988
Potatoes, transportation.....	4988
Refrigeration permits, etc.:	
Bananas, Mexico.....	4989
Beans, Chicago, Ill.....	4989
Cheese, Freeport, Ill.....	4991
Citrus fruits:	
California or Arizona.....	4989
Edinburg, Tex. (2 documents)	4992, 4993
Codfish, dried salted, New Orleans, La.....	4991
Freight cars:	
Edinburg, Tex.....	4990
Elsa, Tex.....	4990
Mission, Tex.....	4990

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.

CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION—Continued.	
Refrigeration permits, etc.—Continued.	Page
Ice, transportation in RS type refrigerator cars (5 documents).....	4992, 4993
San Jose, Calif.....	4993
Oranges:	
Akron, Ohio.....	4992
Buffalo, N. Y. (2 documents).....	4990
Lake Hamilton, Fla.....	4990
Potatoes:	
Alabama.....	4991
Chicago, Ill.....	4992
California.....	4991
Florida.....	4993
Gaylord, Mich.....	4991
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, etc.:	
Gardetto, B. A., Inc.....	4995
Hancock Brick and Tile Co.....	4994
Maurer, G. M., and Sons, et al.....	4994
Alaska; egg noodles (MPR 288, Am. 22).....	4985

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	
Asbestos-cement building materials (MPR 466, Am. 3).....	4985
Cans, packers' tin (MPR 350, Am. 2).....	4982
Containers, wooden; slack staves, heading and cooperage (MPR 481, Am. 3).....	4985
Flint clay, refractory (MPR 188, Order A-1, Am. 35).....	4994
Lumber and products:	
"General manager type" grain doors and certain box car doors (MPR 483, Am. 2).....	4985
Logs and bolts; ash special logs (MPR 348, Am. 48).....	4983
Milk and milk products, Atlanta region (SR 14A, Am. 15).....	4985
Superphosphates, Searsport, Maine (Rev. SR 14, Am. 132).....	4985
SECURITIES AND EXCHANGE COMMISSION:	
Commonwealth Utilities Corp., et al., hearing.....	4995
WAR COMMUNICATIONS BOARD:	
Telegraph messages essential to war effort or public safety, precedence.....	4986
WAR FOOD ADMINISTRATION. See also Commodity Credit Corporation.	
Agricultural labor in California, salaries and wages; workers in potatoes in San Joaquin and Cuyama Valleys.....	4976
Cashew nut shell liquid, use and delivery (WFO 36, Rev.).....	4974
Castor oil, use and distribution (WFO 32, Rev.).....	4973
Dried whole eggs, official U. S. standards for palatability scores; preparation of samples and scores.....	4971
Linseed oil, delivery (WFO 63, Rev.).....	4974
Livestock slaughter and delivery of meat (WFO 75, Am. 1).....	4973
Milk in Greater Boston, Mass., area.....	4972
Oiticica oil, use, processing, consumption and delivery (WFO 31, Rev.).....	4973
Sperm oil, use (WFO 37, Am. 1).....	4974
WAR PRODUCTION BOARD:	
Cotton textile production (L-99, Am. 1).....	4982
Refrigerating and air conditioning machinery and equipment, industrial and commercial (L-38).....	4978
Suspension orders, etc.:	
American Furniture Co.....	4996
Elliott, Joe and Clara.....	4976
Marsam Novelty Corp.....	4977
Tire retreading, recapping and repair equipment (L-61).....	4977
WAR SHIPPING ADMINISTRATION:	
"City of Sacramento," vessel ownership determination.....	4997
Contracts with vessel owners and rates of compensation:	
Time charters for tank vessels.....	4987
Uniform time charter.....	4987

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 904—MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Order amending the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area.

Findings. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and milk orders (7 CFR, Cum. Supp., 900.1-900.17; 7 F.R. 3550; 8 F.R. 2815), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order as amended regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk. The minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the tentatively approved marketing agreement upon which a hearing has been held.

Determinations. It is hereby determined that handlers of at least 50 percent of the volume of milk which is marketed within the said marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the aforesaid order, as amended, is the only practical means pursuant to the declared policy of the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the aforesaid order, as amended, is approved or favored by at

least two-thirds of the producers who participated in a referendum on the question of the approval of the order, and who during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Revise § 904.3 (a) (9) to read as follows:

The "delivery period" means the current marketing period from the first to and including the last day of each month.

2. In § 904.6 (a) (3) revise the last clause to read as follows:

* * * and then that milk, including skim milk and buttermilk, which was shipped from the nearest plant located more than 40 miles from the State House in Boston, including milk received at such plant pursuant to § 904.8 (b).

3. In § 904.6 (b) (2) (iii) delete the words " * * * except April, May, and June," and delete § 904.6 (b) (2) (iv).

4. Add two new paragraphs to § 904.6 as follows:

(e) *Butter and cheese adjustment.* Until the termination of each of Food Distribution Orders numbered 8, 13, 79, and 92, including amendments thereto or other similar orders supplementing or superseding such orders, in lieu of application of § 904.6 (b) (3), in the case of butterfat made into butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese, during April to September, inclusive, of each year, at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat is moved, the value of milk computed pursuant to § 904.9 (a) shall be reduced by a value computed for such delivery period as follows:

(1) From the average price for the delivery period as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this function) for 92 score butter at wholesale in the New York market, deduct 5 cents and add 20 percent;

(2) Divide the value determined pursuant to § 904.6 (b) (2) (i) or (ii), whichever applies, by 3.7, and subtract therefrom the value determined in (1) hereof; and

(3) Multiply the value determined pursuant to § 904.10 (d) by 10, and subtract therefrom the value determined in (1) hereof.

(4) Multiply the number of pounds of butterfat by the value determined in (2) hereof, except that for butter or cheese manufactured from milk of more than 3.7 percent butterfat content, the quantity of butterfat represented in the ex-

cess over 3.7 percent butterfat content of such milk, shall be multiplied by the value determined in (3) hereof.

(f) *Casein differential.* In the case of skim milk manufactured into casein during April, May, and June, the value of a handler's milk computed pursuant to § 904.9 (a) shall be adjusted by a value determined by multiplying the number of hundredweight of skim milk used in the manufacture of such casein by a differential computed for each delivery period as follows:

(1) Divide the value determined pursuant to § 904.6 (b) (2) (iii) by .9075;

(2) Compute the average of all quotations (using midpoint of any range as one quotation) published during the delivery period in the *Oil, Paint, and Drug Reporter*, for domestic, acid-precipitated casein in bags, 100 bags or more, shipment point, subtract 6.6¢ and multiply this result by 2.42; and

(3) Subtract the value determined in (2) from the value determined in (1) hereof.

5. In § 904.6 (c) add 10 zones to the table as follows:

A	B	C
301-310	51.0	28.0
311-320	51.0	28.0
321-330	52.0	28.0
331-340	52.0	28.0
341-350	52.5	28.0
351-360	52.5	28.5
361-370	52.5	28.5
371-380	53.0	28.5
381-390	53.0	28.5
391-400	53.0	28.5

6. Revise § 904.7 (f) (3) to read as follows:

(3) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

7. In § 904.9 (a) add a third paragraph as follows:

(3) Adjust the value determined in (2) hereof as provided in §§ 904.6 (e) and (f).

8. Revise § 904.10 (i) to read:

(i) *Adjustment of overdue accounts.* Any balance due pursuant to this section, for any delivery period since August 1, 1937, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.)

Issued at Washington, D. C., this 5th day of May 1944, to be effective on and after the 13th day of May 1944.

GROVER B. HILL,
First Assistant

War Food Administrator.

Approved: May 6, 1944.

FRED M. VINSON,
Director of Economic
Stabilization.

[F. R. Doc. 44-6678; Filed, May 9, 1944;
4:52 p. m.]

Chapter XI—War Food Administration
(Distribution Orders)

[WFO 75, Amdt. 1]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

War Food Order No. 75 (8 F.R. 11119; 9 F.R. 4319, § 1410.15, is amended by striking the figure "200, in the first sentence of (1) (l) and inserting in lieu thereof the figure "180".

This amendment shall become effective at 12:01 a. m., e. w. t., May 15, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 75, prior to the effective date of this amendment, all provisions of said War Food Order No. 75 in effect prior to this amendment shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 8th day of May 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-6566 Filed, May 8, 1944;
4:53 p. m.]

[WFO 31, Revocation]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE, PROCESSING, CONSUMPTION AND DELIVERY OF OITICICA OIL

War Food Order 31 (8 F.R. 3471; 9 F.R. 365, 4319), is hereby revoked and terminated.

This order shall become effective at 12:01 a. m., e. w. t., May 1, 1944. However, with respect to violations of said War Food Order 31, or rights accrued, or liabilities incurred, prior to said date, said War Food Order 31 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R., 14783)

Issued this 8th day of May 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-6568; Filed, May 8, 1944;
4:53 p. m.]

[WFO 32, Revocation]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DISTRIBUTION OF CASTOR OIL

War Food Order 32 (8 F.R. 3473, 13434, 16643; 9 F.R. 2078, 4319), is hereby revoked and terminated.

This order shall become effective at 12:01 a. m., e. w. t., May 8, 1944. How-

ever, with respect to violations of said War Food Order 32, or rights accrued, or liabilities incurred, prior to said date, said War Food Order 32 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 8th day of May 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-6569; Filed, May 8, 1944;
4:53 p. m.]

[WFO 36, Revocation]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE AND DELIVERY OF
CASHEW NUT SHELL LIQUID

War Food Order 36 (8 F.R. 3480; 9 F.R. 367, 4319), is hereby revoked and terminated.

This order shall become effective at 12:01 a. m., e. w. t., May 8, 1944. However, with respect to violations of said War Food Order 36, or rights accrued, or liabilities incurred, prior to said date, said War Food Order 36 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 8th day of May 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-6570; Filed, May 8, 1944;
4:53 p. m.]

[WFO 37, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE OF SPERM OIL

War Food Order 37 (9 F.R. 2078, 4319), § 1460.8, is amended as follows:

By deleting the provisions of paragraph (a) (1) thereof and inserting in lieu thereof the following:

(1) The term "sperm oil" means that oil obtained from the sperm whale, including, but not limited to, head oil, body oil, or combined head and body oil. The term also includes sperm oil which has been winterized, pressed, distilled, deodorized, sulphonated, sulphurized, sulfo-chlorinated, sulphated, blown, or otherwise physically or chemically treated, excluding crude and refined spermaceti, and sulphated or non-sulphated technical oleyl alcohol derived from sperm oil.

This amendment shall become effective at 12:01 a. m., e. w. t. May 8, 1944. However, with respect to violations of said War Food Order 37, or rights accrued, or liabilities incurred there-

under, prior to said date, said War Food Order 37 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 8th day of May 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-6567; Filed, May 8, 1944;
4:53 p. m.]

[WFO 63, Revocation]

PART 1460—FATS AND OILS

RESTRICTIONS ON DELIVERY OF LINSEED OIL

War Food Order 63 (8 F.R. 16316, 17398; 9 F.R. 3479, 4319), is hereby revoked and terminated.

This order shall become effective at 12:01 a. m., e. w. t., May 8, 1944. However, with respect to violations of said War Food Order 63, or rights accrued, or liabilities incurred, prior to said date, said War Food Order 63 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 8th day of May 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-6571; Filed, May 8, 1944;
4:53 p. m.]

Chapter XII—War Food Administration
(Commodity Credit Orders)

[WFO 100]

PART 1600—OILSEEDS

PURCHASE, SALE AND USE OF PEANUTS OF
1944 CROP

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of peanuts 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:

§ 1600.8 *Purchase, sale and use of peanuts restricted*—(a) *Definitions*. (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, including the States of the United States, their political subdivisions and agencies.

(2) "Corporation" means the Commodity Credit Corporation.

(3) "Farmers' stock peanuts" means picked or threshed peanuts in the shell which have been produced in the calendar year 1944 in the continental

United States and which have not been cleaned, shelled, crushed, or otherwise changed from their natural state after picking or threshing.

(4) "Producer" means a person who grows, harvests, or threshes peanuts in the continental United States for purposes of sale.

(5) "Handler" means a person, other than a designated agency, who has entered into a contract with the Corporation to purchase, sell, or deliver peanuts.

(6) "Designated agency" means a cooperative association of producers which has entered into a contract with the Corporation to purchase, sell, or deliver peanuts.

(7) "Crush" means to press, expel, or extract oil from peanuts.

(8) "Clean and shell" means to remove the dirt, stems, and other foreign material from the shells of farmers' stock peanuts, or to remove the shells therefrom, other than in connection with the crushing of such peanuts. "Cleaning and shelling" shall be construed accordingly.

(9) "Purchase" includes contracts to purchase.

(10) "Sell" and "sale" include contracts to sell.

(11) "Deliver" and "delivery" include contracts to deliver.

(b) *Restrictions on purchases, sales, and deliveries of farmers' stock peanuts*. No person shall sell or deliver farmers' stock peanuts, and no person shall purchase or accept delivery of farmers' stock peanuts, except as provided in paragraph (c) hereof or as specifically authorized by the President of the Corporation in order to assure a proper distribution and use of peanuts for defense, for private account, and for export.

(c) *Permissible purchases, sales, and deliveries of farmers' stock peanuts*. The following purchases, sales and deliveries of farmers' stock peanuts are not restricted:

(1) Purchases or acceptances of deliveries by, and sales or deliveries to (i) the Corporation, (ii) a handler or designated agency purchasing pursuant to the terms of a handler's or designated Agency's contract with the Corporation, or (iii) a producer for planting by or for him.

(2) Sales or deliveries by, and purchases or acceptances of deliveries from, the Corporation, or handler or designated agency pursuant to the terms of a handler's or designated agency's contract with the Corporation.

(d) *Restrictions on crushing, cleaning, shelling, and otherwise changing farmers' stock peanuts from their natural state*. No person shall crush, clean, shell, or otherwise change farmers' stock peanuts from their natural state, except in such quantities as may be specifically authorized by the President of the Corporation in order to assure a proper distribution and use of peanuts for defense, for private account, and for export. *Provided, That* (1) Any producer, or any person in behalf of such producer, may clean and shell for planting by or for such producer farmers' stock peanuts owned by such producer; and (2) any producer, or any person in behalf of such producer, may, on the farm where pro-

duced, clean or shell for sale a quantity not in excess of 500 pounds of farmers' stock peanuts produced by such producer.

(e) *Audits and inspections.* The President of the Corporation shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stock of peanuts of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Records and reports.* (1) The President of the Corporation shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary, or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the President of the Corporation may designate), maintain an accurate record of his transactions in peanuts.

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

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using peanuts, or any other material subject to priority or allocation control by any government agency. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the President of the Corporation. The President of the Corporation is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the President of the Corporation, be addressed to the President of Commodity Credit Corporation, War Food Administration, Washington 25, D. C., Ref. WF-100.

(k) *Territorial scope.* The provisions of this order shall apply within the forty-eight states and the District of Columbia.

(l) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., May 10, 1944.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 9th day of May 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-6717; Filed, May 10, 1944;
11:35 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

PART 110—PRIMARY INSPECTION AND DETENTION

APPROVAL OF BONDS, ETC.

APRIL 29, 1944.

Section 90.17 (d) (7 F.R. 6753) is hereby amended to read as follows:

§ 90.17 *General Counsel; powers and duties.* * * *

(d) To examine as to legal form and execution bonds and appurtenant documents required with respect to aliens in connection with the administration of the immigration laws, to approve and accept such bonds and documents on behalf of the Government, and if such bonds have been declared breached, to handle any matters relating to their disposition through compromise or judicial enforcement, except that this paragraph shall not authorize the examination, approval, and acceptance of bonds and appurtenant documents in cases where field officers have such authority;

Section 110.21 is hereby amended to read as follows:

§ 110.21 *Approval, cancellation, and violation of public charge bonds generally.* All bonds, including agreements covering deposits of cash or postal money orders, given as a condition of the admission of an alien under section 21 of the Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 158) shall be executed on Form 554 entitled "Bond That Alien Shall Not Become a Public Charge". The officers in charge of the several ports or districts are authorized, either directly or through officers or employees designated by them, to approve bond Form 554, regardless of the section of law under which the alien is admitted; to approve any power of attorney or assignment a surety executes authorizing the delivery to some other person or concern of United States bonds or notes deposited as collateral security with such bonds after the collateral security is released; and to approve any power of attorney or

assignment a depositor executes authorizing the delivery to some other person or concern of deposits in the United States Postal Savings Bank after the deposit is released. All bond Forms 554 shall be retained at the respective ports or districts. In the event of the permanent departure from the United States, the naturalization, or the death of the alien admitted under such bond, bond Form 554 may be canceled by any officer or employee mentioned in this section. Notice of such cancellation shall be forwarded to the Central Office in cases where the admission had been reported to the Central Office. If proofs are submitted that the alien is no longer likely to become a public charge or is no longer afflicted with a physical disability, or if the conditions of the bond are violated, such bond with its appurtenant documents shall be forwarded to the Central Office with an appropriate recommendation. (Sec. 21, 39 Stat. 891; 8 U. S. C. 158)

L. PAUL WININGS,
Acting Commissioner of
Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44-6695; Filed, May 10, 1944;
11:10 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5368]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXTENSION OF TIME FOR FILING CERTAIN ANNUAL RETURNS

Extension of time for filing annual returns of information for accounting periods beginning after December 31, 1942 and ending prior to April 1, 1944, by organizations exempt from taxation.

