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## Regulations

### TITLE 7—AGRICULTURE

#### Chapter VII—War Food Administration (Agricultural Adjustments)

##### PART 721—CORN

##### ACREAGE ALLOTMENTS; 1944-45 MARKETING QUOTAS

Whereas, the Agricultural Adjustment Act of 1938, as amended, provides for the proclamation of certain data concerning the supply and consumption requirements requisite to the establishment of a national acreage allotment and marketing quotas for corn, and

Whereas, said act further provides that the powers therein granted shall not be used to discourage the production of sufficient supplies of foods and fibers to maintain normal domestic consumption, taking into consideration current trends in consumption and exports and the quantities of substitutes available at fair prices, and

Whereas, said act further provides that quotas shall be terminated if it is determined that such action is necessary in order to effectuate the declared policy of the act or to meet a national emergency, and

Whereas, an investigation has been made which reveals that, in order to encourage the production of a sufficient supply of food to maintain normal domestic consumption, taking into consideration current trends in consumption and exports and the quantities of substitutes available at fair prices, and in order to meet the present national emergency and to effectuate the declared policy of the Act, it is necessary to dispense with marketing quotas for corn for the marketing year beginning October 1, 1944, and with national, state, county and farm acreage allotments for corn for the 1944 crop.

Now, therefore, pursuant to the foregoing authority and in accordance with Executive Order 9322, as amended by Executive Order 9334, it is hereby determined and proclaimed that:

§ 721.501 1944 acreage allotments for corn. No national, State, county or

farm acreage allotments for corn for the 1944 crop will be established under the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

§ 721.505 National marketing quota for corn for the 1944-45 marketing year. Corn marketing quotas will not be in effect for the marketing year beginning October 1, 1944.

(52 Stat. 39, 43, 45, 49, 50, 51, 52, 775; 53 Stat. 1125; 7 U.S.C. 1940 ed. 1301 (b), 1301 (c), 1304, 1322, 1323, 1326, 1328, 1329; and E.O. 9322, March 26, 1943 as amended by E.O. 9334, April 19, 1943, 54 Stat. 676)

Issued at Washington, D. C., this 24th day of December 1943.

GROVER B. HILL,  
First Assistant  
War Food Administrator.

[F. R. Doc. 43-20453; Filed, December 24, 1943; 11:42 a. m.]

#### Chapter X—War Food Administration (Production Orders)

##### [FPO 9-1, Amdt. 1]

##### PART 1220—FEED

##### SET ASIDE REQUIREMENTS FOR PROCESSORS OF OILSEED

Paragraph (c) (2) of § 1220.3 (8 F.R. 16271) is hereby amended to read:

(2) Final report of tonnage set aside and deliveries made. Each processor subject to this order shall file a report with the Director on FPA Form 2 not later than February 10, 1944, for each plant operated by him. Certificates of designated buyers, pursuant to which oilseed meal has been delivered, shall be attached to and made a part of FPA Form 2.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; 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; FPO 9, 8 F.R. 13363)

NOTE: This reporting requirement has been approved by the Bureau of the Budget

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In accordance with the Federal Reports Act of 1942.

Issued this 23d day of December 1943.

J. B. HUTSON,  
Director of Food Production.

[F. R. Doc. 43-20451; Filed, December 24, 1943; 11:42 a. m.]

#### Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-73, Amdt. 1]

#### PART 1401—DAIRY PRODUCTS

#### FLUID MILK AND CREAM IN THE SAN DIEGO, CALIF., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-73 (8 F.R. 14367), relative to the conservation and distribution of fluid milk in the San Diego, California, milk sales area, issued by the Director of Food Distribution on October 22, 1943, is amended by deleting therefrom the numerals "0.01" wherever they appear in § 1401.85 (o) and inserting, in lieu thereof, the numerals "0.005."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to

violations of said Food Distribution Order No. 79-73, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-73 shall be deemed to be 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; FDO 79, 8 F.R. 12426, 13283)

Issued this 23d day of December 1943.

ROY F. HENDRICKSON,  
Director of Food Distribution.

[F. R. Doc. 43-20372; Filed, December 23, 1943;  
3:34 p. m.]

[FDO 79-75, Amdt. 1]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN THE LOS ANGELES, CALIF., METROPOLITAN SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-75 (8 F.R. 14370), relative to the conservation and distribution of fluid milk in the Los Angeles, California, metropolitan milk sales area, issued by the Director of Food Distribution on October 22, 1943, is amended by deleting therefrom the numerals "0.01" wherever they appear in § 1401.87 (c) and inserting, in lieu thereof, the numerals "0.005."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations of said Food Distribution Order No. 79-75, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-75 shall be deemed to be 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; FDO 79, 8 F.R. 12426, 13283)

Issued this 23d day of December 1943.

ROY F. HENDRICKSON,  
Director of Food Distribution.

[F. R. Doc. 43-20373; Filed, December 23, 1943;  
3:34 p. m.]

[FDO 90]

#### PART 1470—FOOD STORAGE FACILITIES

##### RESTRICTIONS ON USE OF FREEZER SPACE

The fulfillment of requirements for the defense of the United States will result in a shortage of freezer space for the freezing and storage of perishable foods. The following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1470.3 *Restrictions on use of freezer space*—(a) *Definitions*. When used in this order, unless otherwise distinctly

expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any State or political subdivision or agency thereof, and any other Government or agency thereof.

(2) The term "freezer space" means any artificially cooled storage space of 10,000 cubic feet net capacity or more which can be maintained at a temperature of 29 degrees Fahrenheit or lower (not operated as a part of an established wholesale or retail food business, hotel, or other establishment where persons are housed or fed, and not including that portion of the freezer space occupied by individual lockers having a capacity of less than 25 cubic feet, curing cellars, cutting rooms, and chill rooms, held in excess of 29 degrees Fahrenheit, which are used in the processing of meat).

(3) The term "excluded commodities" means any commodity not to be placed in freezer space as designated by the Director.

(4) The term "limited-storage commodities" means any commodity which may be placed in freezer space but not held there for a longer period of time than designated by the Director.

(5) The term "storage month" means the period during which the monthly rate charged for the storage of any commodity is applicable.

(6) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions on use of freezer space*. No person operating freezer space facilities shall, after the effective date of this order, unless specifically authorized by the Director:

(1) Receive for freezing or for storage in such freezer space excluded commodities.

(2) Retain in freezer space in such facility excluded commodities after the expiration of the current storage month applicable to every item or lot of commodities in storage: *Provided*, That a minimum period of ten days, excluding Sundays, after the effective date of this order shall be allowed in which to remove all such commodities from such facility.

(3) Retain in freezer space for a period in excess of ten days any limited-storage commodity: *Provided*, That a period of ten days, excluding Sundays, from the effective date of this order or a period to the end of the current storage month, whichever is the longer, will be allowed in which to remove from such facility all such commodities that are now in storage.

(4) Accept for storage in freezer space limited-storage commodities, which have previously been held in freezer space for a period of ten days or more.

(c) *Contracts*. The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(d) *Audits and inspections*. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises of, or commodities held in storage by, 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.

(e) *Records and reports*. The Director 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 subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *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 Director. The Director 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.

(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 Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(h) *Violations*. The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any material or facilities subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials or facilities subject to the priority or allocation control of other governmental agencies. 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) *Communications*. All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD 90.

(j) *Territorial extent*. This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(k) *Effective date*. This order shall become effective 12:01 a. m., e. w. t., December 24, 1943.

(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. 14785)

Issued this 22d day of December 1943.

GROVER B. HILL,  
Acting War Food Administrator.

[F. R. Doc. 43-20368; Filed, December 23, 1943;  
12:10 p. m.]

[FDO 90-1]

PART 1470—FOOD STORAGE FACILITIES

DESIGNATION OF EXCLUDED AND LIMITED-STORAGE COMMODITIES AND REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by Food Distribution Order No. 90 dated December 22, 1943, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1470.4 *Excluded and limited-storage commodities designated and reports required*—(a) *Definitions*. The definitions contained in Food Distribution Order No. 90 shall apply to this order, and when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof;

(1) The term "cured meat" shall mean meat which has been cured in any form but shall not include any meat in process of cure.

(b) *Designation of excluded commodities*. The following are designated as excluded commodities:

- (1) Lard (including rendered pork fat).
- (2) Cured meats.
- (3) Tallow.
- (4) Oleo oil.
- (5) Rendered suet.
- (6) Bones.
- (7) Lungs.
- (8) Udders.
- (9) Horse meat.

(c) *Designation of limited-storage commodities*. The following are designated as limited-storage commodities:

- (1) Stomachs.
- (2) Pork skins.
- (3) Hearts.
- (4) Heads.
- (5) Ears.
- (6) Tripe.
- (7) Fries.
- (8) Melts.
- (9) Plucks.
- (10) Chitterlings.
- (11) Snouts.
- (12) Hocks.
- (13) Pork tails.
- (14) Pigs feet.
- (15) Veal tails and ox tails.
- (16) Kidneys.
- (17) Knuckles.

(d) *Records and reports*. Any person operating a facility containing freezer space shall:

(1) Within ten days after the effective date of this order, report to the Director of Food Distribution, War Food Administration, Washington, D. C., Ref. F.D. 90, on Form FDO 90-1 the following information:

(i) The total quantity of all commodities designated in paragraph (b) hereof held by such person in freezer space on the effective date of this order.

(ii) The total quantity of all commodities designated in paragraph (c) hereof held by such person in freezer space on the effective date of this order.

(2) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., on the 24th day of December 1943.

(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. 14785)

Issued this 22d day of December 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-20369; Filed, December 23, 1943;  
12:11 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

SERVICE RIBBONS

Section 78.51 (a) (5 F.R. 3174) pertaining to service ribbons, is amended to include reference to decorations and medals awarded by the War Shipping Administration.

§ 78.51 *Service ribbons*—(a) *General*. Service ribbons are authorized for wear to indicate possession of War and Navy Department decorations and service medals, Treasury life-saving medals, and decorations and medals awarded by the War Shipping Administration.

(45 Stat. 500; 10 U.S.C. 1415a, 1415b) [Par. 1, AR 600-85, 26 July 1940, as amended by Cir. 328, W. D., 17 December 1943]

ROBERT H. DUNLOP,  
Brigadier General,  
Acting The Adjutant General.

[F. R. Doc. 43-20464; Filed, December 27, 1943;  
10:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4969]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GLADSTONE BROTHERS, ETC.

§ 3.56 (a 7) *Misbranding or mislabeling*—Composition: § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure*—Composition: § 3.96 (a) *Using misleading name*—Goods—Composition. A. In connection with offer, etc., in commerce, of clothing, and among other things, as in order set forth, (1) using the word "Vicuna" to designate, describe, or refer to any garment not composed entirely of vicuna wool; or representing through the use of a pictorial likeness of a vicuna, or in any other manner, directly or indirectly, that any garment containing fibers other than vicuna wool is made

entirely of vicuna wool; and (2) representing in any manner, directly or indirectly, that any garment containing fibers other than wool is composed entirely of wool; and B. In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, and among other things, as in order set forth, misbranding men's and boys' clothing or other "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool," as those terms are defined in said Act, by failing to securely affix to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner (1) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (2) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (3) the name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further proviso, that nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 68) [Cease and desist order, Gladstone Brothers, etc., Docket 4969, Dec. 8, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1943.

*In the Matter of Gabriel H. Gladstone and Newton A. Gladstone, Copartners Trading and Doing Business as Gladstone Brothers and as Aaron Leonard Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts

and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act and the provisions of the Wool Products Labeling Act of 1939:

*It is ordered,* That the respondents Gabriel H. Gladstone and Newton A. Gladstone, copartners trading and doing business as Gladstone Brothers and as Aaron Leonard Company, jointly or severally, or trading under any other name, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of articles of clothing in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Valcuna" to designate, describe, or refer to any garment not composed entirely of vicuna wool or representing through the use of a pictorial likeness of a vicuna, or in any other manner, directly or indirectly, that any garment containing fibers other than vicuna wool is made entirely of vicuna wool.

2. Representing in any manner, directly or indirectly, that any garment containing fibers other than wool is composed entirely of wool.

*It is further ordered,* That respondents Gabriel H. Gladstone and Newton A. Gladstone, copartners trading as Gladstone Brothers or as Aaron Leonard Company, or trading under any other name, jointly or severally, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding men's and boys' clothing or other "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool," reprocessed wool, or "reused wool," and those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool prod-

uct; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

*Provided,* That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided, further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-20404; Filed, December 24, 1943;  
11:10 a. m.]

## TITLE 18—CONSERVATION OF POWER

### Chapter I—Federal Power Commission

[Order 110]

#### PART 210—STATEMENTS AND REPORTS (SCHEDULES)<sup>1</sup>

##### ANNUAL FINANCIAL AND STATISTICAL REPORT FOR CLASS C ELECTRIC UTILITIES AND LICENSEES

DECEMBER 21, 1943.

The Federal Power Commission, acting pursuant to the authority granted by the Federal Power Act, particularly sections 301 (a), 304 (a), 309 and 311 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, orders that:

(1) The form of Annual Financial and Statistical Report for Class C Electric Utilities and Licensees, heretofore adopted and designated as FPC Form No. 96, by Commission Order No. 55, dated September 7, 1938, and amended by Commission Order No. 76, dated September 24, 1940, including the instructions and schedules therein contained, be and the same is hereby readopted and redesignated as FPC Form No. 1-A;<sup>2</sup>

(2) Each Class C utility and licensee (as defined in the Uniform System of Accounts) and each private, municipal, or public corporation engaged in the generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than \$100,000, but not more than \$250,000, whether or not

<sup>1</sup> § 210.4.

<sup>2</sup> Filed as part of the original document.

the jurisdiction of the Commission is otherwise involved, shall hereafter prepare and file with the Commission annually for each fiscal year beginning January 1, 1943, or next thereafter (if the established fiscal year is other than a calendar year) on or before the last day of the third month following the close of the calendar or other established fiscal year, an original and one conformed copy of the above designated FPC Form No. 1-A properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copy may be a carbon copy, if legible;

(3) Order No. 55, dated September 7, 1938, Order No. 76, dated September 24, 1940, and FPC Form No. 96 as therein prescribed, are accordingly superseded by this order.

This order and form herein prescribed shall become effective on January 3, 1944, and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER. By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 43-20432; Filed, December 24, 1943;  
11:45 a. m.]

#### PART 210—STATEMENTS AND REPORTS (SCHEDULES)<sup>3</sup>

[Order 111]

##### ANNUAL FINANCIAL AND STATISTICAL REPORT FOR CLASS D ELECTRIC UTILITIES AND LI- CENSEES

DECEMBER 21, 1943.

The Federal Power Commission, acting pursuant to the authority granted by the Federal Power Act, particularly sections 301 (a), 304 (a), 309 and 311 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, orders that:

(1) The form of Annual Financial and Statistical Report for Class D Electric Utilities and Licensees, heretofore adopted and designated as FPC Form No. 97, by Commission Order No. 56, dated September 7, 1938, as modified by Commission Order No. 71, dated December 9, 1939, and amended by Commission Order No. 77, dated September 24, 1940, including the instructions and schedules therein contained, be and the same is hereby amended, readopted and redesignated as FPC Form No. 1-B;<sup>2</sup>

(2) Each Class D public utility and licensee (as defined in the Uniform System of Accounts), other than municipal and public-owned corporations, and each person or corporation, other than municipal and public-owned corporations, engaged in the generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than \$25,000, but not more than \$100,000, whether or not the

<sup>3</sup> § 210.5.

jurisdiction of the Commission is otherwise involved, shall hereafter prepare and file with the Commission annually for each fiscal year beginning January 1, 1943, or next thereafter (if the established fiscal year is other than the calendar year) on or before the last day of the third month following the close of the calendar or other established fiscal year, an original and one conformed copy of the above designated FPC Form No. 1-B, properly filled out and verified. One copy of the said report should be retained by the correspondent in its files. The conformed copy may be a carbon copy, if legible;

(2) Order No. 56, dated September 7, 1938, Order No. 71, dated December 9, 1939, and Order No. 77, dated September 24, 1940, and FPC Form No. 97 as thereby prescribed, are accordingly superseded by this order.

This order and form herein prescribed shall become effective on January 3, 1944; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 43-20433; Filed, December 24, 1943;  
11:45 a. m.]

[Order 112]

**PART 210—STATEMENTS AND REPORTS  
(SCHEDULES)<sup>1</sup>**

**ANNUAL REPORT FOR CLASS D MUNICIPAL AND  
PUBLIC-OWNED UTILITIES AND LICENSEES**

**DECEMBER 21, 1943**

The Federal Power Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 301 (a), 304 (a), 309 and 311 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, orders that:

(1) The form of Annual Report for Class D municipal electric utilities and licensees (as defined in the Uniform System of Accounts heretofore adopted by the Commission), adopted and designated as FPC Form No. 97-M by Commission Order No. 71, dated December 9, 1939, including the instructions and schedules therein contained, be and the same hereby is amended, readopted and read redesignated as FPC Form No. 1-C;<sup>2</sup>

(2) Each Class D municipal utility or licensee (as defined in the Uniform System of Accounts), and each municipal or public-owned corporation engaged in the generation, transmission, distribution or sale of electricity, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than \$25,000, but not more than \$100,000, whether or not the jurisdiction of the Commission is otherwise involved, shall hereafter

prepare and file with the Commission annually for each fiscal year beginning January 1, 1943, or next thereafter (if the established fiscal year is other than a calendar year) on or before the last day of the third month following the close of the calendar or other established fiscal year, two executed copies of the above designated FPC Form No. 1-C;

(3) Order No. 71, dated December 9, 1939, and FPC Form No. 97-M thereby prescribed, are accordingly superseded by this order.

This order and the form herein prescribed shall become effective on January 3, 1944; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 43-20434; Filed, December 24, 1943;  
11:45 a. m.]

[Order 113]

**PART 260—NATURAL GAS ACT STATEMENTS  
AND REPORTS<sup>3</sup>**

**ANNUAL REPORT FOR NATURAL-GAS COMPANIES**

**DECEMBER 21, 1943.**

The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, orders that:

(1) The form of annual report for natural-gas companies as defined in the Natural Gas Act (52 Stat. 821) which are included in Classes A and B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, heretofore adopted and designated as FPC Form No. 133, by Commission Order No. 100, dated November 24, 1942, including the instructions and schedules therein contained, be and the same is hereby readopted and redesignated as FPC Form No. 2;<sup>3</sup>

(2) Each natural-gas company as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes A and B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, shall hereafter file with the Commission annually for each year beginning January 1, 1943, or next thereafter (if the established fiscal year is other than a calendar year) an original and two conformed copies, duly executed, of such Annual Report on the aforesaid FPC Form No. 2, on or before the last day of the third month following the close of the calendar year or other established fiscal year;

(3) Order No. 100, dated November 24, 1942, and FPC Form No. 133 thereby pre-

scribed, are accordingly superseded by this order.

This order and the form herein prescribed shall become effective on January 3, 1944, and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 43-20435; Filed, December 24, 1943;  
11:46 a. m.]

[Order 114]

**PART 260—NATURAL GAS ACT STATEMENTS  
AND REQUIREMENTS<sup>3</sup>**

**ANNUAL REPORT FOR NATURAL-GAS COMPANIES**

**DECEMBER 21, 1943.**

The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said act, orders that:

(1) The form of Annual Report for natural-gas companies as defined in the Natural Gas Act (52 Stat. 821) which are included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, heretofore adopted and designated as FPC Form No. 133-M, by Commission Order No. 90, dated February 7, 1942, including the instructions and schedules therein contained, be and the same is hereby readopted and redesignated as FPC Form No. 2-A;<sup>3</sup>

(2) Each natural-gas company as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, shall hereafter file with the Commission annually for each year beginning January 1, 1943, or next thereafter (if the established fiscal year is other than a calendar year) an original and one conformed copy of such Annual Report on the aforesaid FPC Form No. 2-A, properly filled out and verified, on or before the last day of the third month following the close of the calendar year or other established fiscal year. One copy of the report should be retained by the correspondent in its files;

(3) Order No. 90, dated February 7, 1942, and FPC Form No. 133-M thereby prescribed, are accordingly superseded by this order;

This order and the form herein prescribed shall become effective on January 3, 1944; and the Secretary of the Commission shall cause prompt publi-

<sup>1</sup> § 210.9.

<sup>2</sup> Filed as part of the original document.

<sup>3</sup> § 260.1.

eration of this order to be made in the FEDERAL REGISTER.

By the Commission.

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 43-20436; Filed, December 24, 1943;  
11:46 a. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division

#### PART 516—RECORDS TO BE KEPT BY EMPLOYERS

##### WAGE AND HOUR RECORDS

The following amendment to Regulations, Part 516 (regulations on how to keep wage and hour records pursuant to section 11 (c) of the Fair Labor Standards Act of 1938), is hereby issued. This amendment amends Part 516 of such regulations by adding thereto a new paragraph, to be § 516.1 (b), prescribing the records to be kept by an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3 (m) of the Fair Labor Standards Act), furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" as additions to the wages of his employees. This amendment shall become effective April 1, 1944, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

##### § 516.1 Records. \* \* \*

(b)<sup>1</sup> In addition to keeping other records required by the regulations, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3 (m) of the Act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility.<sup>2</sup> Such

<sup>1</sup> This record keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

<sup>2</sup> Separate records of the cost of each item furnished to an employee need not be kept. The requirement may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Thus, in the case of an employer who furnishes housing, separate cost records need not be kept for each house. The cost of maintenance and repairs for all the houses may be shown together. Original cost and depreciation records may be kept for groups of houses acquired at the same time. Costs incurred in furnishing similar or closely related facilities, moreover, may be shown in combined records. For example, if joint costs are incurred in furnishing both housing and electricity and the records are not

records shall include itemized accounts<sup>3</sup> showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in § 531.1 of the Regulations, Part 531, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets.<sup>4</sup>

Signed at New York, New York, this 18th day of December 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-20452; Filed, December 24, 1943;  
12:23 p. m.]

## Chapter VII—War Manpower Commission

### PART 901—TRANSPORTATION OF WORKERS TO NONFERROUS METAL AND LUMBER PRODUCING AREAS

#### [Amendment 4]

##### TRAVEL BY BUS OR RAILROAD

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order Nos. 9139 and 9279 (7 F.R. 2919, 10177) and by the letter of the President dated October 8, 1942, allocating certain sums from the "Emergency Fund for the President" to the War Manpower Commission, as amended by letters of the President dated December 1, 1942 and July 14, 1943, § 901.4 (b) of Part 901 (7 F.R. 8457), Regulations Governing Transportation of Workers to Nonferrous Metal and

readily separable, the housing and electricity together may be treated as a "class" of facility for record keeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility and the records may show the cost of the operation of the store as a whole, or records of the cost of furnishing the different kinds of merchandise may be maintained separately. Where cost records are kept for a "class" of facility rather than for each individual article furnished to employees, the records must also show the gross income derived from each such class of facility; i. e., gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel, etc.

<sup>3</sup> No particular degree of itemization is prescribed. The amount of detail shown in these accounts should be consistent with good accounting practices, and should be sufficient to enable the Administrator or his representatives to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to § 516.15 (c) (3).

<sup>4</sup> If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

Lumber Producing Areas, is hereby amended effective October 17, 1942, to read as follows:

(b) Travel by railroad or bus shall be by the most economical usually traveled route from the point of departure to the place of employment. Coach tickets shall be used when the travel is for a short distance, and tourist tickets, including tourist berth, shall be used when travel is for longer distances that require night travel unless tourist accommodations are not available, in which case the next most economical railroad transportation which is available and which includes sleeping accommodations shall be used.

PAUL V. McNUTT,  
Chairman.

DECEMBER 22, 1943.

[F. R. Doc. 43-20408; Filed, December 24, 1943;  
11:07 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VIII—Coal Mines Administration

#### PART 801—OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

##### MISCELLANEOUS AMENDMENTS

The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943, as amended (8 F.R. 6655, 10712, 11344) are further amended as follows:

1. Paragraph (c) of § 801.25 is amended to read as follows:

(c) *Reservation of right to assert against the government claims for damage alleged to result from specific directions or orders.* A mining company which has executed and delivered such an instrument of agreement and certification may, nevertheless, reserve to itself the right to assert a claim for damage alleged to have been suffered, or threatened to be suffered, by it as the direct result of a specific direction or order of the Administrator, as hereinafter provided:

(1) As to any specific direction or order which has been issued prior to the date of the execution of its instrument of agreement and certification, such reservation of right may be made by the mining company's transmitting to the Administrator, together with its executed instrument of agreement and certification, a writing, signed by a duly authorized officer or agent which shall:

(i) Specify the particular direction or order of the Administrator which the mining company asserts directly resulted in damage to the mining company,

(ii) Specify the particular action taken pursuant to such direction or order, which action would not have been taken except for such direction or order

and which action, it is claimed, resulted in damage to the mining company, and

(iii) Specify the nature of the damage asserted to have been so caused and the amount thereof.

Upon such transmission to the Administrator of such written specifications, the mining company shall be deemed to have reserved all rights to assert a claim for damage alleged to have been suffered or threatened during the period of Government possession and control as the direct result of compliance with the specified direction or order, and the Government shall be deemed to have reserved all rights to assert by way of offset against any such claim of liability the benefits resulting to the mining company from Government possession and control, and to assert any other defense against such claim.

Failure by the mining company to transmit to the Administrator such a writing, together with its executed instrument of agreement and certification (unless upon request the Administrator shall extend the time for the transmission of the writing for good cause shown) shall be deemed to constitute acquiescence by the mining company that the consequences of all specific directions and orders issued by the Administrator prior to the date of the execution of its instrument of agreement and certification shall be covered by clauses i and ii of the instrument of agreement and certification.

(2) As to any specific direction or order which may be issued subsequent to the date of the execution of its instrument of agreement and certification, such reservation of right may be made by the mining company's filing a timely protest with the Administrator, as follows:

If, upon the issuance by the Administrator of a specific direction or order to an operating manager for the coal mines of a mining company, the mining company desires to reserve the right to assert a claim for damage alleged to be threatened to be suffered by it as the direct result of compliance with such specific direction or order, then the mining company shall protest such direction or order to the Administrator (as hereinafter provided), and in such written protest shall:

(i) Specify the particular direction or order of the Administrator which the mining company asserts will directly result in damage to the mining company if complied with.

(ii) Specify the action which, it is asserted, is required by such direction or order to be taken, which action would not be taken except for such direction or order, and which action, it is claimed, will result in damage to the mining company.

(iii) Specify the nature of the damage which the mining company asserts will

be suffered by it as the result of compliance with such direction or order, and an estimate of the amount of such asserted threatened damage, and

(iv) Protest the specified direction or order.

Such protest shall be dispatched as aforesaid to the Administrator, Department of the Interior, Washington, D. C., by registered mail or telegram within five days of the receipt by the operating manager of the direction or order protested.

Upon the dispatch of such a protest as above provided, the effectiveness of the direction or order, as it applies to the operating manager for the coal mines of the protesting mining company, shall be suspended pending further directions of the Administrator. If thereafter the Administrator, in writing, confirms the effectiveness of the protested direction or order as it applies to such operating manager, such operating manager shall forthwith carry into effect the protested direction or order, with any modifications made by the Administrator in his confirmation thereof.

Thereupon the mining company shall be deemed to have reserved all rights to assert a claim for damage alleged to have been suffered by it during the remainder of the period of Government possession and control as the direct result of compliance with such protested direction or order, and the Government shall be deemed to have reserved all rights to assert by way of offset against any such claim of liability the benefits resulting to the mining company from Government possession and control, and to assert any other defense against such claim.

In all other respects the provisions of the instrument of agreement and certification shall continue in full force and effect and the operating manager for the coal mines of the protesting mining company shall continue not to be subject to the requirements as to financial transactions and current accountings set forth in § 801.26. The operating manager, however, shall furnish to the Administrator, on his request, such pertinent information and data relating to the effect of compliance with the protested specific direction or order as the Administrator may request.

Failure by the mining company to file such a protest within the five days mentioned (unless upon request the Administrator shall extend the time for the filing of the protest for good cause shown) shall be deemed to constitute acquiescence by the mining company that the consequences of the said specific direction or order shall be covered by clauses i. and ii. of the instrument of agreement and certification.

In the event that the Administrator shall expressly require that a specific direction or order issued by him shall be

complied with prior to the lapse of the five-day interval for transmitting a protest as above provided, then the operating manager shall comply forthwith with said specific direction or order and the mining company may effect a reservation of right by transmitting, within ten days following the issuance of such express requirement, a writing in accordance with the specifications contained in subparagraph (1) above.

2. Paragraph (f) of § 801.25 is amended by changing the period at the end thereof to a comma and adding thereto the following:

\* \* \* and, unless otherwise directed by the Administrator, the appointment of the Operating Manager for the mines of the company will be deemed to be terminated without further action by the Administrator.

3. The second paragraph under paragraph 1 of § 801.40 (8 F.R. 10712) is amended by changing the period at the end thereof to a comma and adding thereto the following:

\* \* \* and, unless otherwise directed by the Administrator, the termination of the appointment of the Operating Manager for the United States without further action by the Administrator.

4. The third paragraph under paragraph 2 of § 801.40 is amended to read as follows:

The execution and delivery to the Administrator of such an instrument (hereinafter called Instrument No. 2), provided such instrument is in conformity with the above prescribed requirements, shall be deemed to constitute a waiver by the Government of all rights which it may have to an accounting with respect to all operations during the period of Government possession and control, expressly reserving the right, however, to assert by way of offset to any such claimed liability, benefits resulting to the mining company from Government possession and control and any other defense against such asserted liability. The execution and delivery to the Administrator of such an Instrument No. 2 shall further be deemed to constitute a discharge of the Operating Manager for the United States from any liability to the Government with respect to all actions taken by him as such and, unless otherwise directed by the Administrator, a termination of the appointment of such Operating Manager without further action by the Administrator.

Dated: December 23, 1943.

[SEAL]

HAROLD L. ICKES,  
Coal Mines Administrator.

[F. R. Doc. 43-20399; Filed, December 24, 1943;  
10:02 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 921—ALUMINUM AND MAGNESIUM

[Supplementary Order M-1-g as Amended Dec. 24, 1943]

## ALUMINUM PAINT AND ALUMINUM PIGMENT

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

§ 921.9 *Supplementary Order M-1-g*—(a) *Definitions.* For the purpose of this order.

(1) "Aluminum pigment" means any material containing aluminum which is manufactured, acquired, or disposed of for use, or which is used in making paint, ink, or other coatings, or liquid welding compound.

(2) "Aluminum composition" means any paint, ink, or other coating, or liquid welding compound, in the making of which aluminum pigment is used.

(3) "Producer" means the department of Aluminum Company of America, Reynolds Metals Company, Metals Disintegrating Company, Aluminum Bronze Powder Company, Premier Bronze Powder Works, Malone Bronze Powder Works, Inc., U. S. Bronze Powder Works, Inc., which produces aluminum pigment, and any other person who may be so designated by the War Production Board.

(b) *Restrictions upon delivery of aluminum by a producer.* (1) After December 31, 1943, no producer shall deliver any aluminum pigment except pursuant to an order endorsed with a CMP allotment number and the form of certification provided in either CMP Regulation No. 1 or in CMP Regulation No. 7. Such an order is an authorized controlled material order under CMP Regulations. Persons seeking to obtain aluminum pigment from a producer after December 1943 should apply to the War Production Board, Aluminum and Magnesium Division, on Form WPB-2360 (formerly Form CMP-13) therefor. A producer may refuse to accept an order for less than 100 lbs.

(2) Prior to January 1, 1944, no producer shall deliver aluminum pigment except pursuant to an authorization of the War Production Board on Form WPB-599 or Form PD-312 or except pursuant to other written authorization of the War Production Board.

(c) *Deliveries of aluminum pigment and aluminum composition by any person other than a producer.* After De-

December 31, 1943, no person other than a producer shall, without the specific authorization in writing of the War Production Board, deliver to any other person in any one month more than one gallon of aluminum composition or two pounds of aluminum pigment except to fill an order rated AA-5 or higher, or except to fill an order which he has been specifically authorized to fill on Form PD-312, Form WPB-599, or other specific authorization in writing of the War Production Board issued prior to December 31, 1943.

(d) *Other restrictions on delivery.* Notwithstanding the provisions of paragraphs (b) or (c), no person shall deliver aluminum pigment or aluminum composition if he knows or has reason to believe it is to be used in a manner forbidden by paragraph (e) of this order.

(e) *Restrictions on use of aluminum pigment and aluminum composition.* No person shall use aluminum pigment or aluminum composition in manufacturing, maintenance, repair or construction operations, without the specific authorization in writing of the War Production Board, except as follows:

(1) In the manufacture, maintenance or repair of combat products complete for tactical operations when they are being produced for or used by the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration, or when they are being produced for any foreign country pursuant to the Act of March 11, 1942, entitled "An Act to Promote the Defense of the United States." (Lease-Lend Act)

(2) On ship engine rooms and equipment and for repair and maintenance thereof.

(3) On trainer, civilian and commercial aircraft.

(4) For sealing of bituminous coated surfaces.

(5) For interior use in industrial plants and for industrial equipment, where excessive moisture, fumes or temperatures prevail.

(6) For surfaces in the interior of dairies, milk bottling plants, and food processing plants.

(7) For outdoor storage tanks used for petroleum products and volatile chemicals.

Notwithstanding the other provisions of this paragraph (e), a printing shop may use in printing and lithographing and an individual may use for his own needs, any aluminum pigment or aluminum composition in his possession on December 23, 1943, or acquired from any person other than a producer in accordance with the provisions of paragraph (c) hereof.

(f) *Applications for authorization.* A person who seeks authorization to use aluminum pigment or aluminum composition for a purpose other than one specified in paragraph (e) of this order, shall apply by letter to the War Production Board, Aluminum and Magnesium Division, Washington 25, D. C., Ref: M-1-g, setting forth:

(1) The pounds of aluminum pigment or the gallons of aluminum composition

for which authorization to use is requested;

(2) Type of equipment or surface to be painted;

(3) Reason why aluminum composition is required and why the use of other material is impracticable;

(4) Rating which applicant is entitled to apply to his purchase order; and

(5) Person from whom it is to be acquired.

Special consideration will be given to requests for authorization to use aluminum pigment or composition for industrial purposes where it can be shown that its use is materially more advantageous than less critical material. Ordinarily the War Production Board will not grant authorizations to use aluminum pigment or composition on bridges, steel or iron structures, hydrants, lamp posts, agricultural or household equipment, or in dwellings, offices, apartments, churches, or institutions, whether for internal or external use.

(g) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Aluminum and Magnesium Division, Washington 25, D. C., Ref: M-1-g.

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

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

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20415; Filed, December 24, 1943; 11:37 a. m.]

