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**Regulations**

**TITLE 7—AGRICULTURE**

**Chapter XI—Food Distribution Administration**

[Food Distribution Order 4]

**PART 1450—TOBACCO**

**RESTRICTIONS ON THE SALE AND ACQUISITION OF 1942 CROP BURLEY TOBACCO**

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to insure an adequate supply and efficient distribution of Burley tobacco of the 1942 crop to meet war and civilian needs, *It is hereby ordered*, As follows:

§ 1450.1 *1942 crop burley tobacco, allocation and restrictions on acquisitions*—(a) *Definitions*. When used in this order unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Burley tobacco" means tobacco of Type 31, as defined in the Official Standard Grades for Burley Tobacco,<sup>1</sup> promulgated by the Secretary of Agriculture under the Tobacco Inspection Act. (7 U.S.C., 511 et seq.)

(2) "Person" means any individual, partnership, corporation, association or other business entity.

(3) "Manufacturer" means any person who processes tobacco into a product for consumer use which is subject to taxation under the Internal Revenue Code. (26 U.S.C. 2000 to 2040)

(4) "Director" means the Director of Food Distribution, United States Department of Agriculture or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions*. (1) No person shall after the effective date of this order purchase or otherwise acquire burley tobacco of the 1942 crop unless acquired pursuant to an allocation made under this order.

(2) No person shall offer or cause to be offered for resale at auction burley tobacco of the 1942 crop, which has been sold after the effective date of this order on an auction market.

(3) No manufacturer or person purchasing for resale, shall after the effective date of this order purchase burley tobacco of the 1942 crop in looseleaf form which has not been inspected and certificated pursuant to the provisions of the said Tobacco Inspection Act.

(4) The restrictions of this order shall be observed without regard to the rights of creditors, contracts and payments made or any other action taken thereunder.

(c) *Records and reports*. Every manufacturer, person operating an auction warehouse on which burley tobacco is sold and any other person to whom this order applies, shall maintain such records for such periods of time and shall execute and file such reports and submit such information as the Director may from time to time request or direct and within such time as he may prescribe.

(d) *Audits and inspections*. Every manufacturer or any other person to whom this order applies shall permit inspections of his stocks of tobacco and of his books, records, and accounts by the Director or any person designated by him.

(e) *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 said petition, all pertinent facts and the reasons for such petition being approved. The Director may thereupon take such action as he deems appropriate, and such decision by the Director shall be final.

(f) *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 priority assistance: *Provided*, That no person shall be deemed to have violated this order by reason of having acquired tobacco dur-

(Continued on next page)

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<sup>1</sup> 7 CFR 29.206 (11).



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ing the burley auction marketing season in excess of any allocation made under this order, if such person, within 10 days after the close of the burley auction marketing season, files a notice with the Director giving full information with respect to such excess acquisitions, and, subject to the direction of the Director, makes all tobacco acquired subsequent to filling his allocation available for purchase, at the price acquired, to eligible manufacturers.

(h) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref: FD-4.

(i) *Delegation of authority.* The Director of Food Distribution is hereby designated to administer the provisions hereof. The allocations provided herein shall be made by the Director subject to such conditions as he may prescribe and which will tend to effectuate the purposes of this order.

(j) *Effective date.* This order shall be effective as of the date of its issuance.

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

Issued this 7th day of January 1943.

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

[F. R. Doc. 43-421; Filed, January 8, 1943; 11:19 a. m.]

#### TITLE 10—ARMY; WAR DEPARTMENT

##### Chapter III—Claims and Accounts

##### PART 35—PAYMENT OF BILLS AND ACCOUNTS

##### PAYMENTS FOR TELEPHONE, TELEGRAPH AND TELETYPEWRITER SERVICE

Sections 35.18 to 35.21 are rescinded and the following substituted therefor:

Sec.  
35.18 Telephone service.  
35.19 Telegraph service, rates.  
35.20 Bills paid monthly.  
35.21 Teletypewriter service.

*AUTHORITY:* Sections 35.18 to 35.21, inclusive, issued under R. S. 161; 5 U. S. C. 22.

*SOURCE:* These regulations are also contained in Army Regulations No. 35-6100, July 23, 1942, as amended by C 1 December 22, 1942, the particular paragraphs being shown in brackets at end of sections.

##### *Payments for Telephone, Telegraph and Teletypewriter Service*

§ 35.18 *Telephone service*—(a) *Rates, general.* Where a contract for the furnishing of telephone service to the Government provides for payment at legally established rates, payment for services currently rendered is authorized at the increased rates established by city ordinance after court determination of insufficiency of prior rates. (15 Comp. Gen. 896)

(b) *Flash calls made by ground observers.* Flash calls made by ground observers in connections with Aircraft Warning Service may be billed as a group from a given point to a filter center, if such calls do not consume more than the minimum talking period. Where such calls consume more than the minimum talking period, they will be listed separately. (See MS. Comp. Gen., B 25280, April 28, 1942)

(c) *Private residences.* Payment is unauthorized from public funds for the installation or rent of a telephone installed in a private residence irrespective of its use for official business, but long-distance tolls for messages received or transmitted over such telephone, strictly for the public business, may be so paid. (See also 15 Comp. Gen. 885) [Pars. 2c and 3f and g]

§ 35.19 *Telegraph service, rates*—(a) *Official messages.* The rates for communications by telegraph between the several departments of the Government and their officers and agents in their transmission over the lines of any telegraph



company to which has been given the right-of-way, timber, or station lands from the public domain are fixed annually by the Federal Communications Commission pursuant to the provisions of section 5266, Revised Statutes, as amended (Par. 1d).