In the case of organizations exempt from taxation under section 101 of the Internal Revenue Code which are required under section 54 (f) of the Internal Revenue Code, as added by section 117 of the Revenue Act of 1943, or under § 29.101-1 of Regulations 111, to file annual returns of information for accounting periods beginning after December 31, 1942 but ending prior to April 1, 1944, an extension of time up to and including August 15, 1944, is hereby granted for making and filing such returns for such accounting periods.

(Sec. 62, Internal Revenue Code (53 Stat. 32, 26 U.S.C., 1940 ed., 62); sec. 117, Revenue Act of 1943 (Pub. Law 235, 78th Cong.), enacted Feb. 25, 1944)

JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: May 9, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-6677; Filed, May 9, 1944;
4:34 p. m.]

[T. D. 5367]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXCLUSION FROM GROSS INCOME OF CERTAIN COST-OF-LIVING ALLOWANCES

Regulations 111 amended to conform to section 125 of the Revenue Act of 1943, relating to exclusion from gross income of certain cost-of-living allowances paid to civilian officers and employees of the Government stationed outside continental United States.

In order to conform Regulations 111 (Part 29, Title 26, Code of Federal Regulations, Cum. Supp.) to section 125 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.116-1 the following:

SEC. 125. EXCLUSION FROM GROSS INCOME OF CERTAIN COST-OF-LIVING ALLOWANCES PAID TO CIVILIAN OFFICERS AND EMPLOYEES OF THE GOVERNMENT STATIONED OUTSIDE CONTINENTAL UNITED STATES. (Revenue Act of 1943.)

(a) *In general.* Section 116 (relating to exclusions from gross income) is amended by adding at the end thereof a new subsection to read as follows:

(j) In the case of a clerk or employee in the Foreign Service of the United States, amounts received as cost-of-living allowances under authority of section 3, as amended, of the Act of February 23, 1931; and in the case of an ambassador, minister, diplomatic, consular, or Foreign Service officer, amounts received as post allowances under the authority of section 12, as amended and renumbered, of the Act of May 24, 1924; and in the case of other civilian officers or employees of the Government of the United States stationed outside continental United States, amounts received as cost-of-living allowances in accordance with regulations approved by the President.

(b) *Taxable years to which applicable.* The amendment made by subsection (a) shall be applicable with respect to taxable years beginning after December 31, 1942.

PAR. 2. There is inserted immediately after § 29.116-3 the following new section:

§ 29.116-4 *Exclusion of certain cost-of-living allowances.* For taxable years beginning after December 31, 1942, certain cost-of-living allowances and post allowances of Government civilian personnel stationed outside continental United States are, by the provisions of section 116 (j), excluded from gross income. Cost-of-living allowances and post allowances, excluded from gross income pursuant to the provisions of section 116 (j), shall be considered as retaining their characteristics under the subsection notwithstanding any possible combination thereof with any other allowance, such as a quarters allowance, as, for example, in a "living and quarters allowance", whether or not such other allowance is excluded from gross income.

For the purposes of section 116 (j) the term "continental United States" includes only the States of the Union and the District of Columbia.

(Sec. 62, Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62); sec. 125, Revenue Act of 1943 (Pub. Law 235, 78th Cong.))

GEO. J. SCHOENEMAN,
Acting Commissioner
of Internal Revenue.

Approved: May 9, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-6676; Filed, May 9, 1944;
4:34 p. m.]

TITLE 29—LABOR

Chapter IX—War Food Administration
(Agricultural Labor)

[Specific Wage Ceiling Reg. 3, Amdt. 1]

PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

WORKERS IN POTATOES IN SAN JOAQUIN AND CUYAMA VALLEYS, CALIF.

Section 1102.3 (9 F.R. 4170) is hereby amended as set forth below:

The title of § 1102.3 is amended to read as follows:

§ 1102.3 *Wages of workers engaged in the picking up and loading and hauling of early potatoes in the San Joaquin and Cuyama Valleys, State of California.*

Paragraph (a) is revised and amended to read as follows:

(a) *Areas, crops, and classes of workers.* Persons engaged in the picking up and loading and hauling of early potatoes in those portions of the counties of Kern, Kings, Tulare, Fresno, Madera and Merced, State of California, which lie within the San Joaquin Valley proper and in those portions of the counties of Santa Barbara, San Luis Obispo, Ventura and Kern counties, State of California, which lie within the Cuyama Valley proper, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Director of the Office of Economic Stabilization issued on August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702).

Paragraph (b) is revised and amended to read as follows:

(b) *Wage rates; maximum wage rates for harvesting early potatoes.* (1) Wage rates for picking up and loading and hauling of early potatoes:

(i) Picking up early potatoes:

(a) *Piece-work rate*—12¢ per hundred pounds net weight of potatoes.

(b) *Hourly rate*—70¢ per hour.

(ii) Loading and hauling:

(a) With haul from field to shed, not in excess of 8 miles—90¢ per ton divided equally among persons so engaged.

(b) With haul from field to shed in excess of 8 miles but not to exceed 12 miles—\$1.05 per ton divided equally among persons so engaged.

(c) With haul from field to shed in excess of 12 miles—\$1.20 per ton divided equally among persons so engaged.

(56 Stat. 765, 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702; regulations of the War Food Administrator, 9 F.R. 655, 9 F.R. 831)

Issued this 9th day of May 1944.

WILSON R. BUIE,
Acting Director, Office of Labor,
War Food Administration.

[F. R. Doc. 44-6718; Filed, May 10, 1944;
11:35 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-546]

JOE ELLIOTT AND CLARA ELLIOTT

Joe Elliott and Clara Elliott of Stockyards Station, Adams County, Colorado, in November, 1943, began construction on Lot 43, Northwest Quarter, Section 2, Township 3, Range 68 West, Adams County, Colorado, without authorization from the War Production Board. Their purpose was to construct a celery farm comprising a farm residence, a celery-processing house, and a pipe line trench, at a cost of more than \$7,000, which exceeded the limit of \$1,000, permitted by Conservation Order L-41 and was in violation of that order. They applied to the War Production Board on Form PD-200-C on November 2, 1943, for authority to begin construction; this application was denied on December 2, 1943, but construction was continued until February 21, 1944. Joe Elliott and Clara Elliott were aware of War Production Board restrictions on construction, and doing this construction without authorization constituted wilful violations of Conservation Order L-41.

These violations of Conservation Order L-41 have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing; it is hereby ordered, that:

§ 1010.546 *Suspension Order No. S-546.* (a) Neither Joe Elliott nor Clara Elliott, their successors or assigns, nor any other person, shall do any construction on their premises on Lot 43, Northwest Quarter, Section 2, Township 3, Range 68 West, Adams County, Colorado, including putting up or altering any structure or construction, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Joe Elliott and Clara Elliott, their successors or assigns, 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.

(c) This order shall take effect on May 9, 1944.

Issued this 2d day of May 1944.

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

[F. R. Doc. 44-6673; Filed, May 9, 1944;
4:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-547]

MARSAM NOVELTY CORPORATION

Marsam Novelty Corporation, 90 Grand Street, New York City, is a manufacturer of toys. During the period September 1, 1942, through September 30, 1943, the company consumed 25,000 pounds of steel in the assembly of toys. This was a violation of Limitation Order L-81, which prohibited the assembly of toys containing steel. The company was aware of the terms of Order L-81, and its violation of the order was wilful. As a result of this violation, critical material has been diverted to uses not authorized by the War Production Board, and the war effort of the United States has been hampered and impeded. In view of the foregoing, it is hereby ordered, that:

§ 1010.547 *Suspension Order No. S-547.* (a) Deliveries of material to Marsam Novelty Corporation, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, including allotments, shall be made to Marsam Novelty Corporation, its successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Marsam Novelty Corporation, its successors or assigns, 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 May 9, 1944, and shall expire August 9, 1944.

Issued this 2d day of May 1944.

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

[F. R. Doc. 44-6674; Filed, May 9, 1944;
4:32 p. m.]

PART 1114—TIRE RETREADING, RECAPPING AND REPAIR EQUIPMENT

[General Limitation Order L-61, as Amended
May 10, 1944]

The fulfillment of requirements for the national defense has created a shortage in the supply of certain critical materials used in the manufacture of retreading, recapping and repair equipment for the national 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:

§ 1114.1 *General Limitation Order L-61—(a) Definitions.* For the purpose of this order:

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

(2) "Retreading, recapping or repair equipment" means any mechanical device used in connection with applying uncured rubber (in the form of camel-back, patching rubber or otherwise) to rubber casings or innertubes for the purpose of renewing or repairing a rubber casing or innertube. The term includes, but is not limited to; full circle molds, full circle matrices, holders, tables, steam chambers, kettle curing devices, curing rings, curing bands, pressure plates, spacer rings, curing rims, sectional molds, sectional matrices, tire and tube repair and spot equipment, tire spreaders, tire buffers, mechanical stitchers, mechanical rollers, regroovers. It does not include, however, small tools such as knives, hand rollers, hand stitchers, jacks, shears, and other miscellaneous shop tools and supplies.

(3) "Delivery" means any physical delivery of any item of retreading, recapping or repair equipment, or parts of such equipment to other persons.

(4) "Approved order" means an order for new retreading, recapping or repair equipment authorized on Form WPB-1319, which bears the certification in paragraph (d). It also means any order for new retreading, recapping or repair equipment which the War Production Board has authorized under Order L-61 before March 23, 1944, to be produced or delivered.

(b) *Restrictions on production and delivery.* (1) No person shall manufacture or deliver any item of new retreading, recapping or repair equipment having a retail value of more than \$85, or curing rings, full circle and sectional matrices, regardless of retail value, except to fill approved orders.

No person shall manufacture or deliver new parts except for the maintenance and repair of existing equipment or to fill approved orders. Any order for curing rings, full circle and sectional matrices (new items only) must be an approved order even though the items are for the maintenance or repair of existing equipment.

Any person engaged in the business of retreading, recapping or repairing tires

may purchase parts for the maintenance and repair of his equipment under CMP Regulation 5. That regulation assigns a rating of AA-2 for this purpose. Single items of retreading, recapping or repair equipment having a retail value of \$85 or less other than curing rings, full circle and sectional matrices may also be purchased under the provisions of CMP Regulation 5. The regulation may not, however, be used for new items of equipment for which an approved order is required.

(2) Facilities which can be used in the production of items of retreading, recapping or repair equipment in more than one of the groups of the following production pattern are called interchangeable facilities in this paragraph. For the purpose of the production pattern, "molds and matrices" include curing rings, curing tables, steam chambers and kettle curing devices.

PRODUCTION PATTERN

Group	Type of Equipment
1	Airplane, full circle tire molds and matrices.
2	Tractor-implement rear wheel full circle tire molds and matrices.
3	Earth-mover and road grader full circle molds and matrices.
4	Repair parts for retreading, recapping or repair equipment produced after December 7, 1941
5	Tractor front wheel full circle tire molds and matrices.
6	Truck-bus full circle tire molds and matrices.
7	Sectional molds and matrices, all types.
8	Repair parts for retreading, recapping or repair equipment produced prior to December 7, 1941.
9	Inner tube repair equipment.
10	Buffers and tire spreaders.
11	Passenger tire full circle molds and matrices and miscellaneous equipment not specifically covered in groups 1 to 10 inclusive.
12	Any discontinued or obsolete types of retreading, recapping or repair equipment which the manufacturer is unable to produce without loss of production.

Interchangeable facilities must be used to produce orders for new retreading, recapping or repair equipment or for parts in the sequence established by the above production pattern. This means that a manufacturer must use interchangeable facilities to produce orders classified in each higher group before he may use the same facilities to fill orders in any lower group. If he is using interchangeable facilities for a lower group and is required by the production pattern to divert those facilities to unfilled orders in a higher group, he may postpone the diversion of facilities to the higher group for not more than 15 days after receipt of an order in the higher group.

Preference ratings for retreading, recapping or repair equipment or for parts of equipment shall have no effect upon the use of interchangeable facilities to fill orders in different groups. Orders classified in the same group, however, shall be produced and shipped in accordance with Priorities Regulation No. 1.

(c) *How approval is obtained.* Any person who wishes to purchase any item of new retreading, recapping or repair equipment having a retail value of more than \$85, or curing rings, full circle and sectional matrices regardless of retail value, must make his application on Form WPB-1319. The form together with instructions for its use and filing may be obtained from the nearest War Production Board Field Office.

If the application is granted by the War Production Board, the form will be returned to the applicant authorizing the production or delivery of all or part of the items requested and a preference rating or ratings may be assigned.

(d) *Purchaser's certification to supplier.* The person receiving authorization by the War Production Board on Form WPB-1319 may serve an approved order upon his supplier for the items of equipment authorized on the form by making certification to his supplier and to the War Production Board in substantially the following form:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

Date of authorization under Order L-61 -----
Form WPB-1319, Serial Number -----

(Authorized Official)

The above standard form of certification is set forth in Priorities Regulation No. 7. The information added to this certification consists of the date and serial number of the authorization on Form WPB 1319.

(e) [Deleted Mar. 23, 1944]

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided in paragraph (b), this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *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.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board Office of Rubber Director, Washington 25, D. C., Ref.: L-61.

(4) *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 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.

(5) *Records.* Each manufacturer or distributor of new retreading, recapping and repair equipment affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales of such equipment.

Issued this 10th day of May 1944.

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

[F. R. Doc. 44-6697; Filed, May 10, 1944;
11:15 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-38, as Amended May 10, 1944]

INDUSTRIAL AND COMMERCIAL REFRIGERATING AND AIR CONDITIONING MACHINERY AND EQUIPMENT

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

§ 1226.6 *Limitation Order L-38*—(a) *Purpose and scope.* This order tells how to get new refrigerating or air conditioning "systems" and "parts". With certain exceptions, these may be delivered only for essential uses as explained in Lists B and C, and pursuant to an "approved order" rated AA-5 or higher. In some cases a purchaser is allowed to apply his MRO or other ratings without any special authorization, but in other cases he must apply to the War Production Board for approval. The order also states how much a producer may manufacture during any calendar quarter. It will be noted that certain types of equipment, such as domestic refrigerators, are not included in this order, since they are covered by other orders of the War Production Board.

Definitions

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

(1) "System" means any refrigerating or air conditioning system, consisting of an assembly or combination of machinery, equipment, or other apparatus designed primarily to lower temperature or remove water vapor, directly or indirectly, by mechanical, chemical or physical means. The term does not include a domestic mechanical refrigerator, a domestic ice refrigerator, or heat exchanger equipment, as defined, respectively, in paragraphs (b) (5), (b) (6) and (b) (9) of this order; or coils or low sides which are incorporated into "food processing machinery" (as defined in Order L-292).

(2) "Parts" includes any assemblies of parts, equipment, insulated enclosures

and cold storage doors (except insulation materials used therein), accessories, implements or devices designed or intended for incorporation or use in a system or for installation therewith in causing it to perform its functions, except the following materials:

- Liquid or gaseous refrigerants
- Oil or other lubricants
- Cleaning fluids or other solvents
- Anti-freeze fluids
- Drying agents
- Paints, enamels, varnishes, thinners and seam fillers
- Wax polishes and rust preventives
- Soldering and brazing fluxes and welding rods
- Non-metallic filters
- Belts and belting
- Gaskets
- Packing
- Insulation materials
- Small hardware, such as nuts, bolts, washers, screws and cotter pins

(3) "Producer" means any person to the extent that he is engaged in the manufacture, fabrication, or assembly of new systems or parts, or industrial type extended surface heating equipment, or industrial type humidifying equipment. The term does not include any sales or distribution outlet of a producer.