## PART 962—IRON AND STEEL

[Supplementary Order M-21-a, Direction 2, Revocation]

## CERTAIN ALLOY STEEL TO BE PRODUCED ONLY IN ELECTRIC FURNACES

Direction 2 to Supplementary Order M-21-a is revoked, effective January 1, 1944. On and after that date alloy steel may, in the absence of specific instructions by the War Production Board, be melted either in open hearth or electric furnaces as arranged between producer and customer.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20416; Filed, December 24, 1943; 11:37 a. m.]

## PART 982—MINES AND SMELTERS

[Preference Rating Order P-73, Revocation]

## NONFERROUS SMELTERS AND REFINERS

Section 982.2 *Preference Rating Order P-73* as amended is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Preference Rating Order P-56 as amended simultaneously with this revocation.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20447; Filed, December 24, 1943; 11:41 a. m.]

## PART 984—LEAD

[General Preference Order M-38, as amended Dec. 24, 1943]

Section 984.1 General Preference Order M-38 is hereby amended, effective January 1, 1944, to read as follows:

§ 984.1 *General Preference Order M-38*—(a) *Definitions*. For the purposes of this order:

(1) "Lead" means and includes lead metal (including antimonial lead) in refinery shapes, whether produced from foreign or domestic ores, from scrap or drosses, or from any other lead-bearing material.

(2) "Lead base alloy" means any alloy containing 50% or more of lead metal by weight.

(3) "Refiner" means any person who produces lead as hereinbefore defined and includes any person who has such lead produced for him under toll agreement.

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

(b) *Directions as to deliveries*—(1) *Delivery schedules*. The War Production Board may from time to time issue special directions requiring any refiner or dealer to file a report showing a schedule of his proposed deliveries of lead.

(2) *Withheld deliveries*. The War Production Board may from time to time require each refiner to set aside from his production of lead during any calendar month or other specified period (including therein lead produced for him by others under toll agreement, but excluding lead produced by him for others under toll agreement) a quantity to be determined and specified by the War Production Board and to be delivered by such refiner only pursuant to the specific written authorization of the War Production Board. Any amount so set aside shall be excluded from the refiner's schedule of proposed deliveries filed under the provisions of subparagraph (b) (1) above.

(3) *Lead from Metals Reserve Company*. Any person unable to obtain lead from regular sources of supply and wishing to procure lead from the Metals Re-

serve Company, must make application by written communication to the War Production Board.

(4) *Allotment of purchase orders*. The War Production Board may in its discretion require any person seeking to place a purchase order for lead to be delivered by a refiner or dealer to place the same with one or more particular refiners or dealers.

(c) *Reports*. After January 1, 1944, a quarterly report shall be filed on the 20th of April, July, October and January on Form WPB 95 by each dealer in pig lead or manufacturer of lead-bearing products who either sold or consumed forty tons or more of lead during the preceding calendar quarter, or had in his possession or under his control twenty tons of lead on the last day of the preceding calendar quarter. However, manufacturers of lead-bearing products shall file, not later than the 20th of January, 1944, a report on Form WPB 95, covering December, 1943, where required to do so by instructions on such form.

(d) *Prohibited uses of lead*. No person shall use lead or lead base alloy in the manufacture of any item on List A of this order or in the manufacture of any component material or part of such item, or for any purpose specified on List A.

(e) *Appeals and communications*. 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. The appeal shall 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. All other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Tin-Lead Division, Washington 25, D. C., Reference: M-38.

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

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

(h) *Effective date*. This order, as amended, shall become effective January 1, 1944.

NOTE: These reporting requirements have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 24th day of December 1943.

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

## LIST A

- (1) Automobile body solder (except for repair purposes).
- (2) Ballast or keels for pleasure boats.
- (3) Building supplies as follows (except as a coating material):
  - (a) Gutters and leaders for residential buildings under three stories in height
  - (b) Ornamental work
  - (c) Puttyless frames
  - (d) Sash weights
  - (e) Spandrels
- (4) Buttons, badges, emblems and regalia (except for sale to the Army or Navy of the United States, the War Shipping Administration or the United States Maritime Commission).
- (5) Costume jewelry, novelties and trophies.
- (6) Caskets (except for metal liners as permitted under paragraph (c) (1) of Limitation Order L-64, as amended, and where any such metal liner is to be used to comply with federal, state, or local government laws and regulations requiring hermetical sealing)
- (7) Casket hardware, except
  - (a) Name plates manufactured from secondary antimonial lead weighing not more than 14 ounces; and
  - (b) Casket handle arms manufactured from secondary antimonial lead provided the quantity of such lead used for this purpose does not exceed three pounds per casket.
- (8) Glass for ornamental purposes.
- (9) Tennis court markers.
- (10) Games or toys.
- (11) Foil for the following purposes:
  - (a) Packaging cigarettes, tobacco, cigars, candy, gum, beverages or fluids (except cap inserts for medicinals)
  - (b) Permanent wave hair pads
  - (c) Tinsel
  - (d) Seals and labels
- (12) Statuary and art goods (except church goods as defined in Limitation Order L-136).
- (13) Weights for bats, decoys, dresses, golf clubs, saddles, darts and arrows.
- (14) Any decorative purposes.

[F. R. Doc. 43-20417; Filed, December 24, 1943; 11:37 a. m.]

PART 1190—COTTON TEXTILES FOR ESSENTIAL INDUSTRIAL AND SURGICAL PRODUCTS  
[General Preference Order M-134 and Schedule II, Revocation]

Section 1190.1 *General Preference Order M-134* and § 1190.3 *Schedule II of General Preference Order M-134* are revoked. This revocation does not affect any liabilities incurred thereunder. The order and said schedule are superseded by General Conservation Order 11-317, as amended simultaneously with this revocation.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20419; Filed, December 24, 1943; 11:38 a. m.]

PART 1193—COTTON TEXTILE PRODUCTION  
[Supplementary Limitation Order L-99-a, Revocation]

Section 1193.2 *Supplementary Limitation Order L-99-a* is revoked. This revocation does not affect any liabilities incurred under the order. The order is

superseded by Limitation Order L-99 and General Conservation Order M-317, as both are simultaneously amended with this revocation.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20424; Filed, December 24, 1943;  
11:39 a. m.]

PART 3045—COTTON TEXTILES FOR WORK  
APPAREL

[General Preference Order M-207 and  
Schedules I, II, III, and IV, Revocation]

Sections 3045.1 to 3045.5, inclusive *General Preference Order M-207* and Schedules I to IV, inclusive are revoked. This revocation does not affect any liabilities incurred thereunder. The order and said schedules are superseded by General Conservation Order M-317, as amended simultaneously with this revocation.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20420; Filed, December 24, 1943;  
11:38 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, as Amended  
Dec. 24, 1943]

NEWSPAPERS

Section 3133.6 *Limitation Order L-240* is hereby amended to read as follows:

§ 3133.6 *Limitation Order L-240*. (a) *The purpose of this order*. This order does two things: First, it limits the tonnage of print paper which may be used by a publisher in printing a newspaper. This is called his "consumption quota". Second, it limits the tonnage of print paper which may be ordered or accepted by a newspaper publisher. This is called his "delivery quota". A publisher's consumption quota is on a quarterly basis and his delivery quota is on a monthly basis.

*Definitions and Explanations*

(b) *Newspaper*. "Newspaper" means any publication generally recognized as a newspaper in the newspaper industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a newspaper or delivered together with it.

(c) *Camp papers and free distribution publications*. Army or Navy camp, post, station or unit "newspapers" or news sheets generally are not recognized as newspapers in the newspaper industry. They are covered by Order L-241 (commercial printing). Shopping guides, want ad periodicals and publications in newspaper format distributed

free or at nominal cost also are not recognized as newspapers within the meaning of this order and are governed by Order L-241.

(d) *Publisher*. "Publisher" means a person who publishes a newspaper, including an individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(e) *Print paper*. "Print paper" means any grade, quality, type or basis weight of paper used in publishing a newspaper. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber. It also includes roll wrappers, newsprint used as wrappers, identification sheets and labels for newspapers, and production waste, whether or not this waste is subsequently salvaged for other uses.

(f) *Use*. All production waste shall be included in the tonnage of print paper "used" in printing a newspaper. Transit damage shall not be included in a publisher's "use" of print paper. A roll of print paper is considered "used" when it is first opened and placed in production.

(g) *Net paid circulation*. "Net paid circulation" means the number of copies of a newspaper which have been sold (exclusive of bulk sales), as audited by the Audit Bureau of Circulations or (in the case of newspapers which are not members of the Audit Bureau of Circulations) as verified in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(h) *Inventory*. "Inventory" means all the print paper which is owned by a publisher or is available for his use. It includes the print paper which he has on hand, in storage, and in transit, and paper held for his use by a paper merchant, warehouseman or other person, regardless of its physical location.

(i) *Transfer of quotas*—(1) *Quotas established by different orders*. Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a newspaper any part of a consumption quota established under Order L-241 (commercial printing), L-244 (magazines) or L-245 (books) and he may not permit any part of his consumption quota established under this order to be used for commercial printing, magazines or books. If a newspaper publisher also conducts a job printing business, he must keep these two operations separate for quota purposes. The amount of print paper which he is permitted to consume and the amount which he is permitted to order or accept for the publication of his newspaper is limited by this order. The amount of print paper which he is permitted to consume and the amount which he is permitted to accept for his commercial printing business is limited by Order L-241.

(2) *Assignment of quotas to different persons*. The rules governing the as-

signability of quotas are set forth in Priorities Regulation 7a.

*Consumption quota*

(j) *Allowable consumption*. In the first quarter of 1944, and in each calendar quarter after that, no publisher may use or cause to be used, in the publication of a newspaper, print paper in excess of:

(1) His quarterly consumption quota, which shall be computed in accordance with the instructions set forth in paragraph (k), plus

(2) Any less-than-quota savings carried over from previous calendar quarters, as provided in paragraph (1), plus

(3) Ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(k) *Computation of consumption quota*—(1) *Base tonnages*. Ascertain, separately, the tonnage of print paper comprising the net paid circulation of morning, evening, Sunday or other issues of the newspaper in the corresponding quarter of 1941. Add 3 per cent to each figure. (This 3 per cent is an arbitrary allowance to compensate for production waste and should be added whether the actual production waste in 1941 was greater or less than 3 per cent). These are the "base tonnages" for morning, evening, Sunday or other issues of the newspaper, which shall be adjusted in accordance with instructions 2, 3, and 4.

(2) *Circulation increase*. Ascertain, separately, the percentage increase or decrease in net paid circulation of morning, evening, Sunday or other issues of the newspaper in the calendar year 1942 as compared with the calendar year 1941. (The average net paid circulation for each year shall be determined by adding together the average net paid circulation for each of the four quarters of the year and dividing by four).

(3) *Tonnage equivalent of circulation increase*. Apply, separately, the respective percentages of circulation increase or decrease determined under instruction number 2 to the respective base tonnages determined under instruction number 1 for morning, evening, Sunday or other issues of the newspaper.

(4) *Adjustment of base tonnages*. Adjust the respective base tonnages determined under instruction number 1 by adding or subtracting the number of tons represented by the percentage circulation gain or loss determined under instruction number 3.

(5) *Total adjusted base tonnage*. Total the respective base tonnages for morning, evening, Sunday or other issues of the newspaper determined under instruction number 1. Total the respective adjusted base tonnages for morning, evening, Sunday, or other issues of the newspaper determined under instruction number 4. The larger of these two totals is the publisher's "total adjusted base tonnage" from which the required reductions shall be applied.

(6) *Sliding scale of reductions*. Reduce the total adjusted base tonnage by

the following sliding scale of percentage cuts:

- (i) Deduct 4% of the amount over 25 tons but not over 125 tons.
- (ii) Deduct 8% of the amount over 125 tons but not over 250 tons.
- (iii) Deduct 12% of the amount over 250 tons but not over 500 tons.
- (iv) Deduct 20% of the amount over 500 tons but not over 1000 tons.
- (v) Deduct 24% of the amount over 1000 tons.

(7) *Consumption quota.* The balance remaining after subtraction of the above reductions from the total adjusted base tonnage determined under instruction number 5 is the publisher's consumption quota for the quarter.

(1) *Carry-over.* If a publisher uses less print paper than he is permitted to use in the fourth quarter of 1943, or in any calendar quarter after that, he may add this tonnage to his consumption quota in any succeeding quarter.

(m) *Exceptions for small newspapers.* The restrictions on the consumption of print paper established by this order do not apply to:

(1) *Special types of newspapers.* Any newspaper containing eight pages or less which is authorized to be admitted to the mails as second class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39 U.S.C. Sec. 229) pertaining to the publications of benevolent, fraternal, trades-union, professional, literary, historical, and scientific organizations and societies.

(2) *Newspapers using less than 25 tons per quarter.* Any newspaper which shall consume less than 25 tons of print paper in a calendar quarter, regardless of the tonnage of paper consumed previously. The publisher of any such newspaper is authorized, in addition, to increase his permitted usage by the tonnage of print paper consumed in printing copies of his newspaper furnished to the Armed Services of the United States, whether such copies are sold or are distributed free of charge.

#### *Delivery Quota*

(n) *Computation of delivery quota.* In January, 1944, and in each calendar month after that, no publisher may order or accept delivery of print paper in excess of his monthly delivery quota, which shall be computed in accordance with the following instructions:

(1) *Monthly base.* To the publisher's consumption quota for the current calendar quarter add ex-quota paper, if any, which may have been granted on appeal for use in the current calendar quarter. Divide the sum by three.

(2) *Inventory ceiling.* The above amount shall be reduced accordingly if a publisher's inventory is, or by virtue of such order or acceptance will become, greater than: (i) 40 days' supply for publishers in the states named in List A, (ii) 65 days' supply for publishers in the states named in List B, or (iii) 60 tons for publishers who would be limited to a smaller amount by subdivision i or ii above.

#### *List A*

Connecticut.	Nebraska.
District of Columbia.	New Hampshire.
Delaware.	New Jersey.
Illinois.	New York.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	South Dakota.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	

#### *List B*

Alabama.	New Mexico.
Arizona.	Nevada.
Arkansas.	North Carolina.
California.	Oklahoma.
Colorado.	Oregon.
Florida.	South Carolina.
Georgia.	Tennessee.
Idaho.	Texas.
Louisiana.	Utah.
Montana.	Washington.
Mississippi.	Wyoming.

(3) *Computation of rate of consumption.* The number of days' supply shall be computed at the average daily rate of allowable consumption for the current calendar quarter. This shall be determined by dividing the publisher's allowable consumption for the quarter by the number of days on which his newspaper is published in that quarter.

(4) *Fractional carloads.* If a publisher's delivery quota for any month is less than one carload it may be increased to one full carload. If it is a whole number of carloads plus a fraction of another carload, the fraction may be added to his delivery quota for any succeeding month.

(5) *Transit damage.* If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable in publishing his newspaper, whether this occurs while the paper is in transit or after it has reached its destination, the publisher may increase his delivery quota (but not his consumption quota) in the same or any subsequent month by an amount sufficient to replace such paper. It is immaterial whether or not the publisher is reimbursed for the destroyed or damaged paper by the shipper, the carrier, or an insurance company. It is also immaterial whether or not the publisher salvages all or part of the damaged paper for use other than in publishing his newspaper.

(6) *Report on transit damage.* Any publisher who increases his delivery quota to replace destroyed or damaged print paper in accordance with subparagraph 5 above shall, within 15 days after placing the order for such replacement, file a letter with the War Production Board stating the number of tons comprising the publisher's delivery quota for that month, the number of tons destroyed or damaged, the manner in which such print paper was rendered unfit for use in publishing his newspaper, and the number of tons ordered in excess of his delivery quota. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(o) *Exceptions.* Permission to order or accept delivery of print paper in excess of the tonnage allowed under paragraph (n) may be granted by the War Production Board upon a written request for specific authorization stating the number of tons and the number of days' supply of print paper which the publisher has in inventory, the number of tons comprising his delivery quota, the number of additional tons he desires to order and accept, and the reasons why the denial of the request would create undue hardship.

(p) *Certification.* On and after December 24, 1943, each order by a publisher for delivery of print paper shall contain substantially the following certification, signed manually or as provided in Priorities Regulation 7 (section 944.27) by an official duly authorized for such purpose:

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, and to receive the item(s) ordered for the purpose for which ordered.

No person may deliver print paper to a publisher except upon a delivery order which bears the above certification.

(p) *Intra-company transfers.* The foregoing restrictions apply not only to deliveries from one person to another, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

#### *Miscellaneous Provisions*

(r) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported to the War Production Board by letter within 15 days after the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(s) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

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

(u) *Communications to the War Production Board.* All reports required to be filed hereunder, requests for specific authorization, appeals and other communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: 1-240.

(v) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is

guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(w) *Effective date.* This amendment shall become effective on January 1, 1944.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20426; Filed, December 24, 1943;  
11:39 a. m.]

**PART 3133—PRINTING AND PUBLISHING**

[Limitation Order L-240, Interpretation 1,  
Revocation]

Interpretation No. 1 to Order L-240, issued on July 24, 1943, is superseded by paragraph (e) of the order as amended December 24, 1943.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20427; Filed, December 24, 1943;  
11:40 a. m.]

**PART 3133—PRINTING AND PUBLISHING**

[General Limitation Order L-240, Interpretation 2, Revocation]

Interpretation No. 2 to Order L-240, issued on August 17, 1943 is superseded by paragraph (n) (4) of the order as amended December 24, 1943.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20428; Filed, December 24, 1943;  
11:40 a. m.]

**PART 3133—PRINTING AND PUBLISHING**

[Limitation Order L-240, Interpretation 3,  
Revocation]

Interpretation No. 3 to Order L-240, issued on August 25, 1943 is superseded by paragraph (n) (5) of the order as amended December 24, 1943.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20429; Filed, December 24, 1943;  
11:40 a. m.]

**PART 3201—MINING<sup>1</sup>**

[Preference Rating Order P-56 as amended  
Dec. 24, 1943]

**MINES AND SMELTERS**

Section 3201.11<sup>1</sup> *Preference Rating Order P-56* is hereby amended to read as follows:

§ 3201.11 *Preference Rating Order P-56—(a) Purpose and scope.* This order explains how operators of mines and smelters in the United States and in foreign countries may get the materials and products they need to carry on their operations. The materials covered include not only maintenance, repair, and operating supplies, including controlled materials, but also machinery, other kinds of materials, and equipment. This order does not apply, however, to an operator of a nonessential mine as defined in Limitation Order L-208.

(b) *Definitions.* (1) "Producer" means a person operating any of the following enterprises, whether in the United States, or any of its territories, or in a foreign country, but does not include any enterprise defined as a "nonessential" mine in Order L-208 or any like enterprise located outside the United States, its territories or possessions: (i) any plant actually engaged in the extraction by surface, open-pit, or underground methods, or in the beneficiation, concentration, or preparation for shipment of the products of mining activity; (ii) any plant wholly engaged in the processing and burning of refractories; (iii) any plant producing any material listed below by smelting or refining processes, and to whom a serial number has been issued under Preference Rating Order P-73, or is hereafter issued as provided in paragraph (c):

Antimony	Nickel
Cobalt	Platinum
Copper	Tin
Iridium	Tungsten
Lead	Vanadium
Mercury	Zinc
Molybdenum	

(iv) any prospecting enterprise for the discovery, exploration, or development of new or additional mining projects, including the construction of access roads; and (v) mines, concentrating mills, smelters, railroads, power plants, refineries, and appurtenances owned and operated by the companies holding serial numbers under Preference Rating Order P-58 on December 24, 1943.

(2) "District" means a mine supply control district of the Foreign Economic Administration.

(3) "Maintenance, repair, and operating supplies" means material used for the following purposes by producers in the conduct of enterprises described above in paragraph (b) (1): (i) minimum upkeep necessary to continue the working condition of essential property or equipment, and (ii) restoration of essential property or equipment to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like have made the property or equipment unfit or unsafe for service; and supplies which are essential to and consumed or worn out in the conduct of such enterprises. In addition, except as hereinafter noted, the term "maintenance, repair, and operating supplies" includes minor capital additions normally necessary to the operation of the enterprise, but not exceeding in cost \$500 (excluding purchaser's cost

of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph.

*Producers Holding Serial Numbers*

(c) *Priorities assistance for producers with serial numbers.* Producers holding serial numbers, which may be obtained in the manner specified in paragraph (f), may apply for priorities assistance as follows:

(1) For maintenance, repair, and operating supplies, by filing the appropriate mine quota application form with the Mining Division, War Production Board, Washington 25, D. C., as follows:

Metal mines.....	Form WPB-2937
Coal mines.....	Form WPB-2938
Non-metallic mines.....	Form WPB-2939
Smelters and refineries.....	Form WPB-2040

For the first and second quarters of 1944, a dollar value quota for the purchase of minor capital additions as defined in paragraph (b) (3) may be applied for by letter filed with the Mining Division, War Production Board, Washington 25, D. C., prior to January 24, 1944. After the second quarter of 1944, application for a dollar value quota for the purchase of such minor capital additions may be made on the appropriate mine quota application form listed above.

(2) For other mining machinery, materials, and equipment, by submitting to the Mining Division, War Production Board, Washington 25, D. C., an application on Form WPB-2910. In submitting applications under this subparagraph, Form WPB-2910 may be accompanied by a letter giving any unusual circumstances relevant to the application.

*Foreign Producers Operating Under Mine Supply Control Districts*

(d) *Priorities assistance for certain foreign producers operating under mine supply control districts.* To enable a producer not holding a serial number hereunder and located outside the continental United States and within the jurisdiction of a district to obtain priorities assistance, the following procedure is established:

(1) For maintenance, repair, and operating supplies a district may apply for priorities assistance by filing Form WPB-2937 with the Mining Division, War Production Board, Washington 25, D. C. A producer not holding a serial number and located in a district may apply for priorities assistance by submitting to such district his purchase orders for maintenance, repair, or operating supplies, together with such information as may be required by the district. Within the limits of the priorities assistance granted to it pursuant to this paragraph (e) (1), such district may authenticate any such purchase order for maintenance, repair, or operating supplies by indicating the appropriate priorities as-

<sup>1</sup> Formerly Part 982, § 982.1.

assistance and countersigning the purchase order as follows:

Approved:

-----  
Name of district  
-----  
Signature of authorized official

(2) For other mining machinery, materials, and equipment, a producer not holding a serial number and located within a district may submit to the War Production Board, Form WPB-2910, such application to be endorsed with the signed approval of the district within which the applicant is located.

(3) A distributor of maintenance, repair, or operating supplies or of other mining machinery, materials, or equipment, located outside the United States and within the jurisdiction of a district, may apply for priorities assistance in the same manner as prescribed in paragraphs (d) (1) and (d) (2) for producers not holding serial numbers and located within the jurisdiction of a district.

#### Other Producers Not Holding Serial Numbers

(e) (1) *Priorities assistance for other producers not holding serial numbers.* A preference rating of AA-5 is hereby assigned to delivery orders for maintenance, repair, and operating supplies, except minor capital additions as defined in paragraph (b) (3), placed by producers operating within the United States, its territories and possessions, and not holding serial numbers (other than operators of nonessential mines as defined in Limitation Order L-208). Such producers may apply for further priorities assistance for mining machinery or equipment or for further assistance for maintenance, repair, or operating supplies by submitting to the Mining Division of the War Production Board, Washington 25, D. C., a written application on Form WPB-2910. Foreign producers, not holding serial numbers and not located in a mine supply control district, may apply for priorities assistance by submitting to the Mining Division of the War Production Board a written application on Form WPB-2910.

(2) *Emergency procedure for non-serializing mines.* In case of actual or impending breakdown, producers not holding serial numbers may apply for priorities assistance on Form WPB-1436 or by telegraph either to the Washington Office or the nearest regional or district office of the War Production Board.

#### Serial Numbers

(f) *Issuance of serial numbers.* Applications for serial numbers may, in the case of producers within the continental limits of the United States, be filed with the appropriate War Production Board Regional Office, Attention: Regional Technical Advisor, Mining Division; or with the appropriate State Coordinator of Mines for transmission to such Regional Advisor; or with the Mining Division, War Production Board, Washington, D. C. Serial number application by districts must be filed with the Mining Division, War Production Board, Washington 25, D. C. Applications by all

other foreign producers should also be filed with the Mining Division, War Production Board, Washington 25, D. C. In filing such application, the following forms shall be used:

Metal mines..... Form WPB-1212  
Coal mines..... Form WPB-2784  
Non-metallic mines..... Form WPB-2758  
Core or churn drill operators Form WPB-2952

Smelters and refineries shall apply by letter. In issuing and cancelling serial numbers, the War Production Board will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of the critical material involved, and the importance to national defense of competing demands for such material, and competing demands for manpower and transportation. Serial numbers issued under Preference Rating Orders P-58 and P-73, and not cancelled prior to December 24, 1943, are hereby confirmed and shall be considered as having been issued under this Order P-56.

#### Use of Priorities Assistance; All Producers

(g) *Application and extension of priorities assistance.* The way to use preference ratings is explained in Priorities Regulation No. 3, and the way to use allotments, both in placing authorized controlled material orders and in making allotments, is explained in CMP Regulation No. 1. Instead of using the certification prescribed by those regulations or by any other regulation of the War Production Board, including Priorities Regulation No. 7, the producer may use the following endorsement signed manually or as provided in Priorities Regulation No. 7:

Allotment number -----  
Preference rating -----  
Order authorized under Preference Rating  
Order P-56, Serial No. -----

He shall not add the symbol "MRO" despite the certification instructions in CMP Regulation No. 5 or any other regulation. Requirements of other orders of the War Production Board as to special certifications remain applicable, but the foregoing endorsement shall be added to such certification. The use of the foregoing endorsement by a producer shall constitute a representation, subject to the criminal penalties for misrepresentation contained in section 35A of the Criminal Code (18 U. S. C. 80) that the material or equipment ordered will be used for the purpose for which priorities assistance was granted to acquire it. Preference ratings assigned on Forms WPB-2910, 2937, 2938, 2939, and 2040 may not be used to obtain items on List A or List B of Priorities Regulation No. 3. Any items which are purchased without the use of preference ratings need not be charged against authorized dollar quotas.

(h) *Restrictions on receipts and inventories.* Notwithstanding the provisions of any other order or regulation of the War Production Board, including CMP Regulation 2, receipts and inventories of producers shall be subject to the follow-

ing restrictions only: No producer shall receive any delivery of material which will increase his inventory of such material to an amount greater than the minimum necessary to sustain his current level of operations; and the ratio of such inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(i) *Restrictions on use and resale of material.* Notwithstanding § 944.11 of Priorities Regulation No. 1, no producer shall use any material, whether or not obtained pursuant to this order, for any purpose other than that for which priorities assistance was granted to acquire it; except that a producer may resell any such material:

(1) To a producer holding a serial number hereunder, or

(2) With the written approval of the War Production Board applied for by letter to the Mining Division, or

(3) With the written approval of a district if he is a non-serialized producer located within such district, or

(4) As permitted by Priorities Regulation No. 13.

#### Applicability of Other Regulations and Orders

(j) (1) *CMP Regulation No. 5 and other regulations of the War Production Board.* None of the restrictions contained in CMP Regulation No. 5 shall be applicable to producers, and no producer shall obtain any material under CMP Regulation No. 5. However, privileges under other orders and regulations of the War Production Board granted to persons on Schedules I and II of CMP Regulation No. 5 shall be considered as applicable to producers operating under this order. For example, Order E-5-a on gauges and precision measuring hand tools classifies a person on Schedules I and II of CMP Regulation No. 5 as an "approved user." Producers operating under Order P-56 are in the same position providing that certification clauses and all other provisions of such other orders are complied with.

(2) *Restriction on use of priorities assistance.* No producer, except as permitted by paragraph (e), shall acquire any maintenance, repair, or operating supplies through the use of any preference rating, except after prior application filed with the Mining Division of the War Production Board, Washington 25, D. C., on the appropriate mine quota application form for maintenance, repair, and operating supplies, as specified in paragraphs (c) and (d); nor shall he acquire any other mining machinery, material, or equipment through the use of either any preference rating or any specific authorization of the War Production Board, except after prior application filed with the Mining Division on Form WPB-2910. This means that, with exceptions noted, in cases where some other order or regulation of the War Production Board requires the filing of a special application with some other division or office of the War Production Board in order for a person to get the material or product covered by such order or regu-

lation, producers who are covered by this Order P-56 are nevertheless required to have filed a proper application on the form specified in this order covering such purchase with the Mining Division before they may file the special application required by the other order or regulation. The purpose of this provision is to enable the Mining Division both to screen all such applications in the light of its knowledge of the industry's requirements, and to help a producer in approved cases to obtain the material he wants.

#### Miscellaneous Provisions

(k) *Records, audits, and reports.* Each producer and each distributor shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order, and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each producer and each distributor shall execute and file with the War Production Board or other designated agency such reports and questionnaires as the War Production Board may from time to time require.

(l) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Mining Division of the War Production Board, Washington 25, D. C., referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Communications.* All reports and applications hereunder and all other communications with respect to this order shall, except as otherwise specifically provided, be addressed to the Mining Division, War Production Board, Washington 25, D. C., Ref: P-56.

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

Issued this 24th day of December 1943.

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

#### INTERPRETATION 1

##### APPLICABILITY TO CUTTING AND POLISHING OPERATIONS AT THE QUARRY

The term "producer" as defined in Preference Rating Order P-56 includes persons operating a quarry and also persons conducting further cutting and polishing operations at the quarry site, such as the manufacture of building stone and tombstones. These latter operations are included in the phrase

"preparation for shipment, of the products of mining activity" appearing in paragraph (b) (1) (i) (§ 3201.11) of the order.

Since paragraph (j) (1) of the order forbids "producers" from obtaining any materials under CMP Regulation 5, producers of tombstones or other stone products at the quarry site may not operate under this regulation but must get priorities assistance exclusively under Order P-56.

The manufacture of tombstones and structural stone at a separate plant away from the quarry is not covered by Order P-56, and priorities assistance for MRO supplies required in such operations may be obtained under CMP Regulation 5. Under CMP Regulation 5, a rating of AA-2 is assigned to persons engaged in the manufacture of structural stone, while persons engaged in the manufacture of tombstones and monuments may use the AA-5 rating which is assigned under that regulation to unlisted business. (Issued Nov. 13, 1943.)

[F. R. Doc. 43-20446; Filed, December 24, 1943; 11:40 a. m.]

#### PART 3216—MATERIAL ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P-142, as Amended Dec. 24, 1943]

For the purpose of facilitating the acquisition of materials for maintenance, repair, operating supplies and certain other requirements of transportation systems in the public interest and to promote the national defense, preference ratings are hereby assigned to deliveries of such materials upon the following terms:

§ 3216.1 *Preference Rating Order P-142—(a) Definitions.* For the purpose of this order:

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

(2) "Transportation system" means a steam railroad, an electric railroad, a terminal railroad, a switching railroad, a private car line company, a rapid transit system, an electric street railway system, a trolley coach system, or a common carrier passenger motor bus system.

(3) "Operator" means any person to the extent that he is engaged in the business of transporting passengers or property over a transportation system. The term does not include any person who can obtain all of his controlled material requirements at retail, or from warehouses or distributors under the provisions of CMP Regulation No. 4, and who has not elected to operate under this Order P-142 pursuant to paragraph (g) (1) hereof; such person shall continue to operate under the provisions of CMP Regulation No. 5 and all other applicable regulations.

(4) "Material" means any commodity, equipment, accessory, part assembly, or product of any kind.

(5) "Controlled material" means controlled material as defined in Schedule I of CMP Regulation No. 1, as amended from time to time.

(6) "Maintenance and repair" means the upkeep or restoration of any unit of

the operator's property or equipment by using the minimum amount of material necessary.

(i) To keep the unit usable for the purpose intended in its existing design.

(ii) To restore parts of the unit to their original usefulness, or

(iii) To renew parts to restore the unit to its usefulness for the purpose intended in its existing design.

The term does not include the use of material for "heavy repair of locomotives" or "heavy repair of railroad cars" as those terms are defined hereinafter; except that the following may be deemed maintenance and repair: modernization of locomotives when the cost of labor and material per locomotive does not exceed \$500, and the new installation on railroad cars of truck snubbers, bottom rod guards and break beam safety devices.

(7) "Operating supplies" means those materials and supplies which are essential to the operations of the operator's transportation system, the rendering of services, and the collection of revenues in connection therewith, but not including items shown on List A or B of Priorities

Regulation No. 3, as amended from time to time. In addition there may be included as operating supplies minor items of productive capital equipment not exceeding \$500 per unit (excluding cost of labor).

(8) "Construction" means the use of material to provide additional facilities or to rehabilitate existing facilities for a purpose not intended in the existing design.

(9) "Heavy repair of locomotives" means any of the following:

(i) Such repair to boiler, machinery and tender as is necessary to put the unit in thorough order and in condition to run out a new term of assigned mileage (sometimes known as class 1, 2 and 3 repair), and also such intermediate repair thereto as is necessary to enable the unit to run out its full mileage assignment (sometimes known as class 4 and 5 repair);

(ii) Conversion, which means any change in the general machinery or wheel arrangement of the locomotive; or

(iii) Modernization, which means the addition of accessories and/or specialties to the locomotive.

(10) "Heavy repair of railroad cars" means either of the following:

(i) Program repair for any group of cars, or, if the operator does not so program such repairs, repair of any car requiring 50 or more man hours per car for freight cars, or 100 or more man hours per car for passenger cars; or

(ii) Conversion, which means the modification of the structure of an existing car to such an extent as to change the type of the car.

(b) *Preference ratings.* (1) Subject to the restrictions of this order, the following procedure is established for the assignment of preference ratings to orders to be placed by an operator after April 5, 1943, for material other than controlled materials for a use authorized by paragraph (d) hereof:

(i) The War Production Board may assign in writing specific preference ratings to deliveries of specific materials essential for emergency repairs, upon application made pursuant to paragraph (g) (2) hereof;

(ii) The War Production Board may specifically assign in writing preference ratings to deliveries of materials, in the quantities, for the periods, and on the terms and conditions specified in the copy of Form WPB-2585 (formerly Form PD-844) returned to the operator, upon application made pursuant to paragraph (g) (3) hereof.

However, preference ratings for Class A products will be assigned at the time the allotment is made, if the product is one for which the operator must make an allotment to his supplier (as distinct from a Class A product for which the supplier must get his allotment from the War Production Board, as in the case of Class A products sold for use as MRO).

(2) *Certification.* The ratings assigned in accordance with paragraph (b) (1) of this order, and the CMP allotment symbol T-7 assigned by paragraph (c) (1), may be applied by an operator only by use of a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

*Preference rating—(specify rating); CMP allotment symbol T-7; P-142, serial No. —.* The undersigned operator 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, for transportation MRO under P-142, the item(s) ordered; and to use any preference rating or allotment symbol which the undersigned has placed on this order.

The certifications specified in Priorities Regulation No. 3 and CMP Regulation No. 5 may not be used. However, instead of the certification specified above, a certification in the form provided in CMP Regulation No. 7 may be used, but the operator must include the following identifications: "Preference rating"—(specify rating); CMP allotment symbol T-7; P-142, serial No. —."

(3) The ratings applied in accordance with paragraph (b) (2) hereof may be extended in the manner provided in Priorities Regulation No. 3, subject, however, to the restrictions contained in CMP Regulation No. 3.

(4) An order for material, other than controlled material, bearing a rating applied or extended in accordance with this paragraph (b) and the CMP allotment symbol T-7 shall have the same status as a rated order bearing a CMP allotment number under all applicable CMP regulations. Such symbol shall constitute an "allotment number or symbol" for the purpose of CMP Regulation No. 3.

(c) *Controlled materials.* (1) The CMP allotment symbol T-7 is hereby assigned (instead of the symbol MRO-P-142) to orders to be placed by an operator

for steel and copper in the form of controlled material and for 500 pounds or less per quarter of aluminum in the form of controlled material for a use authorized by paragraph (d) of this order, and in amounts authorized pursuant to application made upon Form WPB-2585 (formerly Form PD-844) in accordance with paragraph (g) (3).

(2) An order for controlled materials of the kinds and in the quantities specified above in paragraph (c) (1), for a use authorized by paragraph (d), bearing the CMP allotment symbol T-7 and the certification required in paragraph (b) (2), shall constitute an authorized controlled material order.

(3) *Aluminum.* Any operator requiring aluminum in the form of controlled material for any purpose authorized by this order in amounts exceeding 500 pounds during any one calendar quarter, must apply by letter for an allotment for those amounts to the War Production Board, Aluminum and Magnesium Division, Ref.: M-1-1, giving substantially the information described in paragraph (d) of Supplementary Order M-1-1.

(d) *Restrictions on use of material.* (1) No operator shall use any material (including controlled materials, Class A products, Class B products, and other products and materials) acquired under the provisions of paragraph (b) or (c) of this order, nor make withdrawals from inventory of any material acquired with priorities assistance, except for the following purposes:

(i) Maintenance, repair and operating supplies (including materials required for MRO by the operator for its own use in carrying out authorized construction projects and in manufacturing transportation equipment);

(ii) Heavy repair of locomotives;

(iii) Heavy repair of railroad cars;

(iv) Replacement of rail with the weight of rail and type of fastenings conforming to the operator's standard practice;

(v) Construction to the extent permitted by paragraph (d) (2) below; or

NOTE: Subdivision (vi), formerly (v), redesignated Dec. 24, 1943.

(vi) For any other use when specifically authorized in writing by the War Production Board.

(2) *Construction.* Any operator may, for construction, acquire materials under paragraph (b) or (c) of this order, or make withdrawals from inventory of materials acquired with priorities assistance, but only to the extent that the total cost of such materials for any one project is \$2,500 or less (excluding cost of labor). Additional materials of these kinds may be withdrawn from inventory for any one project if the operator has secured specific authorization in writing from the War Production Board pur-

suant to application made on Form WPB-617 (PD-200), but replacement in inventory of any additional materials so withdrawn may be made only by using the ratings and allotments assigned by the specific authorization (CMPL-224 or other applicable form). Furthermore, with respect to any project specifically authorized by the War Production Board (under Order L-41 or otherwise), acquisition or withdrawal from inventory of materials by the operator is limited to those which may be permitted by the authorization.

Each operator must get permission to construct under Conservation Order L-41 where the particular project is not exempted by that order. If the construction is of a kind exempted by that order, and the total cost of the materials required (excluding cost of labor) is over \$2,500, the operator must apply on Form WPB-617 if the excess over \$2,500 is to be withdrawn from inventory as explained above, or is to be acquired with priorities assistance.

(e) *Conservation of materials.* (1) Every operator shall, whenever possible, use conservation measures such as substitution, redesign and respecification to eliminate scarce materials normally used; and shall plan his operation maintenance and repair schedules in accordance with the relative urgency and national need for transportation, subject to the provisions of this order. The War Production Board may from time to time issue supplementary orders or schedules requiring the elimination or diminution of the use of any material with or without the substitution of other materials, and may specify the use to which specific types of materials can be put.

(f) *Inventory control.* Notwithstanding any provision of this order, and unless otherwise specifically authorized in writing by the War Production Board, no operator shall accept delivery of any item of material (except fuel) if his storehouse inventory of such item is, or will by virtue of such acceptance become, greater than the quantity of such item he will be required by his current practices to put into a use authorized by this order during the succeeding 60-day period. Nothing in this paragraph (f) shall be deemed to prevent any operator from maintaining minimum stocks of material for emergency use, nor from acquiring reasonable stocks of ties and lumber for seasoning. Shipment of material from the storehouse in advance of its actual need shall be deemed contrary to the intent of this paragraph. The foregoing inventory control does not apply to printed matter.

(g) *Procedure.* (1) No operator shall be entitled to any assistance under the provisions of this order until he has been assigned an authorized serial number, which may be obtained upon application by letter to the War Production Board, stating that the applicant will be unable to obtain all of his



controlled material requirements at retail or under the provisions of CMP Regulation No. 4. In addition any person who can obtain all such requirements at retail or under that regulation may elect to apply as above for an authorized serial number. When such serial number is assigned to him, he shall be deemed an operator under all the provisions of this Order P-142.

(2) An operator, in order to secure authorization or exemption under paragraphs (b) (1) (i), (d) (1) (vi), (f) or (h) (2) hereof, must communicate with the War Production Board, describing the nature of the emergency or the reason why specific authorization is necessary, and the amount and type of material involved. The War Production Board will thereupon notify such operator in writing whether, and to what extent, his application is approved.

(3) An operator, in order to secure authorization for delivery of material under paragraphs (b) (1) (ii) and (c) (1) hereof, must forward to the War Production Board, 60 days prior to the beginning of each calendar quarter, an application on Form WPB-2585 (formerly Form PD-844) filled out in accordance with instructions thereon, and in accordance with any supplemental instructions covering all or any one or more operators, or specific classes of operators, under the provisions of this Order P-142. A supplemental application on Form WPB-2585 (formerly Form PD-844) may be filed as the need arises. The War Production Board will in each case return such form, notifying the operator whether, and to what extent, his application is approved.

(h) *Resale of materials.* (1) An operator may resell material (whether or not obtained with the assistance of this order):

(i) To any other operator,  
(ii) To another person when such material is to be physically incorporated in repairs of equipment that is used in the maintenance, repair, or operations of the operator's own property: *Provided*, That such material could have been used by the operator itself in making its own repairs without violation of any of the provisions of this order.

(iii) To the operator's own transportation system subsidiaries, or for the maintenance of track or equipment not owned but customarily maintained by the operator or its subsidiaries, or

(iv) For the repair of equipment of another carrier in accordance with the Code of Rules for the Interchange of Traffic as adopted by the Association of American Railroads.

and any such sale shall be expressly permitted within the provisions of paragraph (c) (3) of Priorities Regulation No. 13: *Provided*, That nothing in this paragraph (h) (1) shall be deemed to authorize receipt or use of any material by any person in violation of any inventory or use restriction imposed by this order or any other order or regulation of the War Production Board, and no operator shall make any sale of material authorized above if he knows or has reason to believe that receipt or use thereof

by the buyer will be in violation of any such restriction.

(2) In addition, an operator may resell such material when specifically authorized in writing by the War Production Board.

(i) *Appeal.* 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.

(j) *Records, audits and reports.* Each operator shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each operator shall execute and file with the War Production Board or other designated agency such reports and questionnaires as the War Production Board shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(l) *Applicability of regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations No. 5 or No. 5A shall apply to operators as defined in paragraph (a) (3) of this order, and no such operator shall obtain any material under the provisions of either of those regulations.

(m) [Deleted Sept. 18, 1943.]

(n) *Communications.* All communications concerning this order, unless otherwise directed, shall be addressed to: War Production Board, Transportation Equipment Division, Washington 25, D. C.; Ref.: P-142.

Issued this 24th day of December 1943.

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

#### INTERPRETATION 1

#### RERATING DELIVERY ORDERS PLACED UNDER P-88

Order P-88 (predecessor of P-142) assigned "blanket" ratings to railroads for certain specified deliveries of MRO materials; it also provided for the specific assignment of ratings to other deliveries of materials pursuant to application made on Form PD-351. These ratings ranged from A-1-a to A-8. Order P-142 (§ 3216.1) assigns no "blanket" ratings in the order itself, all necessary ratings for transportation MRO being assigned on Form WPB-2585 (formerly PD-844). When P-142 was issued on April 5, 1943, it contained a provision specifically revoking Order P-88

and all ratings issued thereunder, with the exception of ratings issued on Form PD-351 for the second quarter of 1943. Under these circumstances, it is questioned whether an operator who, under P-88, properly placed a delivery order which was never filled, may rerate it on the basis of authorization granted on Form WPB-2585 pursuant to P-142.

The revocation of P-88 did not affect deliveries which had been rated under that order before April 5, 1943. Moreover, an operator who properly placed a rated order for MRO materials under P-88, but did not receive delivery at the time requested, may rerate the original delivery order to the extent that deliveries of such materials have been authorized on Form WPB-2585.

For example, a railroad placed a purchase order for a fabricated product on October 4, 1942, applying the rating of A-1-j in accordance with paragraph (b) (3) of Order P-88, and specifying the delivery date of December 15, 1942. The supplier was unable to make delivery at the time requested. Under P-142, the railroad received authorization for the fourth quarter of 1943 on Form WPB-2585 to apply a rating of AA-1 to the delivery of certain materials, including fabricated products of the kind specified in the original purchase order. Whether the authorization is in terms of units (under section D of the Form), or in terms of dollar value applicable to a group of products (under section E), Priorities Regulation 12 permits the railroad to rerate the original order if it is still unfilled. However, the items or dollar value involved must be charged against the WPB-2585 authorization for the quarter in which the rerating is made. (Issued Nov. 24, 1943.)

[F. R. Doc. 43-20448; Filed, December 24, 1943; 11:41 a. m.]

#### PART 3286—MISCELLANEOUS MINERALS<sup>1</sup>

[Conservation Order M-50, as Amended Dec. 24, 1943]

#### JEWEL BEARINGS

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

Now, therefore, it is hereby ordered, that:

§ 3286.6<sup>1</sup> *Conservation Order M-50—*  
(a) *Definitions.* For the purpose of this order:

(1) "Jewel bearing material" means any natural sapphire or ruby of industrial quality, any synthetic sapphire, ruby, or spinel, or any other material of similar chemical composition and physical properties. Natural spinel is not included.

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

(3) "Substitute jewel bearing" means a metal, agate, garnet, glass, or other

<sup>1</sup> Formerly Part 1023, §1023.1.

bearing designed to replace or to substitute for a large ring bearing or a vee bearing of sapphire, ruby, or synthetic spinel.

(4) "Large ring bearing" means any jewel bearing through which a hole has been pierced from one parallel face to the other which has the following dimensions:

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

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

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

(7) "Consumer" means any person who uses jewel bearings in the manufacture of any article. A person is not a consumer who uses jewel bearings only in the repair of watches and instruments.

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

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

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

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

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

(13) [Deleted Dec. 24, 1943]

(b) *Restrictions on delivery, processing, use, and sale.* (1) On and after December 24, 1943 each supplier shall set aside his entire stock, receipts, and production of finished jewel bearings, jewel bearing material, other than natural sapphire or natural ruby; semi-fabricated jewel bearings, and blanks as a reserve for the fulfillment of present and future defense orders, and such other orders and uses as may be authorized from time to time by the War Production Board.

(2) No supplier shall make deliveries or withdrawals from such reserve either to his customers or for purposes of his own use, except as authorized by the War Production Board. The War Production Board will from time to time allocate

the supply of finished jewel bearings, of semi-fabricated jewel bearings, of blanks, and of jewel bearing material, other than natural sapphire or natural ruby; and may specifically direct the manner and quantities in which deliveries to or by particular persons or for particular uses shall be made or withheld. It may also direct, limit, or prohibit processing of jewel bearing material blanks and semi-fabricated jewel bearings. It may also direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of jewel bearings in the hands of consumers. Such allocations and directions will be made to insure the satisfaction of the defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the War Production Board, without regard to any preference ratings assigned to particular contracts or purchase orders.

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

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

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

(c) [Deleted Dec. 24, 1943]

(d) *General exception.* The prohibitions and restrictions contained in this order shall not apply to any jewel bearing which on or after November 2, 1942, without violating any order of the War Production Board, had been physically incorporated in a device in which, without further assemblage, its normal bearing surface was subjected to friction from a moving part or object.

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

(f) *Reports—(1) Suppliers.* Each supplier shall file with the War Production Board, Reference: M-50, Form WPB-482 (formerly PD-235) on or before the dates therein prescribed; provided, that a person who is not engaged in the processing of jewel bearings or jewel bearing material, and who imports jewel bearings only for use in the repair of watches, shall not be required to file Form WPB-482, but within 15 days after receipt by him of each imported shipment, he shall file with the War Production Board, Reference: M-50, a written report giving the quantity, type, diameter, thickness, and hole size of each item received in such shipment, and he shall not sell or deliver

any of such imported jewel bearings until he has received the written authorization of the War Production Board.

(2) *Consumers.* (i) Each consumer who uses 10,000 or more jewel bearings or substitute jewel bearings, or both kinds of bearings, per quarter shall file monthly with the War Production Board, Reference: M-50, Form WPB-465 (formerly PD-236) on or before the dates therein prescribed; (ii) each consumer who uses less than 10,000 and more than 500 bearings, jewel, substitute, or both kinds, per quarter shall file quarterly with the War Production Board, Reference: M-50, Form WPB-465 on or before the dates therein prescribed; (iii) each consumer who uses 500 or less bearings, jewel, substitute, or both kinds, per quarter need not file with the War Production Board any reports on Form WPB-465.

(3) *Producers of jewel bearing material.* Any person producing or offering for sale jewel bearing material other than natural sapphire or natural ruby shall file with the War Production Board, Reference: M-50, Form WPB-675 (formerly PD-338) on or before the dates therein prescribed.

(4) *Specific exemptions.* The War Production Board may from time to time issue a written exemption to any supplier or consumer, or to any producer of jewel bearing material, in cases where production and requirement records together with other circumstances show such uniformity of production or requirements as to indicate that the filing of such reports no longer need be required.

(5) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., Ref.: M-50.

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

ority control and may be deprived of priorities assistance.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20418; Filed, December 24, 1943;  
11:37 a. m.]

PART 3289—RADIO AND RADAR

[Conservation Order L-134, as Amended  
Dec. 24, 1943]

INSTRUMENTS, VALVES, AND REGULATORS  
USED IN INDUSTRIAL PROCESSES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chromium and nickel 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.

§ 3289.6 Conservation Order L-134—

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

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

(2) "Manufacturer" means any person manufacturing any industrial instrument, instrument end, instrument connection, control valve, or regulator as defined below, to the extent he is engaged in such manufacture; and includes sales and distribution outlets controlled by such manufacturer.

(3) "Dealer" means any person primarily engaged in the business of selling or distributing industrial instruments, control valves, or regulators, whether at wholesale, retail, or otherwise, but does not include sales and distribution outlets controlled by a manufacturer.

(4) "Industrial instrument" means any type of indicating, recording or measuring, or controlling instrument ordinarily used in industrial processes and containing an instrument connection listed in subparagraph (5) below, or an instrument end listed in subparagraph (6) below; except "laboratory equipment" as defined in Order L-144.

(5) "Instrument connection" means any of the following, to the extent used with or in an industrial instrument, if fabricated in whole or in part from nickel, chromium, or any alloy thereof: capillary tubing having an internal diameter of .025" or less; protective armor tubing; tubes or springs (pressure measuring systems); diaphragms or bellows (pressure measuring systems except differential measuring systems) and extension lead wire.

(6) "Instrument end" means any of the following to the extent used with or in an industrial instrument, if fabricated in whole or in part from nickel, chromium, or any alloy thereof; sockets, wells, protecting tubes, sheaths and target tubes; liquid level floats, float rods, float cages and flanges, expansion and immersion tubes; venturi tubes; cleanout valve trim and liner for use with venturi tubes; flow nozzles; orifice plates; orifice meter accessories; thermocouples and thermo-

couple wire; temperature bulbs (fluid filled tube system type); bushings and revolving or coupling nuts; safety shutters and switches for radiation pyrometers; contact rods for flame control; straightening vanes; studs for differential pressure chambers; conductivity cells for measuring conductivity of fluids; pitot tubes; and flexible and rigid extension stems for temperature bulbs.

(7) "Control valve" means any glove or butterfly type valve, the inner portion of which is automatically positioned by pneumatic, hydraulic, or electric motive power, containing any of the parts listed in paragraphs (d) (1), (2), (3) and (5), provided such parts are fabricated in whole or in part from nickel or chromium, or any alloy thereof. The term shall not include any type of gate valve or slide valve.

(8) "Regulator" means any self-operated or integral pilot operated type valve used to control temperature, pressure above 25 p. s. i., pressure where inlet pressure is above 25 p. s. i. flow or liquid level, and containing any of the parts listed in paragraphs (d) (1), (2), (3), and (5), provided such parts are fabricated in whole or in part from nickel or chromium, or any alloy thereof.

(9) [Revoked January 30, 1943.]

(b) *General restrictions.* (1) On and after September 9, 1942, no manufacturer shall knowingly put in process any chromium, nickel, or alloy thereof, in the production of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, except for use under such operating conditions, if any, as may be specified in paragraphs (c) or (d): *Provided, however,* That the provisions of this subparagraph shall not apply to such items sold to another manufacturer or dealer for resale, or to items sold for use in a foreign country (except Canada).

(2) On and after September 9, 1942, no manufacturer or dealer shall knowingly deliver, and no person shall accept delivery of, any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, except for use under such operating conditions, if any, as may be specified in paragraph (c) or (d): *Provided, however,* That the provisions of this subparagraph shall not apply to deliveries by a manufacturer to another manufacturer or dealer for resale, or to deliveries of any item to be used in a foreign country (except Canada).

(3) On and after September 9, 1942, no manufacturer shall put in process any chromium, nickel, or alloy thereof for the production of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator except in accordance with the specifications enumerated in paragraph (c) or (d).

(4) On and after September 9, 1942, no manufacturer or dealer shall accept an order for, or deliver, and no person shall accept delivery of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve,

or regulator, except pursuant to a preference rating of A-1-c or better: *Provided, however,* That the limitations and restrictions of this paragraph (b) (4) shall not apply to:

(i) Any order accepted by a manufacturer or dealer prior to September 9, 1942, and bearing a preference rating of A-10 or better, or

(ii) Any order for maintenance and repair purposes, bearing a preference rating of A-8 or better, or

(iii) Any order by and for the use of the Army, Navy, Maritime Commission, War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, or the Office of Scientific Research and Development.

(5) No person shall accept delivery of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator for use, unless based upon experience records he expects to install the item which is being delivered, and all similar items on hand, within the next 90 days.

(6) *Certification to be furnished.* (i) Each person (other than a manufacturer or dealer acquiring the item for resale or any person purchasing the item for use in a foreign country, except Canada) receiving delivery of an instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, shall certify to the manufacturer or dealer from whom he receives such delivery, as a condition to receiving delivery, the following on the purchase order, or in a separate letter:

The undersigned hereby certifies that

-----  
(here fill in items ordered)

will be used under the operating conditions permitted for such items under the terms of Conservation Order L-134. The operating conditions under which the items will be used are:

-----  
Here fill in operating conditions, if any (by reference to paragraph of order) for which items will be used.

-----  
By ----- Company

*Provided, however,* That such certification shall be required only where a limitation on the use of the item in question is prescribed in an operating condition specified in paragraph (c) or (d), except where otherwise provided in paragraph (c) or (d).

(ii) No person shall make a delivery under this paragraph (b) who has reason to believe that the person accepting delivery has furnished a false certification; and no person shall falsely furnish the certification specified above. The certification specified above shall constitute a representation to the War Production Board, of the facts certified therein.

(7) Nothing in this order shall be construed to place any restriction upon any instrument valve or regulator, or part thereof, unless such instrument, valve, regulator or part thereof contains nickel, chromium, or any alloy thereof (not including plating); or upon any instrument, valve, regulator or part thereof which was manufactured prior to May 26, 1942.

(8) The provisions of this order shall not apply to any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator to be incorporated in, or used exclusively on board a vessel of the Army or Navy of the United States.

(c) *Operating conditions and specifications for instrument ends, instrument connections, and industrial instruments containing instrument ends or connections.* Pursuant to the provisions of paragraph (b) hereof, the production and delivery of the following instrument ends, instrument connections, and industrial instruments containing instrument ends or instrument connections shall be governed by the following operating conditions and specifications:

(1) *Capillary tubing having an internal diameter of .025" or less*—(i) *Operating conditions.* Capillary tubing having an internal diameter of .025" or less shall be delivered for use only under the operating conditions specified in List A paragraph 1; capillary tubing for use with a mercury filled thermal system may be delivered for use under any operating condition.

(ii) *Specifications.* Capillary tubing having an internal diameter of .025" or less shall be manufactured from a metal whose nickel and chromium alloy content does not exceed that of Type 347 metal and shall be manufactured in the following four sizes only: .06" x .007"; .06" x .011"; .06" x .017"; .06" x .025".

(2) *Protective armor tubing*—(i) *Operating conditions.* Protective armor tubing shall be delivered for use only under the operating conditions specified in List A, paragraph 1.

(ii) *Specifications.* Protective armor tubing shall be manufactured in lengths not in excess of 6' at either the instrument or bulb.

(3) *Tubes and springs (Pressure measuring systems)*—(i) *Operating conditions.* Tubes or springs for pressure measuring systems may be delivered for any use, but certification of operating conditions shall be required where delivery is for the use described in List A, paragraphs 1 or 2.

(ii) *Specifications.* The total nickel and chromium alloy content of such tubes or springs shall not exceed 6% chromium (with no nickel): *Provided, however,* That for use under the operating conditions described in List A, paragraphs 1 or 2, the total nickel and chromium alloy content shall not exceed 32%.

(4) *Diaphragms or bellows. (Pressure measuring systems except differential measuring systems)*—*Operating conditions.* Diaphragms or bellows for pressure measuring systems (except differential measuring systems) shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(5) *Sockets, wells, protecting tubes, sheaths and target tubes.* The operating temperatures specified below shall be deemed part of the operating conditions for purposes of certification:

(i) *Operating temperature up to 1,400° F.*—(a) *Operating conditions.* When used under operating temperatures up to 1,400° F., sockets, wells, protecting tubes, sheaths and target tubes shall be de-

livered for use only under the operating conditions specified in List A, paragraphs 1 (a) to 1 (k) inclusive, paragraph 2, or paragraph 3 (b) or 3 (c), or on aircraft.

(b) *Specifications.* The total nickel and chromium alloy content of sockets, wells, protecting tubes, sheaths and target tubes shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That for use under operating conditions specified in List A, paragraph 1 (f) or 1 (k) the total nickel and chromium alloy content shall not exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.

(ii) *Operating temperatures from 1,401° F. to 1,900° F.*—*Specifications.* The total nickel and chromium alloy content of sockets, wells, protecting tubes, sheaths and target tubes, used under operating temperatures from 1,401° F. to 1,900° F. shall not exceed 52%, and the nickel and chromium contents shall not exceed 35% and 28%, respectively: *Provided, however,* That for use under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k) the total nickel and chromium alloy content shall not exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.

(iii) *Operating temperatures of 1,901° F. and above*—(a) *Operating conditions.* When used under operating temperatures of 1,901° F. and above, sockets, wells, protecting tubes and sheaths shall only be delivered for use under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k). Target tubes may be delivered for use under any conditions.

(b) *Specifications.* Sockets, wells, protecting tubes, sheaths and target tubes employed under the operating conditions specified in (a) above shall contain a maximum total nickel and chromium alloy content not to exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.

(6) *Temperature bulbs (fluid filled-tube system type)*—(i) *Operating conditions.* When used without sockets or protecting tubes, temperature bulbs (fluid filled tube system type) may be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(ii) *Specifications.* The total nickel and chromium alloy content of temperature bulbs (fluid filled tube system type) shall not exceed 30%, or 20% of either nickel or chromium. No nickel, chromium, or alloy thereof, shall be used in temperature bulbs (except for mercury filled systems) when such bulbs are used in a socket or in protecting tubes. When used with a mercury filled system in a socket, temperature bulbs shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel.

(7) *Bushings and revolving or coupling nuts*—*Operating conditions.* Bushings and revolving or coupling nuts shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(8) *Flexible and rigid extension stems for temperature bulbs*—(i) *Operating conditions.* When used with tempera-

ture bulbs without separable sockets or protecting tubes, flexible or rigid extension stems shall be delivered for use only under the operating conditions specified in List A, paragraph 1, 2, 3 (b) or 3 (c).

(ii) *Specifications.* The total nickel and chromium alloy content of such stems shall not exceed 30%, or 20% of either nickel or chromium.

(9) *Contact rods for flame control*—*Specifications.* The alloy content of contact rods for flame control, including contiguous brackets or clamps, shall not exceed 80% nickel and 20% chromium.

(10) *Thermocouples.* The operating temperatures specified below shall be deemed part of the operating conditions for purposes of certification.

(i) *Operating temperatures up to 800° F.*—*Specifications.* Where used in temperature ranges up to and including 800° F., the thermocouple wire alloy content shall not exceed 46% nickel, and the size of the wire shall not exceed #14 B and S gage.

(ii) *Operating temperatures from 801° F. to 1,400° F.*—*Specifications.* Where used in temperature ranges between 801° F. and 1,400° F., inclusive, the thermocouple wire alloy content shall not exceed 46% nickel, and the size of the wire shall not exceed #8 B and S gage, or as an alternate, the thermocouple wire alloy content shall not exceed 95% nickel or 20% chromium in either wire, and the size of the wire shall not exceed #14 B and S gage.

(iii) *Operating temperatures from 1,401° F. to 2,050° F.*—*Specifications.* Where used in temperature ranges between 1,401° F. and 2,050° F., inclusive, the thermocouple wire chromium alloy content shall not exceed 20% chromium in either wire, and the size of the wire shall not exceed #8 B and S gage.

(iv) *Operating temperatures of 2,051° F. and above*—(a) *Operating conditions.* When used in temperature ranges of 2,051° F. and above, thermocouple wire shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k).

(b) *Specifications.* The size of the wire shall be limited to No. 2 B and S gage or smaller when used under the operating conditions in List A, paragraph 1 (f), and shall be limited to No. 8 B and S gage or smaller when used under the operating conditions of List A, paragraph 1 (k).

(v) *Special provisions for replacement.* Except with respect to size of extension lead wire when used with potentiometer type pyrometers, the limitations of subparagraphs (i), (ii), (iii) and (iv) shall not apply to replacements if the extension lead wire or parts required to recalibrate existing instruments are not available in the user's plant.

(11) *Extension lead wire—specifications.* The size of the wire, except for wire used on aircraft or for superheater pyrometers on locomotives, shall be limited to #14 B and S gauge, or smaller.

(12) *Safety shutters and switches for radiation pyrometers—Specifications.* The nickel or chromium alloy content of safety shutters for radiation pyrometers shall not exceed 20% each; except that this restriction does not apply to the

nickel or chromium alloy content of switches for radiation pyrometers.

(13) *Liquid level float cages and flanges*—(i) *Operating conditions.* Liquid level float cages and flanges shall be delivered for use only under the operating conditions specified in List A, paragraphs 2 (a) and 3 (b).

(ii) *Specifications.* The total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the operating conditions of List A, paragraph 2 (a), the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(14) *Liquid level floats and float rods*—(i) *Operating conditions.* Liquid level floats and float rods shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, or 3 (b).

(ii) *Specifications.* The total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the operating conditions of List A, paragraph 2 (a), the nickel or chromium alloy content shall not exceed that of the contiguous metal.

(15) *Liquid level expansion and immersion tubes—Operating conditions.* Liquid level expansion and immersion tubes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2 or at temperatures of 400° F. and above.

(16) *Flow nozzles—Operating conditions.* Flow nozzles shall be delivered for use only in the presence of a flowing medium with a temperature in excess of 900° F.

(17) *Pitot tubes—Specifications.* No nickel, chromium or alloy thereof shall be used in the manufacture of pitot tubes, except when used on aircraft.

(18) *Orifice plates—Operating conditions.* Orifice plates shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(19) *Orifice meter accessories—Specifications.* No nickel, chromium or alloy thereof shall be used in the manufacture of settling chambers, separating chambers or condensers.

(20) *Straightening vanes*—(i) *Operating conditions.* Straightening vanes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 3 (c) and their delivery shall be further limited to use in pipes having an internal diameter of 10 inches or less.

(ii) *Specifications.* The total nickel and chromium alloy contents shall not exceed 30%, or 20% of either nickel or chromium.

(21) *Cleanout valve trim and liners for use with Venturi tubes—Operating conditions.* Cleanout valve trim and liners for Venturi tubes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(22) *Venturi tubes — Specifications.* No nickel, chromium or alloy thereof shall be used in the manufacture of Venturi tubes.

(23) *Studs for differential pressure chambers—Specifications.* Studs for

differential pressure chambers shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel.

(24) *Conductivity cells for measuring conductivity of fluids—Operating conditions.* Conductivity cells for measuring conductivity of fluids shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(d) *Operating conditions and specifications for control valves and regulators.* Pursuant to the provisions of paragraph (b) hereof, the production and delivery of the following control valves and regulators shall be governed by the following operating conditions and specifications:

(1) *Bodies, bonnets and blind flanges*—(i) *Operating conditions.* Bodies, bonnets and blind flanges shall be delivered for use only under the operating conditions specified in List A, paragraph 2 (a) and 3 (b).

(ii) *Specifications.* When used under operating conditions of List A, paragraph 3 (b) the total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the operating conditions of List A, paragraph 2 (a), the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(2) *Inner valves and seat rings*—(i) *Operating conditions.* Inner valves and seat rings shall be delivered for use only under an operating pressure drop of 50 p. s. i. or more, or under the operating conditions specified in List A, paragraphs 1 or 2.

(ii) *Specifications.* When used under operating conditions of a pressure drop of 50 p. s. i. or more, the flow cutting surface shall be made of carbon steel, faced, where practicable, with a chromium or nickel alloy not in excess of  $\frac{3}{16}$ " finished thickness. When used under the operating conditions specified in List A, paragraphs 1 or 2, the total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the conditions of List A paragraph 2 (a) the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(iii) *Special exception for hydrogen fluoride service.* The provisions of this paragraph (d) (2) restricting inner valve and seat ring construction shall not apply to control valves or regulators for hydrogen fluoride service.

(3) *Studs for valve bodies and flanges*—(i) *Operating conditions.* Studs for valve bodies and flanges may be used under any operating conditions; but certification shall be required for use under the operating conditions of List A, paragraph 3 (b) or 3 (d).

(ii) *Specifications.* Studs for valve bodies and flanges shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel: *Provided, however,* That where used under the operating conditions specified in List A, paragraphs 3 (b) or 3 (d) the total nickel and chromium alloy content shall

not exceed 30%, or 20% of either nickel or chromium.

(4) [Revoked January 30, 1943.]

(5) *Stems, bushings and guiding surfaces for control valves, and regulators—Specifications.* The total nickel and chromium alloy content of stems, bushings, and guiding surfaces for control valves and regulators shall not exceed 30%, or 20% of either nickel or chromium.

(e) *Ninety-day exemption of Army, Navy, and Maritime Commission.* The provisions of this order shall not apply to deliveries to and for the use of the Army, Navy, or Maritime Commission until August 26, 1942. As used in this paragraph, the terms "Army," "Navy," and "Maritime Commission" shall not include any privately operated plant or shipyard, financed or controlled by any of these organizations, or operated on a cost-plus-fixed-fee basis.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Reports and letters concerning this order.* All reports required to be filed by this order, and all letters and inquiries concerning this order, shall be addressed to War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: L-134.

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

(i) *Records and reports.* All manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for industrial instruments.

All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as said Board shall from time to time request.

Issued this 24th day of December 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

LIST A

PARAGRAPH 1. When exposed to:

- (a) Nitric acid (dilute or concentrated).
- (b) Coke oven gas.
- (c) Blast furnace gas.
- (d) Sulphurous gases.
- (e) Steam above 200 p. s. i. or 400° F.
- (f) Molten metal baths.
- (g) Sulphuric or hydrochloric acids.
- (h) Sour gas and vapors, and liquids contaminated with sour gas and vapors.
- (i) Hydrofluoric acid.
- (j) Salt brine in crude petroleum.
- (k) Salt baths containing nitrates, chlorides, cyanides, or fluorides.

PAR. 2. (a) When contiguous metal coming in contact with the processed medium at the point of measurement or control is also a nickel or chromium alloy.

(b) When contiguous surfaces coming in contact with the processed medium at the point of measurement or control are non-metallic but no protection other than that containing nickel or chromium will withstand the corrosive medium.

(c) In the production of synthetic rubber, when an explosive hazard due to chemical reaction cannot otherwise be avoided, or where acetic acid has a corrosive effect on seating, guiding, and measuring surfaces.

(d) When no other material can be substituted without contaminating the material being processed.

PAR. 3. When the fluid to which the part is to be subject is under:

(a) Static pressure of 250 pounds per square inch or more;

(b) Temperature of 750° F. and above, and minus 20° F. and below;

(c) Normal pipe velocity of 5,000 ft. per minute or more for gases or vapors; or 300 ft. per minute or more for liquids;

(d) Temperature of minus 250° F. to minus 20° F. inclusive, and from 400° F. to 1,250° F. inclusive, and 400 p. s. i. to 2,500 p. s. i. inclusive.

[F. R. Doc. 43-20425; Filed, December 24, 1943; 11:39 a. m.]

**PART 3290<sup>1</sup>—TEXTILE, CLOTHING AND LEATHER<sup>1</sup>**

[Limitation Order L-99 as Amended Dec. 24, 1943]

**COTTON TEXTILE PRODUCTION<sup>2</sup>**

**§ 3290.46<sup>1</sup> Limitation Order L-99—**

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

(b) *Operations of spindles and looms producing cotton textiles.* Except as otherwise specifically directed in writing by the War Production Board, no person shall operate spindles or looms producing cotton textiles of any kind, except in accordance with the following requirements: (column references apply only within each of the number groups in Column I of the schedules of this order).

(1) The percentages, as stated in Column III, of the number of spindles or looms operated on or assigned to the cotton textiles listed in Column II, at the time or times specified in the heading of Column II, may produce only the cotton textiles specified in Column IV.

(2) The restrictions of paragraph (b) (1) shall be effective on the dates specified in Column V.

(c) *Exceptions.* (1) The restrictions of paragraph (b) shall not prohibit the manufacture of any construction in any group of lower pick than the lowest pick specified in Column IV as to such group, unless the War Production Board hereafter specifically so directs in writing. Any person affected by this paragraph (c) (1) shall immediately report such fact in writing to the War Production Board.

<sup>1</sup> Formerly Part 1163, § 1193.1.

<sup>2</sup> General Conservation Order M-317 relates to Cotton Textile Distribution.