(4) "Deliver" means: (i) to transfer physical possession, title, or ownership; or (ii) to install for use (but not including a temporary installation solely for the purpose of testing the system or part, or the moving of an installed system from one point on the owner's property to another); or (iii) to place in the hands of any carrier or otherwise in transit for transfer of possession to another person; (regardless of whether such transfer, installation, or shipment is for the purpose of sale, trade, loan, lease, consignment, or other type of transaction).

(5) "Domestic mechanical refrigerator" means any refrigerator for household use which operates either by compression or absorption and which has a net capacity of 16 cubic feet or less (National Electric Manufacturing Association rating), but does not include any low temperature mechanical refrigerator designed for the storage of frozen foods or for the quick freezing of food where the low temperature compartment customarily operates at a temperature of not higher than 15 degrees above zero Fahrenheit and contains 75% or more of the total refrigerating space in the refrigerator.

(6) "Domestic ice refrigerator" means any non-mechanical ice chest or ice box for home use.

(7) "Industrial type extended surface heating equipment" means any apparatus employing a heat transfer element and designed primarily to increase the temperature of gaseous matter, in connection with the operation of any refrigerating or air conditioning system.

(8) "Industrial type humidifying equipment" means any apparatus designed primarily to add water vapor to gaseous matter, in connection with the operation of any industrial or commercial refrigerating or air conditioning system, or for any purpose other than the health or comfort of persons.

(9) "Heat exchanger equipment" means an assembly, bundle or nest of bare or finned tubes installed in a shell or pressure vessel, and designed for the transfer or exchange of heat between two or more fluids (liquids, gases, or vapors), without the use, as a refrigerant, of (i) ammonia, carbon dioxide, methyl chloride, sulphur dioxide, or chlorinated hydro-carbon refrigerants (trichloromonofluoromethanes, dichlorodifluoromethane, dichloromonofluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoroethane), or (ii) brine or water which has been cooled by the use of ice or any of such refrigerants.

(10) "For direct use by the Army, Navy, Maritime Commission or War Shipping Administration" means for direct use by the regular personnel or regular employees of such an agency only (or "for military exchanges or service departments" under Priorities Regulation 17), but regardless of whether delivery is made by the producer or dealer directly to such an agency, or through or to an intermediate dealer or contractor. The term does not mean for use in any privately operated plant or shipyard financed by, or controlled by, any of such agencies, or operated on a cost-plus-fixed-fee basis.

Deliveries: Approved Orders

(c) *Restrictions on deliveries*—(1) No deliveries except on approved orders. No person shall deliver, and no person shall accept delivery of, any new system or new parts except pursuant to an approved order, as defined in paragraph (d). Exceptions to this general rule are stated in paragraph (e). Additional restrictions on delivery are stated below in subparagraphs (c) (2), (3), (4) and (5).

(2) *List B items*. No person shall knowingly deliver, and no person shall accept delivery of, any new item on List B, (i) unless the item is for direct use by the ultimate consumer and for the specified use, if any, as shown on that list, or (ii) unless delivery is otherwise permitted pursuant to an approved order of a kind specified in subparagraphs (d) (1) or (d) (4).

(3) *Items for a use permitted by List C*. No person shall knowingly deliver, and no person shall accept delivery of, any new system or parts not shown on Lists A or B, unless the system or parts are to be used by the ultimate consumer for an essential purpose specified on List C. This subparagraph (c) (3) does not affect the delivery of parts for the maintenance or repair of any existing system.

(4) *Parts for items performing List A functions*. No person shall knowingly deliver, and no person shall accept delivery of, any new parts for assembly into any item to perform the same functions as an item on List A. For example, a new condensing unit, low-side, refrigerant connections, or valves, etc., may not be acquired (together or separately) for assembly into or with an insulated enclosure to perform the functions of a "farm freezer" or "frozen food cabinet."

(5) *Heating or humidifying equipment*. No person shall deliver, and no person shall accept delivery of, any new

industrial type extended surface heating equipment or industrial type humidifying equipment, except pursuant to an approved order.

(d) *Approved orders*. The following types of purchase orders for delivery of any new system or parts, or industrial type extended surface heating equipment or industrial type humidifying equipment, when rated AA-5 or higher, are "approved orders":

(1) Orders for direct use by the Army, Navy, Maritime Commission, or War Shipping Administration.

(2) Orders by a person and for a direct use, if any, as shown on List B. These orders, when not otherwise rated, are hereby assigned a preference rating of AA-5 within the limited uses specified in List B. The rating may be applied and extended in accordance with Priorities Regulation No. 3.

(3) Orders placed in accordance with any CMP Regulation (including CMP Regulation 1), any preference rating order of the War Production Board (including P-126), or Priorities Regulation 9.

(4) Other orders specifically rated and authorized as follows by the War Production Board on application of the proposed purchaser. The appropriate application form is indicated below:

Resale: Forms WPB-541 (PD-1A) or WPB-547 (PD-1X). These forms may be used by dealers or others who are not producers and who are purchasing for inventory or resale. The correct form depends on the nature of the purchase and of the buyer's business.

Export: Form WPB-541 (PD-1A). This form may be used where the applicant desires to export or acquire for export. Delivery of items by the exporter is subject to the restrictions of List C (see paragraph (c) (3)).

Large installation by ultimate consumer: Form WPB-617. This form is to be used if installation of a system is involved and the cost of the construction (exclusive of the cost of the prime mover, compressor (condensing unit), condenser, receiver, evaporator surface (low-side), controls, indirect cooling units, and cooling tower) is more than \$5,000. The applicant should apply for the whole project, including the system, on this form.

All other applications by ultimate consumer: Forms WPB-1319 or 2449. These forms are to be used in all cases other than those above specified. Form WPB-2449 is to be used when the system or parts are required for use in any cold storage warehouse, industrial or commercial ice plant, frozen food locker plant, food processing plant (except equipment having a capacity of 5 H. P. or 5 tons (A. S. R. E. specifications) or less), industrial processing of products other than food, refrigeration equipment for stratospheric chambers, refrigerated railroad car, truck or ship, or any air conditioning installation of any size except evaporative coolers ("desert" coolers) of all sizes. For all other uses, Form WPB-1319 is the correct form and is to

be filed in accordance with the WPB-1319 instructions manual. (Applications on Form WPB-2448 will continue to be accepted by the War Production Board until May 25, 1944 only, although any order authorized on this form continues to be an approved order.) If authorization is granted on either of these applications, it will be accompanied by any necessary permission to "begin construction" under Conservation Order L-41, and no separate application for that purpose need be made under that order.

Frozen food locker plants. An applicant for a frozen food locker plant, or for an addition to an existing plant, should first go to his local County Agricultural Conservation (AAA) Committee for instructions as to how to meet requirements prescribed by the War Food Administration concerning the persons who will rent the lockers in the plant. He must comply with these before his application may be filed with the War Production Board. When he has satisfied the AAA Committee that such requirements have been met, it will furnish him a certificate showing that fact, and he must file this certificate with his application, which cannot be considered unless this is done. Applications will be considered in sequence in which filed, in accordance with the rules of the War Food Administration, and whose other rules will also be applied, as well as those of the War Production Board.

Where applications are to be filed. All applications on Form WPB-1319 and all applications for a frozen food locker plant or an addition to an existing locker plant, are to be filed in duplicate with the Field Office of the War Production Board for the District in which the equipment is to be installed. Applications on Form WPB-617 are to be filed in accordance with Order L-41. All other applications are to be filed in Washington.

Exemptions

(e) *Exemptions*—(1) *List A items*. An approved order under paragraph (c) (1) is not necessary for the delivery of any complete item on List A which is fabricated and in stock, or which may be produced in accordance with paragraph (g).

(2) *Loans not exceeding thirty days*. An approved order is not necessary for the lease or loan of a new system or parts for a period not to exceed thirty days pending the performance of maintenance and repair service to a used system or parts, nor for the redelivery of the leased or loaned system to the lessor.

(3) *Bankruptcy, etc.* An approved order is not necessary for the transfer (to a trustee or receiver for the benefit of creditors) of title to, and/or delivery of, any new system or parts, through voluntary act or by operation of law in bankruptcy, receivership or assignment.

(4) "Upstream" deliveries. An approved order is not necessary for the return of unused systems or parts to the person from whom they were purchased.

Utilization of Replaced Parts

(f) *Required utilization of replaced parts.* (1) When any part is delivered for maintenance or repair to any person acquiring the same for use, he must dispose of the replaced used part, if it is made of metal, through regular scrap channels, within thirty (30) days after installation of the new part, unless he returns the same to his supplier (for such reconditioning or disposition as the latter may make). All replaced parts thus obtained by a dealer or producer during any calendar quarter must be either repaired and placed in his inventory, or returned to his supplier of new parts, or disposed of through regular scrap channels, during or within thirty (30) days after the end of that quarter. No block tin pipe shall be replaced unless an equal quantity thereof is returned to the supplier.

(2) The provisions of the preceding subparagraph (f) (1) shall not apply:

(i) Where parts are delivered for installation in any system located outside of the continental United States at the time of such delivery; or

(ii) Where the system requiring repair is being used directly by the Army, Navy, Maritime Commission, or War Shipping Administration; or

(iii) Where the system requiring repair is owned by any Federal, State, or local governmental agency, bureau, department, or political subdivision which is prohibited by law from disposing of such replaced parts in the manner explained in the preceding subparagraph (f) (1).

Restrictions on Production

(g) *List A items.* No producer shall manufacture or assemble any item on List A, unless (1) 75% (by weight) of the total material to be incorporated in the item was fabricated and in the producer's inventory prior to April 6, 1943, and (2) the material cannot be used in the assembly of any system or parts not shown on List A. The manufacture and assembly of these List A items is subject also to all applicable provisions of Order L-126 and all other applicable orders of the War Production Board.

(h) *Other items.* During the calendar quarter starting January 1, 1944, and during each later calendar quarter, no producer shall manufacture or assemble more of any "class" of new systems and parts (other than parts for maintenance and repair) as shown on List D, than his quota for that class. This quota for any class is in terms of aggregate dollar volume (producer's sales price at the factory, exclusive of installation charges), and is the greater of the following two quantities:

(1) His dollar volume of all unfilled orders on hand rated AA-5 or higher for that class of new systems and parts, or

(2) One-sixteenth of the aggregate dollar volume of that class of new sys-

tems and parts (other than items on List A) manufactured by him during the calendar year 1940, in addition to his current production required to fill all orders for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

Producers may manufacture and assemble parts for maintenance and repair without reference to these restrictions, and should not include them in the above quotas.

Miscellaneous Provisions

(i) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board, as amended from time to time, unless this order states otherwise.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may

be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order (or of Conservation Orders M-9-c or M-126 applicable to any systems, parts, or other equipment subject to the terms 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. This letter must be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(4) *Communications.* All reports to be filed and other communications concerning this order (except appeals), unless otherwise directed, should be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref: L-38.

Issued this 10th day of May 1944.

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

LIST A

Delivery of the following items may be made without an "approved order" (see paragraph (e) (1)); however, their production is prohibited for any purpose, except in accordance with paragraph (g).

1. Beer pre-coolers.
2. Beverage dispensers.
3. Bottled beverage coolers, mechanical.
4. Bottled beverage coolers, non-mechanical.
5. Counter and back bar refrigerators.
6. Display cases, single duty, refrigerated.
7. Display cases, double duty, refrigerated.
8. Display cases, florist, refrigerated.
9. Display cases, frosted food, refrigerated.
10. Display cases, full vision, refrigerated.
11. Display cases, vegetable, refrigerated.
12. Display cases, all other types, refrigerated.
13. Dough retarding refrigerators.
14. Draft beer equipment.
15. Drinking water coolers, non-mechanical.
16. Drinking water coolers, mechanical, bottle type.
17. Drinking water coolers, mechanical, pressure type, capacity less than 5 gals. per hour, 80° to 50° with 80° ambient temperature.
18. Evaporative coolers, less than 2,000 c. f. m.
19. Farm freezers (for the freezing and storing of food on a farm).
20. Florist boxes.
21. Fountalnettes.
22. Frozen food cabinets, low temperature, not designed for use aboard ship or for use in mobile hospital units.
23. Ice cream cabinets, not designed for use aboard ship.
24. Ice cube makers, self-contained cabinet type.
25. Salad coolers (Bain Marie), mechanical.
26. Self-contained air conditioning units, 2 h. p. or less.
27. Soda fountains, not designed for use aboard ship.
28. Wall type display cases, refrigerated.

NOTE: In no case shall the name or description of any equipment as listed above, include any fixture or item which is not within the meaning of that name or description as customarily used within the trade or industry, even though a particular fixture or item (not within such meaning) could be used for the same or a similar purpose. For example, a "walk-in refrigerator" may not be delivered unrestricted on the ground that it is to be, or could be, used as a "beer pre-cooler" since it is not generally recognized in the trade as being within the meaning of a "beer pre-cooler".

LIST B—ITEMS WHICH MAY BE DELIVERED FOR SPECIAL USES

NOTE: Under paragraph (c) (2), deliveries of the following items may be made for use by the persons and under the conditions specified below. These persons are assigned a rating of AA-5 under paragraph (d) (2) unless their orders are otherwise rated. Deliveries of these items to other persons are permitted only if they can place approved orders of the kinds specified in subparagraphs (d) (1) or (d) (4).

Type of equipment:

1. Drinking water coolers, mechanical, designed for use aboard ship.

Deliveries permitted for direct use by Army, Navy, Maritime Commission, or War Shipping Administration, for use aboard ship.

LIST B—ITEMS WHICH MAY BE DELIVERED FOR SPECIAL USES—Continued

Type of equipment—Continued.

2. Drinking water coolers, mechanical, pressure type, capacity 5 gals. per hour and over, and from 80° to 50° with 80° ambient temperature.

Deliveries permitted for direct use by

Army, Navy, Maritime Commission, War Shipping Administration, hospitals, petroleum operators engaged in refining or natural gasoline recovery (as defined in Order P-98-b), or industrial plants (excluding offices, rest rooms and recreation rooms) manufacturing any product or conducting any business or activity listed on Schedule I of CMP Regulation 5; *Provided*, That no existing water cooler shall be replaced except for maintenance and repair as defined in CMP Regulation 5; and that the maximum inlet water temperature is in excess of 70° F. In the case of new installations, a cooler may not be acquired unless it is intended that no less than the following number of people will be served per gallon of water cooled per hour for each cooler installed (including new and existing coolers):

Installation:	No. of persons served, per gal. of water cooled per hour
In Army, Navy, Maritime Commission or War Shipping Administration installations, or in manufacturing or in refining or natural gasoline recovery plants.	10 (bubbler service).
In steel mills, foundries, forge shops and smelting plants.	5 (bubbler service).
In industrial plant cafeterias.	16 (cup service).
In hospitals (military or civilian).	16 (cup service).

3. Evaporative coolers 2,000 c. f. m. and larger.

Army, Navy, Maritime Commission, War Shipping Administration, National Housing Administration, or any person acquiring the cooler for any essential use shown on List C; provided that the installation is to be made in a desert area.

4. Refrigeration systems for farm milk coolers.

Any person who has a purchase certificate from a County Farm Rationing Committee, pursuant to applicable orders of the War Food Administration; also any producer of farm milk coolers operating under Orders L-257 or L-257-a, who may use the ratings assigned to his production schedule.

5. Frozen food cabinets, low temperature, designed for use aboard ship or for use in mobile hospital units.

Army, Navy, Maritime Commission, or War Shipping Administration, for use aboard ship or for use in mobile hospital units, including but not limited to hospital cars.

6. Ice cream cabinets, designed for use aboard ship.

Army, Navy, Maritime Commission, or War Shipping Administration, for use aboard ship.

LIST B—ITEMS WHICH MAY BE DELIVERED FOR SPECIAL USES—Continued

Type of equipment—Continued.

- 7. Mortuary refrigerators-----
- 8. Portable bulk ice makers-----
- 9. Soda fountains, designed for use aboard ship.
- 10. Ice cream freezers, commercial, 20 quart capacity or less.

Deliveries permitted for direct use by
 Army, Navy, Maritime Commission, War Shipping Administration, institutions or hospitals.
 Army, Navy, Maritime Commission, or War Shipping Administration.
 Army, Navy, Maritime Commission, or War Shipping Administration, for use aboard ship.

LIST C—ESSENTIAL USES

NOTE: Acquiring parts for assembly into List A items is prohibited by paragraph (c) (4).

Systems and parts (other than items on Lists A and B) may be delivered only on approved orders and for the following purposes, in accordance with paragraph (d) (3):
 Part 1. *Applications to materials, production or facilities.* Mining, industrial, scientific, and technical processes and operations where lowering of temperature, or removing water vapor, or freedom from dust and other impurities, are necessary for production, storage, transportation, operation or repair of materials or products, or precision functioning thereof, when, and to the extent essential for any of the following purposes:

1. Abrasives—production
2. Aerial topography rooms aboard ship
3. Airplanes and parts—production and repair
4. Airport control towers
5. Altitude and low temperature test chambers and laboratories
6. Ammunitions and explosives—production, storage, and transportation
7. Blood plasmas—processing, storage, and transportation
8. Blast furnaces (dry blast)—operation
9. Ceramics, electric and dielectric—production
10. Chemicals, including acids, gases, pigments and plastics, where new, additional or continuous productive capacity is essential—production
11. Dairy products—processing, storage, dispensing and transportation
12. Duplicating processes; such as, photographic, photostatic and lithographic—processing and storage
13. Communications products—production and operation of relay stations and exchanges
14. Films, photographic, for military purposes—production and storage
15. Fire control calculation rooms, underground fortifications plotting—switchboard rooms, mine caemates, command posts, and seacoast battery service magazines
16. Foods—processing, storage, dispensing and transportation
17. Fur cloth for military purposes—storage
18. Glass, non-shatterable—production
19. Ice-production and storage
20. Laboratories—research, analytical, and testing
21. Navigation instruments—production, storage and repair
22. Optical goods; such as bomb and gun sights, range finders, telescopes, and microscopes—production, storage and repair
23. Ordnance, precision parts—production
24. Parachute and balloon—production and storage
25. Pharmaceuticals, drugs and biological products—production, storage and transportation
26. Petroleum products—production, natural gasoline recovery, transportation, refining and marketing
27. Plants and factories—where excessive temperatures, contamination of air, or variations in temperature or humidity would seriously impair the effective use or production of precision instruments, tools or products and materials to fill a "defense order" as defined in Section 944.1 of Priorities Regulation No. 1
28. Precision instruments, tools or products—production storage, operation and repair
29. Synthetic critical products—production
30. Test cells, engine

Part 2. *Applications affecting human life or physical capacity.* a. Plants and factories—producing equipment and materials to fill a "defense order" as defined in § 944.1 of Priorities Regulation 1, where excessive temperature or contamination of air would be dangerous to health or result in working conditions unfit for human occupancy. The application shall exclude offices, conference rooms, drafting rooms, cafeterias, restaurants, dispensaries, first aid, change and rest rooms, except in "blackout" or "windowless" buildings or any sealed or interior space, where mechanical ventilation will not suffice.

LIST C—ESSENTIAL USES—Continued

- b. Celestial navigation trainers.
- c. Hospital rooms, stationary or portable, military or civilian, for surgical operations or critical convalescent treatment (excluding normal hospitalization), X-ray rooms and Flight Surgeons Clinics.
- d. Link trainer rooms.
- e. Naval vessels of all types.
- f. Tanks, combat.
- g. Underground mines, communication rooms, air raid shelters, and plants and factories producing essential materials, where excessive temperature or contamination of air would be dangerous to health or result in working conditions unfit for human occupancy; and then only to the minimum extent required.
- h. Waller gunnery trainers.
 1. "Jam Handy" and instrument trainer buildings, for military use.

LIST D—CLASSES OF SYSTEMS AND PARTS

NOTE: No item on List A is deemed within any of these classes.

The following classes of systems and parts are to be used in figuring the permitted quotas for any quarter under paragraph (h). If the producer's quota for any class would be greater under paragraph (h) (1), he can fill all unfilled orders on hand rated AA-5 or higher for that class. If it would be greater under (h) (2) for the quarter, his quota for the class is one-sixteenth of the dollar volume of that class made by him in 1940. This one-sixteenth quantity for any class may be made in addition to all orders for direct use by the Army, Navy, Maritime Commission and War Shipping Administration. Parts for maintenance and repair are not counted in the quotas.

1. High-sides (condensing units and compressors).
2. Low-sides (coils and unit coolers).
3. Reach-in and walk-in refrigerators.
4. Drinking water coolers, mechanical, pressure type, capacity 5 gals. per hour and over, and from 80° to 50° with 80° ambient temperature.
5. Condensers.
6. All other systems and parts (other than those on List A).

[F. R. Doc. 44-6696; Filed, May 10, 1944; 11:15 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Limitation Order L-99, as amended April 11, 1944, Amdt. 1]

COTTON TEXTILE PRODUCTION

Section 3290.46 *Limitation Order L-99* is amended as follows:

Add paragraphs (d) (3), (4) and (5) to read:

(3) No person shall operate in the period from June 1, 1944, through August 31, 1944, at a rate which will result in the production of less Army tent twill (U. S. Army specification JQD-48) than the aggregate lineal yardage of the drills, twills and sateens listed below, delivered by him on unrated orders in the period from January 1, 1944 through March 31, 1944, viz:

All drills 30" to 36" inclusive (6 oz. sq. yd. or heavier).

All four leaf twills 29" to 36" inclusive.

All sateens 30" to 36" inclusive.

This requirement shall not prevent the production of any cotton textile for orders rated AA-2X or higher which were accepted before May 10, 1944.

(4) Each loom which on April 1, 1944, produced or was assigned to the production of bed ticking and which is now required (Schedule E Group 1) to produce Army tent twill shall be operated at least as many hours per week as the loom which is operated the most hours per week at the same plant.

(5) Army tent twill (excepting cuts shorter than 25 yards produced in the normal course of manufacture) may be delivered only to the Army or Navy of the U. S., unless it has been rejected in writing after having been offered in the gray state to the Office of the Quartermaster General, Procurement Division, Washington, D. C.

In paragraph (g), delete the "(2)" after the reference to "paragraph (d)".

Add a Schedule E as follows:

SCHEDULE E

Column I	Column II	Column III	Column IV	Column V
Group	Looms producing or assigned to produce the constructions listed below on April 1, 1944, and which may produce only the construction specified in Column IV	Percentage to be applied to the number of looms producing or assigned to produce the construction specified in Column II. Such percentage of looms shall produce the construction specified in Column IV	Construction to be produced by looms specified	Effective date
1.....	Bed tickings (constructions designated in line 124 of Form WPB-658-B (3-17-44)).	50 per cent.....	Army tent twill (U. S. Army spec. JQD-48).	June 10, 1944.

Issued this 10th day of May 1944.

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

[F. R. Doc. 44-6698; Filed, May 10, 1944; 11:15 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

[MPR 350, Amdt. 2]

PACKERS' TIN CANS

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

Maximum Price Regulation No. 350 is amended in the following respects:

1. The title of the regulation is amended to read "Packers' Tin Cans and Condensed Milk Cans".

2. A new definition is added to paragraph (a) of § 1306.501 reading as follows:

"Condensed milk cans" means any new soldered container made of hot dip or electrolytic tin plate manufactured for the packing of evaporated or condensed milk.

3. Section 1306.502 is amended to read as follows:

§ 1306.502 *Maximum prices.* Regardless of any contract, lease or other obligation:

(a) No producer shall sell packers' tin cans at prices higher than the maximum prices set forth in Appendix A of this regulation or condensed milk cans at prices higher than the maximum prices set forth in Appendix B of this regulation;

(b) No person shall buy or receive from a producer, in the course of trade or business, any packers' tin cans at prices higher than the maximum prices set forth in Appendix A of this regulation or condensed milk cans at prices higher than the maximum prices set forth in Appendix B of this regulation;

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

4. Wherever the words "packers' tin cans" are used in §§ 1306.504, 1306.506 and 1306.508 they are amended to read "packers' tin cans and condensed milk cans".

5. The heading of paragraph (c) of Appendix A is amended to read as follows: "*Sales of packers' tin cans for which maximum prices are not established by paragraphs (a) or (b).*"¹

6. A new paragraph (c) (3) is added to Appendix A to read as follows:

(3) *Sales for which maximum prices are not established by subparagraphs (1) and (2).* The selling producer shall request the Office of Price Administration,² Washington, D. C. in writing to establish a maximum price for such can. Such request must include a description

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

¹ Paragraph (c) applies to sales not covered by paragraphs (a) or (b) as well as sizes. For example, if a No. 1 tall salmon can (301 x 411) were sold to be packed in Territory No. 1 paragraph (c) would be applicable.

² Requests should be addressed in care of the Iron and Steel Branch to assure prompt receipt.

of the can, its use, the cost of production, the circumstances under which it will be sold, a requested price, and such other information as the producer may wish to submit in support of his request. The Office of Price Administration shall act on such a request within a reasonable time and establish a maximum price. Pending such action the producer may invoice at the requested price subject to adjustment in accordance with whatever maximum price is established pursuant to the request. Action by the Office of Price Administration pursuant to this paragraph shall be by order, letter or telegram and any conditions or limitations as may seem to the Office of Price Administration just and proper may be imposed in connection with such action.

7. Appendix B is added to read as follows:

Appendix B—Maximum prices for condensed milk cans. (a) Maximum prices per thousand cans manufactured from 80 pound tin plate, f. o. b. seller's plant, of the sizes and styles listed in this paragraph, when sold to be packed in:

(1) *Territory No. 1.* The District of Columbia and any state lying east of the western boundary of Montana, Wyoming, Colorado and New Mexico except that part of western Colorado which is customarily included in Territory No. 2:

	<i>Price per 1000 cans</i>
6 oz. baby size (208 x 206)-----	\$6.89
6 oz. baby size (208 x 208)-----	7.01
14½ oz. tall can (215 x 315)-----	10.90

Provided, That such prices shall be adjusted in accordance with the provisions of paragraphs (e), (f), (g) and (h) of Appendix A.

(2) *Territory No. 2.* The State of Utah and those parts of southern Idaho and western Colorado customarily known in the industry as the territory surrounding the State of Utah:

	<i>Price per 1000 cans</i>
6 oz. baby size (208 x 206)-----	\$7.50
14½ oz. tall can (300 x 315)-----	12.16

Provided, That such prices shall be adjusted in accordance with the provisions of paragraphs (e), (f), (g) and (h) of Appendix A.

(3) *Territory No. 3.* Those states lying west of the western boundaries of Montana, Wyoming, Utah and New Mexico, except that part of southern Idaho which is customarily included in Territory No. 2:

	<i>Price per 1000 cans</i>
6 oz. baby size (208 x 206)-----	\$7.57
14½ oz. tall can (215 x 315)-----	12.11

Provided, That such prices shall be adjusted in accordance with the provisions of paragraphs (e), (f), (g) and (h) of Appendix A.

(b) *Sales for which maximum prices are not established by paragraph (a).*¹ Maximum prices for each producer shall be the highest prices in effect for such producer in March 1942.

Where a producer had no March 1942 prices the maximum price shall be established in the following manner: The selling producer shall request the Office of Price Administration

¹ Paragraph (b) covers sizes other than those listed in paragraph (a), for example, the 8 lb. gallon size and the 14 oz. sweet milk can. It also covers sales of cans listed in paragraph (a) but for which sales no maximum prices are established in paragraph (a). For example, if the 14½ oz. tall can (300 x 315) were sold to be packed outside of Territory No. 2, paragraph (b) would apply.

tion,² Washington, D. C. in writing to establish a maximum price for such can. Such request must include a description of the can, its use, the cost of production, the circumstances under which it will be sold, a requested price, and such other information as the producer may wish to submit in support of his request. The Office of Price Administration shall act on such a request within a reasonable time and establish a maximum price. Pending such action the producer may invoice at the requested price subject to adjustment in accordance with whatever maximum price is established pursuant to the request. Action by the Office of Price Administration pursuant to this paragraph shall be by order, letter or telegram and any conditions or limitations as may seem to the Office of Price Administration just and proper may be imposed in connection with such action.

This amendment shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6705; Filed, May 10, 1944; 11:31 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS
[MPR 348,¹ Amdt. 48]

LOGS AND BOLTS

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

Maximum Price Regulation 348 is amended by the addition of Appendix M, Tables 1, 2, and 3.

APPENDIX M—ASH SPECIAL LOGS

This appendix covers only ash logs specially cut or selected for use in the manufacture of implement handles and other ash specialty items. For ash logs produced or purchased in conjunction with other species, see the general log prices set forth in Appendices A through F.

Ash special logs must be of a texture, toughness, resiliency, and weight suitable for manufacture of implement handles, boat oars, and similar ash specialty items, must show at least 3 annual rings per inch, and must weigh at least 15 lbs. per cubic foot.

TABLE 1

Area. The New England States by zones as follows:

Zone 1: The State of Maine.

Zone 2: The States of Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island.

Species. White ash special logs of the species *Fraxinus Americana*.

Scaling and grading rules—Scale rule. International ¼" Log Rule.

Length. As specified by the buyer. Trim allowance must be provided by cutting logs over length as follows: 8 feet and longer, 6 inches; under 8 feet in length, 3 inches. Logs

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

¹ 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682, 792, 1317, 1571, 1572, 1717, 2088, 2088, 2135; 9 F.R. 2561, 2856, 3345, 3337, 3385, 3577, 4104, 4599.

² Requests should be addressed in care of the Iron and Steel Branch to assure prompt receipt.

not meeting the requirement for trim allowance shall be reduced in scale to the next lower standard length. No charge shall be made for trim allowance.

Diameter. 8" minimum. Diameter to be measured at average of the small end, inside the bark. Fractions of an inch ½ and less shall be eliminated; fractions over ½ inch may be counted as a full inch.

Defects. An ash log containing a doty heart extending over the entire length of the log is not acceptable.

All unsound and unusable wood must be eliminated from the scale by deduction in measurement. The defects for which full allowance must be made includes hollows, or large holes, rot, doty, windshake, large and excessive worm holes, damage in felling by drawn splinters, bends and crooks. Sound knots will also be considered with respect to the reduction caused in the possible handle production from the log and logs having defects (either sound or unsound) to the extent that 25% of the log is unusable, shall be rejected.

Maximum prices—Zone 1: \$30.50 per M feet log scale (International Rule) at roadside available to truck.

\$35.50 per M feet log scale (International Rule) f. o. b. rail cars at rail siding or delivered to the mill by truck from within 20 miles. If delivered to the mill by truck from a distance greater than 20 miles, the buyer may add to the above ceiling prices, 10 cents per thousand feet log scale per load mile, for each additional load mile in excess of 20.

Zone 2: \$35.00 per M feet log scale (International Rule) at roadside available to truck.

\$40.00 per M feet log scale (International Rule) f. o. b. rail cars at rail siding or delivered to the mill by truck from within 20 miles. If delivered to the mill by truck from a distance greater than 20 miles, the buyer may add to the above ceiling prices, 10 cents per thousand feet log scale per load mile, for each additional load mile in excess of 20.

General provisions. (a) The maximum prices herein established apply to logs produced in the zones described regardless of the location of the buying plant or delivery point.

(b) Buying plants who desire to purchase Ash special logs on the basis of a scale rule other than the International rule may do so upon submitting a written statement to that effect to Lumber Branch, Office of Price Administration, Washington 25, D. C. Such buying plant will be limited to the use of only one rule. The other log rules which may be used are the Vermont Log Rule and the Bangor Log Rule. If the Vermont Log Rule is used by the buying plant, the prices per thousand feet log scale shall be the same as those set forth above for the International Log Scale. If the Bangor Log Rule is used by the buying plant, the prices per thousand feet log scale shall be 95 percent of the prices set forth above for the International Log Rule.

(c) In Zone 1, Ash Special Logs 4 feet or less in length, may be purchased on the basis of a cord of 128 cubic feet. In such case the maximum price shall be \$18.25 per cord of 128 cubic feet at roadside available to truck, or \$21.25 per cord of 128 cubic feet f. o. b. rail cars at a rail siding or delivered to mill within 20 miles. If delivered to the mill by truck from a distance in excess of 20 miles, the buyer may add \$0.06 per cord of 128 cubic feet for each additional load mile in excess of 20 miles.

TABLE 2

Area: Part or all of the States of Michigan, Illinois, Indiana, Maryland, Ohio, New York, New Jersey, Pennsylvania, West Virginia, Delaware, Virginia, and Kentucky by Zones as listed below:

Zone 1: All of the Southern (Lower) Peninsula of Michigan.

The entire State of Indiana.

In the State of Ohio—the counties of Lucas, Fulton, Williams, Defiance, Henry, Wood, Hancock, Putnam, Paulding, Van Wert, and Allen.