(2) [Deleted Dec. 24, 1943]

(d) *Further restrictions.* No producer or converter of cotton textiles shall produce, convert or deliver cotton textiles and no person shall accept delivery of cotton textiles from a producer or converter, contrary to any specific direction which may be issued from time to time by the War Production Board.

(e) [Deleted Dec. 24, 1943]

(f) *Reports and records.* All persons operating spindles or looms for the production of cotton textiles shall file with the War Production Board quarterly production reports on Form WPB 658-A, B, C, D and E. All persons affected by this order shall keep and preserve for a period of not less than two years, accurate and complete records concerning inventories, production and sales.

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

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

(i) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref., L-99.

Issued this 24th day of December 1943.

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

SCHEDULE A

NOTE: Schedule A amended Dec. 24, 1943.

Col. I	Column II	Column III	Column IV	Column V
	Looms producing or assigned to produce the constructions listed below in the period from January 2, 1943, to March 6, 1943, inclusive, and which may produce only the constructions specified in column IV	Percentages to be applied to the daily average number of looms producing or assigned to produce the constructions specified in column II in the period therein specified. Such percentage of looms shall produce constructions specified in column IV	Constructions to be produced by looms specified in column II	Effective dates
1.....	Class A sheetings (constructions designated in lines 12 through 15 of Form WPB 658-B (12-31-42)).	100 percent.....	36" 48 x 44 2.85 yd 40" 48 x 44 2.85 yd 40" 48 x 44 2.50 yd Pro rata widths of like count and weight.	Apr. 20, 1943
2.....	Class B sheetings (constructions designated in lines 16 through 21 of Form WPB 658-B (12-31-42)).	100 percent.....	40" 48 x 40 3.25 yd 40" 48 x 40 3.75 yd 37" 48 x 44 4.00 yd 40" 44 x 40 4.25 yd 31" 48 x 44 5.00 yd Pro rata widths of like count and weight.	Apr. 20, 1943
3.....	Class C sheetings (constructions designated in lines 22 through 33 of Form WPB 658-B (12-31-42)).	100 percent.....	36" 64 x 64 3.50 yd 36" 60 x 52 or 56 x 56 4.00 yd 36" 48 x 40 or 44 x 40 5.50 yd 36" 44 x 40 or 40 x 40 6.05 to 6.15 yd 40" 64 x 64 3.15 yd 40" 60 x 52 or 56 x 56 3.00 yd 40" 44 x 40 5.50 yd 40" 56 x 48 4.30 yd 40" 36 x 40 5.55 yd Pro rata widths of like count and weight. Bandoleer and Navy Mattress Cover Sheetting in lowest plekage consistent with specifications.	Apr. 20, 1943
4a <sup>1</sup> .....	39" 80 x 80 4.00 yd. print cloth (constructions designated in line 75, and pro rata widths designated in lines 73, 79 and 80 of Form WPB 658-B (12-31-42)).	25 percent.....	39" 68 x 64 4.85 yd Pro rata widths of like count and weight.	June 4, 1943
4c.....	39" 80 x 80 4.00 yd. print cloth (constructions designated in line 75, and pro rata widths designated in lines 73, 79 and 80 of WPB 658-B (12-31-42)).	25 percent.....	38 1/2" 64 x 56 5.50 yd Pro rata widths of like count and weight.	June 4, 1943
5.....	39" 68 x 72 4.75 yd. print cloth (constructions designated in line 76, and pro rata widths designated in lines 73, 79 and 80 of Form WPB-658-B (12-31-42)).	100 percent.....	39" 68 x 64 4.85 yd Pro rata widths of like count and weight.	Apr. 20, 1943
6.....	38 1/2" 64 x 60 5.35 yd. print cloth (constructions designated in line 77, and pro rata widths designated in lines 72, 73, 79 and 80 of Form WPB 658-B (12-31-42)).	100 percent.....	38 1/2" 64 x 56 5.50 yd Pro rata widths of like count and weight.	Apr. 20, 1943
7.....	38 1/2" 60 x 48 6.25 yd. print cloth (constructions designated in line 78, and pro rata widths designated in lines 73, 79 and 80 of Form WPB 658-B (12-31-42)).	100 percent.....	38 1/2" 60 x 48 6.25 yd Pro rata widths of like count and weight.	May 1, 1943

<sup>1</sup> Deleted Dec. 24, 1943. See Schedule C, Group 2.

SCHEDULE B

NOTE: Schedule B amended Dec. 24, 1943.

Col. I	Column II	Column III	Column IV	Column V
Group	Looms producing or assigned to produce the constructions listed below in the period from April 3, 1943, to May 1, 1943, inclusive, and which may produce only the constructions specified in column IV	Percentages to be applied to the daily average number of looms producing or assigned to produce the constructions specified in column II in the period therein specified. Such percentage of looms shall produce constructions specified in column IV	Constructions to be produced by looms specified in column II	Effective dates
8.....	Osnaburgs (constructions designated in lines 1 through 7 of Form WPB 658-B (3-25-43)).	100 percent.....	40" 38 or 40 sley, 24 to 26 pick, 2.11 yd 38" 38 or 40 sley, 24 to 26 pick, 2.35 yd 36" 32 x 26 2.95 yd 36" 24 to 26 sley, 16 to 20 pick, 3.30 yd 40" 28 or 32 sley, 24 to 26 pick, 3.65 yd 30" 38 or 40 sley, 28 pick, 2.35 yd. Pro rata widths of like count and weight.	Aug. 1, 1943
9.....	Window shade cloths (constructions designated in line 71 of Form WPB 658-B (3-25-43)).	100 percent.....	Any width fabric of window shade quality woven from print cloth yarns in the following sley and pick per inch: 44 x 40, 56 x 44, 56 x 52, 64 x 56, 72 x 68, 80 x 72. Or any other construction specified in column IV of groups 4b, 4c, 5, 6, 7, 10, 12, 13, 14 and 15, or any other construction specified in column IV of Groups 22 and 23.	June 15, 1943
10.....	Pajama checks (constructions of which are designated in line 81 of Form WPB 658-B (3-25-43)).	100 percent.....	36 1/2" 80 x 80 4.27 yd 39 1/2" 80 x 80 4.00 yd Pro rata widths of like count and weight. Or any other construction specified in column IV of groups 4b, 4c, 5, 6, 7, 9, 12, 13, 14 and 15 or any other construction specified in column IV of Groups 22 and 23.	Aug. 1, 1943
11 <sup>1</sup> 12 <sup>1</sup> 13.....	Carded broadcloths (constructions designated in lines 85 through 88 of Form WPB 658-B (3-25-43)).	100 percent.....	Any width broadcloth woven from print cloth yarns counting from 80 to 136 ends per inch and not in excess of 60 picks per inch. Or any other construction specified in column IV of groups 4b, 4c, 5, 6, 7, 9, 10, 12, 14 and 15 or any other construction specified in column IV of Groups 22 and 23.	June 15, 1943
14.....	Carded poplins (constructions designated in line 89 of Form WPB 658-B (3-25-43)).	100 percent.....	Any width poplin woven with print cloth warp yarns in the following sley and pick per inch: 90 x 44, 100 x 44, 112 x 46. Or any other construction specified in column IV of groups 4b, 4c, 5, 6, 7, 9, 10, 12, 13 and 15 or any other construction specified in column IV of Groups 22 and 23.	June 15, 1943
15.....	Gauze diaper cloth.....	100 percent.....	Gauze diaper cloth.....	May 1, 1943
16.....	All other fabrics woven from print cloth yarns not specified in column II of any other group in Schedule A, B or C (constructions designated in lines 73, 79, 80, 81 and 90 of Form WPB 658-B (3-25-43)).	100 percent.....	Any print cloth yarn fabric or fabrics specified in column II of this group (16), provided that the weighted average pick of the yardage in the constructions produced after the effective date specified in column V is reduced to 91 percent of the weighted average pick of the yardage in the constructions specified in column II produced during the quarterly period ending Apr. 3, 1943. Or any other construction specified in column IV of groups 4b, 4c, 5, 6, 7, 9, 10, 12, 13, 14 and 15, or any other construction specified in column IV of Groups 22 and 23.	Aug. 1, 1943
17.....	Birdseye diaper cloth (constructions designated in line 70 of Form WPB 658-B (3-25-43)).	100 percent.....	Birdseye diaper cloth.....	May 1, 1943
18.....	Sheetings, 42" and wider, Classes A and B, except bed sheetings (constructions designated in lines 35 and 36 of Form WPB 658-B (3-25-43)).	100 percent.....	Any Class A or Class B sheeting designated in Groups 1 and 2 above, in this Column IV, woven in pro rata widths most suitable for textile bag use consistent with width of loom. Any suitable construction not less than 72" wide nor of more than 54 picks per inch manufactured for laundry use.	Aug. 1, 1943

<sup>1</sup>Deleted Dec. 24, 1943. See Schedule C, Groups 22 and 23.  
<sup>2</sup>Deleted Dec. 24, 1943. See Schedule C, Groups 24 and 25.

## SCHEDULE B—Continued

Col. I	Column II	Column III	Column IV	Column V
Group	Looms producing or assigned to produce the constructions listed below in the period from April 3, 1943, to May 1, 1943, inclusive, and which may produce only the constructions specified in column IV	Percentages to be applied to the daily average number of looms producing or assigned to produce the constructions specified in column II in the period therein specified. Such percentage of looms shall produce constructions specified in column IV	Constructions to be produced by looms specified in column II	Effective dates
19a.....	Sheetings, 42" and wider, except bed sheetings (constructions designated in lines 34, 37, 38, 39 and 40 of Form WPB 658-B (3-25-43)).	50 percent.....	44" 48 x 48 4.00 yd 52" 48 x 48 3.85 yd 54" 40 sley, 36 to 38 pick, 5.25 yd 60" 44 x 40 4.46 yd 43" 36 x 40 5.80 yd Any narrow Class C sheeting heretofore designated in this Column IV, Group 3. Pro rata widths of like count and weight.	Aug. 1, 1943
19b.....	Sheetings, 42" and wider, except bed sheetings (constructions designated in lines 34, 37, 38, 39 and 40 of Form WPB 658-B (3-25-43)).	50 percent.....	Any Class A or Class B sheeting designated in Groups 1 and 2 above, in this Column IV, woven in pro rata widths most suitable for textile bag use consistent with width of loom.	Aug. 1, 1943
20.....	Twills, drills, jeans, sateens and gabardines (constructions designated in lines 45 through 69 of Form WPB 658-B (3-25-43)).	100 percent.....	<i>Drills:</i> 37" 64 x 56 1.50 yd 30" 72 sley, not over 48 pick, 2.35 yd to 2.85 yd 30" 76 sley, not over 54 pick, 2.35 yd to 2.85 yd Pro rata widths of like count and weight. Any drill, irrespective of width or weight, having not more than 68 sley and not more than 40 pick. <i>Jeans:</i> 38" 96 x 54 2.85 yd 32" 96 x 64 3.28 yd 31" 84 to 86 sley, 56 pick, 3.63 yd to 3.87 yd Pro rata widths of like count and weight. <i>Twills:</i> 36" 68 x 70 2.58 yd or 3.00 yd Silesia twill in lowest pickage consistent with U. S. Army Quartermaster Specification 618-C. 37" 84 to 88 sley, 40 pick, 1.75 yd to 2.85 yd 37" 76 to 88 sley, 36 to 46 pick, 1.45 yd to 2.15 yd 30" 88 sley, 50 to 52 pick, 1.90 yd to 2.45 yd 32" 98 x 44 2.00 yd 34" 98 x 54 2.00 yd to meet U. S. Navy Specification 27-T-25A. 31" approx. 88 sley, 56 pick, 1.50 to 1.65 yd (manufactured to meet specifications of U. S. Army or Navy for tents). 8.2 oz. Type IV carded uniform twill in lowest pickage consistent with Federal specifications. 8.5 oz. herringbone in lowest pickage consistent with Federal specifications for U. S. Army or Navy. 9 oz. herringbone twill in lowest pickage consistent with specifications for U. S. Marine Corps. 54" 76 x 52 1.14 yd 54" 84 x 64 .99 yd Pro rata widths of like count and weight. <i>Sateens:</i> 30½" 112 to 118 sley, 64 pick, 2.25 yd 34" 108 x 56 3.00 yd 53" 96 x 60 1.12 yd 53" 96 x 64 1.32 yd 54" 96 x 66 1.05 yd 54" 96 x 66 1.55 yd Pro rata widths of like count and weight. <i>Gabardines:</i> Not over 64 picks per inch.	June 15, 1943



SCHEDULE C

NOTE: Schedule C added Dec. 24, 1943.

Col. I	Column II	Column III	Column IV	Column V
Group	Looms producing or assigned to produce the constructions listed below on July 3, 1943, and which may produce only the constructions specified in column IV	Percentages to be applied to the number of looms producing or assigned to produce the constructions specified in column II. Such percentage of looms shall produce constructions specified in column IV	Construction to be produced by looms specified in column II	Effective dates
21.....	Plain print cloth of 80 sley and higher (constructions designated in lines 77, 78, 82 and 83 of Form WPB-658B (9-17-43)).	100 percent.....	Plain print cloth of 80 sley and higher.	(Date of issuance.)
22.....	38½" 44 x 36 8.60 yd bandage cloth and pro rata widths (constructions designated in line 87 of Form WPB-658B (9-17-43)).	100 percent.....	38½" 44 x 36 8.60 yd pro rata width of like count and weight.	July 3, 1943
23.....	Bandage cloth other than 38½" 44 x 36 8.60 yd (constructions designated in line 88 Form WPB-658B (9-17-43)).	100 percent.....	38½" 44 x 36 8.60 yd..... 38½" 40 x 32 9.80 yd 38½" 48 x 44 7.46 yd Pro rata widths of like count and weight.	July 3, 1943
24.....	Tobacco and cheesecloth (constructions designated in lines 89 and 91 of Form WPB-658B (9-17-43)).	100 percent.....	Any width fabric woven from print cloth yarns, in the following sley and pick per inch: 8 x 8, 14 x 10, 17 x 14, 18 x 12, 18 x 14, 20 x 12, 20 x 16, 24 x 20, 28 x 24, 32 x 28, 40 x 28.	(Date of issuance.)
25.....	Tobacco and cheesecloth, all widths, 17 to 18 sley, 12 to 14 pick (constructions designated in line 90 of Form WPB-658B (9-17-43)).	100 percent.....	Tobacco and cheesecloth, all widths, 17 to 18 sley, 12 to 14 pick.	(Date of issuance.)

SCHEDULE D

NOTE: Schedule D added Dec. 24, 1943.

Col. I	Column II	Column III	Column IV	Column V
Group	Spinning and twister spindles producing or assigned to produce yarn and twine of the descriptions and counts listed below on October 2, 1943, and which may produce only yarn and twine of the descriptions and counts specified in column IV	Percentages to be applied to the number of spindles producing or assigned to produce yarn and twine of the descriptions and counts specified in column II. Such percentage of spindles shall produce yarn and twine of the descriptions and counts specified in column IV.	Descriptions and counts to be produced by spindles specified in column II	Effective dates
1.....	Carded single machine knitting yarn (items designated in lines 16 through 18 of Form WPB 658-E (9-17-43)).	100 percent.....	Carded single machine knitting yarn.	(Date of issuance.)
2.....	Carded single yarn, other than machine knitting, 20's and coarser (items designated in lines 1 through 3, 22, 23, 27 and 28 of Form WPB 658-E (9-17-43)).	100 percent.....	Carded single yarn other than machine knitting, 20's and coarser.	(Date of issuance.)
3.....	Carded single yarn, other than machine knitting, finer than 20's (items designated in lines 4, 5, 27 and 29 of Form WPB 658-E (9-17-43)).	100 percent.....	Carded single yarn, other than machine knitting, finer than 20's.	(Date of issuance.)
4.....	Carded ply yarn of any description or count (items designated in lines 6 through 13, 19, 20, 25, 26 and 27 through 29 of Form WPB 658-E (9-17-43)).	100 percent.....	Carded ply yarns of any description or count.	(Date of issuance.)
5.....	Combed single or ply machine knitting yarn, 70's and coarser (items designated in lines 51 through 56 of Form WPB 658-E (9-17-43)).	100 percent.....	Combed single or ply machine knitting yarn 70's and coarser.	(Date of issuance.)
6.....	Combed single or ply machine knitting yarns, finer than 70's (items designated in lines 57 through 60 of Form WPB 658-E (9-17-43)).	100 percent.....	Combed single or ply machine knitting yarns, finer than 70's.	(Date of issuance.)
7.....	Combed single yarn other than machine knitting, 40's and coarser (items designated in lines 30 through 32, and 62 of Form WPB 658-E (9-17-43)).	100 percent.....	Combed single yarn other than machine knitting, 40's and coarser.	(Date of issuance.)
8.....	Combed single yarn other than machine knitting, finer than 40's, up to, but not including, 71's. (Items designated in lines 33 through 35 and 62 of Form WPB 658-E (9-17-43)).	100 percent.....	Combed single yarn other than machine knitting, finer than 40's, up to, but not including, 71's.	(Date of issuance.)

## SCHEDULE D—Continued

Col. I	Column II	Column III	Column IV	Column V
Group	Spinning and twister spindles producing or assigned to produce yarn and twine of the descriptions and counts listed below on October 2, 1943, and which may produce only yarn and twine of the descriptions and counts specified in column IV	Percentages to be applied to the number of spindles producing or assigned to produce yarn and twine of the descriptions and counts specified in column II. Such percentage of spindles shall produce yarn and twine of the descriptions and counts specified in column IV.	Descriptions and counts to be produced by spindles specified in column II	Effective dates
9.....	Combed single yarn other than machine knitting, 71's and finer (items designated in lines 36 through 39 and 62 of Form WPB 658-E (9-17-43)).	100 percent.....	Combed single yarn other than machine knitting, 71's and finer.	(Date of issuance.)
10.....	Combed ply yarn other than machine knitting, 40's and coarser (items designated in lines 40 through 42, 50, 61 and 62 of Form WPB 658-E (9-17-43)).	100 percent.....	Combed ply yarn other than machine knitting, 40's and coarser.	(Date of issuance.)
11.....	Combed ply yarn other than machine knitting, finer than 40's, up to, but not including, 71's (items designated in lines 43 through 45, 50, 61 and 62 of Form WPB 658-E (9-17-43)).	100 percent.....	Combed ply yarn other than machine knitting, finer than 40's, up to, but not including, 71's.	(Date of issuance.)
12.....	Combed ply yarn other than machine knitting, 71's and finer (items designated in lines 46 through 50, 61 and 62 of Form WPB 658-E (9-17-43)).	100 percent.....	Combed ply yarn other than machine knitting, 71's and finer.	(Date of issuance.)
13.....	Seine twine and cable cords (including fishnet twine, trot line, staging twine, etc.) items designated in lines 74 and 75 of Form WPB 658-E (9-17-43).	100 percent.....	Seine twine and cable cords (including fishnet twine, trot line, staging twine, etc.).	(Date of issuance.)
14.....	Twines other than those specified in Group 13 (items designated in lines 76 through 78 of Form WPB 658-E (9-17-43)).	100 percent.....	Twines other than those specified in Group 13.	(Date of issuance.)

[F. R. Doc. 43-20423; Filed, December 24, 1943; 11:39 a. m.]

## PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, as Amended Dec. 24, 1943]

## COTTON TEXTILE DISTRIBUTION

Section 3290.115 *General Conservation Order M-317* is amended to read:§ 3290.115 *General Conservation Order M-317*—(a) *Definitions*. In this order:

(1) "Cotton textiles" means the following products, containing more than 50% by weight of cotton or cotton waste, or a combination of the two:

(i) Woven fabrics, whether grey, original mill or regular finish, bleached, dyed or printed, and the following cotton products: bedsheets, pillow cases, blankets, towels, face cloths and table "linens"; and

(ii) Yarns, whether grey, bleached, colored, mercerized, glazed, polished, single, plied, cabled or braided, including thread, twines and cordage (e. g. tying, sail, seine, etc. twine, rope, sash, cord, etc.) and including any of the foregoing which may be spun on speeder, ring, mule or converted twister spindles.

"Cotton textiles" does not include fabrics or yarns which contain any cotton and which are made on spindles or looms normally engaged in the manufacture of woolen or worsted products, or cotton duck as defined in General Preference Order M-91.

(2) (i) "Producer" means any manufacturer who makes cotton textiles in the United States.

(ii) "Intermediate processor" means any person engaged in the United States in the business of bleaching, dyeing or

otherwise finishing cotton textiles and selling or using them for his own account in the bleached or otherwise finished state.

(iii) "Processor" means any person engaged in the United States in the business of manufacturing, or having manufactured for his account, any product in which cotton textiles are incorporated.

(iv) "Merchant" means any person engaged in the United States in the business of purchasing cotton textiles for resale in the form in which purchased.

(v) "User" means any person other than a producer, intermediate processor or processor, who purchases cotton textiles for his own use in the United States in any business, industry, profession or occupation.

(vi) Any person who performs the function of more than one of the foregoing shall be deemed a separate person with respect to each of those capacities for the purposes of:

(a) Accepting rated orders;

(b) Using the ratings assigned by this order; and

(c) Applying the inventory restrictions of this order.

(vii) The definitions in subdivisions (i) to (v) above do not include the United States Army, Navy, Maritime Commission or War Shipping Administration.

(3) Trade terms used in this order shall have their usual trade significance unless otherwise specified.

(b) *Assignment of ratings*.<sup>1</sup> The preference ratings specified in the Preference<sup>1</sup> Conservation Order M-328 permits other preference ratings, as well as those assigned by this order, and imposes conditions on the use of all ratings for cotton textiles.

Rating Schedules of this order are assigned to the persons in Column I for the cotton textiles in Column II to be used only as specified in Column III.

(c) *Compulsory use of ratings assigned in schedules or by Form WPB-2842*. No intermediate processor, processor or merchant (except a retailer) shall purchase or accept delivery of a cotton textile for a purpose for which a rating for that cotton textile is assigned to him in a Preference Rating Schedule, unless he has applied or extended that rating or a rating assigned on Form WPB-2842. (This does not apply to purchases for direct or ultimate delivery to, or for incorporation into any product for direct or ultimate delivery to, the United States Army, Navy, Maritime Commission or War Shipping Administration). He may not purchase that cotton textile for the specified purpose with any other rating which he may have (whether higher or lower), nor may he purchase it without a rating for that purpose. This paragraph does not prohibit the use of an AAA rating.

[This rule does not change the rating on the finished product. For example, even though a manufacturer (processor), who is given a rating, according to the AA-2X Preference Rating Schedule, to obtain twills to make coated abrasive products, holds an AA-1 order for coated abrasive products, he must use the AA-2X rating given by the schedule to obtain the twills, and may not use the AA-1 rating for this purpose. The AA-1 rating, however, remains applicable to the finished coated abrasive product for all other purposes (such as to determine the sequence of deliveries).]

(d) *How ratings for cotton textiles are to be applied or extended*. Preference ratings shall be applied and extended as provided in Priorities Regulation 3, with the exception that a person, other than the United States Army, Navy, Maritime Commission or War Shipping Administration on their direct purchase orders, applying or extending a rating assigned by a Preference Rating Schedule or under Form WPB-2842 shall also place upon the purchase order an appropriate notation substantially as follows:

This rating has been assigned by M-317, Group(s) No. —. [Insert applicable group number or numbers of Preference Rating Schedule],

or

This rating has been assigned by M-317 under Form WPB-2842, Serial No. —. [Insert serial number on the form.]

and if any rating is applied or extended for a cotton textile (other than for direct or ultimate delivery to, or for incorporation into any product for direct or ultimate delivery to, the United States Army, Navy, Maritime Commission or War Shipping Administration) to be exported the purchaser shall also place upon the purchase order a notation substantially as follows:

These goods will be exported.

The standard certification described in Priorities Regulation 7 cannot be used.

(e) *Restrictions on extension of rating to obtain fiber or yarn*. (1) No person shall use any preference rating which was assigned, applied or extended for cotton textiles in order to obtain any

synthetic fiber or synthetic yarn, except cotton textiles for direct or ultimate delivery to, or for incorporation into any product for direct or ultimate delivery to, the United States Army, Navy, Maritime Commission or War Shipping Administration.

(2) No person shall use any preference rating which was assigned, applied or extended for knitted or woven fabrics in order to obtain cotton yarns defined in paragraph (a) (1) (ii); however, if he does not own or control spinning machinery he may use the rating to obtain cotton yarns for incorporation into a product for direct or ultimate delivery to the United States Army, Navy, Maritime Commission or War Shipping Administration.

(3) No person owning or controlling spinning machinery shall use any preference rating assigned, applied or extended for yarn in order to obtain cotton yarns defined in paragraph (a) (1) (ii).

(f) *Obligations in respect of rated orders.* (1) Each producer—even if he is also an intermediate processor, processor, merchant or user—shall, during the first calendar quarter of 1944 and in each succeeding calendar quarter, deliver or set aside for later delivery on rated orders those percentages of his production (in pounds or yards according to his usual method of operation) of each cotton textile as specified in the Distribution Schedules of this order.

(2) No producer, after January 1, 1944, shall be required to fill rated orders in excess of the percentage of his production of each cotton textile as specified in the Distribution Schedules, computed by calendar quarters.

(3) The War Production Board may establish other percentages with respect to any of the cotton textiles listed in the Distribution Schedules.

(4) No person shall be required to accept any rated order for cotton textiles calling for delivery more than 90 days after the receipt of the order, except from the United States Army, Navy, Maritime Commission or War Shipping Administration.

(g) *Special conditions.* No producer, intermediate processor, processor, merchant or user shall sell, deliver, buy, accept or use any cotton textile contrary to the provisions of the Distribution Schedules of this order.

(h) *Exports to Canada.* No person shall export any of the cotton fabrics defined in paragraph (a) (1) (i) to the Dominion of Canada except upon a preference rated order.

(i) *Inventory restrictions.* No person shall accept delivery of any cotton textiles if his aggregate inventory exceeds or would then exceed the lesser of (1) practicable minimum working inventory, or (2) his requirements for 90 days (except in the case of merchants and users of cotton textiles used in crop cultivation).

In computing inventory include products in process of manufacture and completed products, but exclude cotton textiles in transit or in process of conversion.

(j) *Allocation.* The War Production Board may allocate and direct deliveries of cotton textiles pursuant to application on Form WPB-2842.

(k) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board.

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

(m) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction

may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(n) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M-317.

Issued this 24th day of December 1943.

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

AA-1 PREFERENCE RATING SCHEDULE

Preference rating AA-1 is assigned for each group to the intermediate processor, processor and merchant in Column I, to obtain deliveries of the cotton textiles in Column II, to be used only as specified in Column III.

Group	Column I	Column II	Column III
1	Intermediate processor. Processor.	Carded yarn. Combed yarn.	Wire and cable insulation. Wire rope centers.
2	Processor. Merchant.	Fishing twine.	Commercial fishing gear, as defined in Limitation Order L-282. Twines for mending, repairing, and hanging commercial fish nets. Commercial hand fishing lines.
3	Processor.	Cotton tire cord.	Tires. Fuel cells. Fuel hose.

AA-2X PREFERENCE RATING SCHEDULE

Preference rating AA-2X is assigned for each group to the intermediate processor, processor, merchant and user in Column I, to obtain deliveries of the cotton textiles in Column II, to be used only as specified in Column III.

Group	Column I	Column II	Column III
1	Processor.	Bagging fabrics, leno. Bagging fabrics, other special. Drill. Duck, flat (including enameling). Jean. Osnaburg. Print cloth of less than 80 sley. Sheetings: Class A. Class B. Class C. Cord, filler. Twine, sewing.	New textile bags as defined in Conservation Order M-221, and for a use there permitted. Paper lined bags. Multi-wall paper bags. Spiral tube shipping containers. Barrel covers.
2	User. Merchant.	Cord, filler. Thread. Twine.	Bag closures.
3	Processor.	Flannel, canton. Print cloth of less than 80 sley. Sheetings: Class A. Class C. Soft-filled, for napping.	Buffing wheels or buffs.
4	Intermediate processor. Processor.	Drill. Jean. Print cloth of less than 80 sley.	Coated abrasive products.
5	Processor.	Yarn, carded. Yarn, combed.	Transmission belts, tapes and ropes. Polishing, grinding and rouging belts. Harvester webbing. Shuttle strap belt.
6	Processor.	Duck, flat (including enameling and pipe). Osnaburg. Print cloth of less than 80 sley. Sheeting: Class A. Class B. Class C. Special, not listed in column IV of Limitation Order L-99. Tobacco cloth.	Magnesia, asbestos, fibre glass and other other high temperature pipe covering.
7	Intermediate processor. Processor.	Covert. Denim. Drill. Moleskin. Print cloth. Sateen. Sheetings: Class A. Class B. Suede. Twill. Tobacco cloth. Thread, sewing.	Safety equipment specifically designed and used to furnish protection against specific occupational hazards (other than weather), as defined and limited in Limitation Order L-114.

## AA-2X—PREFERENCE RATING SCHEDULE—Continued

Group	Column I	Column II	Column III
8	Intermediate processor. Processor.	Drill. Flannel, canton. Flannel, outing. Print cloth. Sheeting: Class C. Soft-filled for napping. Tobacco cloth. Twill. Meads cloth.	Surgical dressings, meaning those products used in the cure, mitigation, treatment or prevention of traumatic or pathological conditions resulting from surgery, injury or disease, and which are commonly known and sold as surgical or medical products.
9	Intermediate processor. Processor.	Drill. Flannel. Sateen. Print cloth. Sheeting: Class C. Twill.	Rubber gloves as defined and limited in Rubber Order R-1, Schedule A, Code 71.
10	Intermediate processor. Processor.	Drill. Jean. Osnaburg. Print cloth of less than 80 sley. Sateen. Sheeting: Class A. Class C. Twill. Yarn, carded.	Rubber hose and tubing (including mine and shiphold ventilating tubing and fire hose), rubber packing and gaskets, and other mechanical rubber products, as defined and limited in Rubber Order R-1, Schedule A, Code Nos. 62, 63, 64 and 73 respectively.
11	User.	Duck, flat (including enameling). Osnaburg. Print cloth of less than 80 sley. Sheeting: Class A. Class B. Class C.	Chafar fabrics, flippers, bead wraps, liner and wrapper fabrics used in the manufacture of tires and other rubber products.
12	Intermediate processor. Processor.	Lawn. Osnaburg. Print cloth. Sheeting: Class C. Tubing, industrial. Window shade cloth.	Cloth and non-selvage tape for industrial uses: Carton tape. Corrugated or fibreboard boxstay tape. Gummed cloth tape. Varnished cambric tape. Varnished cambric cloth for use in Rubber Industry. Holland cloth for use in Rubber Industry. Separator cloth. Insulating tape. Cable wrapping tape. Friction tape. Pressure sensitive tape. Sealing tape. Supporting tape. Identifying tape.
13	Intermediate processor. Processor.	Sheeting: Class B.	Varnished cambric to be used only for camelbacks (see Group 12 for list of other fabrics which may be purchased with this rating for varnished cambric irrespective of use).
14	Processor.	Yarn, carded.	Insulating materials: Selvage tape. Insulating webbing and sleeving.
15	Intermediate processor. Processor.	Drill. Duck, Army. Duck, flat (including enameling). Lawn. Print cloth. Sheeting: Class A. Class B. Class C. Twill.	Fabric reinforced laminated plastics.
16	Merchant.	Drill. Flannel, canton. Jean. Lawn. Print cloth of less than 80 sley. Sheetings: Class B. Class C. Soft-filled for napping. Tobacco cloth. Twill.	Filter and wrapping cloths used in the manufacture of chemicals and chemical products.
17	User.	Cord, solid braided.	Signal or control cords for use by common carriers.
18	Processor.	Yarn, carded. Yarn, combed.	Paper makers' blanket.
19	Processor.	Yarn, carded. Yarn, combed.	Card clothing fabric.
20	Processor.	Print cloth of less than 80 sley. Yarn, carded.	Blasting caps and fuses.

AA-2X—PREFERENCE RATING SCHEDULE—Continued

Group	Column I	Column II	Column III
21	Intermediate processor. Processor. Merchant. User.	Bagging, leno. Drill. Duck, bootleg. Duck, flat. Flannel. Osnaburg. Print cloth of less than 80 sley. Sheeting: Bed. Class A. Class B. Class C. Ticking, woven stripe. Tobacco cloth. Twill. Twine. Yarn, carded.	Agricultural and food processing uses: Farm equipment: Horse collars and pads. Back bands. Fly nets. Horse and cow blankets. Dairy products equipment. Crop cultivation and harvesting uses. Meat packers supplies. Glass cloth for poultry raising and other farm uses. Filter cloths required in the production of sugar, honey, and vegetable oils.
22	Processor.	Osnaburg.	Membrane waterproofing (asphalt saturated fabric).
23	Intermediate processor. Processor.	Print cloth of less than 80 sley. Sheeting: Class C. Tobacco cloth.	Waterproof wrapping materials (non-oxidizing cloths, impregnated and laminated fabrics).
24	Intermediate processor. Processor.	Lawn. Print cloth. Sheeting: Bed. Class B. Class C. Window shade cloth.	Tracing cloth. Maps for military or military training use.
25	Processor. Merchant.	Drill. Sheeting: Class C. Sateen. Twill.	Dust arrestors used in manufacturing plants.
26	Intermediate processor. Processor.	Lawn. Typewriter ribbon cloth.	Typewriter or duplicating ribbons.

AA-4 PREFERENCE RATING SCHEDULE

Preference rating AA-4 is assigned for each group to the intermediate processor, processor, merchant and user in Column I, to obtain deliveries of the cotton textiles in Column II, to be used only as specified in Column III.

Group	Column I	Column II	Column III
1	Intermediate processor. Processor.	Blanket lining. Chambray. Corduroy. Cottonade. Covert. Denim. Denim stripes. Drill. Flannel, woven shirting. Hickory stripe. Jean. Moleskin. Pin check. Poplin. Print cloth of less than 80 sley. Sheeting: Bed. Class A. Class B. Class C. Sateen, warp. Suede. Twill. Whipcord. Thread, sewing.	Men's and boys' work clothing, meaning any garments designed for male workers' wear while engaged in their occupations and of the type customarily sold as one of the following: Waistband overalls or dungarees. Bib overalls. Overall jumpers or coats. Blanket-lined overall jumpers or coats. One-piece work suits. Work pants. Work breeches. Cossack jackets. Work shirts. Work aprons. Oilskin jackets, coats, hats or apron overalls. Lined work coats. Doctors', dentists', internes' or orderlies' gowns, suits or coats. Druggists' coats. Slaughter house workers' coats. Butchers', fish handlers' or dairy workers' coats or apron sets. Cooks' coats. Shop and work caps. Occupational protective clothing (i. e. black rubber clothing).
2	Intermediate processor. Processor.	Flannel, mitten. Flannel, colored stripe mitten. Osnaburg. Print cloth of less than 80 sley. Sheeting: Class C. Tubing. Twill. Thread, sewing.	Work gloves, meaning any type of hand covering designed for workers' wear while engaged in their occupations and of the type customarily sold as such.
3	Intermediate processor. Processor.	Broadcloth. Chambray, except 3.00 yard. Drill. Jean. Poplin. Print cloth. Seersucker. Sheeting: Class A. Class B. Class C. Suiting (including frock cloth). Thread, sewing.	Hospital clothing, meaning any patient's gown, or uniform for nurses or hospital personnel, of the type customarily sold as such.