Zone 2: In the State of Illinois, all counties north of and including the Counties of Monroe, St. Clair, Washington, Jefferson, Hamilton, and White.

Zone 3: In the State of Illinois, all counties south of and including the Counties of Randolph, Perry, Franklin, Saline, and Gallatin.

Zone 4: In the State of Ohio, all counties except the counties of Lucas, Fulton, Williams, Defiance, Henry, Wood, Hancock, Putnam, Paulding, Van Wert, Allen, Brown, Adams, Pike, Scioto, Lawrence, Jackson, Gallia, Meigs, Vinton, Athens, Morgan, Washington, Noble and Monroe.

Zone 5: In the State of Ohio, the counties of Brown, Adams, Pike, Scioto, Lawrence, Jackson, Gallia, Meigs, Vinton, Athens, Morgan, Washington, Noble and Monroe.

All of the State of West Virginia except the counties of Wyoming, Logan, Raleigh, Mercer, Summers, Monroe, Greenbrier, Mingo and McDowell.

Zone 6: The entire State of New York.

Zone 7: The entire State of Pennsylvania and the entire State of New Jersey.

Zone 8: The entire State of Maryland; The entire State of Delaware;

In the State of Virginia, the counties north of and including the counties of Bath, Augusta, Albemarle, Orange, Culpeper and Stafford and including Northampton and Accomac Counties.

Zone 9: In the State of West Virginia, the counties of Wyoming, Logan, Raleigh, Mercer, Summers, Monroe, Greenbrier, Mingo and McDowell.

In the State of Kentucky that portion of the State included north and east of a line formed by the western boundary of the counties of Breckinridge and Grayson and the southern boundary of Grayson, Hardin, La Rue, Nelson, Washington, Mercer, Jessamine, Fayette, Clark, Montgomery, Menifee, Morgan, Johnson and Martin.

Zone 10: In the State of Virginia, that part of the state included south and west of a line formed by the eastern boundary of the counties of Halifax, Charlotte, Appomattox and Buckingham, and the northern boundary of the counties of Buckingham, Nelson, Rockbridge and Alleghany.

In the State of Kentucky that part of the state included south and east of a line formed by the north boundary of the Counties of Pike, Floyd, Magoffin, Wolfe, Powell, Estill, Madison, Garrard, Boyle, Marion, Taylor, Green, Hart and Edmonson and the west boundary of the counties of Edmonson, Barren, and Monroe.

Species. White Ash Special logs of the species *Fraxinus Americana*.

Scaling and grading rules.—Scale rule, Doyle Log Rule.

Length. As specified by the buyer. Trim allowance must be provided by cutting logs overlength as follows: 8 feet and longer, 6 inches; under 8 feet in length, 3 inches. Logs not meeting the requirement for trim allowance shall be reduced in scale to the next lower standard length. No charge shall be made for the trim allowance.

Diameter.—8" Minimum. Diameter to be measured at small way of small end, inside bark. Fractions of an inch $\frac{1}{2}$ and less shall be eliminated; fractions over $\frac{1}{2}$ inch may be counted as a full inch.

Defects. An Ash log containing a doty heart extending over the entire length of the log is not acceptable.

All unsound and unusable wood must be eliminated from the scale by deduction in measurement. The defects for which full allowance must be made includes hollows, or large holes, rot, doty, windshake, large and excessive worm holes, damage in felling by drawn splinters, bends and crooks. Sound

knots will also be considered with respect to the reduction caused in the possible handle production from the log and logs having defects (either sound or unsound) to the extent that 25% of the log is unusable, shall be rejected.

MAXIMUM PRICES
(Per M feet log scale)

Zone Number	Delivered at roadside available to truck	F. o. b. rail cars at rail siding
1	\$52.50	\$62.50
2	47.50	57.50
3	42.50	50.00
4	47.50	57.50
5	42.50	52.50
6	50.00	60.00
7	47.50	55.00
8	42.50	50.00
9	40.00	47.50
10	37.50	45.00

(a) The maximum prices herein established apply to logs produced in the zones described regardless of the location of the buying plant or delivery point.

(b) The price for Ash Special logs delivered to the mill by truck from within 20 miles of the plant shall be the same as the f. o. b. rail cars at rail siding price. If Ash Special logs are delivered to the mill by truck from a distance in excess of 20 miles, the buyer may add $12\frac{1}{2}$ cents per thousand feet for each load mile in excess of 20 miles.

(c) In the event that Ash Special logs are purchased from mine prop producers in the following counties of Pennsylvania (Zone 7), namely Tioga, Wayne, Luzerne, Sullivan, Bradford, Pike, Lackawanna, Columbia, Susquehanna, Monroe and Wyoming, and in the State of New York (Zone 6) Chemung County, Tioga County, that portion of Broome County west of U. S. Highway No. 11 north of Binghamton, and all area south of New York State Highway No. 17; that portion of Delaware County south of New York State Highway No. 10 and that portion of Sullivan County north of New York State Highway No. 52, the buyer may pay such mine prop producers \$10.00 per ton for Ash Special logs delivered to the buyer's plant. If delivery of Ash Special logs produced by mine prop producers is taken at any point other than at the buyer's plant, the buyer must deduct the cost of transporting the logs to his plant.

TABLE 3

Area: Part or all of the States of Arkansas, Oklahoma, Texas, Louisiana, Missouri, Kentucky, Mississippi, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Florida and Virginia by zones as follows:

Zone 1: The entire State of Texas.

The entire State of Oklahoma.

In the State of Louisiana the parishes west of and including the parishes of Union, Ouachita, Caldwell, and La Salle, and north of and including Rapides and Vernon.

In Arkansas, that part of the state south of the Arkansas River.

Zone 2: In the State of Arkansas, the counties north of the Arkansas River west of and including the Counties of Arkansas, Monroe, St. Francis, Cross, Poinsett, Craighead, Greene and Clay.

The entire State of Missouri.

Zone 3: In the State of Arkansas the counties of Mississippi, Crittenden, Lee, Phillips and that portion of Desha county north of the Arkansas River.

In the State of Kentucky the counties west of and including the counties of Hancock, Ohio, Butler, Warren, and Allen.

In the State of Tennessee, the counties west of and including the counties of Robertson, Davidson, Williamson, Maury and Giles.

In the State of Mississippi, all counties north of and including the Counties of Boli-

var, Sunflower, Le Flore, Carroll, Montgomery, Choctaw, Oktibbeha and Lowndes.

In the State of Alabama, the counties of Lauderdale, Limestone, Colbert, Lawrence, Morgan, Franklin, Marion, Winston, Cullman, Jefferson, Walker, Fayette, Lamar, Pickens and Tuscaloosa.

Zone 4: In the State of Louisiana, all counties east of and including the Counties of Morehouse, Richland, Franklin, Catahoula, Avoyelles, Evangeline, Allen, Beauregard, Calcasieu, and Cameron.

In the State of Mississippi, that portion of the State included in the area formed a line starting at the northwest corner of Washington county, then south along the Mississippi River to the southwest corner of Wilkinson County, then along the south boundary of the counties of Wilkinson, Amite, Pike and Walthall to the southeast corner of Walthall County, then north along the eastern border of Walthall, southeastern boundary of Lawrence County, and eastern boundaries of Jefferson Davis, Simpson and Rankin Counties to the Southwest corner of Scott County, thence east along the south boundary of Scott, Newton, and Lauderdale counties to the southeast corner of Lauderdale County, then north along the eastern boundary of Lauderdale, Kemper and Noxubee Counties to the northeast corner of Noxubee County, then west along the northern boundary of Noxubee, Winston, Attala, Holmes, Humphreys and Washington Counties to the northwest corner of Washington County.

In the State of Alabama the Counties of Sumter and Greene.

Zone 5: In the State of Mississippi the Counties of Smith, Jasper, Clarke, Covington, Jones, Wayne, Marion, Lamar, Forrest, Perry, Greene, Pearl River, Stone, George, Hancock, Harrison and Jackson.

In the State of Alabama the Counties of Mobile, Washington, Choctaw, Clarke and Baldwin.

Zone 6: In the State of Alabama, the entire State exclusive of the Counties of Mobile, Washington, Choctaw, Clarke, Baldwin, Lauderdale, Limestone, Colbert, Lawrence, Morgan, Franklin, Marion, Winston, Cullman, Jefferson, Walker, Fayette, Lamar, Pickens, and Tuscaloosa.

In the State of Tennessee that portion of the State east of and including the counties of Sumner, Wilson, Rutherford, Marshall, and Lincoln.

The entire State of Georgia.

The entire State of South Carolina.

In the State of Florida, all counties north of and including the Counties of Hillsboro, Polk, Osceola, and Brevard.

In the State of North Carolina all counties west of and including the Counties of Ashe, Watauga, Caldwell, Burke and Rutherford.

Zone 7: In the State of North Carolina all counties east of and including the counties of Alleghany, Wilkes, Alexander, Catawba, and Cleveland.

In the State of Virginia, all counties east of and including the Counties of Mecklenburg, Iunenburg, Prince Edward, Cumberland, Fluvanna, Louisa, Spotsylvania, and King George.

Species: White Ash Special Logs of the species *Fraxinus Americana*.

Scaling and grading rules.—Scale rule, Doyle Log Rule.

Length. As specified by the buyer. Trim allowance must be provided by cutting logs over length as follows: 8 feet and longer, 6 inches; under 8 feet in length, 3 inches. Logs not meeting the requirement for trim allowance shall be reduced in scale to the next lower standard length. No charge shall be made for the trim allowance.

Diameter. 8" minimum. Diameter to be measured at the small way of the small end, inside the bark. Fractions of an inch shall be eliminated.

Defects. An ash log containing a doty heart extending over the entire length of the log is not acceptable.

All unsound and unusable wood must be eliminated from the scale by deduction in measurement. The defects for which full allowance must be made includes hollows, or large holes, rot, doty, windshake, large and excessive worm holes, damage in felling by drawn splinters, bends and crooks. Sound knots will also be considered with respect to the reduction caused in the possible handle production from the logs and logs having defects (either sound or unsound) to the extent that 25% of the log is unusable, shall be rejected.

MAXIMUM PRICES:

[Per M feet log scale]

*F. o. b. rail cars at rail siding, or
f. o. b. barge or raft when delivered by water*

Zone:	Price
1.....	\$32.50
2.....	37.50
3.....	47.50
4.....	50.00
5.....	37.50
6.....	45.00
7.....	40.00

The above maximum prices shall also apply to logs delivered to the mill by truck from within 20 miles of the plant. If delivered to the mill by truck from a distance in excess of 20 miles, the buyer may add 12½ cents per thousand feet for each load mile in excess of 20 miles.

If delivery of Ash Special logs is taken at any point other than at the mill or f. o. b. rail cars at rail siding, the buyer must deduct from the maximum price either:

(a) The cost to the buyer of bringing the logs to the rail siding and loading on cars if delivery to the mill is by rail car; or

(b) The cost to the buyer of bringing the logs to the mill if delivery to the mill is by truck.

In Zone 6, short logs 4' and less in length can be purchased on the basis of cord measurement. Maximum price per cord of 128 cubic feet shall be \$16.50 f. o. b. rail cars at rail siding or for logs delivered to buying plant from within 20 miles. If delivered from a distance greater than 20 miles, the buyer may add—5 cents per cord of 128 cubic feet for each additional load mile in excess of 20 miles.

This amendment shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6706; Filed, May 10, 1944; 11:31 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 466¹, Amdt. 3]

ASBESTOS-CEMENT BUILDING MATERIALS

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.*

Paragraph (c) of section 4.3 of Maximum Price Regulation No. 466 is amended

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

¹ 8 F.R. 12612; 9 F.R. 964, 2821.

ed by inserting the following subparagraph immediately following the second subparagraph now contained in paragraph (c):

In the case of truckload shipments of asbestos-cement wallboard, the seller may charge the actual cost of transportation to the destination.

This Amendment No. 3 shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6707; Filed, May 10, 1944; 11:32 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288, Corr. to Amdt. 22²]

EGG NOODLES IN ALASKA

Amendment 22 to Maximum Price Regulation 288 is corrected by changing

"General Manager Type" grain doors (size)	Hemlock or other northern softwoods or hardwoods	Ponderosa pine	Douglas fir or other western softwoods	Southern pine	Cypress, basswood or other southern or eastern softwood or hardwood
7'0" x 20" x 1½"	\$1.35	\$1.23	\$1.19	\$1.395	\$1.31
7'0" x 10" x 1½"	.81	.74	.715	.835	.785

This amendment shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6709; Filed, May 10, 1944; 11:33 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 481, Corr. to Amdt. 3]

SLACK STAVES, HEADING AND COOPERAGE

In section 4, the part of Table IV—Wooden Hoops entitled "Headliners" is corrected to read as follows:

HEADLINERS

Length:	Arkansas and Louisiana
12".....	\$1.50
18".....	1.75

This correction shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6708; Filed, May 10, 1944; 11:33 a. m.]

² 9 F.R. 4029.

³ 8 F.R. 14151, 15380.

the price of Egg Noodles, B & W Krinkled 16 oz.—Carton, Fairbanks, from "\$0.35" to "\$0.33".

This correction shall become effective as of April 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6710; Filed, May 10, 1944; 11:30 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[MPR 483, Amdt. 2]

"GENERAL MANAGER TYPE" GRAIN DOORS AND TEMPORARY COAL DOORS FOR BOX CARS

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

The table in section 10 (a) is amended to read as follows:

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 132]

SUPERPHOSPHATES AT SEARSPORT, MAINE

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

Section 4.4 (a) (1) (i) of Revised Supplementary Regulation 14 is amended so as to include a new point of production and maximum price to read as follows:
Searsport, Maine..... \$0.82

This amendment shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6711; Filed, May 10, 1944; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14A³ to GMPR, Amdt. 15]

MILK AND MILK PRODUCTS, ATLANTA REGION

A statement of the considerations involved in the issuance of this amend-

⁴ 8 F.R. 14312, 16790; 9 F.R. 2946, 3512.

⁵ 8 F.R. 9835, 9885, 10514, 12793, 13060, 13724, 15259, 15705, 16604, 16428, 16919, 17199; 9 F.R. 343, 1328, 2176, 3655.

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

Supplementary Regulation 14A is amended in the following respects:

1. The third undesignated paragraph of § 1499.73a (a) (1) (viii) (b) (1) beginning with the caption "Where the plant of the seller is located outside the Atlanta regional area" is amended to read as follows:

Where the plant of the seller is located outside the Atlanta regional area. An amount equal to the seller's maximum wholesale price for the area where in the seller's plant is located, for any class of wholesale purchasers established under the General Maximum Price Regulation or any applicable supplementary or adjustment order issued by the Office of Price Administration, plus (i) a premium of one-half cent per quart; or (ii) at the election of such seller, the actual transportation costs from the seller's plant to point of delivery not to exceed the lowest common carrier rates: *Provided*, That any seller making sales or deliveries pursuant to this paragraph, regardless of the method of computation used by him, shall, within ten days after entering into an Army or Navy contract providing for deliveries within the Atlanta regional area, or, after the making of the first delivery to an Army or Navy destination within such area, file with the Atlanta Regional Office of the Office of Price Administration, Candler Building, Atlanta, Georgia, a statement setting forth: The price established; the transportation charges added, if any, together with the method of computation of the price established and the transportation charges; location of seller's plant; and the place of delivery of such milk. (This report should be in letter form—no specific form being required.)

2. A fourth undesignated paragraph is added to § 1499.73a (a) (1) (viii) (b) (1) immediately following the above described paragraph, to read as follows:

Plant. For the purposes of this § 1499.73a (a) (1) (viii) (b) (1), "plant" means the physical premises of a bottling or processing plant owned or operated by the seller.

This amendment shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6712; Filed, May 10, 1944; 11:32 a. m.]

Chapter XV—Board of War Communications

[Order 27-C]

PART 1722—PRECEDENCE FOR TELEGRAPH MESSAGES ESSENTIAL TO THE WAR EFFORT OR PUBLIC SAFETY

Whereas, The Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that certain telegraph messages relating to the war effort and public safety be given preferred handling:

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964 (6 F.R. 6367) of December 10, 1941, prescribing regulations governing the preference and priority of communications, and by Executive Order No. 9089 (7 F.R. 1777) of March 6, 1942, prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications:

It is hereby ordered as follows:

- Sec.
1722.1 Precedence.
1722.2 Procedure for indicating priorities.
1722.3 Other messages.
1722.4 Definition of domestic message.
1722.5 Priorities procedures.
1722.6 Violations.

AUTHORITY: §§ 1722.1 to 1722.6, inclusive, issued under E.O. 8964, 6 F.R. 6367; E.O. 9089, 7 F.R. 1777.

§ 1722.1 *Precedence.* Effective February 15, 1943, all wire-line telegraph, cable and radiotelegraph carriers shall upon specific designation by the sender give precedence in the handling of telegraph, cable, and radiotelegraph messages in accordance with the provisions of and in the order set forth below:

(a) "*US Urgent.*" To apply to domestic and international messages filed by the War and Navy Departments and to international messages filed by the State Department and the Federal Bureau of Investigation of the Department of Justice.

(b) "*OP Priority.*" To apply to domestic and international messages filed only by the War and Navy Departments.

(c) "*Priority.*" To apply to domestic and international messages filed by the State, War, or Navy Departments, the Federal Bureau of Investigation of the Department of Justice, the Office of War Information, and the United Nations Relief and Rehabilitation Administration, and to any other domestic message requiring immediate transmission for war purposes or to safeguard life or property and which relates to one or more of the following matters:

Immediate dangers due to the presence of the enemy.

Emergency communications in connection with actual military or naval requirements.

Hurricane, flood, earthquake, or other disaster.

Messages designated "US Urgent," "OP Priority," and "Priority" shall interrupt the transmission of all telegraph messages of lower precedence.

(d) "*Rapid.*" To apply to any domestic message which requires prompt transmission and delivery for the national defense and security, the successful conduct of the war, or to safeguard life or property and which involves matters of the following type:

- Important governmental functions.
- Machinery, tools, or raw materials for war plants.
- Production, movement, and diversion of essential supplies.
- Maintenance of essential public services.
- Supply, movement, and diversion of food.
- Civilian defense or public health and safety.

§ 1722.2 *Procedure for indicating priorities.* The priority indicators "US Urgent", "OP Priority", "Priority", and "Rapid" should be written by the sender in the "To" space immediately before the address on messages being transmitted over commercial circuits. They are to be transmitted in plain language.

§ 1722.3 *Other messages.* Messages not designated with one of the foregoing priorities shall be handled in accordance with legally established classifications and tariffs on file with the Federal Communications Commission.

§ 1722.4 *Definition of domestic messages.* As used in this order, domestic message means any telegraph message originating in the continental United States and destined to a point in the continental United States, Canada or Mexico.

§ 1722.5 *Priorities procedures.* The Federal Communications Commission is hereby requested and authorized in cooperation with the carriers concerned to evolve procedures and routines to effectuate the precedence and requirements set forth in this order.

§ 1722.6 *Violations.* Any sender of a telegraph message who wilfully obtains or attempts to obtain priority for a telegraph message by fraudulently designating such message as a priority message or by furnishing false information to any telegraph carrier for the purpose of obtaining a priority, shall be subject to appropriate governmental action.

Subject to such further order as the Board may deem appropriate.

BOARD OF WAR COMMUNICATIONS.
JAMES LAWRENCE FLY,
Chairman.

Attest: 28 April 1944.

E. M. WEBSTER,
Acting Secretary,
Captain, U. S. Coast Guard.

[F. R. Doc. 44-6684; Filed, May 10, 1944; 10:50 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 11, Supp. 3, Corrections]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

UNIFORM TIME CHARTER

1. Article V of Schedule A—Insurance, Indemnity and Waiver Program as prescribed by § 302.50, published in the FEDERAL REGISTER for Saturday, April 8, 1944, at page 3781 is corrected by striking out the words "Noon (EWT)" wherever such words appear in said clause, and inserting in lieu thereof, "12:01 AM", so that said clause will read:

V. ATTACHMENT OF INSURANCE

This Schedule shall be effective simultaneously with the effective date of this Amended Charter (Addendum) to which it is affixed, and the insurance to be provided by the Charterer hereunder, shall attach as of 12:01 AM of such effective date.

If an Owner who has elected Valuation Option II thereafter elects Valuation Option I in accordance with the terms of the Amended Charter (Addendum), then the insurance provided by the Charterer under Insurance Plan II shall terminate as of the effective date and hour that Valuation Option I becomes effective and the insurance provided by the Charterer under Insurance Plan I shall attach simultaneously therewith.

Pending an election by the Owner of Valuation Option I or II, as the case may be, as provided in Clause D of Part I of this Amended Charter (Addendum), Insurance Plan I of this Schedule shall be effective unless and until the Owner shall thereafter, in accordance with the provisions of said Clause D, elect Valuation Option II and shall notify the Charterer of his election and of the placing of marine hull insurance with the Syndicate as provided in subparagraph (a) of Clause 1A of this schedule, in which event Insurance Plan II shall be effective retroactively to 12:01 a. m. of the effective date of this Amended Charter (Addendum), notwithstanding that prior to the date of said election the Vessel or its Owner may have sustained loss, damage, or expense covered by the insurance provided by the Charterer under said Insurance Plan I.

Reference heretofore or hereafter made to Schedule A of the above mentioned Insurance, Indemnity and Waiver Program shall be deemed to refer to said Schedule A as corrected above.

2. Warshipreq Policy, as prescribed by § 302.50, published in the FEDERAL REGISTER for Saturday, April 8, 1944, at page 3781, is amended by striking out the comma after the word "Managers" on page 3783, so that said clause will read:

This insurance also specially to cover (subject to the Average Warranty) loss of or damage to hull or machinery directly caused by the following: Accidents in loading, discharging or handling cargo, or in bunkering or in taking in fuel; Explosions on Shipboard or elsewhere; Bursting of boilers; breakage of shafts or any latent defect in the machinery or hull (excluding, however, the cost and expense of repairing or renewing the defective part); Contact with Aircraft; Negligence of Master, Charterers, Mariners, Engineers, or Pilots: *Provided*, Such loss or damage has not resulted from want of due diligence by the Owners of the Vessel, or any of them, or by the Managers. Masters, Mates, Engineers, Pilots, or Crew not to be considered as part

owners within the meaning of this clause should they hold shares in the vessel.

Reference heretofore and hereafter made to Warshipreq Policy shall be deemed to refer to said Warshipreq Policy as corrected above.

[SEAL]

A. J. WILLIAMS,
Secretary.

MAY 5, 1944.

[F. R. Doc. 44-6680; Filed, May 10, 1944;
10:35 a. m.]

[G. O. 11, Supp. 4, Corrections]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

TIME CHARTERS FOR TANK VESSELS

1. Clause J of Part I of the Time Charter for Tank Vessels as prescribed by § 302.55, published in the FEDERAL REGISTER for Saturday, April 8, 1944, at page 3788 is corrected by striking out the date "May 5, 1944" and inserting in lieu thereof the date "May 15, 1944," so that said clause will read:

CLAUSE J. *Effective date of this amended charter.* Unless otherwise agreed this Amended Charter (Addendum) shall be effective upon completion of discharge of the Vessel in a port in the Continental United States, excluding Alaska, on the voyage current on May 15, 1944, or if the Vessel be in a port in the Continental United States, excluding Alaska, on May 15, 1944, then effective May 15, 1944, or if the Vessel has not returned to a port in the Continental United States, excluding Alaska, prior to July 15, 1944 then effective July 15, 1944, if the Vessel be in any port at that date, otherwise effective upon the Vessel's safe arrival at the Vessel's next port of call.

Reference heretofore or hereafter made to Part I of the above-mentioned Time Charter for Tank Vessels shall be deemed to refer to said Part I as corrected above:

2. Clause 30 of Part II of the Time Charter for Tank Vessels as prescribed by § 302.55, published in the FEDERAL REGISTER for Saturday, April 8, 1944, at page 3792 is corrected by inserting the word "wages," between the words "for bonuses" so that said clause will read:

CLAUSE 30. The Charterer shall reimburse the Owner for all expenses for wages, bonuses and subsistence of the Master and crew and other out-of-pocket costs incurred by the Owner subsequent to the date of and arising from an actual or constructive total loss of the Vessel to the extent not recovered or reimbursed under any insurance on the Vessel, or under this Charter or otherwise. If the extent of the damage or injury is not sufficient to entitle the Owner to collect for an actual or constructive total loss under the provisions of any insurance on the Vessel in the absence of a declaration by the Charterer, then in addition to reimbursement of expenses as aforesaid, the Owner shall be entitled: (a) to charter hire at the rate of 3½ percent per annum on the then current valuation of the Vessel under valuation Option II, commencing with the date when charter hire would otherwise terminate and ending four months thereafter or on the date of such declaration, whichever date is earlier; and (b), if the Vessel is declared a constructive total loss more than four

months after the date charter hire would otherwise terminate, then to charter hire in an amount equal to the use rate payable under Part I from the end of such four months until the date of such declaration.

Reference heretofore or hereafter made to Part II of the above-mentioned Time Charter for Tank Vessels shall be deemed to refer to said Part II as corrected above.

3. Article V of Schedule A—Insurance, Indemnity and Waiver Program as prescribed by § 302.55, published in the FEDERAL REGISTER for Saturday, April 8, 1944, at page 3798 is corrected by striking out the words "Noon (EWT)" wherever such words appear in said clause, and inserting in lieu thereof, "12:01 AM", so that said clause will read:

V. ATTACHMENT OF INSURANCE

This Schedule shall be effective simultaneously with the effective date of this Amended Charter (Addendum) to which it is affixed, and the insurance to be provided by the Charterer hereunder, shall attach as of 12:01 AM of such effective date.

If an Owner who has elected Valuation Option II thereafter elects Valuation Option I in accordance with the terms of the Amended Charter (Addendum), then the insurance provided by the Charterer under Insurance Plan II shall terminate as of the effective date and hour that Valuation Option I becomes effective and the insurance provided by the Charterer under Insurance Plan I shall attach simultaneously therewith.

Pending an election by the Owner of Valuation Option I or II, as the case may be, as provided in Clause D of Part I of this Amended Charter (Addendum), Insurance Plan I of this Schedule shall be effective unless and until the Owner shall thereafter, in accordance with the provisions of said Clause D, elect Valuation Option II and shall notify the Charterer of his election and of the placing of marine hull insurance with the Syndicate as provided in subparagraph (a) of Clause 1A of this schedule, in which event Insurance Plan II shall be effective retroactively to 12:01 AM of the effective date of this Amended Charter (Addendum), notwithstanding that prior to the date of said election the Vessel or its Owner may have sustained loss, damage, or expense covered by the insurance provided by the Charterer under said Insurance Plan I.

Reference heretofore or hereafter made to Schedule A of the above-mentioned Insurance, Indemnity and Waiver Program shall be deemed to refer to said Schedule A as corrected above.

4. Warshipreq Policy, as prescribed by § 302.55, published in the FEDERAL REGISTER for Saturday, April 8, 1944 at page 3793, is amended by striking out the comma after the word "Managers" on page 3794, so that said clause will read:

This insurance also specially to cover (subject to the Average Warranty) loss of or damage to hull or machinery directly caused by the following: Accidents in loading, discharging or handling cargo, or in bunkering or in taking in fuel; Explosions on Shipboard or elsewhere; Bursting of boilers; breakage of shafts or any latent defect in the machinery or hull (excluding, however, the cost and expense of repairing or renewing the defective part); Contact with Aircraft; Negligence of Master, Charterers, Mariners, Engineers, or Pilots: *Provided*, Such loss or damage has not resulted from want of due diligence by the Owners of the Vessel, or any of them, or by the Managers. Masters, Mates, Engineers, Pilots, or Crew not to be

considered as part owners within the meaning of this clause should they hold shares in the vessel.

Reference heretofore and hereafter made to Warshipreq Policy shall be deemed to refer to said Warshipreq Policy as corrected above.

[SEAL] A. J. WILLIAMS,
Secretary.

MAY 5, 1944.

[F. R. Doc. 44-6681; Filed, May 10, 1944;
10:35 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 22—CARRIERS BY WATER: UNIFORM SYSTEM OF ACCOUNTS

INVENTORIES OF MATERIALS AND SUPPLIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of April, A. D. 1944.

The matter of waiving the provisions of Note B to account 113, "Material and supplies," in the "Uniform System of Accounts for Carriers by Water, First Revised Issue," relating to the taking of inventories of material and supplies annually, being under consideration.

And it appearing that due to an acute shortage of experienced personnel necessary for the taking of inventories of material and supplies, requests have been received to omit such inventories for the year 1944.

It is ordered, That the requirements of Note B to account 113, "Material and supplies," relating to inventories of material and supplies be, and they are hereby waived for the year 1944.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6627; Filed, May 9, 1944;
11:38 a. m.]

[S. O. 80, Amdt. 17]

PART 95—CAR SERVICE

APPOINTMENT OF AGENT TO ISSUE PERMITS FOR MOVEMENT OF GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of May, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 80, as amended (codified as § 95.19);

It is ordered, That Roy E. Rife, General Manager of the Cincinnati Board of Trade, Inc., is hereby designated and appointed as agent of the Commission to issue permits for the movement of grain (including rice) under the terms of this order in the market area of Cincinnati, Ohio. (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 amendment shall become effective May 15, 1944, that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement; and that notice of this amendment be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6685; Filed, May 10, 1944;
11:07 a. m.]

[Rev. S. O. 197]

PART 95—CAR SERVICE TRANSPORTATION OF POTATOES

Vacates Service Order No. 197 (9 F.R. 4033).

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of May, A. D. 1944.

It appearing that Marvin Jones, War Food Administrator of the War Food Administration, has certified to the Office of Defense Transportation that an emergency exists in the marketing of old potatoes, other than sweet, and that the transportation and movement of low grade and cull potatoes, other than sweet, for other than manufacturing and livestock feed will result in a wasteful transportation; and the Office of Defense Transportation recommends that this Commission cooperate with it to prevent such wasteful transportation; the Commission is of the opinion that an emergency exists requiring immediate action to prevent wasteful transportation and congestion of traffic; It is ordered, That:

§ 95.336 (a) *Use of railroad freight cars or refrigerator cars prohibited for transporting potatoes, other than sweet, below prescribed grade.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation or move any railroad freight car or refrigerator car loaded with potatoes, other than sweet, grading below U. S. Commercial or below eighty percent (80%) U. S. No. 1 quality from any point in the States of Connecticut, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont, or Wisconsin, nor shall accept for transportation or move any railroad freight car or refrigerator car loaded with potatoes, other than sweet, grading below U. S. No. 2 grade 1 $\frac{3}{8}$ inch minimum, from any point in the States of California, Colorado, Idaho, Montana, Nebraska, Nevada, Oregon, Utah, Washington, or Wyoming, except as provided in paragraph (b) hereof.

(b) (1) *Use of refrigerator cars for transporting potatoes, other than sweet,*

of the prescribed minimum grade or above the prescribed minimum grade. No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation or move any refrigerator car loaded with potatoes, other than sweet, of the minimum grade or above the minimum grade prescribed in paragraph (a) of this section from any point in the States set forth therein unless or until the shipper or consignor thereof surrenders with the bill of lading to the carrier's agent a Federal State Inspection Certificate or, in the event a Federal State Shipping Point Inspection Certificate is not procurable, a written assurance that such shipment of potatoes is of the minimum grade or above the minimum grade prescribed in paragraph (a) of this section.

(2) *Use of railroad freight cars for transporting potatoes, other than sweet, below the prescribed minimum grade.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation or move any railroad freight car loaded with potatoes, other than sweet, grading below the minimum grade prescribed in paragraph (a) of this section from any point in the States set forth therein unless such shipment is consigned to a manufacturing plant for manufacturing purposes only or to livestock feeders or feed processors for use as livestock feed and unless or until the shipper or consignor thereof endorses upon the bill of lading a written endorsement "For manufacturing only" or "For livestock feed only", as the case may be.

(c) *Exemption.* The provisions of this order shall not be construed to prohibit the acceptance for transportation or movement from any point in the States set forth in paragraph (a) of this section of any railroad freight cars, including refrigerator cars, loaded with potatoes, other than sweet, of any grade for seed purposes: *Provided,* The sacks containing the potatoes are tagged with the respective state certified or war approved seed tags: *And provided further,* That the state certified seed certificate or war approved seed certificate is surrendered to the carrier's agent at the time the bill of lading is executed or accepted by said agent.

(d) *Application.* (1) The provisions of this order shall apply to intrastate as well as interstate traffic.

(2) The provisions of this order shall not apply to railroad freight cars or refrigerator cars completely loaded, or accepted for transportation, or moving, prior to the effective date of this order.