## AA-4 PREFERENCE RATING SCHEDULE—Continued

Group	Column I	Column II	Column III
4	Intermediate processor. Processor.	Covert. Denim. Drill. Hickory stripe. Jean. Pin check. Pin stripe. Poplin. Print cloth, of less than 80 sley. Sheeting: Class A. Sulting (including frock cloth). Twill. Thread, sewing.	Women's work clothing, meaning any garment designed especially for and to be sold as female workers' wear for use while engaged in industrial and agricultural occupations, of the following types manufactured subject to the provisions of Limitation Order L-85 and the special restriction hereinbelow set forth applicable to such types: (i) Work dress of wrap around or coat style manufactured in accordance with the following restrictions: (a) No pockets other than two plain pockets. (b) No flaps on pockets. (c) No contrasting trimming, stitching, binding or piping. (d) No embroidered trim. (e) No pleated, shirred or tucked trimming. (ii) Work jackets, work shirts, work overalls, work coveralls, work slacks, and bench type work aprons, manufactured in accordance with the following restrictions: (a) No pockets other than two plain pockets. (b) No flaps on pockets. (c) No contrasting trimming, stitching, binding or piping. (d) No embroidered trimming. (e) No pleated, shirred or tucked trimming. (f) No cuffs or simulated cuffs. (iii) Work caps or head covering of cap or triangular scarf design made only to meet safety needs or to conform with safety codes; (iv) Work skirts of a plain or not-more-than-six gored design manufactured in accordance with the following restrictions: (a) No pockets other than one plain pocket. (b) No flaps on pocket. (c) No contrasting stitching, trimming, binding or piping. (d) No embroidered trim. Notwithstanding any other provisions of this Order, no women's work clothing processor shall use or process any textile fabrics secured pursuant to the application of the rating assigned by this schedule: (1) In the manufacture of any garments which do not fall within the definition of "women's work clothing" as herein contained. (2) By dyeing, printing or finishing them in any shades other than bleached or plain shades; or (3) In the manufacture of any women's work clothing which is not visibly stamped, or labeled by machine stitching, on the outside of the garment (or in the center inside neck) with the following marking: "Manufactured for use by female industrial and agricultural workers."
5	Intermediate processor. Processor.	Drill. Duck, Army. Duck, boot. Duck, flat (including enameling). Duck, gem. Flannel, shoe. Gabardine. Jean. Netting, knitted. Osnaburg. Print cloth of less than 80 sley. Sheeting: Class A. Class B. Class C. Sateen. Twill.	Rubber footwear, as defined and limited in Rubber Order R-1. All other footwear as defined and limited in Conservation Order M-217.
6	Processor.	Knitting yarns.	Knitted cotton linings to be used only in the manufacture of rubber footwear, as defined and limited in Rubber Order R-1.
7	Intermediate processor. Processor.	Diaper cloth. Birdseye. Gauze. Flannelette. Print cloth of less than 80 sley. Tobacco cloth.	Diapers.
8	Intermediate processor. Processor.	Tobacco cloth.	Sanitary napkins.
9	Processor.	Yarn, carded.	Wicking for oil lamps and stoves.

rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter.

The provisions and explanations stated in Column VI govern the particular cotton textiles.

Column I	Column II	Column IV	Column V	Column VI
16 thru 18	Carded cotton <i>sete</i> yarn	50	70	-----
1 thru 3, 22, 23, 27, 28				
4, 5, 27, 29				
6 thru 13, 19, 20, 23, 26, 27, 28, 29				
51 thru 56				
57 thru 60				
30 thru 32, 62				
33 thru 35, 62				
36 thru 39, 62				
40 thru 42, 50, 61, 62				
43 thru 45, 50 thru 61, 62				
46 thru 50, 61, 62				
74, 75				
76 thru 78				

**DISTRIBUTION SCHEDULE—FINE COTTON GOODS**  
 Column I indicates the corresponding item numbers of the various cotton textiles in this Schedule as each appears on Form WPB-658 C (12-15-43).  
 Column II shows the cotton textiles covered by this schedule.  
 Column III shows the minimum percentage which must be delivered against rated export orders. This provision does not apply to exports made by the United States Army, Navy, Maritime Commission or War Shipping Administration.  
 Column IV shows the minimum percentage which must be delivered against all rated orders (including those specified by Column

III). However, where the percentage in Column IV amounts to 100, seconds or shorts which are produced in the normal course of manufacture may be disposed of without regard to this provision.  
 Column V shows the percentage beyond which rated orders need not be accepted. Priorities Regulation 1 applies up to that percentage. If receipt of an order which is rated higher than a previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter.  
 The provisions and explanations stated in Column VI govern the particular cotton textiles.

Column I	Column II	Column III	Column IV	Column V	Column VI
10, 11	Combed broadcloths 37"-128 x 68 and 37"-136 x 60	10	75	100	-----
12	All other combed broadcloths	10	20	100	-----
13	Dimities	10	10	100	-----
16, 17	Fancy handkerchief fabrics	10	10	100	-----
18 thru 27	Lawns and organdies (Combed, part-combed and carded)	10	45	70	-----
28 thru 31	Marquisettes	7 1/2	7 1/2	100	-----
33	Oxfords	10	50	100	-----
34	Piques	10	100	100	-----
35	Pongees	10	100	100	-----
37, 38	Combed poplins	10	65	100	-----
40	Combed and part-combed sateens	10	85	70	-----
41, 42	Carded sateens (average yarns finer than 35s)	10	25	100	-----
43	Combed sheeting, including bed sheeting and pillow cases	10	100	100	-----
44	Shirtings (jacquard, gray-dobby and colored yarn)	10	10	100	-----
53, 55	Combed and part-combed twills	10	80	100	-----
54	Combed gabardines	10	40	60	-----
56	Carded twills (yarns finer than 35s)	10	40	60	-----
57	Tracing cloth	100	100	100	-----
58	Typewriter ribbon cloth	100	100	100	-----
59	Voiles	10	10	100	-----

**AA-5 PREFERENCE RATING SCHEDULE**

Preference rating AA-5 is assigned for each group to the intermediate processor, processor, merchant and user in Column I, to obtain deliveries of the cotton textiles in Column II, to be used only as specified in Column III.

Group	Column I	Column II	Column III
1	User	Bedspreads, dimity or crinkle. Blankets, crib. Blankets, other. Diapers. Flannelette. Pillow cases. Sheeting: Bed and pillow case. Class A. Class B. Class C. Sheets: Bed. Crib. Toweling: Dish. Huck. Terry. Towels: Huck. Terry.	Hospital equipment.
2	Intermediate processor. Processor.	Duck, Army. Duck, flat (including enamel- ing). Print cloth of less than 80 sley. Tobacco cloth. Window shade cloth.	Book binding cloths.
3	Intermediate processor. Processor.	Drill. Duck, flat (including enamel- ing). Lawn. Print cloth of less than 80 sley. Sateen. Sheeting: bed. Twill.	Artificial leather for replacement and maintenance uses. For manufacture into coated fabrics for export or for sale to manufacturers of: Book covers. Baby carriages. Bicycle and motorcycle seats. Instrument cases. Shoes. Infants' waterproof panties. Sanitary garments. Crib sheets and mattresses. Allergic mattress covers and pillow cases. Bathinettes. Water repellent sheeting or sheets. Play pen pads. High chair pads. N. b. This rating is assigned only to intermediate processors and processors of coated fabrics and is not assigned to the manufacturers of the end products to obtain coated fabrics.
4	User.	Cover cloth. Cover duck. Drill. Feed ribbons. Felt, table, double napped. Sateen. Sheeting, laundry.	Laundry and dry cleaning operating supplies.
5	Intermediate processor. Processor.	Print cloth.	Laundry and dry cleaning tags.

**DISTRIBUTION SCHEDULE—COTTON YARNS, CORDAGE AND TWINE**  
 Column I indicates the corresponding item numbers of the various cotton textiles in this Schedule as each appears on Form WPB-658E (12-15-43).  
 Column II shows the cotton textiles covered by this schedule.  
 Column III shows the minimum percentage which must be delivered against all rated orders. However, where the percentage in Column IV amounts to 100, seconds which are produced in the normal course of manufacture may be disposed of without regard to this provision.  
 Column V shows the percentage beyond which rated orders need not be accepted. Priorities Regulation 1 applies up to that percentage. If receipt of an order which is rated higher than a previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest

DISTRIBUTION SCHEDULE—FINE COTTON GOODS—Continued

Column I	Column II	Column III	Column IV	Column V	Column VI
60, 61.....	Combination cotton and rayon fabrics—chiefly cotton. All other combed, part-combed and fine carded fabrics (yarn finer than 38's).	10	10	100	
62.....	Airplane fabrics and balloon cloths.	10	25	100	
1 thru 9.....	Combed ducks.				
14.....	Escape boat cloth.				
15.....	Insect netting, marquisette (P-QD-260).				
32.....	Wind resistant poplins—Type II (P-QD-1A).	2 1/2*		100	
36.....	Wind resistant sateens, 9 oz. (P-QD-245-D) twills (combed).				
45.....	Army 6.0 oz. shirting twill (6-311).				
46 thru 49.....	Army 8.2 oz. uniform twill (6-201-b).				
50 thru 52.....	Navy twills.				

\* Notwithstanding the provisions in the heading of this schedule, seconds and shorts must be used to fill the export requirements and no first quality goods may be used for that purpose.

**DISTRIBUTION SCHEDULE—CARDED GRAY GOODS, COLORED YARN AND NAPPED FABRICS AND SPECIALTIES**  
 Column I indicates the corresponding item numbers of the various cotton textiles in this Schedule as each appears on Form WPB-658B (12-15-43).  
 Column II shows the cotton textiles covered by this schedule.  
 Column III shows the minimum percentage which must be delivered against rated orders. This provision does not apply to exports made by the United States Army, Navy, Maritime Commission or War Shipping Administration.  
 Column IV shows the minimum percentage which must be delivered against all rated orders (including those specified by Column

III). However, where the percentage in Column IV amounts to 100, seconds or shorts which are produced in the normal course of manufacture may be disposed of without regard to this provision.  
 Column V shows the percentage beyond which rated orders need not be accepted. Priorities Regulation I applies up to that percentage. If receipt of an order which is rated higher than a previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter.  
 The provisions and explanations stated in Column VI govern the particular cotton textiles.

Column I	Column II	Column III	Column IV	Column V	Column VI
1 thru 8.....	Sheeting and allied coarse and medium yarn fabrics (approx. 6's to 27's)				
9.....	Osnaburgs.	7 1/2	100	100	
10.....	Leno bag fabrics.		100	100	
11.....	Special bag fabrics.		100	100	
14 thru 17, 19.....	Bag coverings (for cotton cloth, etc.).	5	100	100	
18, 19.....	Class A sheetings, under 42" and wider.	10	100	100	
21 thru 26, 28.....	Class B sheetings, under 42" and wider.	10	100	100	
27, 29.....	Class C sheetings, under 42" and wider.	10	100	100	
30 thru 39, 41, 43.....	Class C sheetings, 42" and wider (including made-up sheets and pillow cases):	10	70	70	
40, 42, 44, 45.....	Sley of more than 64.		30	50	
46, 47.....	Sley of 64 and less.	10	20	50	
48, 49.....	Pillow tubings.	10	100	100	
50.....	Industrial tubings.	100	100	100	
51.....	Carded poplins (sheeting yarns).	10	35	50	
52 thru 72.....	All sheeting yarn drills, twills, jeans, sateens and gabardines.	10	75	100	
73.....	Birdseye diaper cloth.	100	100	100	Jeans may not be used for export. May not be used for industrial purposes.
	<i>Print cloth yarn fabrics (approx. 28's to 48's)</i>				
74.....	Print cloth yarn fabrics of window shade quality—all counts.		30	60	
75, 81, 82.....	Plain print cloths, 80 sley and higher.		100	100	May not be used for export.

DISTRIBUTION SCHEDULE—CARDED GRAY GOODS, COLORED YARN AND NAPPED FABRICS AND SPECIALTIES—Continued

Column I	Column II	Column III	Column IV	Column V	Column VI
76 thru 81, 83.....	<i>Print cloth yarn fabrics (approx. 28's to 48's)</i> Other plain print cloths, except bandage cloths. Fancy print cloths: Pajama checks. Gauze diaper cloth.	10	40	75	
84.....	All other fancy print cloths—dobby weave.				
85.....	All other fancy print cloths other than doobby weave.	10	40	75	
86.....	Bandage cloths (99 to 72 threads per square inch), cheesecloths: Tobacco and cheese cloths: All widths, 29 x 12 construction.	10	90	100	
87, 88.....	All widths, 17 to 18 sley, 12 to 14 pick.				
89.....	All other constructions.	5	80	100	
90.....	Carded broadcloth, plain and fancy.	10	25	50	
91.....	Carded poplins (print cloth warp yarns) plain and fancy.	10	25	50	
92 thru 96.....	Three Leaf Twills (print cloth yarns).	10	35	55	
97.....	<i>Colored yarn fabrics</i> Denims, pin stripes, pin checks, hickory stripes, etc. 3.00 yd. and heavier (basis 28")		100	100	May not be used for export.
98 thru 106.....	Lighter than 3.00 yd. (basis 28")	10	50	75	
103, 104.....	Cottonades and suiting covers.	10	90	100	
107 thru 110.....	Whipcords and bedford cords.	10	90	100	
111.....	Ginghams.	10	10	100	
112.....	Seersuckers.	10	45	100	
113, 114.....	All other all cotton suitings.	10	10	100	
115, 116.....	Cotton and rayon suitings (51% or more cotton).	10	10	100	
117, 118.....	Shirting covers.	10	75	100	
119 thru 121.....	Chambrays (36" 3.90 yd.).		100	100	May not be used for export.
122.....	All other chambrays.	10	10	100	
123.....	Yarn dyed bed tickings—twill weave.	10	60	100	
124.....	All other yarn dyed tickings.	10	10	100	
125.....	<i>Tweeds, toweling and dish cloths, wash cloths and bath mats</i> Turkish and terry woven.	10	30	50	
126.....	Damask and Jacquard woven (other than terry).	5	30	55	
127.....	Dish towels and other twill and plain woven towels (including all cotton, part linen and part rayon).	5	5	50	
128.....	Dish cloths.	5	25	50	
129.....	<i>Napped fabrics</i> Outing flannels.	10	25	50	
130, 131.....	Work shirt flannels.	10	70	90	
132.....	Canton flannels.	10	100	100	
134.....	Interlining flannels.	10	10	100	
135.....	Moleskins and suedes.	10	100	100	
133, 136.....	All other napped fabrics, except blankets.	10	75	90	
12.....	Soft filled sheetings for napping: Under 42" 42" and wider.	10	10	100	
13.....	Blankets and blanketings.	10	10	100	At least 85% must be sold to manufacturers of work gloves.
137 thru 140.....		10	10	50	



DISTRIBUTION SCHEDULE—CARDED GRAY GOODS, COLORED YARN AND NAPPED FABRICS AND SPECIALTIES—Continued

Column I	Column II	Column III	Column IV	Column V	Column VI
	<i>Other woven cotton fabrics and specialties</i>				
158.....	Corduroys, Men's Wear Weights 36"—12 to 13 oz. Thicksets.	2½	100	100	
152, 154.....	All other corduroys.....	2½	15	100	
143, 144.....	Bedsread fabrics—woven style.....			100	
147.....	Flag bunting.....		80	100	
148 thru 151.....	Draperies, upholstery, tapestry, luggage and automobile seat cover fabrics.	10	10	100	
155, 156.....	Velvets, velveteens, plushes and other pile fabrics.	10	35	65	
157.....	Table damask.....	5	20	40	
146, 146, 158.....	All other carded fabrics, except ducks and tire fabrics.	10	10	100	

[F. R. Doc. 43-20421; Filed, December 24, 1943; 11:38 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-353 as Amended Dec. 24, 1943]

TITANIUM DIOXIDE

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

§ 3293.546 *Conservation Order M-353—(a) Definitions.* (1) "Titanium dioxide" means any pigment containing more than 12 per cent titanium dioxide whether alone or admixed with or precipitated on inerts, extenders, or opaque pigments.

(2) "Military order" means any purchase order for titanium dioxide which is to be used in the manufacture of products delivered or to be delivered to, or to be used on, or incorporated in, material or equipment delivered or to be delivered to, the United States Army, Navy, Marine Corps, Coast Guard, Maritime Commission or the War Shipping Administration, or to or for the account of any foreign country under the Act of March 11, 1941 (Lend-Lease Act).

(b) *Inapplicability of certain preference ratings.* No person shall give any effect to any preference ratings below AA-2 on any purchase order for titanium dioxide, unless the person placing such purchase order furnishes a certificate in substantially the following form signed by a duly authorized official, either manually or as provided by Priorities Regulation No. 7:

The undersigned hereby certifies to the War Production Board and to \_\_\_\_\_ [insert name and address of supplier] that he is familiar with the provisions of Order No. M-353 and that his purchase order, dated

\_\_\_\_\_, for titanium dioxide is a military order as defined in Order M-353.

(Name of purchaser)

By \_\_\_\_\_ (Signature and title of duly authorized official)

Orders rated below AA-2, not accompanied by the certificate, may be filled as unrated orders to the extent permitted by Priorities Regulation No. 1. The certificate need not be filed with the War Production Board. Any person receiving it may rely upon it in filling orders unless he knows or has reason to believe that it is false. The standard certification described in Priorities Regulation No. 7 may not be used instead.

(c) *Special directives.* The War Production Board may at any time issue special directives to any person respecting the production or delivery of titanium dioxide, notwithstanding the other provisions of this order.

(d) *Expiration date of this order.* The provisions of this order shall expire at twelve o'clock midnight, February 29, 1944, unless extended by the War Production Board.

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

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

(g) *Communications.* All reports required to be filed hereunder and all com-

munications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-353.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20422; Filed, December 24, 1943; 11:39 a. m.]

PART 3296<sup>1</sup>—SAFETY AND TECHNICAL EQUIPMENT

[Preference Rating Order P-43, Direction 1]

LABORATORIES

The following direction is issued pursuant to Preference Rating Order P-43:

Paragraph (f) of Order P-43 requires each serial-numbered laboratory to file a report on Form WPB-167 on or before the first day of every calendar quarter unless otherwise directed by the War Production Board. All serial-numbered laboratories are hereby notified that the filing of the report on Form WPB-167 which was due on or before January 1, 1944, is not required and that in the future no such reports need be filed unless the War Production Board shall specifically so direct.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20430; Filed, December 24, 1943; 11:40 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Inventory Direction 9, as Amended Dec. 24, 1943]

AIRCRAFT ALUMINUM RIVETS

§ 3175.109 *Inventory Direction No. 9.* Pursuant to paragraph (b) (2) of CMP Regulation 2, *It is hereby ordered, That:*

During the period from the date of this direction through June 30, 1944, the provisions of CMP Regulation 2 shall not apply to the acceptance of deliveries of aluminum rivets which are required for use in the production of aircraft or components thereof. After June 30, 1944, this inventory direction shall cease to be of any effect and the provisions of CMP Regulation 2 shall apply.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20450; Filed, December 24, 1943; 11:41 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-442]

JAMES A. WALSH ELECTRIC

James A. Walsh Electric, a copartnership composed of James A. Walsh and

<sup>1</sup> Formerly Part 3277.

James E. Walsh, located at Portland, Oregon, is engaged in the business of selling electrical supplies at retail, doing service work and acting as an electrical contractor. After June 1, 1942, James A. Walsh Electric converted approximately 1,874 Duo-Therm blower units into dual purpose electric heaters and air coolers. Approximately 1,808 of said electrical appliances, having an approximate value of \$36,069.60, were sold by James A. Walsh Electric on purchase orders which did not bear preference ratings of A-2 or higher. The manufacture and sale of these new electrical appliances constituted wilful violations of General Limitation Order L-65.

These violations have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.442 *Suspension Order No. S-442.* (a) Deliveries of material to James A. Walsh or James E. Walsh, individually, or doing business as James A. Walsh Electric, or otherwise, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by any preference rating order, preference rating certificate, general preference order, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment to James A. Walsh or James E. Walsh, individually, or doing business as James A. Walsh Electric, or otherwise, their successors or assigns, shall be made of any material or products, the supply or distribution of which is governed by any order 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 James A. Walsh or James E. Walsh, individually or doing business as James A. Walsh Electric, or otherwise, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 24, 1943, and shall expire on April 24, 1943.

Issued this 17th day of December 1943.

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

[F. R. Doc. 43-20459; Filed, December 24, 1943;  
2:44 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-466]

#### KETCHUM LUMBER AND WRECKING COMPANY

Ketchum Lumber and Wrecking Company, a corporation, of 2320 South Main Street, Salt Lake City, Utah, is engaged in the builders' supply and salvage business. Between September 9, 1942 and February 20, 1943 it violated Conserva-

tion Order L-41 by constructing in its yard fifteen single residence houses of a value in excess of \$200, which it delivered to, and erected on, lots owned by the purchasers of the houses, knowing or having reason to know that the purchasers had not obtained approval from the War Production Board for the construction of the houses. In these transactions the corporation acted both as contractor and supplier of the materials. As Conservation Order L-41 was a matter of general knowledge to companies engaged in the contracting and builders' supply business, this corporation's failure to comply with its provisions was so grossly negligent as to be deemed wilful.

These violations of Conservation Order L-41 have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.466 *Suspension Order No. S-466.* (a) Deliveries of material to Ketchum Lumber and Wrecking Company, 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 or allotment shall be made to Ketchum Lumber & Wrecking Company, its successors or assigns, of any material or product the supply or distribution of which is governed by any order of the War Production Board unless hereafter specifically authorized in writing by the War Production Board.

(c) This order shall take effect on December 24, 1943, and shall expire on March 24, 1944.

Issued this 18th day of December 1943.

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

[F. R. Doc. 43-20460; Filed, December 24, 1943;  
2:45 p. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Regulation 18, Revocation of Direction 1]

#### PLACING ORDERS FOR CERTAIN PRODUCTS

Direction No. 1 to Priorities Regulation 18, issued the 19th day of November 1943, is hereby revoked.

Issued this 27th day of December 1943.

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

[F. R. Doc. 43-20504; Filed, December 27, 1943;  
11:25 a. m.]

#### Subchapter D—Office of the Rubber Director

#### PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[R-1 as Amended Dec. 4, 1943, Amdt. 3]

Rubber Order R-1 as amended is hereby amended by adding the following new

paragraph to § 4600.16 *original equipment manufacturers' inventories of tires and tubes:*

No "producer" of farm machinery and equipment (as defined in Order L-257) may procure new pneumatic tires or tubes under this section except for the following items of equipment within his quota under Orders L-257 and L-257-a:

- (a) Wheel type tractors including garden type.
- (b) Combines.
- (c) Pick-up hay balers and field hay harvesters.
- (d) Corn pickers.
- (e) Power sprayers over 10 gallons per minute.

Use of the certification by such a producer shall constitute a representation to the seller and to the War Production Board that the products are required for his production of the items of equipment listed above. No such producer shall procure new pneumatic tires and tubes for mounting on other types of farm equipment without special authorization from the Office of the Rubber Director, War Production Board.

The above shall not affect new pneumatic tires and tubes required for mounting on any items as specifically authorized under Order L-257 or L-257-a prior to the issuance date of this amendment.

(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; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20449; Filed, December 24, 1943;  
11:41 a. m.]

#### Chapter XI—Office of Price Administration

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

[RO 1C; Amdt. 3]

#### MILEAGE RATIONING: TIRE REGULATIONS FOR THE VIRGIN ISLANDS

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

Ration Order 1C is amended in the following respects:

1. Section 4.2 is amended by the addition of paragraphs (e) and (f), to read as follows:

(e) *Obsolete type tires.* An applicant who applies for an obsolete type tire, or a tire to be mounted on a motorcycle to replace a tire which cannot be recapped, either because of its physical condition or the lack of adequate recapping facilities, shall be entitled to a certificate for a new tire of an obsolete type, or a new motorcycle tire, but only if a currently

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

<sup>18</sup> F.R. 10927.

valid supplemental gasoline ration is outstanding for a vehicle for which such tire is sought; or, in the absence of a currently valid supplemental gasoline ration for such vehicle, if the mileage driven in such vehicle is necessary for carrying out one or more of the purposes described in § 1394.3705 of Ration Order No. 8. As applied to tires, the term "obsolete type" means passenger type tires of the following sizes only:

4.50-17	3.30-18
4.75-17	3.50-18
5.00-17	3.75-18
5.25-17	3.85-18
5.50-17	4.00-18
5.25/5.50-17	4.40-18
6.00-17	4.50-18
5.50/5.00-17	4.75-18
6.50-17	6.50-19
6.00/6.50-17	6.00/6.50-19
7.00-17	7.00-19
7.50-17	7.50-19
5.00-18	4.50-19
5.25-18	4.75-19
5.50-18	5.00-19
5.25/5.50-18	4.75/5.00-19
6.00-18	5.25-19
6.50-18	5.50-19
6.00/6.50-18	5.25/5.50-19
7.00-18	6.00-19
7.50-18	5.00/5.25-21
7.00/7.50-18	5.50-21
4.00-19	6.00-21
4.40-19	6.50-21
7.00/7.50-19	6.00-20
3.30-20	6.50-20
3.85-20	6.00/6.50-20
4.40-20	7.00-20
4.50-20	7.30-20
4.75-20	4.40-21
5.00-20	4.50-21
4.50/4.75/5.00-20	4.40/4.50-21
5.25-20	4.75-21
5.00/5.25-20	4.40/4.50/4.75-21
5.50-20	5.00-21
5.25/5.50-20	5.25-21
7.00-21	33x4
5.00-22	34x4
6.00-22	32x4½
4.40-23	33x4½
6.00-23	34x4½
7.50-24	35x4½
28x3	36x4½
30x3	33x5
30x3½	34x5
32x3½	35x5
31x4	37x5
32x4	35x6

(f) *Spare tires.* A vehicle which is eligible for a spare tire may be issued no better than a certificate for a Grade III tire unless the applicant establishes eligibility under paragraph (d) or (e) of this section 4.2.

2. A new section 4.8 is added as follows:

Sec. 4.8 *Eligibility of animal drawn vehicle.* If tires are essential for its operation, a certificate may be granted for:

(a) Any type of used tire or new tube, or recapping services, for an animal drawn vehicle which if propelled or drawn by mechanical power would be eligible under section 4.4 (a) and, which meets the applicable conditions of section 4.1 and section 4.3;

(b) Recapping services or a new tube, for an animal drawn vehicle which if propelled or drawn by mechanical power would be eligible under section 4.4 (b), and which meets the applicable conditions of section 4.1 and section 4.3: *Provided, however,* That no certificate shall

be issued under this section to equip an animal drawn vehicle which is eligible for a new tire, new tube, or recapping service under section 4.5.

This amendment shall become effective December 27, 1943.

(Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st sess., and by Pub. No. 507, 77th Cong., 2d sess., Pub. No. 421, 77th Cong. 2d sess., E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Directive No. 1, issued January 24, 1942, Supp. Dir. No. 1-J as amended, issued October 27, 1942)

Issued this 22d day of December 1943.

JACOB A. ROBLES,  
Territorial Director,  
Virgin Islands.

Approved:

JAMES P. DAVIS,  
Regional Administrator,  
Region IX.

[F. R. Doc. 43-20437; Filed, December 24, 1943; 12:10 p. m.]

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

[RMPR 187, Amdt. 1]

CERTAIN PAPERBOARD PRODUCTS

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

Revised Maximum Price Regulation No. 187 is amended in the following respects:

1. The headnote of section 10 is amended to read as follows: "*Petitions for amendment and applications for adjustment*".

2. In section 10, paragraph (b) is added to read as follows:

(b) *When adjustments may be granted.*

(1) The Office of Price Administration may adjust the maximum price of a commodity and/or service established, now or hereafter, by a formula or price list of a manufacturer, or by any other means, under this Revised Maximum Price Regulation No. 187 for any commodity and/or service in any case in which it finds that the manufacturer suffers substantial hardship which renders him unable to maintain his production of that commodity and/or service at that maximum price and that either:

(i) Continuance of the manufacturer's production of that commodity and/or service is required to meet a military or essential civilian need, or

(ii) Loss of the manufacturer's production of that commodity and/or service will force his customer to resort to higher priced sources of supply, and that no adequate substitute for that commodity and/or service is available to his customer at a price equal to or lower than the adjusted maximum price which he requests.

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

<sup>1</sup> 8 F.R. 14395.

(2) *Amount of adjustment.* The relief granted under this section shall be limited to the amount necessary to permit the maintenance of the manufacturer's production: *Provided, however,* That where an application is filed under paragraph (b) (1) (ii) above, the manufacturer's maximum price will not be raised above the general level of prices prevailing for alternative sources of supply of the commodity and/or service or an adequate substitute therefor.

(3) *Form of application.* Applications for adjustment shall be filed in accordance with the provisions of subpart B of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

This amendment shall become effective December 31, 1943.

(56 Stat. 23765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 24th day of December, 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20438; Filed, December 24, 1943; 12:09 p. m.]

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

[RMPR 187, Amdt. 2]

CERTAIN PAPERBOARD PRODUCTS

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

Revised Maximum Price Regulation No. 187 is amended in the following respect:

Footnote<sup>2</sup> to section 1 (c) (1) (iii) is amended to read as follows:

\* This subdivision shall remain in effect until March 1, 1944, unless the Office of Price Administration amends, replaces, extends or makes permanent such subdivision.

This amendment shall become effective January 1, 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 24th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20439; Filed, December 24, 1943; 12:08 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421, Cor. to Amdt. 4]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

A statement of the considerations involved in the issuance of this correction,

<sup>1</sup> 8 F.R. 9387, 10569, 10387, 13293, 15250, 15607.

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

Amendment No. 4 to Maximum Price Regulation No. 421 is corrected in the following respects:

1. Section 32 (b) (13) is corrected to read as follows:

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures, vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, applesauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

2. Section 32 (b) (27) is corrected to read as follows:

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

This correction shall become effective December 23, 1943.

(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 23d day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20412; Filed, December 24, 1943; 11:35 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[MPR 421, Amdt. 6]

CEILING PRICES OF CERTAIN FOODS SOLD AT  
WHOLESALE

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. 421 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. How you determine to which class your business belongs—(a) What wholesalers are covered. Your business is classified under this regulation if, prior to the effective date of the regulation you

were and still are a wholesaler, the larger part of whose food sales are of food products which you purchase for resale and distribute from your warehouse without materially changing their form, to independent retail stores, or to commercial, industrial, or institutional users. This regulation does not apply, however, to "wagon wholesalers", "marine provisioners", or "flour jobbers".

(b) *Classes of wholesalers.* Wholesalers covered by this regulation are defined as follows:

(1) *Class 1; retailer-owned cooperative wholesaler.* You are a retailer-owned cooperative wholesaler if you are either a non-profit organization or a corporation 51 percent of the stock of which is owned by your independent retailer customers.

(2) *Class 2; cash-and-carry wholesaler.* You are a cash-and-carry wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, made without delivery, to independent retail stores, or if they were made with delivery you made a charge for delivery to all customers.

(3) *Class 3; service wholesaler.* You are a service wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made, to independent retail stores, with delivery to all customers in a base zone without charge.

(4) *Class 4; institutional wholesaler.* You are an institutional wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made to commercial, industrial or institutional users. (If you do business in more than one of the ways outlined above, see sections 17, 18, 19, and 20.)

2. A new section 5a is added to read as follows:

SEC. 5a. *New wholesalers.* If, on or after August 5, 1943, you begin to operate as a wholesaler as defined in section 2, you are subject to this regulation, and as such a new wholesaler you must figure all your ceiling prices for all sales of food items covered by this regulation in accordance with the following provisions:

(a) If you are a retailer-owned cooperative wholesaler, you must figure all of your ceiling prices for sales to members as a retailer-owned cooperative (Class 1) wholesaler and are subject to all of the provisions applicable to such a wholesaler.

(b) If you are not a retailer-owned cooperative wholesaler you must figure your ceiling prices in the following way:

(1) For sales to independent retail stores made without delivery, you shall use the mark-ups applicable to a cash-and-carry (Class 2) wholesaler.

(2) For sales to independent retail stores made with delivery, you shall use the mark-ups applicable to a service (Class 3) wholesaler.

(3) For sales to commercial, industrial or institutional users, you shall use the mark-ups applicable to an institutional (Class 4) wholesaler.

(c) You must figure your ceiling price for an item before selling it, in accordance with section 4, basing your "net cost", however, on the first delivery of an item to you on or after the date you open your place of business subject to all of the provisions covering the sales of "new items" in section 5.

(d) For sales to retail stores which are not independent retail stores, and for sales to other wholesalers, your ceiling price for any item shall be your supplier's ceiling price for such item plus transportation charges to your usual receiving point.

(e) Within 10 days after you become a new wholesaler under this section, you must notify your nearest District OPA office that you are operating under the provisions of this section.

(f) The provisions of this section may not be used by any person, who, at the opening of business on August 5, 1943, was subject to this regulation, or by any person owned or controlled by any wholesaler who at the opening of business on August 5 was subject to this regulation.

3. Section 6 is amended to read as follows:

SEC. 6. *When you may change a ceiling price—(a) Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct wholesalers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. If that delivery is from another wholesaler covered by this regulation, you must use the "net cost" of the other wholesaler. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you receive later shipments with the same notice you must not change your ceiling price again.

When you make a sale to a retail store at this new ceiling price, you must send with your invoice a copy of the notice received by you from your supplier if the notice is not attached to the item you are selling.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the

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

<sup>1</sup> 8 F.R. 9388, 10569, 10987, 15293, 15250.

first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

4. Section 8 is amended to read as follows:

**SEC. 8. Invoices and receipts.** You must give each of your customers an invoice, receipt, or other evidence of purchase in connection with every sale, retaining a copy for your files. Each such record you prepare and give your customer must show the date of sale, the name and address of your customer, your name and address, each food item sold, and the price you charged for it.

Be sure that your description of each item shows the kind, brand, variety, container size, and container type. In addition, you must, on or before January 24, 1944, furnish each of your customers with a list of the items of canned fruits and canned vegetables (Food commodities Nos. 10, 11, 33, and 34 in Table A) you sell showing your name and address, and the name of each brand and grade thereof, and you must file a copy of such list with your nearest District OPA office. If at any time the grade of any of the above items is changed so that it is different from the grade shown on the list, you must within 5 days of such change notify your customers of such change, and also notify your nearest District OPA office of such change.

If you sell more than one grade of any canned fruit or canned vegetable under the same brand name, you must show, on each invoice, the grade of each such item.

5. Section 14 is amended to read as follows:

**SEC. 14. Additions to "net cost" for packaging.** If you buy in bulk any item covered by this regulation and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags on which the name and weight of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more.

6. Section 19 is amended to read as follows:

**SEC. 19. How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.** If you are a service wholesaler and you make sales to commercial, industrial or institutional users, you may use for such sales the mark-up figures of an institutional wholesaler.

7. Section 30 (g) is amended to read as follows:

(g) **Flour jobber.** "Flour jobber" shall mean a "primary distributor" as defined in Maximum Price Regulation No. 296,<sup>2</sup> and also a person the larger part of whose business is the purchase and resale of flour made from wheat, semolina and farina without additional processing and in the original containers, to bakers and commercial, institutional or Governmental users. For sales to retail stores, "flour jobbers" other than "primary distributors" must figure their ceiling prices for flour under this regulation.

8. Section 32 (b) (5) is amended to read as follows:

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, sweiback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture.

9. Section 32 (b) (24) is amended to read as follows:

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice, and wild rice.

10. Section 32 (b) (31) is amended to read as follows:

(31) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, and sorghum syrup.

11. In section 32 (b) (37), the item "Bird seed and gravel" is deleted, the item "Glaced or candied fruits and peels" is added in alphabetical order, and the items "Potatoes, Julienne", and "Potatoes, shoestring" are amended to read as follows:

Potatoes, Julienne, packed in hermetically sealed containers.

Potatoes, shoestring, packed in hermetically sealed containers.

12. In section 32 (c), the item "Glaced or candied fruits and peels" is deleted, and the following items are added, in alphabetical order, to the list of commodities excluded:

Bird seed and gravel.

Passover matzo, Passover matzo meal, and related Passover matzo products.

Sorghum syrup.

Wild rice.

This amendment shall become effective January 8, 1944, except insofar as it re-

<sup>2</sup> 8 F.R. 158, 612, 2598, 3703, 7567, 7599, 8544, 9150, 10362, 10758, 11563, 13174.

lates to section 6 (b), for which it shall become effective December 29, 1943.

(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 22d day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20409; Filed, December 24, 1943;  
11:34 a. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422, Corr. to Amdt. 6]

#### CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

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

Amendment No. 6 to Maximum Price Regulation No. 422 is corrected in the following respects:

1. Section 38 (b) (13) is corrected to read as follows:

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures, vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, applesauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbert and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

2. Section 38 (b) (27) is corrected to read as follows:

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

This correction shall become effective December 23, 1943.

(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 23d day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20413; Filed, December 24, 1943;  
11:35 a. m.]

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

<sup>1</sup> 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 15251, 14853, 15586, 15607.

PART 1351—FOOD AND FOOD PRODUCTS  
[MPR 422, Amdt. 10]

CEILING PRICES OF CERTAIN FOODS SOLD AT  
RETAIL IN GROUP 3 AND GROUP 4 STORES

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 422 is amended in the following respects:

1. Section 6 is amended to read as follows:

SEC. 6. When you may change a ceiling price—(a) *Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you received later shipments with the same notice you must not change your ceiling price again.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

2. Section 18 is amended to read as follows:

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except shell eggs) and

then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name and weight of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more.

(b) If you buy shell eggs in bulk and then package and sell them in consumer cartons, you may add to your ceiling price whichever of the following allowances applies:

(1) 1 cent for each carton of a half-dozen eggs.

(2) 2 cents for each carton of a dozen eggs.

3. A new paragraph (i) is added to section 20 to read as follows:

(i) *Poultry bought live or dressed and sold drawn.* If you buy poultry live or dressed, and you draw or eviscerate said poultry, you shall figure your ceiling price for such drawn or eviscerated poultry as though you had bought it drawn, using as your "net cost" the lowest ceiling price fixed by Revised Maximum Price Regulation 269<sup>7</sup> which would apply to sales to you by your customary type of supplier delivered to your usual receiving point of a similar item of drawn poultry during the week in which you are figuring your ceiling price for the item. To that "net cost" you shall apply the mark-up applicable to that kind of poultry bought drawn and sold drawn. The resulting figure will be your ceiling price per pound of drawn weight.

4. Section 38 (b) (5) is amended to read as follows:

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

5. Section 38 (b) (24) is amended to read as follows:

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice and wild rice.

6. Section 38 (b) (31) is amended to read as follows:

(31) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, and sorghum syrup.

7. In section 38 (b) (37), the item "Bird seed and gravel" is deleted, the item "Glaced or candied fruits and peels" is added in alphabetical order, and the items "Potatoes, Julienne", and "Potatoes, shoestring" are amended to read as follows:

Potatoes, Julienne, packed in hermetically sealed containers.

Potatoes, shoestring, packed in hermetically sealed containers.

8. In section 38 (c), the item "Glaced or candied fruits and peels" is deleted, and the following items are added, in alphabetical order, to the list of commodities excluded:

Bird seed and gravel.  
Passover matzo, Passover matzo meal, and related Passover matzo products.  
Sorghum syrup.  
Wild rice.

9. In section 39 (a) (3), the sentence "(No additional mark-ups are allowed for drawing or cutting-up.)" appearing in the second undesignated paragraph under the table heading "Food commodities" is deleted.

10. Section 39 (b) (3) is amended to read as follows:

(3) *Poultry.* "Poultry" means all chickens, ducks, geese and turkeys in any form, excluding "started" poultry sold for breeding purposes, canned poultry and cooked or smoked poultry. When poultry is bought live, dressed or drawn and is sold split or cut-up, the total price received through the sale of the cut-up parts of any bird shall not exceed the amount which could be received through the sale of the whole bird on a live weight basis if bought live, or on a dressed weight basis if bought dressed, or on a drawn basis if bought drawn. Poultry which is drawn by a retailer shall be priced in accordance with the provisions of section 20 (i). Unless the context otherwise requires, the definitions set forth in §§ 1429.17, 1429.19, 1429.20, and 1429.21 of Revised Maximum Price Regulation No. 269 shall apply to terms used herein wherever applicable.

This amendment shall become effective January 8, 1944, except insofar as it relates to section 6 (b), for which it shall become effective December 29, 1943.

(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 22d day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20410; Filed, December 24, 1943; 11:34 a. m.]

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

<sup>7</sup> 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 15251, 14853, 15586, 15607.

<sup>8</sup> 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9061, 9299, 10940, 11691, 13302, 13303, 13813, 14016, 15258, 14854, 15190.

## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,<sup>1</sup> Corr. to Amdt. 7]CEILING PRICES OF CERTAIN FOODS SOLD AT  
RETAIL IN GROUP 1 AND GROUP 2 STORES

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

Amendment No. 7 to Maximum Price Regulation No. 423 is corrected in the following respects:

1. Section 27 (b) (13) is corrected to read as follows:

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures, vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, applesauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

2. Section 27 (b) (27) is corrected to read as follows:

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

This correction shall become effective December 23, 1943.

(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 23d day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20414; Filed, December 24, 1943;  
11:35 a. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,<sup>1</sup> Amdt. 11]CEILING PRICES OF CERTAIN FOODS SOLD AT  
RETAIL IN GROUP 1 AND GROUP 2 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

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

<sup>1</sup>8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031.

has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 423 is amended in the following respects:

1. Section 6 is amended to read as follows:

SEC. 6. *When you may change a ceiling price*—(a) *Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you received later shipments with the same notice you must not change your ceiling price again.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

2. Section 18 (a) is amended to read as follows:

(a) *Sec. 18. Additions for packaging.* (Applies to you if you package any item under this regulation in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or certain Kraft bags or similar type bags, or if you carton eggs.)

3. Section 18 (c) is amended to read as follows:

(c) *Sec. 20. How you figure your "net cost" in certain cases.* (Applies to you if you purchase fresh bananas from importers f. o. b. port of entry or at auction; if you package and print butter; if you candle and grade eggs; if you sell "ungraded eggs"; if you purchase white potatoes or dry onions ungraded and unsacked; if you purchase ungraded, un-

sized and unpacked citrus fruits and you grade, size, and pack such citrus fruits; or if you buy poultry live or dressed, and you sell it drawn.)

4. Section 27 (b) (5) is amended to read as follows:

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

5. Section 27 (b) (24) is amended to read as follows:

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice and wild rice.

6. Section 27 (b) (31) is amended to read as follows:

(31) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, and sorghum syrup.

7. In section 27 (b) (37), the item "Bird seed and gravel" is deleted, the item "Glaced or candied fruits and peels" is added in alphabetical order, and the items "Potatoes, Julienne", and "Potatoes, shoestring" are amended to read as follows:

Potatoes, Julienne, packed in hermetically sealed containers.

Potatoes, shoestring, packed in hermetically sealed containers.

8. In section 27 (c) the item "Glaced or candied fruits and peels" is deleted, and the following items are added, in alphabetical order, to the list of commodities excluded:

Bird seed and gravel.

Passover matzo, Passover matzo meal, and related Passover matzo products.

Sorghum syrup.

Wild rice.

9. In section 28 (a) (3), the sentence "(No additional mark-ups are allowed for drawing or cutting-up.)" appearing in the second undesignated paragraph under the Table heading "Food commodities" is deleted.

10. Section 28 (b) (3) is amended to read as follows:

(3) *Poultry.* "Poultry" means all chickens, ducks, geese and turkeys in any form, excluding "started" poultry sold for breeding purposes, canned poultry and cooked or smoked poultry. When poultry is bought live, dressed or drawn and is sold split or cut-up, the total price received through the sale of the cut-up parts of any bird shall not exceed the amount which could be received through the sale of the whole bird on a live weight basis if bought live, or on a dressed

weight basis if bought dressed, or on a drawn basis if bought drawn. Poultry which is drawn by a retailer shall be priced in accordance with the provisions of section 18 (c). Unless the context otherwise requires, the definitions set forth in §§ 1429.17, 1429.19, 1429.20, and 1429.21 of Revised Maximum Price Regulation No. 269 shall apply to terms used herein wherever applicable.

This amendment shall become effective January 8, 1944, except insofar as it relates to section 6 (b), for which it shall become effective December 29, 1943.

(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 22d day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20411; Filed, December 24, 1943; 11:34 a. m.]

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

[RO 13,<sup>1</sup> Amdt. 34 to Rev. Supp. 1]

##### PROCESSED FOODS

Section 1407.1102 (e) (2) (iii) is added to read as follows:

(iii) G, H, and J may be used from January 1 to February 20, 1944, inclusive.

This amendment shall become effective December 30, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 24th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20442; Filed, December 24, 1943; 12:08 p. m.]

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

[RO 16,<sup>2</sup> Amdt. 2 to Rev. Supp. 1]

##### MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (f) is amended by adding the following validity dates for brown stamps:

V ----- Jan. 23, 1944, to Feb. 26, 1944.  
W ----- Jan. 30, 1944, to Feb. 26, 1944.  
X ----- Feb. 6, 1944, to Feb. 26, 1944.  
Y ----- Feb. 13, 1944, to Mar. 20, 1944.  
Z ----- Feb. 20, 1944, to Mar. 20, 1944.

This amendment shall become effective December 30, 1943.

<sup>1</sup> 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10089, 10728, 11387, 11447, 11483, 11812, 12026, 12181, 12299, 13390, 13394, 14764, 14818, 15328.

<sup>2</sup> 8 F.R. 3734, 4892, 5758.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 24th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20441; Filed, December 24, 1943; 12:08 p. m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,<sup>1</sup> Amdt. 16]

##### FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Maximum Price Regulation No. 426 is amended in the following respects:

1. Column 9 of the table in Appendix D, section 15, is amended to read as follows:

Item No.:	Column 9 Maximum price for LCL or LTL Sales to any person except ultimate consumers <sup>2</sup>
1.-----	Price in Col. 7 plus 56¢ until February 15, 1944. On and after that date, plus 42¢.
2.-----	Price in Col. 7 plus 56¢, until February 15, 1944. On and after that date, plus 42¢.
3.-----	Price in Col. 7 plus 2¢ until February 15, 1944. On and after that date, plus 1½¢.
4.-----	Price in Col. 7 plus 2¢ until February 15, 1944. On and after that date, plus 1½¢.
5.-----	11¢ per pound until February 15, 1944. On and after that date, 10½¢ per pound.
6.-----	12¢ per pound until February 15, 1944. On and after that date, 11½¢ per pound.

2. In Appendix D, section 15, footnote (1) (b) is amended to read as follows:

(b) On and after February 15, 1944 no grower or shipper, whether he sells in carlot or trucklot or less than carlot or trucklot quantities, shall receive, and no person shall pay to any grower or shipper more than the f. o. b. shipping point price in Col. 5, or the maximum price in Col. 7 if sold on a delivered basis, except for allowances made by this regulation for sales by growers or shippers through various kinds of agents.

3. In Appendix D, section 15, footnote 7 is deleted.

This amendment shall become effective December 23, 1943.

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

<sup>1</sup> 8 F.R. 16409, 16294, 16519, 16428.

(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 23d day of December 1943.

CHESTER BOWLES,  
Administrator.

Approved: December 22, 1943.

ASHLEY FELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 43-20377; Filed, December 23, 1943; 4:28 p. m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 502]

##### POPCORN

This regulation is issued in order to establish prices for popcorn at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.\*

§ 1439.7 Popcorn. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 502 (Popcorn) which is attached hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.7 issued under 56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

##### MAXIMUM PRICE REGULATION 502—POPCORN

###### ARTICLE I—EXPLANATION OF THE REGULATION

- Sec.
1. Explanation of the regulation.
- ###### ARTICLE II—PRICES AND PRICING METHODS
2. Maximum prices for sales of unshelled popcorn.
  3. Maximum prices for sales of unprocessed shelled popcorn.
  4. Maximum prices which processors may charge for processed shelled popcorn.
  5. Delivered prices.
  6. Maximum prices which distributors other than wholesalers and retailers may charge for processed shelled popcorn.
  7. Payment of brokers.
  8. Units of sale and fractions of a cent.
  9. Customary discounts and allowances.
  10. Adjustable pricing.

###### ARTICLE III—GENERAL PROVISIONS

11. Relationship between this regulation and the General Maximum Price Regulation.
12. Geographical applicability.
13. Export and import sales.
14. Records which processors must keep.
15. Notification to wholesalers and retailers of authorized change in maximum price.
16. Compliance with the regulation.
17. General amendments.
18. Definitions.

###### ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *Explanation of the regulation.* The purpose of this regulation is to establish maximum prices for unshelled popcorn (on the ear) in sales by



all persons, for unprocessed shelled popcorn in sales by all persons, and for processed shelled popcorn (in bulk and in packages) in sales by persons other than wholesalers and retailers (wagon wholesalers, however, are included). As used in this regulation the term "popcorn" includes only popcorn that has not been popped prior to sale, and it does not include seed popcorn. Prices established by this regulation are in effect from December 24, 1943.

Maximum prices for wholesalers and retailers (but not wagon wholesalers) of popcorn are governed by separate regulations which set fixed margins for these distributors according to their size and manner of doing business. "Wholesalers" and "retailers" mean the persons respectively referred to as "wholesalers" and "retailers" in those regulations, except that in this regulation wagon wholesalers are treated as a distinct type of distributor.

ARTICLE II—PRICES AND PRICING METHODS

SEC. 2. *Maximum prices for sales of unshelled popcorn.* The maximum price per one hundred pounds net weight which any person may charge for any variety of unshelled popcorn shall be \$3.88, f. o. b. shipping point.

SEC. 3. *Maximum prices for sales of unprocessed shelled popcorn.* The maximum price per one hundred pounds net weight which any person may charge for any variety of unprocessed shelled popcorn shall be \$6.00, f. o. b. shipping point.

SEC. 4. *Maximum prices which processors may charge for processed shelled popcorn—(a) Sales in bulk—(1) Sales other than from warehouses.* The processor's maximum prices per one hundred pounds net weight for processed shelled popcorn in bulk, f. o. b. shipping point, in all sales other than those from warehouses covered in paragraph (2) below, shall be as follows:

Variety:	Maximum price per 100 pounds net weight
White hullless.....	\$9.35
Other than white hullless.....	8.75

(2) *Sales from warehouses.* The processor's maximum prices per one hundred pounds net weight for processed shelled popcorn in bulk, in sales from a warehouse direct to a retailer or a manufacturing retailer of popcorn products, shall be as follows (prices include delivery to the purchaser's customary receiving point):

Variety:	Maximum price per 100 pounds net weight
White hullless.....	\$10.25
plus actual charges incurred for transportation from processor's plant to warehouse.	
Other than white hullless.....	9.65
plus actual charges incurred for transportation from processor's plant to warehouse.	

The processor may charge these prices only for sales in bulk to those purchasers of processed shelled popcorn actually warehoused by him in a city other than where his plant is located, and only if prior to December 24, 1943 he maintained supplies of popcorn in a warehouse in that other city and made sales from it

direct to retailers or to manufacturing retailers of popcorn products.

(b) *Sales in packages.* The processor's maximum prices per dozen ten-ounce packages for processed shelled popcorn shall be as follows:

Variety:	Maximum price per dozen 10-ounce packages
White hullless.....	\$1.50
delivered to the purchaser's customary receiving point.	
Other than white hullless.....	1.45
delivered to the purchaser's customary receiving point.	

The processor shall determine his maximum price, delivered to the purchaser's customary receiving point, for processed shelled popcorn in any package size other than 10 ounces in weight by adjusting the figure named above for the variety being priced at the rate of \$.048 per dozen packages for each ounce higher or lower than ten ounces in package weight.

*Example.* The maximum delivered price per dozen 16-ounce packages of processed shelled popcorn, white hullless variety, is \$1.79, figured by adding together \$1.50 (the maximum delivered price per dozen 10-ounce packages) and \$.29 (\$.048 x 6, the difference in package weight between 16 ounces and 10 ounces).

The processor is free to sell processed shelled popcorn in packages on an f. o. b. basis. However, in that event, the f. o. b. price charged plus the actual transportation charges incurred by the purchaser may not exceed the processor's maximum delivered price.

(c) *Meaning of "processor".* As used in this regulation, the term "processor" means a person who fully cleans, tests and grades shelled popcorn and sells it in bulk or packages.

(d) *Meaning of "in bulk" and "package".* "In bulk" means packed in a sack or bag larger in capacity than three pounds. "Package" means a container no larger in capacity than three pounds.

(e) *Meaning of "delivered to the purchaser's customary receiving point".* "Delivered to the purchaser's customary receiving point" means delivered to the place where the particular buyer has customarily received the goods. In other words, the prices named include all transportation to that point. Any amount the buyer pays to get the goods to that point must be subtracted from the maximum price named. Any amount the processor pays to move the goods beyond that point may be added to the maximum price named. In cases where the processor is dealing with the buyer for the first time after December 24, 1943, "delivered to the purchaser's customary receiving point" means delivered to the buyer's place of business. "Delivery to the purchaser's customary receiving point" shall be construed in the same manner.

(f) *Weights.* Where label weights are used, prices named by weight shall be based on the weights named on the label and not on the actual fill.

SEC. 5. *Delivered prices.* Any processor who regularly sold a purchaser an item covered by section 3 or 4 (a) (1) on a delivered price basis during the cal-

endar year 1942 shall increase the maximum price for the item, f. o. b. shipping point under that section, by the amount of the transportation charge per unit for that item which he added to his f. o. b. shipping point price during the period February 1 to March 17, 1942. The resulting price shall be the processor's maximum delivered price for that purchaser. The processor, of course, is free to sell his goods on an f. o. b. basis. However, in that event, the f. o. b. price charged plus the actual transportation charges incurred by the buyer may not exceed the processor's maximum price figured on a delivered basis.

SEC. 6. *Maximum prices which distributors other than wholesalers and retailers may charge for processed shelled popcorn—(a) Wagon wholesalers.* A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale. Such wholesaler is a wagon wholesaler only for sales made in this manner.

The maximum price which a wagon wholesaler may charge for an item of processed shelled popcorn shall be his net delivered cost plus a markup of 25% of that cost.

"Net delivered cost" means the amount the wagon wholesaler pays for the item delivered to his customary receiving point (but not in excess of the maximum price of the processor, plus cost of transportation to the wagon wholesaler's customary receiving point if purchased on an f. o. b. shipping point basis), less all discounts allowed him except the discount for prompt payment. No expense of local hauling or trucking shall be included.

(b) *Distributors who are not wagon wholesalers, wholesalers or retailers.* The maximum price for an item of processed shelled popcorn, f. o. b. shipping point, of a distributor who is not a wagon wholesaler, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases all he sells (for his own account) of the variety of processed shelled popcorn being priced and resells it without packing or processing any part of it.

SEC. 7. *Payment of brokers.* In accordance with existing trade custom, every broker taking part in a sale shall be considered as the agent of the seller and not the agent of the buyer. In any case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker. The term "broker" includes a "finder".

SEC. 8. *Units of sale and fractions of a cent.* Maximum prices shall be stated in terms of the same general units (like pounds, dozens, etc.) in which the seller has customarily quoted prices for the product. If any figured maximum price includes a fraction of a cent, the seller

shall adjust the price to the nearest fractional unit (like 1c, ½c, ¼c, etc.) in which he has customarily quoted prices for the product.

**SEC. 9. Customary discounts and allowances.** No person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers if the change results in a higher net price to that purchaser or class.

**SEC. 10. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order.

#### ARTICLE III—GENERAL PROVISIONS

**SEC. 11. Relationship between this regulation and the General Maximum Price Regulation.<sup>1</sup>** The following sections of the General Maximum Price Regulation, as well as amendments to them, apply to sales covered by this regulation:

- (1) Federal and state taxes (§ 1499.7).
- (2) Sales slips and receipts (§ 1499.14).
- (3) Definitions (§ 1499.20).

**SEC. 12. Geographical applicability.** This regulation applies in the forty-eight states of the United States and in the District of Columbia.

**SEC. 13. Export and import sales.** The maximum prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,<sup>2</sup> and amendments. Sales of popcorn which has been grown or processed outside of the geographical area in which this regulation applies are not covered by this regulation except in cases where the goods being priced are located within the area at the time of sale.

**SEC. 14. Records which processors must keep.** Every processor who makes sales of any items covered by this regulation after the effective date hereof shall:

(1) Make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged for such item after the effective date of this regulation, and

(2) Preserve for examination by the Office of Price Administration for the same period all his existing records which were the basis of figuring any maximum prices in the manner directed by this regulation, showing the method used in figuring the maximum prices.

**SEC. 15. Notification to wholesalers and retailers of authorized change in maximum price.** With the first delivery after December 24, 1943, of an item of processed shelled popcorn, in any case where a seller determines his maximum price pursuant to this regulation, he shall supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

#### NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by variety, container type and size) has been established by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you containing this notification on or after December 24, 1943. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422, or 423, whichever is applicable to you.

For a period of 60 days after determining such maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall supply with each bag or include in each case or carton containing the item the written notice set forth above or securely attach it to the bag, case or carton. However, for sales directly to any retailer, the seller may supply the notice by attaching it to or writing it on the invoice covering the shipment instead of supplying it with each bag, case or carton.

**SEC. 16. Compliance with the regulation—(a) No selling or buying above maximum prices.** Regardless of any contract or obligation, no person shall sell or deliver, or buy or receive in the course of trade, any item of popcorn at a price higher than the maximum price established for it by this regulation. However, prices lower than the maximum price may be charged and paid.

(b) *Evasion.* Nor shall any person evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling, or packaging; or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided by the Emergency Price Control Act of 1942, and amendments.

(d) *Licensing.* The provisions of Licensing Order No. 1,<sup>3</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license

may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 17. General amendments.** Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1,<sup>4</sup> and amendments, issued by the Office of Price Administration.

**SEC. 18. Definitions.** (a) When used in this Maximum Price Regulation No. 502 the term:

"Seed popcorn" means popcorn which is sold and delivered by any person, including growers, for exclusive use for planting purposes only and which complies with the Federal Seed Act or State seed acts, especially with respect to labeling as to kind and variety, germination, date of germination, and if below Federal standard as set forth in the Federal Seed Act of 1939 plainly marked "below standard".

(b) Unless the context otherwise requires, the definitions of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

**Effective date.** This regulation shall become effective December 24, 1943.

**NOTE:** All record keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 24th day of December, 1943.

CHESTER BOWLES,  
Administrator.

Approved: December 17, 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-20443; Filed, December 24, 1943; 12:09 p. m.]

#### PART 1378—COMMODITIES OF MILITARY SPECIFICATION FOR WAR PROCUREMENT AGENCIES

[MPR 157, Amdt. 11]

#### SALES AND FABRICATION OF TEXTILES, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES

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

MPR 157 is amended by adding Appendix A to read as follows:

#### APPENDIX A—MODIFICATION OF MAXIMUM PRICES FOR CERTAIN COMMODITIES AND TRANSACTIONS

In the event that the Office of Price Administration fixes a maximum price for 3.90 yard sanforized fine yarn shirting chambray in excess of 16 cents a yard, then in the case

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

<sup>1</sup> 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948; 8 F.R. 3948, 7507, 16605.

<sup>2</sup> 8 F.R. 13240.

<sup>3</sup> 7 F.R. 8961; 8 F.R. 8313, 3533; 6173, 11806.

<sup>1</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

<sup>2</sup> 8 F.R. 4132, 5987, 7662, 9998.

of any sale or delivery to the Department of the Navy during the period between December 11, 1943 and June 30, 1944, inclusive, of shirts made of such chambray, a manufacturer may add to its maximum price for each such shirt, as calculated under § 1378.3, an amount which is not in excess of the difference between 16 cents a yard and the price per yard paid by the manufacturer for such chambray used in the manufacture of shirts so sold and delivered.

This amendment shall become effective December 24, 1943.

(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 24th day of December 1943.

JAMES G. ROGERS,  
Acting Administrator.

[F. R. Doc. 43-20440; Filed, December 24, 1943; 12:10 p. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**  
[RMFR 296,<sup>1</sup> Correction]

**FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS, BLENDERS, PRIMARY DISTRIBUTORS AND FLOUR JOBBERS**

Revised Maximum Regulation No. 296 is corrected in the following respects:

1. The percentage "3.5%" at the end of paragraph 1 of section (i) in Appendix A I is hereby corrected to read "13.5%."

2. The arabic numeral "1" at the beginning of the first paragraph in Appendix A is hereby corrected to read Roman numeral "I".

3. Paragraph 1 of section (o) of Appendix A I is hereby corrected to read as follows:

1. At destinations in Larimer, Boulder, Adams, Weld, Morgan, Washington, Kit Carson, Yuma, Phillips, Logan, Sedgewick, Lincoln, Cheyenne, Elbert, Arapahoe and Denver Counties of Colorado, the maximum prices shall be \$3.22 per hundredweight for such flour with a protein content of 13.5% or less and \$3.29 per hundredweight for such flour with a protein content greater than 13.5%.

4. Paragraph 2 of section (o) of Appendix A I is hereby corrected to read as follows:

2. At destinations in Gilpin, Clear Creek, Park, Douglas, El Paso, Fremont, Custer, Huerfano, Las Animas, Baca, Prowers, Bent, Otero, Pueblo, Crowley, Jefferson, Teller, and Kiowa Counties of Colorado the maximum prices shall be \$3.27 per hundredweight for such flour with a protein content of 13.5% or less and \$3.34 for such flour with a protein content greater than 13.5%.

5. Paragraph 1 of section (p) of Appendix A I is hereby corrected to read as follows:

1. In Quay, Debaca, Curry, Roosevelt, Guadalupe, Lincoln, Otero, Chaves, Lea and Eddy Counties in New Mexico, the maximum prices shall be \$3.06 per hundredweight for such flour with a protein content of 13.5% or less and \$3.13 per hundredweight for such flour with a protein content greater than 13.5% plus the charge at the lowest flat carload rail rate from Enid, Oklahoma, to the destination.

6. Paragraph (i) of section (c) of Appendix A VII is hereby corrected by in-

<sup>1</sup> 8 F.R. 16282.

serting the word "or" between the words "now" and "hereafter."

7. The reference to "paragraph (c)" appearing in section (b) of Appendix A VIII is hereby corrected to read "paragraph (d)."

8. The seller's charge per hundred-weight over the 100 pound cotton carload price for 10 pound cotton containers appearing in Column 1 of the first table in Appendix A, section VIII (d), as "\$0.05 over cwt. basis" is hereby corrected to read "\$0.50 over cwt. basis."

9. The last table in section (d) of Appendix A VIII is hereby corrected to read as follows:

	<i>Cents per cwt. additional</i>
Outside jute envelopes (1 to cwt.)	17½
Outside jute envelopes (2 to cwt.)	22½
Outside jute envelopes (4 to cwt.)	30
Outside cotton envelopes (1 to cwt.)	25
Outside fibre containers (2 to cwt.)	22½
Outside paper envelopes (1 to cwt.)	15
Outside paper envelopes (2 to cwt.)	17½
Outside paper envelopes (4 to cwt.)	25
Other outside containers	actual cost

10. Section IX (1) of Appendix A is hereby corrected to read as follows:

(1) The maximum prices for shipments or deliveries of more than 250 hundred weights but less than a carload quantity shall be the maximum carload prices at said points (said points being deemed a destination for this purpose) as set forth in this Appendix A except as provided in subdivision 3 of this section IX.

This correction shall become effective January 3, 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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20505; Filed, December 27, 1943; 11:51 a. m.]

**PART 1382—HARDWOOD LUMBER**

[RMFR 97,<sup>1</sup> Amdt. 11]

**SOUTHERN HARDWOOD LUMBER**

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

Revised Maximum Price Regulation No. 97 is amended in the following respects:

1. In § 1382.103 (a) (3), the first paragraph is amended to read as follows:

*Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition: \* \* \*

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

<sup>1</sup> 8 F.R. 142, 3530, 5177, 5479, 8860, 10762, 11161, 11690, 13728, 15430.

2. In § 1382.112 (b), the following is added to notes under subparagraph (35):

*Deduction for mixed hardwoods.* For Mixed Hardwoods—Structural Stock or Sound Square Edge, deduct \$4.00 from the maximum price for White Oak or Red Oak—Structural Stock or Sound Square Edge in the same size in above schedule.

3. In § 1382.112 (b), the following is added to the notes under subparagraph (36):

*Deduction for mixed hardwoods.* For Mixed Hardwoods—Freight Car Stock, Common Dimension, Mine Car Lumber, deduct \$4.00 from the maximum price for White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber, in the same size in above schedule.

This amendment shall become effective January 3, 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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20506; Filed, December 27, 1943; 11:51 a. m.]

**PART 1382—HARDWOOD LUMBER**

[MPR 223,<sup>1</sup> Amdt. 10]

**NORTHERN HARDWOOD LUMBER**

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. 223 is amended in the following respects:

1. In § 1382.163 (b) the following is added to notes under subparagraph (18):

*Deduction for mixed hardwoods.* For Mixed Hardwoods—Structural Stock or Sound Square Edge, deduct \$4.00 from the maximum price for White Oak or Red Oak—Structural Stock or Sound Square Edge in the same size in above schedule.

2. In § 1382.163 (b) the following is added to notes under subparagraph (19):

*Deduction for mixed hardwoods.* For Mixed Hardwoods—Freight Car Stock, Common Dimension, Mine Car Lumber, deduct \$4.00 from the maximum price for White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber, in the same size in above schedule.

3. Section 1382.163 (c) is amended to read as follows:

(c) *Deduction for green.* For lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix A, 10 percent of the maximum price for rough, air-dried material in the same specifications.

This deduction shall not apply to special sawn timbers, tough ash lumber, or to lumber customarily used without air seasoning, but it shall apply to any lumber which requires further air seasoning by the purchaser before being placed in

<sup>1</sup> 7 F.R. 7445, 8945; 8 F.R. 121, 2783, 5480, 5629, 8945, 10939, 14136, 15193.

the kiln for kiln-drying, or before fabrication if not kiln-dried.

The mere fact that the lumber is not used immediately, but is stored on the purchaser's yard, does not necessarily mean that green lumber has been shipped, but in case of dispute any lumber which weighs 25 percent or more in excess of the air-dried weight as published in the Rules for the Measurement and Inspection of Hardwood Lumber, issued by the National Hardwood Lumber Association, January 1, 1943, or for weights filed with the Office of Price Administration by the individual shippers, shall be considered to be "green."

Any purchaser who accepts "green" lumber at prices applicable to "dry" lumber is guilty of violation of the Regulation to the same extent as the seller.

4. Section 1382.166 (c) (2) is amended to read as follows:

(2) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(ii) Where a mill's rail connection has been abandoned since September 5, 1941.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C. The addition may not be made on quotations or sales until permission has been received.

5. In § 1382.165 (c), the opening paragraph and subparagraph (1), (2), and (3) are redesignated subparagraph (1), and amended; subparagraph (4) is redesignated (2) and amended; and subparagraph (5) is redesignated (3); all to read as set forth below:

(c) *Maximum prices for "non-standard special" grades and items other than combination grades.* (1) Northern hardwood lumber, sold on special grades or specifications or with special services or other extras not specifically mentioned in Appendix A or B, is nevertheless subject to this regulation. The maximum price is a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C. on OPA Form 323:1, given in paragraph (3) below. It may be ordered reduced, if it is found excessive. But, if the price is not disapproved within 30

days of the receipt of the report, it is approved. Applications for approval of maximum prices for special grades and items under this section will be considered only when accompanied by (i) a true copy of the order or of customer's inquiry on the basis of which the application has been submitted; and (ii) a statement certified to be true by the purchaser or prospective purchaser to the effect that none of the grades specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; that it has been his custom to purchase lumber on such special specifications. Approval of the price will be conditional on a finding that the purpose for which the special grade item is to be used is classified by the War Production Board as essential to the war effort. Prices, when approved, for such special grades or items will be based on the price differential previously established between the particular special item requirement and the related grade rule specification.

(2) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But, he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(3) Copies of Form 323:1 can be obtained from the Office of Price Administration, or Form 323:1 can be reproduced by the seller, providing no change is made in style or content of the form.

This amendment shall become effective January 3, 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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20507; Filed, December 27, 1943; 11:50 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,<sup>1</sup> Amdt. 101]

PROCESSED FOODS

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

Section 5.8 (e) is amended by deleting the next to last sentence, and inserting in lieu thereof, the following:

A retailer who does not have enough points at the time of registration must, within one week after the last day of each calendar month (beginning with the month of December 1943), give up to the board with which he is registered

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

<sup>1</sup> 8 F.R. 11048, 11383, 11483, 11513, 11753, 11812, 12025, 12297, 12312, 12446, 12485, 12548, 12560, 11301, 13492, 13980, 14346, 14472, 14473, 14476, 14477, 14620, 14764, 14766, 14844, 15380, 15594.