(e) *Tariff provisions suspended.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby announcing the suspension of any of the provisions therein.

(g) *Special and general permits.* The provisions of this order shall be subject

to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. Any permits issued under authority of Service Order No. 197, in effect at 12:01 a. m., May 9, 1944, shall be continued in effect as though issued under the authority delegated in this paragraph. (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 at 12:01 a. m., May 9, 1944, and shall supersede Service Order No. 197 on the effective date hereof; that a copy of this order and direction shall be served upon each State Commission enumerated in the first ordering paragraph of this order; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6686; Filed, May 10, 1944;
11:07 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order CMA-27]

WILLIAM B. SHEIDY, ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

Order revoking Order No. 1888 as to certain companies.

On November 1, 1943, by virtue of the authority vested in me by the President of the United States, I signed Order No. 1888 (8 F.R. 15199), taking possession of anthracite and bituminous coal mines in which I found from the available information that a strike or work stoppage had occurred or was threatened. It now appears, however, that the companies listed in the Appendix attached hereto did not operate any coal mines as of November 1, 1943.

Accordingly, Order No. 1888 is hereby revoked so far as it affects the companies listed in the Appendix attached hereto and made a part hereof.

Dated: May 8, 1944.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

William B. Shedy, 304 Peoples Trust Bldg., Tamaqua, Pa.
Knappan Coal Co., Carbondale, Pa.
C. & M. Mining Co., 1018 Acker Avenue, Scranton, Pa.

W. T. Payne, 612 Central Bldg., Wilkes-Barre, Pa.

The Indian Head Mining Company, Inc., Bulan, Ky.

R. T. Davis Coal Company, Inc., Jackson, Ky.

The Cullen Coal Company, Guarantee Trust Bldg., Mount Carmel, Pa.

[F. R. Doc. 44-6683; Filed, May 10, 1944;
10:39 a. m.]

DEPARTMENT OF COMMERCE.

Office of the Secretary.

[Order No. 305]

MONTGOMERY WARD AND COMPANY

ORDER TERMINATING POSSESSION, CONTROL AND OPERATION BY UNITED STATES

Whereas under Executive Order No. 9438 of the President of April 25, 1944, I was directed to take possession of the plants and facilities of Montgomery Ward and Company located at Chicago, Illinois; to avoid existing and threatened interruption of operations as a result of labor disturbances arising from the failure of Montgomery Ward and Company to comply with the orders of the National War Labor Board requiring the maintenance of previous contractual relations with the Union pending an election to determine the representative status of the Union,

Whereas, an election to determine the Union's status has been held by and under the direction of the National Labor Relations Board, and

Whereas I find that the purpose for which the possession of the plants and facilities of the Montgomery Ward and Company located at Chicago was taken under Executive Order No. 9438 has been accomplished and that the productive efficiency of such plants and facilities prevailing prior to the existing and threatened interruptions of production has been restored,

Therefore, in accordance with the authority vested in me by paragraph 5 of the President's Executive Order No. 9438 of April 25, 1944, I do hereby terminate the possession, control and operation by the United States of the plants and facilities under such Executive Order, and do hereby return the said plants and facilities to the said Company, such termination and return to become effective at 7:00 p. m., May 9, 1944, Central War Time.

[SEAL] JESSE H. JONES,
Secretary of Commerce.

MAY 9, 1944.

[F. R. Doc. 44-6719; Filed, May 10, 1944;
12:29 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 236]

RECONSIGNMENT OF BEANS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Serv-

ice Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 5, 1944, by Lino-Meyer Company, of car ART 18626, beans, now on the Chicago Produce Terminal to Boston, Massachusetts.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6635; Filed, May 9, 1944,
11:38 a. m.]

[S. O. 117, Special Permit 3]

TRANSPORTATION OF BANANAS FROM MEXICO

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.9, 8 F.R. 14224) of Service Order No. 117 of April 13, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accept and move five carloads of bananas originating in Mexico to be moved through the United States all rail to points in Canada consigned to Gray Fruit and Produce, London, Ontario. Cars originate on Missouri Pacific Lines at Laredo.

The waybills shall show reference to this special permit.

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

Issued at Washington, D. C., this 4th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6636; Filed, May 9, 1944;
11:38 a. m.]

[S. O. 164, General Permit 19]

REFRIGERATION OF CITRUS FRUITS FROM CALIFORNIA OR ARIZONA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491)

of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to any refrigerator car loaded with citrus fruits originating in California or Arizona.

This permit shall become effective at 12:01 a. m., May 6, 1944, and shall apply to cars loaded or moving at that time.

The waybills shall show reference to this general permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6637; Filed, May 9, 1944;
11:38 a. m.]

[S. O. 164, Special Permit 47]

STANDARD REFRIGERATION FOR FREIGHT CAR FROM EDINBURG, TEX.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to PFE 73914, shipped from Edinburg, Texas, May 2 originally billed to Kansas City, Missouri, diverted to Grand Island, Nebraska, stop-off at Hastings, Nebraska, for partial unloading, routed SP-Frisco-UP.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 4th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6638; Filed, May 9, 1944;
11:38 a. m.]

[S. O. 164, Special Permit 48]

REFRIGERATION OF ORANGES FROM LAKE HAMILTON, FLA.

Pursuant to the authority vested in me by paragraph (g) of the first order-

ing paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to one car Valencia oranges to be shipped May 4 or 5 from Lake Hamilton, Florida, on A. C. L. to Omaha, Nebraska.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 4th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6639; Filed, May 9, 1944;
11:38 a. m.]

[S. O. 164, Special Permit 49]

STANDARD REFRIGERATION FOR FREIGHT CAR FROM MISSION, TEX.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to ERDX 3009, originated Mission, Texas, May 3, consigned to Kansas City, diverted to McCook, Nebraska, stop-off for partial unloading Hastings, Nebraska, routed Missouri Pacific-CBQ.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 4th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6640; Filed, May 9, 1944;
11:38 a. m.]

[S. O. 164, Special Permit 50]

STANDARD REFRIGERATION FOR FREIGHT CAR FROM ELSA, TEX.

Pursuant to the authority vested in me by paragraph (g) of the first ordering

paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to PFE 98141, originated Elsa, Texas, May 3, consigned to East St. Louis diverted to Salina, Kansas. Stop-off for partial unloading Topeka, Kansas, routed SP-Frisco-MP.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 4th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6641; Filed, May 9, 1944;
11:38 a. m.]

[S. O. 164, Special Permit 51]

REICING OF ORANGES AT BUFFALO, N. Y.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord one reicing to full bunker capacity to RD 16929, naval oranges on NYC&StL at Buffalo, New York, shipped by the California Fruit Growers Exchange.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6642; Filed, May 9, 1944;
11:39 a. m.]

[S. O. 164, Special Permit 52]

REICING OF ORANGES AT BUFFALO, N. Y.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any com-

mon carrier by railroad subject to the Interstate Commerce Act:

To reice once at Buffalo, New York, to full bunker capacity, not later than May 8, 1944, car SFRD 25138, navel oranges, for account of R. C. Neill, California Fruit Growers Exchange. (Car now on Erie Railroad.)

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6643; Filed, May 9, 1944;
11:39 a. m.]

[S. O. 178, Special Permit 122]

TRANSPORTATION OF DRIED SALTED CODFISH
FROM NEW ORLEANS, LA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the movement of two refrigerator cars of dried salted codfish from Pelican Cold Storage Company, on Southern Railway, at New Orleans to New Orleans port of embarkation on Public Belt for export.

The waybills shall show reference to this special permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6644; Filed, May 9, 1944;
11:39 a. m.]

[S. O. 178, Special Permit 123]

LOADING OF CHEESE AT FREEPORT, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Serv-

ice Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of one refrigerator car with cheese and spread in glass and bulk cheese by Kraft Cheese Company at Freeport, Illinois, and the movement of the one car so loaded from that point not later than May 9, 1944, to Jersey City, New Jersey. (C. M. St. P. & P.)

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6628; Filed, May 9, 1944;
11:39 a. m.]

[S. O. 200, 2d Amended General Permit 1]

REICING OF POTATOES FROM ALABAMA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes originating at any point in Alabama, after the first or initial icing at an icing station not beyond Atlanta, Georgia, or Jackson, Memphis or Nashville, Tennessee, to reice once in transit to full bunker capacity at the first regular icing station enroute beyond the station where car was initially iced; except that on cars routed through Atlanta, Georgia, the one reicing authorized may be ordered by the shipper and accorded by the carrier at the first regular icing station enroute beyond Atlanta; and except that on cars routed through Cincinnati, Ohio, the one reicing authorized may be ordered by the shipper and accorded by the carrier at the first regular icing station enroute beyond Nashville, Tennessee.

This general permit shall become effective at 12:01 a. m., May 6, 1944, and the reicing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire at 12:01 a. m., June 10, 1944.

The waybills shall show reference to this general permit.

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

at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6629; Filed, May 9, 1944;
11:40 a. m.]

[S. O. 200, 2d Amended Special Permit 2]

LOADING OF POTATOES FROM CALIFORNIA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes in California to reice once in transit when destined west of the Mississippi River and to reice twice in transit when destined east of the Mississippi River, at stations designated by shippers or, at carriers' option, at the first icing station west or east of such designated station.

This special permit shall become effective 12:01 a. m., May 11, 1944 and shall expire with July 15, 1944.

The waybills shall show reference to this special permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6630; Filed, May 9, 1944;
11:40 a. m.]

[S. O. 200, Special Permit 6]

REICING OF POTATOES FROM GAYLORD,
MICH.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To move ART 16938 potatoes, from Gaylord, Michigan, to Key West, Florida, via NYC-Southern-FEC-Overseas Transportation Company with one reicing on NYC and one on Southern Railway.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car

service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6631; Filed, May 9, 1944;
11:40 a. m.]

[S. O. 201, Amended General Permit 2]

TRANSPORTATION OF ICE IN RS TYPE
REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.338, 9 F.R. 4480) of Service Order No. 201 of April 25, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 201 insofar as it applies to the transportation of ice in RS type refrigerator cars (owned or leased by the Pacific Fruit Express Company), from, to or between points on the Southern Pacific Company, the Union Pacific Railroad Company, The Western Pacific Railroad Company, and the Texas and New Orleans Railroad Company, when shipped by the Pacific Fruit Express Company, or when consigned to the Pacific Fruit Express Company onto any one of the four railroads named herein.

This general permit shall become effective at 12:01 a. m., May 6, 1944.

The waybills shall show reference to this general permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6632; Filed, May 9, 1944;
11:40 a. m.]

[S. O. 201, General Permit 3]

TRANSPORTATION OF ICE IN RS TYPE
REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.338, 9 F.R. 4480) of Service Order No. 201 of April 25, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 201 insofar as it applies to the

transportation of ice in ART refrigerator cars of RS type to Rio Grande Valley-Robstown-Corpus Christi Section and to the Wintergarden and Laredo Districts on Missouri Pacific System Lines.

This general permit shall become effective May 5, 1944, and shall expire with June 30, 1944.

The waybills shall show reference to this general permit.

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

Issued at Washington, D. C., this 5th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6633; Filed, May 9, 1944;
11:40 a. m.]

[S. O. 201, Special Permit 3]

TRANSPORTATION OF ICE IN RS TYPE
REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.338, 9 F.R. 4480) of Service Order No. 201 of April 25, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 201 insofar as it applies to the transportation of ice in RS type refrigerator cars, one loaded at Willows on Southern Pacific and one loaded at Colusa on Sacramento Northern May 3 for Union Ice Company, Richmond, California.

The waybills shall show reference to this special permit.

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

Issued at Washington, D. C., this 3d day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6634; Filed, May 9, 1944;
11:40 a. m.]

[S. O. 70-A, Special Permit 237]

RECONSIGNMENT OF POTATOES AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Serv-

ice Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconignment at Chicago, Illinois, May 6, 1944, by S. Friedman Sons of car ART 21383, potatoes, now on the Chicago Produce Terminal to Leshinsky Company, Milwaukee, Wisconsin.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 6th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6687; Filed, May 10, 1944;
11:07 a. m.]

[S. O. 164, Special Permit 53]

REICING OF ORANGES AT AKRON, OHIO

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once to full bunker capacity at Akron, Ohio, not later than May 7, 1944, car PFE 29356, navel oranges, now on the Baltimore and Ohio Railroad, for account of the California Fruit Growers Exchange.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 6th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6688; Filed, May 10, 1944;
11:07 a. m.]

[S. O. 164, Special Permit 54]

REFRIGERATION OF CITRUS FRUIT FROM
EDINBURG, TEX.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of

Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration on car PFE 41711, citrus fruit, shipped from Edinburg, Texas, May 5, 1944, to Kansas City, Missouri, now reconsigned to Hutchinson, Kansas, with stop at Topeka, Kansas, to partly unload. (Routed Southern Pacific-Frisco-Missouri Pacific.)

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 6th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6689; Filed, May 10, 1944; 11:07 a. m.]

[S. O. 164, Special Permit 55]

REFRIGERATION OF CITRUS FRUIT FROM EDINBURG, TEX.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration on car PFE 30645, citrus fruit, shipped from Edinburg, Texas, May 5, 1944, to Kansas City, Missouri, now reconsigned to Ottawa, Kansas, with stop at Emporia, Kansas, to partly unload. (Routed Southern Pacific-Santa Fe)

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 6th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6690; Filed, May 10, 1944; 11:07 a. m.]

[S. O. 200, General Permit 3]

ICING OF POTATOES FROM FLORIDA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944,

permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide one reicing in transit to full bunker capacity, after the first or initial icing, on any refrigerator car loaded with potatoes originating at any point in the State of Florida.

This general permit shall become effective at 12:01 a. m., May 10, 1944, and shall expire at 12:01 a. m., June 10, 1944. The reicing authorized herein may be accorded cars rolling on the effective date hereof.

The waybills shall show reference to this general permit.

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

Issued at Washington, D. C., this 8th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6691; Filed, May 10, 1944; 11:08 a. m.]

[S.O. 201, 2d Amended General Permit 2]

TRANSPORTATION OF ICE IN RS TYPE REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.338, 9 F.R. 4480) of Service Order No. 201 of April 25, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 201 insofar as it applies to the transportation of ice in RS type refrigerator cars (owned or leased by the Pacific Fruit Express Company), from, to or between points on the Southern Pacific Company, the Union Pacific Railroad Company, The Western Pacific Railroad Company, and the Texas and New Orleans Railroad Company, when shipped by or consigned to the Pacific Fruit Express Company or any one of the four railroads named herein.

This general permit shall become effective at 12:01 a. m., May 9, 1944.

The waybills shall show reference to this general permit.

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

Issued at Washington, D. C., this 8th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6692; Filed, May 10, 1944; 11:08 a. m.]

[S. O. 201, Special Permit 4]

TRANSPORTATION OF ICE IN RS TYPE REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.338, 9 F.R. 4480) of Service Order No. 201 of April 25, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 201 insofar as it applies to the transportation of ice in RS type FGE refrigerator cars to Union Ice Company, Richmond, California, four to be loaded at Willows on Southern Pacific Railway and four at Colusa, on Sacramento Northern, each week until June 30.

The waybills shall show reference to this special permit.

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

Issued at Washington, D. C., this 6th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6693; Filed, May 10, 1944; 11:08 a. m.]

[S. O. 201, Special Permit 5]

LOADING AND TRANSPORTATION OF ICE FROM SAN JOSE, CALIF.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.338, 9 F.R. 4480) of Service Order No. 201 of April 25, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 201 insofar as it applies to the furnishing for loading with ice and the transportation when loaded with ice of car PFE 14591, loaded May 6, 1944, and one other refrigerator car to load May 7, 1944, shipped by the Security Ice and Cold Storage Company from San Jose, California, consigned to the U. S. Government at Camp Roberts, California. (Sou. Pac.)

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 6th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-6694; Filed, May 10, 1944; 11:08 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 35 to Order A-1]

REFRACTORY FLINT CLAY

MODIFICATION OF MAXIMUM PRICES

Amendment No. 35 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (12) (i) (c) is amended to read as follows:

(c) The non-volatile portion of the vehicle shall pass a 200 per cent kauri reduction test at 25° C.

This amendment shall become effective May 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6623; Filed, May 9, 1944; 11:34 a. m.]

[MPR 188, Order 1570]

HANCOCK BRICK AND TILE CO.