(or to the Washington Office, if he is registered there) the points which he has on hand and in his ration bank account at the end of that month, until he has, in this way, given up points equal to his excess inventory. He may, however, keep points equal to 25% of the number of points he received for his sales or transfers of processed foods during March 1943, or, if March 1943 is not the period used for establishing his allowable inventory, then during the month which has been used as such base. (Points for which ration checks are outstanding, points owed for acquisitions of processed foods during such month, and points owed for under-deliveries of such foods are not considered points which he has "on hand".)

This amendment shall become effective December 30, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20509; Filed, December 27, 1943; 11:50 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,<sup>1</sup> Amdt. 100]

PROCESSED FOODS

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

Appendix A is amended by adding, in its alphabetical place, the following paragraph:

*Raisin blows and sweepings.* Raisin blows and sweepings means the by-product of the sorting, packaging, or otherwise processing of raisins, and consists of a mixture of cap stems, stalks, over-ripe, under-ripe and damaged raisins, which is not a recognized trade variety of raisins (for human consumption), and which is customarily sold as animal feed or for use in making alcohol.

This amendment shall become effective December 30, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179, WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20508; Filed, December 27, 1943; 11:51 a. m.]

<sup>1</sup> 8 F.R. 11048, 11383, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560, 11301, 13492, 13980, 14346, 14472, 14473, 14476, 14477, 14620, 14764, 14766, 14844, 15380, 15594.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Corr. to Amdt. 67]

HAND-HOOKED COTTON RUGS

Subparagraph (h) (3) is corrected in the following respect:

The date January 1, 1944 is corrected to read February 1, 1944.

This correction shall be effective as of December 27, 1943.

(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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20511; Filed, December 27, 1943; 11:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 77-C]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

SUSPENSION OF REQUIREMENTS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of December, 1943;

The Commission having under consideration its Rules Governing Amateur Radio Stations and Operators and its Rules Governing Commercial Radio Operators, with particular reference to the provisions concerning renewals; and

It appearing, that present conditions render it difficult for commercial radio operators and for amateur radio station licensees and operators to make a showing of service or use required for renewal of license; and that such difficulty will be accentuated in many instances due to military service;

It is ordered, That §§ 12.26 and 12.66 of the Rules Governing Amateur Radio and § 13.28 of the Rules Governing Commercial Radio Operators, insofar as the required showing of service or use of license is concerned, be, and they are hereby, suspended, until further order of the Commission, but in no event beyond January 1, 1945.

This order shall become effective January 1, 1944.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-20431; Filed, December 24, 1943; 11:53 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order No. CMA-12]

A. & B. COAL CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

Orders have been issued terminating Government possession of the mines of the mining companies listed in Appendix A, and said mining companies have duly executed and delivered to the Coal Mines Administrator appropriate Instruments, as provided in the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States for the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, be, and they hereby are, terminated.

HAROLD L. ICKES,  
Secretary of the Interior.

DECEMBER 24, 1943.

APPENDIX A

NAME OF MINING COMPANY AND ADDRESS

1. A. & B. Coal Co., Crawford, Tenn.
2. Alvey Bros. Coal Co., 431 Leitchfield Road, Owensboro, Ky.
3. Askrens, Mr. Edward (Askrens Coal Co.), 1505 Elm Street, Coshocton, Ohio.
4. Atlas Coal Company, Inc., The, 124 South First Street, Oskaloosa, Iowa.
5. Bartley & Childers Coal Co., Big Branch, Ky.
6. Bear Creek Coal Co., Mount Victory, Ky.
7. Big Six Coal Co., Inc., Hamilton, Iowa.
8. Borgman, L. H. & J. W., Inc., R. F. D. No. 4, Tunnelton, W. Va.
9. Buchanan Coal Co., Hazard, Ky.
10. Bucklin Coal Mining Co., Bucklin, Mo.
11. Byesville Coal Co., Byesville, Ohio.
12. C & M Coal Co., 407 Federal Building, Youngstown, Ohio.
13. Clay County Collieries, Inc., 901 Odd Fellows Bldg., Indianapolis, Ind.
14. Deep Hollow Coal Co., Cabin Creek, W. Va.
15. Deer Creek Mining Co., Huntington, Utah.
16. Elkhorn Ferguson Coal Co., Pikeville, Ky.
17. Fry Coal Co., F. B. Wayne, W. Va.
18. Hirst & Co., John M., 932 Leader Bldg., Cleveland, Ohio.
19. International Harvester Co., Benham, Ky.
20. Lieving Coal Co., Kaylong, W. Va.
21. Logan Clay Products Co., The, 201 East Bowen Street, Logan, Ohio.
22. Marston Coal Co., Inc., 417 Boulevard of Allies, Pittsburgh, Pa.
23. Marteness Mining Co., 529 Biglow Street, Peoria, Ill.
24. Mullins, Mr. Allen, Box 143, Big Branch, Ky.
25. Myers Coal Co., Grantsville, Md.
26. Nash Coal Co., Raven, Va.
27. Neilson Coal Co., Shawnee, Ohio.
28. Peach Orchard Coal Co., Inc., P. O. Box 323, Henderson, Ky.

29. Pikeville Coal Co., Pikeville, Ky.
30. Queen, Mr. Carl L. (Carl L. Queen Coal Co.) Buckhannon, W. Va.
31. Reynolds, Mr. W. A. Box 281, Richwood, W. Va.
32. Rupert Coal Co., New Waterford, Ohio.
33. Sicker Coal Mining Co., Coshocton, Ohio.
34. Springfield Salisbury Coal Co., Pleasant Plains, Ill.
35. Swan Creek Mining Co., St. Charles, Mich.
36. Sylvan Grove Coal Co., The, Grassflat, Pa.
37. Umbria Coal Co., Mulberry, Kans.
38. Upper Elk Coal Co., Inc., Woodstock, Va.
39. Viaduct Coal Co., R. D. 1, Baxter, Pa.
40. Williams Coal Co., Junior, W. Va.
41. Youngstown Sheet & Tube Co., Youngstown, Ohio.

[F. R. Doc. 43-20503; Filed, December 27, 1943; 11:18 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 13]

BACH TRANSPORTATION CO., ET AL.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Bach Transportation Company, Griffith's & Sons, Utica, New York; Kane Trucking Company, Frankfort, New York; Bushy Trucking Company, Lowville, New York; and Hill Transportation Company, Hamilton, New York. (Case No. S-497.)

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. no. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of a labor dispute involving the Bach Transportation Company and Griffith's & Sons, Utica, New York; Kane Trucking Company, Frankfort, New York; Bushy Trucking Company, Lowville, New York; and Hill Transportation Company, Hamilton, New York;

I find that transportation of paper products by motor vehicle by the Bach Transportation Company, Utica, New York, pursuant to its contract with the Continental Can Company, Utica, New York, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act;

I further find that transportation of flour by motor vehicle to bakery companies by Griffith's & Sons, Utica, New York; transportation of boxboard, waste paper and chemicals by motor vehicle by the Kane Trucking Company, Frankfort, New York; transportation of cheese by motor vehicle by the Bushy Trucking Company, Lowville, New York; and transportation of farm produce by motor vehicle by the Hill Transportation Company, Hamilton, New York, pursuant to contracts therefor, are contracted for in the prosecution of the war within the

meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 24th day of December 1943.

DOUGLAS B. MAGGS,  
Acting Secretary of Labor.

[F. R. Doc. 43-20457; Filed, December 24, 1943; 1:13 p. m.]

#### Wage and Hour Division.

#### LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS AGENCIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302)

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer, is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

#### NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

##### APPAREL INDUSTRY

Carolina Underwear Company, Inc., Thomasville, North Carolina; rayon and cotton garments, panties, shirts, shorts, pajamas; 5 learners (T); effective December 22, 1943, expiring December 21, 1944.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Anderson Bros. Consolidated Co.'s Inc., High and Floyd Streets, Danville, Virginia; men's and women's industrial uniforms; 10 percent (T); effective December 24, 1943, expiring December 23, 1944.

Dick's Dress Company, 25 Forest Street, Rutland, Vermont; ladies' sportswear; 10 learners (T); effective December 24, 1943, expiring December 23, 1944.

Hershey Garment Company, Paradise, Pennsylvania; women's lingerie, slips, gowns; 10 percent (T); effective January 5, 1944, expiring January 4, 1945.

H. Rosenstock & Sons, 48 Canal Street, Ellenville, New York; boy's wash suits; 10 learners (T); effective December 24, 1943; expiring December 23, 1944.

##### HOSIERY INDUSTRY

Adams-Millis Corporation, Plant #1, 400 English Street, High Point, North Carolina; seamless and full-fashioned hosiery; 5 percent (T); effective December 23, 1943, expiring December 22, 1944.

Adams-Millis Corporation, Plant #2, Grimes Street, High Point, North Carolina; seamless and full-fashioned hosiery; 5 percent (T); effective December 23, 1943, expiring December 22, 1944.

Adams-Millis Corporation, Plant #3, Washington Street, High Point, North Carolina; seamless and full-fashioned hosiery; 5 percent (T); effective December 23, 1943, expiring December 22, 1944.

Adams-Millis Corporation, Plant #4, Bodenheimer Street, Kernersville, North Carolina; seamless and full-fashioned hosiery; 5 percent (T); effective December 23, 1943, expiring December 22, 1944.

Adams-Millis Corporation, Plant #7, English Street, High Point, North Carolina; seamless and full-fashioned hosiery; 5 percent (T); effective December 23, 1943, expiring December 22, 1944.

Adams-Millis Corporation, Plant #8, Tryon, North Carolina; seamless and full-fashioned hosiery; 5 percent (T); effective December 23, 1943, expiring December 22, 1944.

Elizabeth City Hosiery Mills, Elizabeth City, North Carolina; full-fashioned and seamless hosiery; 20 learners (AT); effective December 24, 1943, expiring June 23, 1944.

Excel Hosiery Mills, Union, South Carolina; seamless hosiery; 10 percent (AT); effective December 27, 1943, expiring December 26, 1944.

Murray Hosiery Mills, Inc., 501 South Fourth Street, Murray, Kentucky; seamless hosiery 15 percent (AT); effective December 22, 1943, expiring June 21, 1944.

##### TELEPHONE INDUSTRY

Central Iowa Telephone Company, Toledo, Iowa; to employ learners as commercial switchboard operators at its Rolfe exchange, located at Rolfe, Iowa; effective January 12, 1944, expiring January 11, 1945.

Central Iowa Telephone Company, Toledo, Iowa; to employ learners as commercial switchboard operators at its Hartley exchange, located at Hartley, Iowa; effective January 5, 1944, expiring January 4, 1945.

Signed at New York, N. Y., this 24th day of December 1943.

ISABEL FERGUSON,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-20514; Filed, December 27, 1943; 11:53 a. m.]

#### FINESILVER MFG. CO.

#### CANCELLATION OF LEARNER EMPLOYMENT CERTIFICATE

Notice confirming cancellation of special certificate issued to the Finesilver Manufacturing Company of San Antonio, Texas for the employment of learners at subminimum wage rates in the single pants, shirts and allied garments and women's apparel industries.

Notice is hereby given that the undersigned, duly designated by the Administrator of the Wage and Hour Division as his authorized representative to review the findings, determination and order dated August 5, 1943, cancelling, as of January 29, 1942, a special learner certificate issued on January 29, 1942 to the Finesilver Manufacturing Company of San Antonio, Texas, has on this day—pursuant to section 14 of the Fair Labor Standards Act of 1938 and Part 522, as amended, of the regulations issued thereunder—made his findings and affirmed the afore-mentioned order of cancellation.

The said order of cancellation shall, as provided by §§ 522.8 (5) and 522.13 (4) of regulations, Part 522, as amended, become effective upon the publication of this notice in the FEDERAL REGISTER.

Signed at New York, New York, this 23d day of December 1943.

F. GRANVILLE GRIMES, Jr.,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-20513; Filed, December 27, 1943; 11:53 a. m.]

#### INTERSTATE COMMERCE COMMISSION.

[S. O. 164, General Permit 6]

#### CITRUS FRUIT SHIPMENTS

##### REICING IN TRANSIT

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 in transit to full bunker capacity one time only between origin and final destination, after the first or initial icing, any refrigerator car loaded with a straight carload shipment of tangerines originating at any point or points in the State of Florida moving to destinations in southeastern territory including upper Ohio River crossings: *Provided*, That the waybills shall show reference to this general permit.

This general permit shall become effective at 12:01 a. m., December 22, 1943, and shall expire at 12:01 a. m., January 21, 1944.

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 21st day of December 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-20405; Filed, December 24, 1943;  
11:07 a. m.]

[S. O. 164, General Permit 7]

CITRUS FRUIT SHIPMENTS

ICEING IN TRANSIT

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 ice in transit to full bunker capacity one time only between origin and final destination, after the first or initial icing, any refrigerator car loaded with a straight carload shipment of Temple oranges provided the waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., December 22, 1943, and shall expire at 12:01 a. m., February 1, 1944.

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 21st day of December 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-20406; Filed, December 24, 1943;  
11:07 a. m.]

[S. O. 169]

MERIDIAN AND BIGBEE RIVER RAILWAY CO.  
REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of December, 1943.

It appearing, that due to the destruction of a bridge by fire on the Meridian and Bigbee River Railway Company (J. C. Floyd, Trustee) that carrier by railroad is unable to transport the traffic offered to it; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and

the commerce of the people: It is ordered, that:

(a) *Bridge destruction; rerouting of freight traffic.* Effective at once and until further order of the Commission the Meridian and Bigbee River Railway Company (J. C. Floyd, Trustee) is hereby directed to forward freight traffic routed over its lines by routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded only as conflicting with the directions hereby made; *Provided*, That the billing covering all cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Rates to be applied.* Inasmuch as the routing of traffic pursuant to this order is deemed to be due to carriers' disability, the rates applicable to traffic routed pursuant to this order shall be the same as would have applied had the shipments moved as originally routed.

(c) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-17)

*It is further ordered*, That copies of this order and direction shall be served upon the Meridian and Bigbee River Railway Company (J. C. Floyd, Trustee), and 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 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. 43-20407; Filed, December 24, 1943;  
11:07 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Rev. ODT 3, Supp. Order 133]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS  
IN COLORADO

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by Ed Haines, an individual, doing business as Haines Motor Freight, of Durango, Colorado, and Elsie Clark Nielsen, an individual, doing business as Bill Clark Truck Line, of Alamosa, Colorado, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any terms of this order, or effectuation of any provision of such plan would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the

<sup>1</sup> Filed as part of the original document.

terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-133," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 28, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of December, 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-20402; Filed, December 24, 1943; 11:21 a. m.]

[ODT 20A, Supp. Order 50]

#### TAXICAB OPERATORS

##### COORDINATED OPERATIONS IN SAN JOSE, CALIFORNIA, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of San Jose, California so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the ap-

propriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed to have required or as requiring the inclusion of section 2 in Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, San Francisco, California, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-50" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, San Francisco, California.

8. This order shall become effective January 7, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of December 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

<sup>1</sup> Filed as part of the original document.

#### APPENDIX 1

Yellow Cab Company, San Jose, Calif.  
Mission Taxi Company, San Jose, Calif.  
De Luxe Taxi Company, San Jose, Calif.

[F. R. Doc. 43-20401; Filed, December 24, 1943; 11:21 a. m.]

[ODT 6A, Supp. Order 15]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS WITHIN AN AREA COMPRISED OF THE CITY OF MONTGOMERY, ALABAMA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A,<sup>2</sup> a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to

<sup>2</sup> 8 F.R. 8757, 14582.



any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-15" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 28, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of December 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

APPENDIX 1

1. Ellis C. & Roye W. Lowry, doing business as Alabama Transfer & Warehouse Company, 501 North Perry Street, Montgomery, Ala.
2. Moeller Transfer & Storage Company, 206 Coosa Street, Montgomery, Ala.

[F. R. Doc. 43-20403; Filed, December 24, 1943; 11:22 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[2d Rev. MPR 270, Order 1]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

AUTHORIZATION OF SALES AND DELIVERIES

For the reasons set forth in an opinion accompanying this order, and pursuant to section 8 (c) of Second Revised Maximum Price Regulation 270, *It is ordered:*

(a) That sales and deliveries of carlot quantities of dry edible beans located at country shipping points may be made, and (b) any person may package and sell and deliver dry edible beans; subject to an agreement between the buyer and seller, in each case, that the price shall be determined pursuant to action taken by the Office of Price Administration after delivery.

In such sales the seller shall not invoice the goods at a price higher than the maximum price for the particular sale in effect at the time of delivery, nor shall he collect or receive more than that price until appropriate action has been taken by the Office of Price Administration.

This order shall become effective December 23, 1943.

(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 23d day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20386; Filed, December 23, 1943; 4:32 p. m.]

[MPR 425, Order 1]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

AUTHORIZATION OF SALES AND DELIVERIES OF APPLES

For the reasons stated in an opinion accompanying this order and pursuant to section 7 of Maximum Price Regulation 425, *It is ordered:*

That growers and packers may sell and deliver apples to processors under an agreement with the buyer that the price shall be later determined pursuant to action taken by the Office of Price Administration after delivery.

In any sale of apples pursuant to this order, the seller shall not invoice the goods for more than the maximum price for such sale in effect at the time of delivery nor charge or receive more than that price until appropriate action has been taken by the Office of Price Administration.

This order shall become effective December 23, 1943.

(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 23d day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20387; Filed, December 23, 1943; 4:32 p. m.]

[MPR 136, Amdt. 1 to Order 13]

INFERNO COMPANY

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 1 to Order No. 13 under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. Docket No. 3136-191.

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

Order No. 13 is amended in the following respects:

1. Paragraphs (e) and (f) are redesignated (f) and (g), respectively.
2. Paragraph (e) is added to read as follows:

(e) The maximum price for sales by persons other than the Inferno Company

of safety valves, low pressure gas burners, medium pressure gas burners and water column gauges, manufactured by the Inferno Company, shall be determined as follows: The seller shall deduct from the list price which the Inferno Company had in effect on November 1, 1942, all discounts, allowances and other discounts from the list price that the seller had in effect to a purchaser of the same class on November 1, 1942.

This amendment shall become effective December 27, 1943.

Issued this 24th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20444; Filed, December 24, 1943; 12:10 p. m.]

[MPR 188, Amdt. 1 to Order 1052]

CERTAIN ARTICLES OF WOOD HOUSEHOLD FURNITURE

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 1052 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods—other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) Appendix X, *Highlights of the order*, paragraph 3, is amended to read as follows:

3. Retailers must absorb the adjustment charges. Manufacturers have been authorized to add the 5% adjustment charge provided for in this order because their costs have risen so greatly that they cannot continue to sell at their existing maximum (ceiling) prices. Wholesalers are permitted to add a 4% adjustment charge to their maximum prices. Retailers are required to absorb these adjustment charges and are not permitted by OPA to add anything to their present ceiling prices, which must remain the same.

*New articles.* If you are a retailer, who sells one of the articles covered by the order you should take special care in pricing new articles not to consider the adjustment charge as part of your costs. If the ceiling price for a new article is determined under section 2 of the General Maximum Price Regulation, the adjustment charge may not be considered as part of the costs of the article for the purpose of determining whether it is the same or similar to another article. If the price for the new article is to be determined under section 3 (a) of the General Maximum Price Regulation, the adjustment charge added by the manufacturer or wholesaler is not to be included in the "replacement cost" of the comparable article or as part of the cost of the new article.

(b) This Amendment No. 1 shall become effective on the 27th day of December 1943.

Issued this 24th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20445; Filed, December 24, 1943; 12:11 p. m.]

[Order 10 Under RPS 60]

AMERICAN SUGAR REFINING CO.

**AUTHORIZATION OF MAXIMUM PRICES**

Order No. 10 under § 1334.51 (a) (6) (i) of Revised Price Schedule 60. Direct consumption sugar.

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

(a) *Maximum prices governing sales by primary distributors of certain new grades and packages of direct consumption sugar.* (1) The American Sugar Refining Company and other primary distributors of direct consumption sugar are hereby authorized to determine their maximum price for 60 lbs. net of granulated sugar packed 10 lbs. net in each of 6 cotton bags and enclosed in a 5 ply multi-wall kraft paper sack by adding a differential of 50 cents per 100 lbs. net to the maximum basis price.

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

(c) This order shall become effective December 28, 1943.

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

Issued this 27th day of December, 1943.

CHESTER BOWLES,  
*Administrator.*

[F. R. Doc. 43-20512; Filed, December 27, 1943; 11:50 a. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

[File No. 812-339]

EQUITY FUND INC., AND SHAREHOLDERS  
CORP.

**NOTICE OF AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of December, A. D. 1943.

Equity Fund Incorporated (Equity) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act a transaction in which Equity, pursuant to a resolution of its Board of Directors, proposes to purchase and Shareholders Corporation (Shareholders) pursuant to the majority approval of its stockholders, proposes to sell all of the net assets of Shareholders in exchange for such number of shares of Equity's common stock taken at net asset value and without the imposition of a sales load as will equal the market value of the assets transferred. It is contemplated that Shareholders will thereupon dissolve and distribute the shares of Equity to its stockholders in liquidation. Equity and Shareholders are registered open-end investment companies and are affiliated persons of each other within the purview of section 17 (a) of the act.

*It is ordered,* Pursuant to section 40 (a) of the said act that a hearing on the aforementioned application be held on

January 3, 1944, at 10:00 a. m. eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

*It is further ordered,* That Robert P. Reeder, Esq., and any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Equity Fund Incorporated, Shareholders Corporation and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
*Secretary.*

[F. R. Doc. 43-20391; Filed, December 24, 1943; 9:21 a. m.]

[File Nos. 70-684, 54-86]

**TWIN STATE GAS AND ELECTRIC CO., ET AL.  
ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of December 1943.

In the matter of The Twin State Gas & Electric Company, Public Service Company of New Hampshire, Central Vermont Public Service Corporation, New England Public Service Company, File No. 70-684; The Twin State Gas & Electric Company, Central Vermont Public Service Corporation, and New England Public Service Company, File No. 54-86.

The Twin State Gas & Electric Company, Public Service Company of New Hampshire and Central Vermont Public Service Corporation, subsidiary companies of New England Public Service Company, a registered holding company, together with New England Public Service Company, having filed applications and declarations and amendments thereto pursuant to sections 6 (b), 11 (e) and 12 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder with respect to the following matters:

1. Central Vermont Public Service Corporation will issue and sell 322,950 shares of common stock as follows: 194,295 shares will be sold to a group of underwriters headed by Coffin & Burr, Incorporated, at a price to the company of \$14.92 per share and at an initial offering price to the public of \$16.00 per share; of said 194,295 shares, 178,000 shares are being sold for the account of Central Vermont Public Service Corporation and 16,295 shares are being sold for the account of New England Public Service Company; the proceeds of the sale of the shares being sold for the account of New England Public Service

Company, \$243,121.40, will be contributed by New England Public Service Company to Central Vermont Public Service Corporation for the purpose of creating capital surplus, of which \$243,113.91 will be transferred immediately to preferred stock account and the balance will be transferred immediately to the reserve against other physical properties; 2,954 shares will be sold to New England Public Service Company at \$16.00 per share; 141,996 shares (including the 16,295 shares referred to above) will be issued by Central Vermont Public Service Corporation to New England Public Service Company in exchange for the latter's present interest in The Twin State Gas & Electric Company pursuant to an Agreement of Merger by which said The Twin State Gas & Electric Company will be merged into Central Vermont Public Service Corporation.

Central Vermont Public Service Corporation will issue and sell \$500,000 aggregate principal amount of its First Mortgage Bonds, Series C, 3¼%, due 1973, to National Life Insurance Company at a price of 105.325 and accrued interest.

2. Public Service Company of New Hampshire will issue and sell to Massachusetts Mutual Life Insurance Company \$900,000 aggregate principal amount of its First Mortgage Bonds, Series A, 3¼%, due 1973, at a price of 105.26231 and accrued interest.

Public Service Company of New Hampshire will issue and sell \$2,500,000 aggregate face amount of its unsecured 10-year serial notes, of which \$125,000 face amount thereof will mature semi-annually commencing June 15, 1944. The first ten maturities will bear interest at the rate of 2½% per annum and will be purchased at face amount by The First National Bank of Boston and the last ten maturities will bear interest at the rate of 2¾% per annum and will be purchased at face amount by John Hancock Mutual Life Insurance Company.

Public Service Company of New Hampshire will issue and sell 3,180 shares of its common stock to New England Public Service Company at \$56 per share;

3. Application having been made that the Commission exempt from the requirements of Rule U-50 the issuance and sale of 194,295 shares of common stock of Central Vermont Public Service Corporation through underwriters to the public; and

The Commission having made and filed its findings and opinion herein;

*It is hereby ordered,* That the aforesaid applications and declarations as amended, be, and hereby are granted and permitted to become effective and the various transactions herein be and the same hereby are approved pursuant to the applicable sections of the act subject, however, to the terms and conditions set forth in Rule U-24 and subject also to the following additional terms and conditions, which additional terms and conditions shall supersede the terms and conditions of the Commission's orders of November 25, 1943, and December 6, 1943, herein, and Conditions I and II of the Commission's order of March 19, 1943:

I

1. No dividends, except dividends payable in common stock, shall be declared or paid by Public Service Company of New Hampshire on the common stock;

(a) From earnings accumulated prior to January 1, 1943, or

(b) From earnings retained under paragraph 3 (a).

2. No dividends, except dividends payable in common stock, shall be declared or paid on the common stock from earnings accumulated subsequent to December 31, 1942, unless, to the end of the calendar month next preceding the month in which any such declaration is made, provision shall have been made for depreciation at the rate of two per cent per annum of depreciable electric plant either by direct charges to expense or by the retention of earnings in addition to those accumulated under paragraph 3 (a).

3. Until there shall have been retained, or otherwise accumulated by the operations of this paragraph 3, an amount which shall aggregate \$3,000,000, subject to the adjustments provided for in paragraph 4, no dividends, except dividends payable in common stock, shall be declared or paid on the common stock at any time, unless for the entire period from December 31, 1942, to the end of the calendar month next preceding the month in which any such declaration is made, the total equity capital, including surplus, shall have been increased, subject to the adjustments provided for in paragraph 4, at the rate of \$300,000 per annum by the effect of any one of, or by the combined effect of any two or more of the following:

(a) The retention of earnings applicable to common stock;

(b) The sale of additional common stock for cash;

(c) The issue of additional common stock in consideration for property of a kind properly included in utility plant.

4. The requirements of the retentions and restrictions imposed by paragraphs 1 and 3 may be reduced;

(a) By adjustments applicable to Earned Surplus, and

(b) By any amount by which the utility plant account shall have been amortized in accordance with any program filed with regulatory authorities having jurisdiction, or in accordance with any order issued by any such authority, if such amortization shall have been effected through deductions from income or through charges to surplus.

II

That jurisdiction be and the same hereby is reserved to the Commission to pass upon all legal fees in connection with the foregoing transactions.

It is further ordered and recited, That the transactions described in paragraphs 1 and 2 above are found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and that said transactions be and hereby are specifically authorized, permitted and approved to effectuate the provisions of section 11 (b) of said act within the meaning of section 373 (a) of the Internal Revenue Code, as amended,

and that said transactions shall be consummated within sixty days from the date of our order.

By the Commission,

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-20392; Filed, December 24, 1943; 9:21 a. m.]

[File No. 70-833]

GLENDALE WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of December, A. D. 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 and Rule U-46 thereof, by Glendale Water Company, a wholly-owned subsidiary of Pennsylvania State Water Corporation, a subsidiary of American Water Works and Electric Company, Incorporated, a registered holding company; and

Notice is further given that any interested person may, not later than January 3, 1944, at 5:30 p. m., e. w. t., request the Commission that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may be granted or may become effective, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application or declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Glendale Water Company, whose principal assets consist of cash and whose principal liabilities consist of accrued Federal income taxes and capital stock, proposes to liquidate and dissolve, all of its physical property having been sold to the Town of Glendale, West Virginia. To effectuate this purpose, Glendale Water Company proposes to distribute \$57,500 as a partial liquidating dividend on its capital stock, all of which is owned by its immediate parent, Pennsylvania State Water Corporation. The balance of its assets, consisting of \$10,204 in cash; will be used initially to satisfy tax and any other remaining liabilities and thereafter as a final liquidating distribution paid to Pennsylvania State Water Corporation.

By the Commission,

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-20395; Filed, December 24, 1943; 9:21 a. m.]

[File No. 70-828]

OGDEN CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of December, A. D. 1943.

Ogden Corporation, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-46 of the rules and regulations promulgated thereunder, with respect to the payment out of surplus of November 30, 1943, of a dividend on its common stock at the rate of 25¢ per share, payable on December 29, 1943, to holders of record at the close of business on December 22, 1943; said proposed dividend payment aggregating \$850,925.55 and being out of earned surplus to the extent of such surplus and the remainder out of capital surplus, the earned surplus and capital surplus of Ogden Corporation as of November 30, 1943, aggregating \$289,755.16 and \$3,257,818.07, respectively; the dividend checks to be accompanied by a statement of the source of the dividend payment;

Said declaration having been filed December 1, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said declaration within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

Said declarant having requested that the effective date of said declaration be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to section 12 (c) and Rule U-46 promulgated thereunder to become effective;

The Commission being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to Rule U-23 that the said declaration be and it hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission,

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-20394; Filed, December 24, 1943; 9:21 a. m.]

[File No. 811-186]

AMERICAN SECURITIES SHARES

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of December, A. D. 1943.

An application having been filed by American Securities Shares pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an invest-

ment company within the meaning of said act;

*It is ordered*, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on January 3, 1944, at 10:00 a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

*It is further ordered*, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-20396; Filed, December 24, 1943;  
9:22 a. m.]

[File No. 70-826]

**JERSEY CENTRAL POWER & LIGHT CO. AND  
AGINCOURT LAND CORP.**

**NOTICE OF FILING AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 20th day of December 1943.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Jersey Central Power & Light Company, an indirect subsidiary of the Trustees of Associated Gas and Electric Corporation, a registered holding company, and Agincourt Land Corporation, a wholly-owned subsidiary of Jersey Central Power & Light Company.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Jersey Central Power & Light Company proposes to make a "gratuitous contribution" to the capital of Agincourt Land Corporation by forgiving all of the indebtedness owed by this latter named corporation to Jersey Central Power & Light Company. As at October 31, 1943, this amounted to \$302,975.02, and was in the form of an open account. This represents the total indebtedness of Agincourt Land Corporation.

Subsequent to the capital contribution, it is proposed that Agincourt Land Corporation be consolidated and merged into Jersey Central Power & Light Company, and that the capital stocks of Agincourt Land Corporation, consisting solely of common stock (all of which is presently owned by Jersey Central Power & Light Company) be returned to Agincourt Land Corporation for cancellation.

The applicants-declarants have designated sections 9 (a), 10, 12 (b), 12 (c), 12 (d), and Rules U-41, U-42, U-43, and U-45, as being applicable to the proposed transactions.

It appearing to the Commission that it is proper and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration, and that said application should not be granted, or said declaration should not become effective, except pursuant to further order of the Commission;

*It is hereby ordered*, That a hearing be held upon said matters on January 5, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why the application-declaration should be granted and should be permitted to become effective.

*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 hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered*, That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

1. The precise nature of the assets of Agincourt Land Corporation, and whether or not the acquisition of such assets by Jersey Central Power & Light Company is detrimental to the carrying out of the provisions of section 11 of the act and will contravene any of the provisions of the Act or rules, regulations and orders issued by this Commission;

2. The propriety of the proposed accounting treatment of the transactions on the books of Jersey Central Power & Light Company;

3. What terms and conditions, if any, are necessary or appropriate in the public interest or the interest of investors and consumers to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder;

4. Generally, whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935, and all rules and regulations promulgated thereunder and are not detrimental to the public interest or interest of investors or consumers.

Notice of such hearing is hereby given to such applicants and declarants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers. It is requested that any interested person desiring to be heard or to be admitted as a party to such proceeding shall file with the Secretary of this Commission, on or be-

fore January 3, 1944, his request, or an application therefor, as provided in Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-20393; Filed, December 24, 1943;  
9:22 a. m.]

[File No. 70-827]

**JERSEY CENTRAL POWER & LIGHT COMPANY  
ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 24th day of December 1943.

The above-named company having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the reduction from 3% to 2¼% in the interest rate on \$2,650,000 face amount of serial notes of Jersey Central Power & Light Company, due serially and owing to The Chase National Bank and Central Hanover Bank and Trust Company, said reduction in interest rate having been agreed to by the banks in consideration of the prepayment by the company of \$795,000 face amount of such notes, originally maturing on November 1, 1950, and November 1, 1949, and which were paid on May 1, 1943, and November 12, 1943, respectively, and the advancement of the maturity date of an additional \$530,000 face amount of notes originally maturing November 1, 1948, so that such notes will mature on May 1, 1948; and

Said declaration having been filed on December 1, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Jersey Central Power & Light Company having requested that said declaration become effective as soon as reasonably practicable; and

The Commission finding, with respect to said declaration, which is pursuant to section 7 of the Act, that the applicable requirements of said section, including section 7 (c) of the Act, are satisfied and that no adverse findings are necessary under section 7 (d) of the Act or any other applicable provisions of section 7, and being satisfied that the effective date of such declaration should be advanced;

*It is hereby ordered*, Pursuant to said Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-20465; Filed, December 27, 1943;  
10:48 a. m.]

[File No. 1-123]

**BROWN-FORMAN DISTILLERS CORPORATION**  
**ORDER GRANTING APPLICATION TO STRIKE**  
**FROM LISTING AND REGISTRATION**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of December, A. D. 1943.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$6.00 Cumulative Preferred Stock, No Par Value, of Brown-Forman Distillers Corporation;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on January 3, 1944.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
 Secretary.

[F. R. Doc. 43-20466; Filed, December 27, 1943;  
 10:48 a. m.]

[File Nos. 59-38; 54-84]

**UNITED PUBLIC UTILITIES CORP., ET AL.**  
**ORDER PERMITTING PLAN TO BECOME**  
**EFFECTIVE**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of December, A. D. 1943.

In the matter of United Public Utilities Corporation and its subsidiary companies, Respondents, File No. 59-38; United Public Utilities Corporation, Louisiana Ice Service, Inc., Alabama United Ice Company, File No. 54-84.

Order approving plan pursuant to section 11 (e), permitting declaration to become effective and granting application.

The Commission having, by order dated March 4, 1942, directed, among other things, that United Public Utilities Corporation ("UPU"), a registered holding company, divest itself of all its interest in Louisiana Ice Service, Inc. ("Louisiana Ice"), and said order having provided that the respondents should make application to the Commission for the entry of such further orders as might be necessary or appropriate for the purpose of carrying out the provisions of the above-mentioned order; the Commission having, by orders dated April 23, 1943 and October 14, 1943, extended the time in which to comply with its order of March 4, 1942 until March 4, 1944;

The above-named companies having filed a joint application and declaration and an amendment thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, and the rules and regulations of the Commission promulgated thereunder,

proposing a Plan for the sale of UPU's interest in Louisiana Ice and the application of the proceeds from the sales of Louisiana Ice and Alabama United Ice Company to the purchase or redemption of its outstanding bonds; and requesting (a) an order of the Commission approving said Plan, and (b) that said order of the Commission conform to the pertinent requirements of the Internal Revenue Code, as amended, including sections 371 (b), 371 (d), 371 (f) and 1808 (f) thereof, and contain the recitals and specifications therein set forth.

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein; and

The Commission having found that said Plan is necessary and appropriate to effectuate the provisions of section 11 (b) of said Act, and is fair and equitable to the persons affected thereby;

It is ordered, That said Plan, as amended, be and the same hereby is approved, and that said application and declaration, as amended, be and the same hereby are granted and permitted to become effective subject to the terms and conditions prescribed in Rule U-24 and to the following additional condition with respect to the proposed purchase of bonds of UPU in the market:

(1) That UPU shall furnish to the Commission promptly after the last day of each month a schedule showing the number of bonds purchased, the date purchased, the prices at which purchased, and the name of the broker through whom purchased.

It is further ordered, That the sale by UPU of the securities of Louisiana Ice consisting of a 6% promissory note in the principal amount of \$857,288, and 1,500 shares of common stock having a par value of \$100 per share, and the use of the proceeds from the sales of Louisiana Ice and Alabama United Ice Company for the purchase and/or redemption of UPU's bonds, are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
 Secretary.

[F. R. Doc. 43-20467; Filed, December 27, 1943;  
 10:48 a. m.]

**WAR FOOD ADMINISTRATION.**

**HANDLING OF MILK IN QUAD CITIES**  
**MARKETING AREA**

**PROPOSED MARKETING AGREEMENT**

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement and to a proposed order, as amended, regulating the handling of milk in the Quad Cities marketing area.

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815),

notice is hereby given of the filing with the hearing clerk of this report of the Director of Food Distribution with respect to a marketing agreement and to an amended order regulating the handling of milk in the Quad Cities marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 et seq.). Interested parties may file exceptions to this report with the hearing clerk, Office of the Solicitor, Room 1331 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

The hearing, which was initiated by the Food Distribution Administration, was held at Rock Island, Illinois, on the 3d and 4th days of November 1943 after the issuance of notice on October 27, 1943 (8 F.R. 14713).

The major issues developed at the hearing were concerned with: (1) The reclassification of flavored milk drinks and skim milk products; (2) the method of computing the volume of milk in each class; (3) the level of the Class IV price; (4) the price of "excess" milk; (5) the elimination of the 15-cent allowance on class III milk used in ice cream sold in a frozen state for resale; (6) the elimination of the "new producer" clause; (7) the redefining of the terms "producer" and "handler"; (8) changing the method of equalization; (9) revision of the base-rating plan; (10) separate pooling of Grade A milk; and (11) the adoption of other minor changes of an administrative nature.

With respect to these issues it is concluded from the record that:

1. Flavored milk drinks should continue as Class II products but cottage cheese and buttermilk should be shifted from Class III to Class II.

2. The method presently used for computing the volume of milk in each class should be incorporated as a part of the order.

3. The Class IV price should be based on a butter and casein formula.

4. The price of excess milk should be based on the actual utilization of such milk.

5. There should be no allowance on Class III milk used to produce ice cream sold in a frozen state for resale.

6. The "new producer" clause should be discontinued.

7. The terms "producer" and "handler" should be redefined for administrative clarity.

8. The present method of equalization should be continued but the order should be made more specific with respect to its application.

9. The base-rating plan should be revised in certain minor details.

10. Grade A milk should not be pooled separately.

11. Certain other minor changes should be made for administrative reasons.

The following proposed order, as amended, is recommended as the detailed means by which these conclusions may be carried out. The proposed marketing

agreement is not included in this report because its provisions are identical with those set forth below in the proposed order, as amended.

*Proposed Order, as Amended, Regulating the Handling of Milk in the Quad Cities Marketing Area*

It is found upon the evidence introduced at the public hearing held in Rock Island, Illinois, on November 3 and 4, 1943:

1. That the order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which a hearing has been held; and

2. That the issuance of this order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

*Provisions*

§ 944.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, Seventy-third Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is or who may hereafter be authorized to exercise the powers and to perform the duties pursuant to the act, of the War Food Administrator of the United States.

(c) "Quad Cities marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa; and Rock Island, Moline, East Moline, and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at a plant from which milk is disposed of as Class I milk in the marketing area. This definition shall include any person who produces milk which a cooperative association causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(f) "Handler" means any person, except as provided in § 944.8 (b), who on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area. This definition shall include a cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from

which milk is disposed of as Class I milk in the marketing area, or which it causes to be diverted from a plant from which milk is disposed of as Class I milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(h) "Delivery period" means the period from the effective date hereof and including the last day of that month. Subsequent to that month, "delivery period" means the period from the first to the last day of each month, both inclusive.

(i) "Base" means the quantity of milk calculated for each producer pursuant to § 944.9.

(j) "Market administrator" means the agency which is described in § 944.2 for the administration hereof.

(k) "Cooperative association" means any cooperative association which the War Food Administrator determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(l) "Emergency milk" means milk received by a handler pursuant to § 944.8 (b) from sources other than producers or other handlers.

§ 944.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Investigate and report to the War Food Administrator complaints of violation of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(2) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the War Food Administrator may designate.

(3) Submit his books and records to examination by the War Food Administrator at any and all times.

(4) Furnish such information and such verified reports as the War Food Administrator may request.

(5) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator.

(6) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 944.5 or (ii) made payments pursuant to § 944.8.

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof.

(8) Pay, out of the funds provided by § 944.11, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses necessarily incurred in the maintenance and functioning of his office.

(9) Promptly verify the information contained in reports submitted by handlers.

§ 944.3 *Classification of milk*—(a) *Basis of classification.* All milk or cream purchased or received by a handler or caused to be delivered by a cooperative association to a plant from which no milk is disposed of as Class I milk in the marketing area shall be reported by the handler and shall be classified by the market administrator in the classes set forth in (b) of this section: *Provided*, That (1) any milk of producers moving as fluid milk to a plant of a nonhandler who disposes of fluid milk shall be classified as Class I milk except for such milk in excess of the amount of fluid milk disposed of by such nonhandler; (2) any milk of producers, other than milk classified as Class I milk pursuant to (1) of this paragraph, moving as milk or cream to a plant of a handler who disposes of fluid cream shall be classified as Class II milk except for such milk or cream in excess of the amount of milk and cream disposed of by such handler as fluid cream; (3) any milk of producers, other than milk classified as Class I milk or as Class II milk pursuant to (1) and (2) of this paragraph, moving as milk or cream to a plant of a nonhandler, shall be classified in accordance with its utilization by such nonhandler, subject to verification by the market administrator; and (4) any milk moving as fluid milk from any handler's plant to a plant of another handler shall be classified as Class I milk, and any cream moving as fluid cream to a plant of another handler shall be classified as Class II milk: *Provided*, That if such milk or cream was utilized in a lower classification, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this sec-

tion, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and all milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk disposed of as cream, for consumption as cream (including any cream product in fluid form containing 6 percent or more butterfat), buttermilk, cottage cheese, and all milk disposed of as chocolate milk or as any flavored milk drink.

(3) Class III milk shall be all milk specifically accounted for as used to produce evaporated milk, condensed milk, ice cream mix, unsalted butter, or any milk product other than those specified in Class II milk and Class IV milk.

(4) Class IV milk shall be all milk used to produce butter and American type Cheddar cheese and all milk accounted for as actual plant shrinkage: *Provided*, That such shrinkage shall not exceed 3 percent of the total receipts of milk from producers.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in (b) of this section, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(d) *Computation of the milk in each class.* For each delivery period the market administrator shall compute, in the case of each handler, the amount of milk in each class as defined in (b) of this section as follows:

(1) Determine the total pounds of milk received from (i) producers; (ii) the handler's own farm production; (iii) other handlers; (iv) other sources; and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (1) Multiply the weight of the milk received from producers by its average butterfat test; (ii) multiply the weight of milk received from handler's own farm production by its average butterfat test; (iii) multiply the weight of the milk received from other handlers by its average butterfat test; (iv) multiply the weight of the milk received from other sources by its average butterfat test; and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) Convert to pounds the total quantity of milk disposed of in the form of milk on the basis of 2.15 pounds per quart; (ii) multiply the results by the average butterfat test of such milk; and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk computed pursuant to subparagraphs (4) (ii), (5) (ii), and (6) (iv) of this paragraph is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to subdivision (1) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) Multiply the actual weight of each of the several products of Class II by its average butterfat test; (ii) add together the resulting amounts; and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) Multiply the actual weight of each of the several products in Class III by its average butterfat test; (ii) add together the resulting amounts; and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 3.5 percent.

(6) Determine the total pounds of milk in Class IV as follows: (i) Multiply the actual weight of each of the several products of Class IV milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to subparagraphs (3) (ii), (4) (ii), and (5) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to subdivision (ii) of this paragraph from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler); (iv) add the result obtained in subdivision (iii) of this subparagraph (but not to exceed 3 percent of the total receipts of butterfat from producers by the handler), and the result obtained in subdivision (ii) of this subparagraph; and (v) divide the result obtained in subdivision (iv) of this subparagraph by 3.5 percent.

(7) Determine the classification of milk received from producers as follows: (1) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class; (ii) subtract from the remaining pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class; (iii) subtract pro rata from the remaining pounds of milk in each class the total pounds of milk which were received from the handler's own farm production and emergency milk; and (iv) except as set forth in (e) of this section the result shall be known as the "net pooled milk" in each class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the various classes as computed pursuant to paragraph (d) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to § 944.6 (d), such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler as computed pursuant to paragraphs (d) of this section, is less than the receipts of

milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in Class IV.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the total utilization of milk by classes for such handler and the receipts of milk from producers, which result shall be known as the "net pooled milk" in Class IV.

(f) *Sales of a cooperative association to any other handler.* Milk caused to be delivered from a producer to any other handler by a cooperative association which is a handler shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, Class III milk, and Class IV milk.

§ 944.4 *Minimum prices.* Each handler shall pay at the time and in the manner set forth in § 944.8 not less than the prices set forth in this section per hundredweight of milk received during each delivery period at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area on the basis of milk of 3.5 percent butterfat content:

(a) For Class I milk—the price shall be the price for Class III milk for such delivery period plus 70 cents per hundredweight.

(b) For Class II milk—the price shall be the price for Class III milk for such delivery period plus 25 cents per hundredweight.

(c) For Class III milk—the price shall be the result of the following computation by the market administrator: Determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this paragraph: *Provided*, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for such delivery period: multiply by 0.4 the average weekly prevailing price per pound of the cheese known as "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prevailing price of "Twins" at Chicago as reported by the United States Department of Agriculture shall be used), add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture, and multiply such result by 3.9.

*Concern and Location of Plants*

Amboy Milk Products Company, Amboy, Illinois.

United Milk Products Company, Argo Fey, Illinois.

Dean Milk Company, Belvidere, Illinois.

Borden Company, Dixon, Illinois.

Libby, McNeil & Libby Company, Morrison, Illinois.

Carnation Milk Company, Oregon, Illinois.

Dean Milk Company, Pearl City, Illinois.

Dean Milk Company, Pecatonica, Illinois.

Borden Company, Sterling, Illinois.

Pet Milk Company, Schullsburg, Wisconsin.

(d) For Class IV milk—the price shall be the result of the following computation by the market administrator: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture during the delivery period in which such milk was received, add 20 percent thereof and add an amount calculated as follows:

Subtract 6 cents from the average price per pound of casein and multiply such result by 2.3. For purposes of determining this adjustment, the price per pound of casein to be used shall be the average of the carlot prices for domestic casein, 20-30 mesh, bagged, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period in which such milk was received, including in such average the quotations for any part of the previous delivery period which were not published and available for the price determination of such casein for the preceding delivery period.

(e) In making payment for Class I milk and Class II milk which complies with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, and the minimum requirements adopted by the Davenport Board of Health for the interpretation and enforcement of such ordinance, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, there shall be added 20 cents per hundred-weight to the prices set forth in paragraphs (a) and (b) of this section.

(f) Whenever the War Food Administrator finds and announces that the Class I price computed for any delivery period pursuant to paragraph (a) of this section is not in the public interest, the Class I price for such delivery period shall be the same as the Class I price for the preceding delivery period: *Provided*, That if the War Food Administrator for two consecutive delivery periods finds and announces that the Class I price computed pursuant to paragraph (a) of this section is not in the public interest, he shall, upon request of interested parties, and pursuant to the applicable provisions of the act, issue notice of and opportunity for a hearing upon a proposed amendment to this section of the order.

§ 944.5 *Reports of handlers*—(a) *Periodic reports*. (1) On or before the 5th day after the end of each delivery period each handler, with respect to all milk

or milk products which were, during such delivery period, (i) received from producers, (ii) received from handlers, (iii) received from such handler's own production, (iv) received from any other source, or (v) caused to be delivered to a plant from which no milk is disposed of in the marketing area, shall report to the market administrator, in the detail and on forms, prescribed by him, as follows:

(a) The receipts at each plant from producers who are not handlers;

(b) The receipts at each plant from any other handler, including any handler who is also a producer;

(c) The receipts at each plant from such handler's own production.

(d) The receipts at each plant from any other source;

(e) The respective quantities of milk and milk products disposed of or on hand; and

(f) The respective butterfat content of each of the above.

(2) On or before the 5th day after the end of each delivery period, the receipts at each plant of emergency milk as follows: (i) The amount of such milk and the average butterfat content thereof, (ii) the date or dates upon which such milk was received during the delivery period, (iii) the plant from which such milk was shipped, (iv) the price paid or to be paid for such milk, (v) the utilization of such milk, and (vi) such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers*. Each handler shall report to the market administrator within 10 days after the market administrator's request with respect to any producer and with respect to a period of time designated by the market administrator, (1) the name and address, (2) the total pounds of milk received, (3) the average butterfat test of milk received, and (4) the number of days upon which milk was received.

(c) *Reports of payments to producers*. On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator his producer pay roll for such delivery period, which shall show for each producer (1) the net amount of such producer's payment with the prices, deductions, and charges involved, and (2) the total delivery of base milk and the total delivery of milk in excess of base milk with the average butterfat test thereof.

(d) *Reports of producer-handlers and handlers whose sole sources of supply are receipts from other handlers*. Producer-handlers and handlers whose sole sources of supply are receipts from other handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(e) *Verification of reports and payments*. The market administrator shall verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipt and utilization of milk and shall, during the usual hours of business, make available to the market ad-

ministrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in § 944.8.

§ 944.6 *Application of provisions*—(a) *Producer-handlers*. (1) Sections 944.4, 944.7, 944.8, 944.10 and 944.11 shall not apply to the handling of milk by handlers (i) whose sole sources of supply are receipts from other handlers or (ii) who are producer-handlers pursuant to § 944.1 (a) (5), as verified by the market administrator in the manner provided in (2) of this paragraph.

(2) Handlers shall furnish to the market administrator for his verification, subject to review by the War Food Administrator, evidence of their qualifications as producer-handlers pursuant to § 944.1 (a) (5), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(b) *Milk received by a handler from another handler who is also a producer or a producer-handler*. If any handler has purchased or received milk or cream from another handler who is also a producer or a producer-handler, such milk or cream shall be considered as Class IV milk. If such receiving handler disposes of such milk or cream for other than Class IV purposes, the market administrator in computing the net pool obligation of such handler pursuant to § 944.7 (a) shall add an amount equal to the difference between (1) the value of such milk or cream in accordance with its actual utilization by such handler and (2) the value at the Class IV price.

(c) *Payment for milk received by a handler from sources determined as other than producers or other handlers*. If any handler has purchased or received milk or cream from sources determined as other than producers or other handlers, except as provided in § 944.8 (b), such milk and the milk equivalent of such cream shall be considered as utilized in Class IV if the quantity of milk disposed of by him in this class equals or exceeds the quantity of milk from this source plus a quantity equal to actual plant shrinkage, not in excess of 3 percent, and route returns utilized in this class. If the handler's Class IV disposition does not equal these quantities, any portion or all of



such milk not thus utilized in Class IV shall be considered as utilized in Class III if the handler has a utilization in this class equal to or in excess of such quantity. Any quantity not thus considered as utilized in Class IV and III shall be considered as utilized as Class II.

(d) *Payment for excess milk or butterfat.* If a handler, after subtracting receipts from his own farm production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator in computing the net pool obligation of such handler pursuant to § 944.7 (a) shall add an amount equal to the value of such milk or milk equivalent of such butterfat in accordance with its actual utilization by the handler.

§ 944.7 *Determination of uniform prices to producers—*(a) *Net pool obligation of handlers.* Subject to the provisions of § 944.6, the net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: multiply the "net pooled milk" in each class, computed pursuant to § 944.3, by the class prices pursuant to § 944.4 and add together the resulting values.

(b) *Computation and announcement of the uniform price.* For each delivery period the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to (a) of this section, who made the reports pursuant to § 944.5 (a) and who made the payments to the market administrator pursuant to § 944.8 (a).

(2) Compute the total quantity of milk which represents the delivered bases of producers and which is included in the computation made pursuant to (a) of this section.

(3) Compute the total value of the milk which is in excess of the delivered bases of producers determined pursuant to subparagraph (2) of this paragraph and which is included in the computation pursuant to paragraph (a) of this section as follows: (i) Determine the classification of milk in excess of base by allocating such milk first to Class IV milk and then to each succeeding higher classification until all such milk has been classified, (ii) multiply the total pounds of excess milk allocated to each class by the appropriate class price, and (iii) add together the resulting amounts.

(4) Compute the total value of the milk represented by the delivered bases of producers by subtracting the value obtained in subparagraph (3) of this paragraph from the value obtained in subparagraph (1) of this paragraph.

(5) Subtract from the value computed pursuant to subparagraph (4) of this paragraph an amount computed as follows: Multiply by \$0.20 the total hundredweight of milk of producers who are

qualified to receive payments pursuant to § 944.8 (a) (3) which was disposed of as Class I milk and Class II milk.

(6) Add to the value computed pursuant to subparagraph (5) of this paragraph the amount of cash balance in the producer-settlement fund less any amount due handlers pursuant to § 944.8 (g).

(7) Divide the result obtained in subparagraph (6) of this paragraph by the quantity of milk represented by the delivered bases of producers as determined in subparagraph (2) of this paragraph.

(8) Subtract from the figure obtained in subparagraph (7) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining a cash balance to provide against errors in reports and payments, or delinquencies, in payments by handlers. This result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.5 percent butterfat.

(9) Divide the sum obtained in subparagraph (3) of this paragraph by the quantity of milk of producers in excess of the delivered base of producers. This result shall be known as the excess price for such delivery period for milk in excess of delivered base of producers containing 3.5 percent butterfat.

(10) On or before the 10th day after the end of each delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of base milk, and of the excess price computed pursuant to this paragraph, of the Class I, Class II, and Class III, and Class IV prices, and of the butterfat differentials computed pursuant to § 944.8 (c).

§ 944.8 *Payment for milk—*(a) *Time and method of payment.* Each handler shall make payment subject to the butterfat differential set forth in (c) of this section, for milk purchased or received from producers by such handler during each delivery period as follows:

(1) To each producer for milk which was not caused to be delivered to such handler by a cooperative association for the account of such cooperative association, on or before the 15th day after the end of the delivery period during which such milk was purchased or received, at not less than the uniform price per hundredweight for base milk computed pursuant to § 944.7 (b) (8): *Provided,* That for that quantity of base milk which complies with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, and the minimum requirements adopted by the Davenport Board of Health for the interpretation and enforcement of such ordinance, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, there shall be added to the announced uniform price for base milk an amount resulting from the following computation by the market administrator: divide the amount subtracted pursuant to § 944.7 (b) (5) by the total hundred-

weight of base milk meeting the above requirements which was received during the delivery period from producers.

(2) To each producer for milk which was not caused to be delivered to such handler by a cooperative association for the account of such cooperative association, on or before the 15th day after the end of the delivery period during which such milk was purchased or received at not less than the excess price computed pursuant to § 944.7 (b) (9) for that quantity of milk received from such producer in excess of such producer's base.

(3) On or before the 12th day after the end of each delivery period, each handler, with respect to milk which is caused to be delivered to him from producers by a cooperative association for the account of such cooperative association, shall make payment to such cooperative association at not less than the class prices set forth in § 944.4, subject to the provisions of § 944.3 (f) and subject to the butterfat differential set forth in paragraph (c) of this section, for the utilization value of such milk.

(b) *Emergency milk.* During any delivery period when the market administrator determines that the supply of milk available to any handler from producers and handlers is not sufficient to fulfill the Class I and Class II milk requirements, including the Grade A requirements of such handler, such handler, after giving notice to the market administrator of his intention to purchase milk from other than such sources, may secure milk from emergency sources on terms and conditions other than those provided in this section. Emergency milk shall be reported to the market administrator by the receiving handler separately from milk received from producers and handlers in accordance with § 944.5 (a). Such milk shall be deducted from each class in the proportion that the quantity of milk disposed of by the receiving handler in each class during the delivery period bears to the total quantity of milk received by him during such delivery period. The person from whom the handler received such milk shall not be considered a handler with respect to milk disposed of in the marketing area under the circumstances described in this paragraph.

(c) *Butterfat differential.* If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than:

(1) Three cents per hundredweight when the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk is received, is less than 30 cents;

(2) Four cents per hundredweight when such average price of 92-score but-

ter is 30 cents or over but less than 35 cents; and

(3) Five cents per hundredweight when such average price of 92-score butter is 35 cents or over.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to paragraphs (e) and (g) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler, including the payments required to be made pursuant to § 944.6, is greater than the sum required to be paid producers by such handler pursuant to paragraph (a) of this section.

(f) *Payments out of the producer-settlement fund.* (1) On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum reported to be paid producers by such handler pursuant to paragraph (a) of this section is greater than the net pool obligation of such handler, including the payments required to be made pursuant to § 944.6.

(2) If the balance in the "producer-settlement fund" is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustment of errors in payment.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to paragraph (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than

the time of making payment to producers next following such disclosure.

§ 944.9 *Base ratings*—(a) *Determination of base.* For each delivery period the base of each producer shall be a quantity of milk calculated in the following manner: Multiply the applicable figure computed pursuant to paragraph (b) of this section by the number of days on which milk was received from such producer during such delivery period.

(b) *Determination of daily base.* Effective January 1, 1940, and each subsequent year thereafter, the daily base of each producer for the ensuing year shall be determined by the market administrator from reports filed by handlers pursuant to § 944.5 in the following manner:

(1) Determine for each producer that month during the preceding calendar year when his daily average deliveries of milk were the lowest. Determine the 3 months of the preceding calendar year when the daily average deliveries of milk of all producers were the lowest.

(2) Determine for each producer his total deliveries of milk during each of the 4 months of the year described in subparagraph (1) of this paragraph and add together the resulting amounts.

(3) Divide the sum obtained for each producer in subparagraph (2) of this paragraph by the number of days of such 4 calendar months.

(4) Add together in one sum all the daily average amounts, computed in accordance with subparagraph (3) of this paragraph.

(5) Determine the daily average utilization of Class I milk and Class II milk during the month of the preceding year when such utilization was greatest and add to such daily average an amount not to exceed 10 percent thereof.

(6) Divide the amount determined pursuant to subparagraph (5) of this paragraph by the sum determined pursuant to subparagraph (4) of this paragraph.

(7) Multiply the daily average amount for each producer determined in subparagraph (3) of this paragraph by the percentage figure computed pursuant to subparagraph (6) of this paragraph. This result shall be known as the producer's allotted daily base.

(c) *Base rules.* The following rules shall be observed by the market administrator with respect to the administration of the base plan:

(1) Base allotted to producers pursuant to paragraph (b) of this section shall not be transferable: *Provided,* That bases allotted under a tenant and landlord relationship shall be combined and may be divided only if such relationship is terminated: *And provided further,* That any member of the producer's family may be named as the person to whom such base is to be allotted, but in no case shall a base be allotted to more than one member of such producer's family on the same farm.

(2) As soon as bases are allotted to producers pursuant to paragraph (b) of this section, the market administrator shall notify each handler of the bases of producers from whom such handler receives milk.

(3) Any producer who ceases to market milk to a handler for a period of more than 45 consecutive days shall forfeit his base.

(4) In the event a producer delivers an average quantity of milk less than 85 percent of his allotted daily base for each of 3 consecutive months such producer shall be reallocated a base equal to his daily average deliveries of milk of his own production for the 3 consecutive months involved.

(5) A producer, whether landlord or tenant of a farm, may retain his own base when moving his entire herd of cows from one farm to another: *Provided,* That at the beginning of a tenant and landlord relationship the allotted base of such tenant and landlord shall be a combined base.

(6) A landlord who rents on shares shall be entitled to the entire base to the exclusion of the tenant if the landlord owns the entire herd. Likewise, the tenant who rents on shares shall be entitled to the entire base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(7) The base of any producer shall be automatically canceled at the beginning of any delivery period during which such producer reports milk not produced by him as being milk of his own production for the purpose of maintaining or increasing his allotted base. Such producer shall be allotted a new base computed in the manner provided in subparagraph (8) of this paragraph, and shall be treated for the purposes of this section as if he had relinquished his base.

(8) Any producer wishing to earn a new base may do so by notifying the market administrator that he is relinquishing his base at the beginning of the delivery period following that during which notice is given, except that with respect to notice given during the month of January, such producer shall be considered to have relinquished his base effective January 1. All milk delivered by such producer shall be considered excess milk for a period of 2 full calendar months following such producer's relinquishment of his base. At the conclusion of 2 calendar months such producer shall be allotted a new base in the following manner: the market administrator shall determine the daily average deliveries of milk by such producer during the 2 full calendar months following his relinquishment of base. Such daily average deliveries of milk shall be multiplied by the percentage that base deliveries were to total deliveries of milk to the market during such 2 calendar months by all base-holding producers on the market during that period.

(9) If a producer, who has notified the market administrator within 5 days prior to his participation, enters into a program of disease eradication supervised by either county, State, or Federal authorities, the market administrator, in making his determination of that month of the preceding year when such

producer's daily average deliveries were lowest pursuant to paragraph (b) (1) of this section, shall disregard any month in which such disease eradication program was being performed.

(10) With respect to a producer who has not previously marketed milk to a handler, or who resumes delivery after not having marketed milk to a handler for a period of more than 45 consecutive days, a base shall be allotted in the following manner: for each delivery period from the date upon which such producer first markets milk to a handler until the conclusion of 2 full calendar months, the market administrator shall multiply such producer's daily average deliveries of milk by the percentage that base deliveries were to total deliveries of milk to the market during the delivery period by all base-holding producers on the market during that delivery period. After the conclusion of 2 full calendar months, the market administrator shall determine a base for such producer by multiplying such producer's daily average deliveries during those 2 months by the percentage that base deliveries were to total deliveries of milk to the market by all base-holding producers on the market during such months.

(11) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a figure representing the average daily Class I and Class II milk produced and disposed of during the previous 3 months on the delivery routes of such producer which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. Any base so determined shall be effective until the end of the then current calendar year and thereafter shall be superseded by a figure determined pursuant to paragraph (b) of this section.

§ 944.10 *Marketing services*—(a) *Deductions for marketing services*. Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the War Food Administrator) from the payments made to producers pursuant to § 944.8 with respect to all milk received by such handler during each delivery period from producers, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association*. In the case of producers for whom a cooperative association, which the War Food Administrator determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the War Food Administrator, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services of which such producers are members.

§ 944.11 *Expense of administration*—

(a) *Payment by handlers*. As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 3 cents per hundredweight with respect to all milk received during such delivery period from producers or from a producers' cooperative association or produced by such handler, the exact sum to be determined by the market administrator subject to review by the War Food Administrator: *Provided*, That each handler which is a cooperative association shall pay such pro rata share of expense of administration on only that milk of producers received by such association or caused to be delivered by such association to a plant from which no milk is disposed of in the marketing area.

(b) *Suits by market administrator*. The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this section.

§ 944.12 *Effective time, suspension, or termination*—(a) *Effective time*. The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination*. The War Food Administrator may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator*. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or

ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(1) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until discharged by the War Food Administrator, (ii) from time to time account for all receipts and disbursements, and, when so directed by the War Food Administrator, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator may direct, and (iii) if so directed by the War Food Administrator, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination*. Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the War Food Administrator may designate shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 944.13 *Agents*. The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 944.14 *Emergency price provision*. Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as

indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the prices specified.

This report filed at Washington, D. C., this 24th day of December 1943.

ROY F. HENDRICKSON,  
Director of Food Distribution.

[F. R. Doc. 43-20502; Filed, December 27, 1943;  
11:17 a. m.]

#### WAR PRODUCTION BOARD.

[Preference Rating Order P-58, Revocation]

##### SOUTH AMERICAN COPPER PRODUCERS

*Preference Rating Order P-58* as amended and all serial-numbered copies thereof heretofore issued are revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Preference Rating Order P-56 as amended simultaneously with this revocation.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20458; Filed, December 24, 1943;  
11:41 a. m.]

#### PROGRESSIVE RING COMPANY

##### CONSENT ORDER

Whereas, Progressive Ring Company, a corporation located at 101 Sabin Street, Providence, Rhode Island, engaged in the business of manufacturing jewelry and John M. Miller, its principal owner and treasurer, and Henry Nani, its superintendent, both of said Providence, are charged by the War Production Board with having purchased foreign silver for the purpose of manufacture into civilian jewelry, in violation of the provisions of Conservation Order M-199 (silver), said purchases having taken place between the dates of November 6, 1942, and August 6, 1943, and aggregating approximately 159, 932.48 ounces, and whereas the company and its officers as aforesaid admit the violation of Conservation Order M-199 (silver), as charged, but deny that it was wilful and do not desire to contest the issue of wilfulness and have consented to the issuance of this order; and whereas the company has now readjusted said transaction to a purchase

of domestic silver in place of said foreign silver by paying to the supplier from which it had previously obtained said foreign silver the difference between the price of foreign silver and domestic silver, namely \$39,295.42, carrying out said transaction under the provisions of the fungibility clause paragraph (k) of said Order M-199 without making any physical delivery or change in possession of said silver; and whereas on the date of August 23, 1943, said Company has ceased production of civilian jewelry or of any other product;

Wherefore, upon the agreement and consent of Progressive Ring Company, John M. Miller, Henry Nani, and the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Progressive Ring Company shall not enter upon the manufacture of civilian jewelry or other products, except as permitted in List A of Order M-199, or to fill orders bearing ratings of AA-5 or higher, from the effective date of this order until April 1, 1944.

(b) Nothing contained in this order shall be deemed to relieve Progressive Ring Company, John M. Miller, and Henry Nani, its or their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on December 24, 1943, and shall expire on April 1, 1944.

Issued this 18th day of December 1943.

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

[F. R. Doc. 43-20461; Filed, December 24, 1943;  
2:44 p. m.]

[Builder's Serial No. 7767]

#### COLUMBIA STEEL CO.

##### AMENDMENT OF ORDER REVOKING RATINGS

Builder: Columbia Steel Company, individually and as agent for Defense Plant Corporation, Room 2057 Field Building, 135 So. LaSalle Street, Chicago, Illinois. Project: Plancor No. 301. Part of project revoked: Billet, Structural and Bar Mill at Geneva, Utah.

*It is hereby ordered*, That the revocation order issued by the War Production Board on December 7, 1943, revoking ratings assigned by Preference Rating Order Builder's Serial No. 7767 or otherwise, to deliveries of materials or equipment for the billet, structural and bar mill to be built at Geneva, Utah, and prohibiting deliveries of such materials and equipment, heretofore suspended by amendments issued December 10, 1943, and December 18, 1943, be amended as follows:

(a) Paragraph No. 1 thereof is amended to read as follows:

1. *Revocation of ratings.* Preference Rating Order bearing Serial No. 7767, issued on or about March 31, 1942, to the Columbia Steel Co., individually or as agent for the Defense Plant Corporation, which assigned priorities assistance to deliveries to the above named Builder and to his Suppliers, and any orders superseding, modifying or amending said order, are hereby revoked, insofar as said orders assigned ratings or other priorities assistance to materials required for the erection of machinery and equipment in the billet, structural and bar mill being built at Geneva, Utah, or to building materials to be used in completing the billet, structural and bar mill building for any purpose other than storage as provided in paragraph No. 3 hereof. All other certificates or orders of the War Production Board of any character which granted any form of priorities assistance in connection with the erection of such machinery and equipment in the billet, structural and bar mill or in connection with building materials to be used for completing the billet, structural and bar mill building for any purpose other than storage are hereby revoked.

(b) Paragraph No. 3 thereof is amended to read as follows:

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further erection of machinery or equipment in the billet, structural and bar mill, and shall neither perform nor permit the performance of any further construction upon the billet, structural and bar mill building in excess of the construction necessary to complete said building for the purpose of storing within said building the machinery and equipment designed for the billet, structural and bar mill, except that for a period of ten days after issuance of this revocation, and thereafter if expressly permitted by the War Production Board, construction may be continued solely for the purpose of safety and health or to avoid undue damage to or deterioration of materials incorporated in said billet, structural and bar mill.

(c) Paragraph No. 4 thereof is amended to read as follows:

4. *Prohibition of deliveries of materials.* Neither the Builder nor any of his Suppliers shall deliver or accept delivery of any further materials to be used in erecting the machinery or equipment in the billet, structural and bar mill, or any further building materials to be used for completing the billet, structural and bar mill building for any purpose other than storage as provided in paragraph No. 3 hereof. This paragraph shall not, however, prohibit the delivery to their immediate destinations of such materials or equipment as are now in transit or the acceptance of any such delivery.

The previous revocation of the ratings and other forms of priorities assistance assigned to the machinery and equipment for the billet, structural and bar mill is cancelled and said ratings are restored. The previous revocation of ratings for building materials to be incorporated in the billet, structural and bar mill is cancelled and said ratings are restored to the extent necessary to complete the billet, structural and bar mill building as a storage place for said machinery and equipment as provided in paragraph No. 3 as hereby amended. The Builder is authorized to accept delivery of all machinery and equipment for the billet, structural and bar mill

and to complete the billet, structural and bar mill building as a place of storage for such machinery and equipment.

The revocation order issued December 7, 1943, as hereby amended, shall take effect on the date of issuance hereof. The order issued December 18, 1943 suspending the revocation until December 31, 1943 is hereby amended to suspend the effect of the revocation only until the issuance of this amendment.

Issued this 24th day of December 1943.

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

[F. R. Doc. 43-20463; Filed, December 24, 1943;  
2:44 p. m.]

PENNSYLVANIA DEPARTMENT OF HIGHWAYS  
CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: Pennsylvania Department of Highways, Harrisburg, Pennsylvania. Project: 7.33 miles of new highway, identified as: FA-266A (1), 291D (2), 291J (1), and FAGH 974A (1).

The Stop Construction Order issued August 27, 1943 with respect to the above identified projects, is hereby cancelled.

Issued 24th day of December 1943.

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

[F. R. Doc. 43-20462; Filed, December 24, 1943;  
2:44 p. m.]