ORDER GRANTING ADJUSTMENT

Order No. 1570 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. The Hancock Brick and Tile Company.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.161 (a) (2) of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) Specific authority is hereby granted to the Hancock Brick and Tile Company, Findlay, Ohio, to increase its presently established maximum prices for clay or shale drain tile by adding an amount per thousand feet not in excess of the amount set forth below opposite the following sizes and weights:

Size	Weight per foot	Adjustment per M feet
	<i>Pounds</i>	
3 inches.....	4	\$2.30
4 inches.....	6	3.40
6 inches.....	12	6.80
8 inches.....	18	10.30
10 inches.....	28	16.90
12 inches.....	36	20.50
15 inches.....	56	31.90
18 inches.....	78	44.50
20 inches.....	85	48.50
22 inches.....	107	61.00
24 inches.....	120	68.40

(b) The amount by which the Hancock Brick and Tile Company's maximum prices are increased pursuant to paragraph (a) hereof, shall be stated separately on the invoice with the following notation:

Increases permitted by the Office of Price Administration to maintain supply.

In addition the Hancock Brick and Tile Company shall furnish to each buyer purchasing its products for resale, on or before it makes the first delivery at the adjusted price, a written statement as follows:

The Office of Price Administration has granted an adjustment in price for drain tile manufactured by the Hancock Brick and Tile Company. The amount of the price increase is shown separately on the invoice in per-thousand feet.

You are permitted to add the actual amount of this price increase to your existing maximum prices on drain tile purchased from the Hancock Brick and Tile Company provided you specify the amount of the increase on your invoice given to the purchaser.

(c) Any person purchasing clay or shale drain tile manufactured by the Hancock Brick and Tile Company, Findlay, Ohio, for the purposes of resale may increase his present maximum prices established by Maximum Price Regulation No. 188, as amended, by an amount not in excess of the actual dollars-and-cents increase in cost incurred by such person by reason of this adjustment; *Provided*, Such amount is shown separately on the invoice given to the purchaser.

(d) Discounts and other price differentials and other terms and conditions of sale shall be at least as favorable to purchasers as those which were in effect by each seller to his several classes of purchasers during March 1942.

This Order No. 1570 shall become effective May 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6620; Filed, May 9, 1944; 11:32 a. m.]

[MPR 120, Order 747]

G. M. MAURER & SONS, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 747 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices, for the indicated uses and shipments as set forth herein. All are in District No. 1. The location of each mine is given by county and State. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

G. M. MAURER & SONS, SIPESVILLE, PENNSYLVANIA, MAURER MINE, E SEAM, MINE INDEX NO. 1724, SOMERSET COUNTY, PENNSYLVANIA, SUB-DISTRICT #36, RAIL SHIPPING POINT: ANKENY SIDING, PENNSYLVANIA, DRIFT MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	E	E	E	E	E
Rail shipment.....	\$3.55	\$3.35	\$3.35	\$3.15	\$3.15
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.65	3.40	3.40	3.30	3.20

WALTER MEANS, PARK AVE., PUNXSUTAWNEY, MEANS MINE, LOWER FREEPORT (D) SEAM, MINE INDEX NO. 2051, JEFFERSON COUNTY, PENNSYLVANIA, SUB-DISTRICT #6, RAIL SHIPPING POINT: ANITA, PENNSYLVANIA, DRIFT MINE

Price classification.....	E	E	E	E	E
Rail shipment.....	\$3.55	\$3.35	\$3.35	\$3.15	\$3.15
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.65	3.40	3.40	3.30	3.20

MENNETTI BROTHERS, ANITA, PENNSYLVANIA, MENNETTI MINE, LOWER FREEPORT SEAM, MINE INDEX NO. 5049, JEFFERSON COUNTY, PENNSYLVANIA, SUB-DISTRICT #6, RAIL SHIPPING POINT: ANITA, PENNSYLVANIA, DRIFT MINE

Price classification.....	E	E	E	E	E
Rail shipment.....	\$3.55	\$3.35	\$3.35	\$3.15	\$3.15
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.65	3.40	3.40	3.30	3.20

MITCHELL COAL CO., OHIOPILE, PENNSYLVANIA, POTTER MINE, D SEAM, MINE INDEX NO. 5043, FAYETTE COUNTY, PENNSYLVANIA, SUB-DISTRICT #35, RAIL SHIPPING POINT: OHIOPILE, PENNSYLVANIA, DRIFT MINE

Price classification.....	F	F	F	F	F
Rail shipment.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.60	3.35	3.35	3.25	3.15

FINDLEY RUN COAL COMPANY, 708 JOHNSTOWN BANK AND TRUST BLDG., JOHNSTOWN, PENNSYLVANIA, FINDLEY RUN #1 MINE, B SEAM, MINE INDEX NO. 5112, INDIANA COUNTY, PENNSYLVANIA, SUB-DISTRICT #28, RAIL SHIPPING POINT: SEWARD, PENNSYLVANIA, STRIP MINE

Price classification.....	G	G	G	G	G
Rail shipment.....	\$3.30	\$3.30	\$3.15	\$3.05	\$2.00
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.55	3.30	3.30	3.20	3.10

J. A. HANNA, R. D. HOMER CITY, PENNSYLVANIA, HANNA #1 MINE, UPPER FREEPORT (E) SEAM, MINE INDEX No. 5061, INDIANA COUNTY, PENNSYLVANIA, SUB-DISTRICT #12, RAIL SHIPPING POINT: GLEN CAMPBELL, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	G	G	G	G	G
Rail shipment.....	\$3.30	\$3.30	\$3.15	\$3.05	\$3.05
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.55	3.30	3.30	3.20	3.10

KEPHART BROS., INC., R. F. D. BOX NO. 145, OSCEOLA MILLS, PENNSYLVANIA, VICTORY MINE, A SEAM, MINE INDEX No. 5072, CLEARFIELD COUNTY, PENNSYLVANIA, SUB-DISTRICT #13, RAIL SHIPPING POINT: FAUNCE, PENNSYLVANIA, DRIFT MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	H	H	H	H	H
Rail shipment.....	\$3.30	\$3.30	\$3.10	\$2.85	\$2.85
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.50	3.25	3.25	3.15	3.05

W. A. KEYS COAL CO., P. O. BOX 161, BROCKWAY, PENNSYLVANIA, PENFIELD MINE, UPPER FREEPORT (E) SEAM, MINE INDEX No. 5096, JEFFERSON COUNTY, PENNSYLVANIA, SUB-DISTRICT #5, RAIL SHIPPING POINT: BEECHTON, PENNSYLVANIA, DRIFT MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	G	G	G	G	G
Rail shipment.....	\$3.30	\$3.30	\$3.15	\$3.05	\$3.05
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.55	3.30	3.30	3.20	3.10

MOORE & CONRAD, P. O. BOX 422, PUNXSUTAWNEY, PENNSYLVANIA, C & M MINE, LOWER FREEPORT (D) SEAM, MINE INDEX No. 5050, JEFFERSON COUNTY, PENNSYLVANIA, SUB-DISTRICT #6, RAIL SHIPPING POINT: ANITA, PENNSYLVANIA, STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	E	E	E	E	E
Rail shipment.....	\$3.55	\$3.35	\$3.35	\$3.15	\$3.15
R. R. locomotive fuel.....	3.20	3.20	3.05	2.95	2.95
Truck shipment.....	3.65	3.40	3.40	3.30	3.20

W. W. REED COAL CO., DUDLEY, PENNSYLVANIA, HILLSIDE MINE, BARNETT AND/OR FULTON SEAM, MINE INDEX No. 5055, HUNTINGDON COUNTY, PENNSYLVANIA, SUB-DISTRICT #39, RAIL SHIPPING POINT: NEAR BROAD TOP CITY, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	B	B	B	B	C
All methods of transportation and all uses.....	\$4.25	\$4.25	\$3.90	\$3.65	\$4.50
Smelting coal (any size).....		4.75			

This order shall become effective May 10, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 9th day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6622; Filed, May 9, 1944; 11:34 a. m.]

[MPR 120, Order 746]

B. A. GARDETTO, INC.

ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MAXIMUM PRICES

Order No. 746 under Maximum Price Regulation No. 120. Bituminous coal de-

livered from mine or preparation plant. Establishing price classifications and maximum prices for B. A. Gardetto, Inc.

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:

(a) The Roxbury Mines of B. A. Gardetto, Inc., operating in the Nos. 5 and 6 Seams of Subdistrict No. 6 of District No. 4, are hereby assigned Mine Index Nos. 4044 and 4045, respectively, and classified in the Crooksville Freight Origin Group and Railroad Fuel Price Group No. 102.

(b) Coal produced by B. A. Gardetto, Inc., from its Roxbury Mines, Mine Index Nos. 4044 and 4045 in District No. 4, may be sold and purchased for the indicated uses and movements at per net ton prices not exceeding the following:

	Size group											
	1	2	3	4	5	6	7	8	9	10	12	
Rail shipment.....	\$3.35	\$3.25	\$2.85	\$2.85	\$2.85	\$2.75	\$2.45	\$2.45	\$2.50	\$2.10	\$2.50	
Truck shipment.....	3.05	3.55	3.45	3.20	3.15	2.65	2.30	2.20				
Railroad fuel.....	3.35	3.25	2.85	2.85	2.85	2.75	2.45	2.45	2.50	2.20	2.60	

(c) The maximum prices established herein are f. o. b. the mine for truck shipments, and f. o. b. the rail shipping point for rail shipments for railroad fuel.

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

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

(f) 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.

(g) This order shall become effective May 10, 1944.

(56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6621; Filed, May 9, 1944; 11:32 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-888, 70-889]

COMMONWEALTH UTILITIES CORP., ET AL.

NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of May 1944.

In the matters of Commonwealth Utilities Corporation, the Arizona Power Corporation, File No. 70-888; James C. Tucker, File No. 70-889. Notice of filing and notice of and order for hearing and order of consolidation.

Notice is hereby given that Commonwealth Utilities Corporation (C. U. C.), a subsidiary of The United Gas Improvement Company (U. G. I.), both registered holding companies, The Arizona Power Corporation (Arizona), a subsidiary of C. U. C., and James C. Tucker (Tucker), an affiliate of Arizona Electric Power Corporation, have filed with this Commission applications and declarations pursuant to sections 6, 7, 9, 10, and 12 of the Act and Rules U-44, U-50, and U-62 and any other applicable sections of the Act or rules thereunder with respect to various proposed transactions, all as more particularly hereinafter described.

All interested persons are referred to said documents, which are on file in the offices of this Commission, for a full statement of the transactions therein proposed, which are summarized below:

Pursuant to an agreement dated November 24, 1943, C. U. C. proposes to sell and Tucker proposes to buy all of C. U. C.'s holdings of stock of Arizona consisting of 14,920.15 shares of common stock without par value and 200 shares of preferred stock without par value for the sums of \$999,650.05 for the common stock and \$15,400.00 for the preferred stock. In addition, Tucker is obligated to purchase for \$67 per share any additional shares of the common stock of Arizona which C. U. C. or other persons may deliver to Tucker simultaneously with the 14,920.15 shares of common stock now owned by C. U. C. Tucker proposes to consolidate Arizona with Arizona Electric Power Corporation (Electric) and The Arizona Power Company (the latter company owning no utility assets, but having been recently organized for the purpose of continuing as the consolidated company). Under the proposed agreement of consolidation, the outstanding funded debt of Arizona and of Electric is to be called for re-

demption. Holders of the preferred and common stocks of Arizona and of Electric are to exchange such stock for 4%

mortgage bonds, 5½% cumulative preferred stock and common stock of the consolidated company as follows:

<i>For each share held</i>	<i>Securities of consolidated company to be received</i>
Arizona preferred.....	1 share preferred stock.
Arizona common.....	\$63 bonds; .55 shs. common stock.
Electric preferred (all held by Tucker).....	\$38 bonds; 4274875 shs. common stock.
Electric common (all held by Tucker).....	\$15.1067 bonds; .168 shs. common stock.

Arizona proposes to solicit proxies from its preferred and common stockholders for the adoption or rejection of the agreement of consolidation. The obligation of Tucker to purchase is conditioned upon the delivery, simultaneously with the common shares, of proxies and consents of holders of not less than 70% of Arizona's outstanding preferred stock to vote in favor of the adoption of the consolidation agreement.

The preferred and common stockholders of Arizona dissenting from the proposed consolidation will be entitled to receive cash as provided by Arizona law. The application states that arrangements have been made, subject to certain conditions and limitations, for the sale by the consolidated company of securities not delivered to stockholders, and that the consolidated company is to receive for such undelivered common and preferred stock the par value thereof.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said matters, and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It further appearing to the Commission that the issues presented by the declarations and applications of C. U. C. and Arizona (File No. 70-888) and by Tucker (File No. 70-889) involve common questions of law and fact and should be consolidated and heard together:

It is ordered, That the proceedings in both matters be, and they hereby are, consolidated and that a consolidated hearing under the applicable provisions of the act and rules of the Commission promulgated thereunder be held on May 23, 1944, at 10 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in room 318 will at that time advise. All persons desiring to be heard or otherwise wishing to participate in the proceeding shall file with the Commission on or before May 18, 1944, a written request relative thereto, as provided by Rule XVII of the rules of practice of the Commission; and

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated

to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under the Commission's rules of practice; and

It is further ordered, That, without limiting the scope of the issues presented by said declarations and applications otherwise to be considered in this proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the considerations to be received, including all fees, commissions, and other remuneration to whomsoever paid in connection with the proposed transactions, are fair and reasonable;

2. Whether the acquisitions involved comply with the requirements of the applicable provisions of section 10 of the Act and particularly section 10 (c) (2) thereof;

3. Whether the proposed sale of the securities of Arizona is subject to the provisions of Rule U-30 with regard to competitive bidding, and if so, whether an exemption should be granted;

4. Whether the proposed solicitation of proxies by Arizona complies with the standards of section 12 (e) of the Act and Rule U-62 promulgated thereunder;

5. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions in respect of the proposed transactions, and if so, what the terms and conditions should be;

6. Generally, whether the proposed transactions are detrimental to the public interest and to the interests of investors or consumers or will tend to circumvent any provisions of the Act or the rules, regulations or orders promulgated thereunder.

It is further ordered, That notice of the hearing aforesaid be given to the declarants and applicants and to all other persons; said notice to be given to the declarants and applicants and to the Arizona Corporation Commission by registered mail and to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the act, and by publication in the FEDERAL REGISTER.

It is further ordered, That jurisdiction be, and is hereby reserved to separate, whether for hearing in whole or in part, or for disposition in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with this proceeding other filings or matters

pertaining to the subject matter of this proceeding and to take such other action as may appear conducive to an ordinary, prompt and economical disposition of the matters involved.

By the Commission.

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 44-6645; Filed, May 9, 1944; 12:41 p. m.]

WAR PRODUCTION BOARD.
AMERICAN FURNITURE COMPANY

CONSENT ORDER

Arthur Sauerbrunn, Phillip Belz and Sidney Kriger, operating a partnership under the name of American Furniture Company, 725 Florida Street, Memphis, Tennessee, are engaged in the business of manufacturing furniture. Said partnership is charged by the War Production Board with having consumed during the year 1943 essential metal parts in excess of its quota established under the provisions of General Limitation Order L-260. Said partnership admits the violation as charged, and agrees that because of the violation it used more lumber in the manufacture of furniture in the year 1943, than it would have used had the violation not occurred. The partners have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Arthur Sauerbrunn, Phillip Belz and Sidney Kriger, doing business as American Furniture Company, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) During the year 1944, Arthur Sauerbrunn, Phillip Belz, and Sidney Kriger, doing business as American Furniture Company, shall figure their permitted usage of wood in the manufacture of furniture on the basis of a use of wood in the year of 1943 of 993,639 board feet of lumber.

(b) Nothing contained in this order shall be deemed to relieve Arthur Sauerbrunn, Phillip Belz and Sidney Kriger, individually, or doing business as American Furniture Company, their successors or assigns, from any restriction, prohibition or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on May 9, 1944, and shall expire on December 31, 1944.

Issued this 2d day of May 1944.

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

[F. R. Doc. 44-6675; Filed, May 9, 1944; 4:32 p. m.]

WAR SHIPPING ADMINISTRATION.

"CITY OF SACRAMENTO"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress).

Whereas on May 25, 1942, title to the vessel "City of Sacramento" (107848), (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has

been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *;

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination

and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

[SEAL]

E. S. LAND,
Administrator.

MAY 9, 1944.

[F. R. Doc. 44-6682; Filed, May 10, 1944;
10:30 a. m.]