(b) *Personal messages.* Administrative offices may increase amounts claimed for telegraph services by the difference between the Government rate billed and the commercial rate for messages of a personal nature where collection at the commercial rate, plus tax, has been made from the individual for whose benefit the services were rendered, and deposited in special deposit funds, provided the voucher shows the full cost of the telegrams at commercial rates is being charged to the special deposit funds. (See 17 Comp. Gen. 873) [Par. 4a and k]

§ 35.20 *Bills paid monthly*—(a) *General.* In general, all official telegrams will be charged to and paid for at the sending office on monthly bills, which will be submitted by the local telegraph office directly to the local commanding officer.

(b) *Supporting evidence.* (1) Telegraph bills will be supported by proofs of service which, except "Government collect" messages or telegrams of a confidential nature, will be original telegrams bearing the operator's original pencil notations or indorsement of transmission showing actual performance. (See 14 Comp. Gen. 825, 16 id. 217.) As to what constitutes an original within this rule, the basic reason for the requirement that the original be filed is to insure that the charges for transmission were correctly computed for the services actually rendered and to prevent duplicating payment of such charges. This is best accomplished by accompanying the voucher with the copies of the telegrams used for transmission, showing thereon the company notations with respect to the time filed, the number of words paid for, etc., such copies being commonly referred to as transmission or wire copy. It is immaterial for audit purposes whether the transmission or wire copies be written in long hand or consist of carbon copies; on the other hand, a ribbon copy not showing the transmission data would be of little, if any, use in auditing the charges. (See 21 Comp. Gen. 364)

(2) If charges are included in monthly bills for messages received "Government collect," carbon copies will be accepted in support of the charges. (See MS. Comp. Gen. A-13067, December 18, 1935)

(3) Vouchers for telegraph services furnished by a foreign government in transmitting alleged confidential messages in code may not be passed by the General Accounting Office upon a blanket certification that they were confidential, but copies of the telegrams in code and untranslated will be submitted in support of the account. (See 4 Comp. Gen. 860)

(4) While the general rule is that claims for telegraphic services not of a confidential nature must be supported by the originals of the outgoing messages when presented for payment (subparagraph (1) above), where the messages originate in a foreign country in which the transmitting company is not per-

mitted by its regulations to surrender the originals, copies of the originals will be accepted in support of vouchers, provided appropriate steps are taken by the administrative office to prevent a duplicate payment for the same services. (See 21 Comp. Gen. 94)

(5) (i) Bills for multiple-address telegram transmission services will be supported by evidence that the official message required to be sent was the message actually transmitted, that the message was in fact transmitted, and that the class of service rendered and charged for was that requested by the sender. Therefore a self-serving statement by a telegraph company official that the services were performed as requested cannot be accepted in lieu of the required data.

(ii) Where transmission of a multiple-address telegram is from the originally filed copy of the message, the voucher covering payment for the transmission services will be supported by such original and the list of addresses with appropriate data placed thereon at the time of transmission, but where transmission is from copies of such original, the copies containing the necessary data for a proper audit are required to be filed with the voucher. (See MS. Comp. Gen., B 28733, October 24, 1942)

(c) *Bills to be paid within 5 days.* Disbursing officers to whom bills are submitted for payment will settle such accounts within 5 days after receipt, making payment to the local telegraph office rendering the account. This will not be construed as authorizing payment when papers necessary to support the voucher are not in the possession of the disbursing officer.

(d) *Payment to initial company.* In settling accounts for telegrams which pass over the lines of more than one company (bond-aided excepted), payment may be made on the original telegram to the initial company for the entire service. [Par. 4e, f, g, h, and i]

§ 35.21 *Teletypewriter service*—(a) *Certificate.* The general certificate prescribed in § 35.1 (b) is required.

(b) *Copies of teletypewriter messages not required.* Accounts for teletypewriter service need not be supported by the originals or copies of messages prescribed in § 35.20 (b) for official telegrams. [Par. 6]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 43-415; Filed, January 8, 1943;  
9:33 a. m.]

#### TITLE 14—CIVIL AVIATION

##### Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 24]

##### PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

##### REDESIGNATION OF RADIO FIX: AMBER CIVIL AIRWAY NO. 4

JANUARY 5, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part

601 of the regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.4014 *Amber Civil Airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)* to read as follows:

Brownsville, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Brownsville, Tex., radio range, and the south leg of the Alice, Tex., radio range; Alice, Tex., radio range station; the Pleasanton fan type radio marker station or the intersection of the center lines of the on course signals of the north leg of the Alice, Tex., radio range, and the south leg of the Alamo radio range, San Antonio, Tex.; the Alamo radio range station, San Antonio, Tex.; Spring Branch, Tex., fan type radio marker station or the intersection of the on course signals of the north leg of the Alamo radio range, San Antonio, Tex., and the southwest leg of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Waco, Tex., radio range and the south leg of the Fort Worth, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the southeast leg of the Wichita Falls, Tex., radio range; Marietta, Tex., fan type radio marker station, or the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Oklahoma City, radio range and the southwest leg of the Tulsa, Oklahoma, radio range; Tulsa, Oklahoma, radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Chanute, Kansas, radio range and the northwest leg of the Tulsa, Oklahoma, radio range; Chanute, Kans., radio range station; St. Joseph, Missouri, radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range.

This amendment shall become effective 0001 E. W. T., January 15, 1943.

C. I. STANTON,  
Administrator.

[F. R. Doc. 43-413; Filed, January 8, 1943;  
9:33 a. m.]

#### TITLE 24—HOUSING CREDIT

##### Chapter IV—Home Owners' Loan Corporation

[Bulletin No. 146]

##### PART 402—LOAN SERVICE DIVISION PROPERTY PURCHASE BY CORPORATION EMPLOYEE Correction

In the 8th line of § 402.17-4, appearing on page 225 of the issue for Wednesday, January 6, 1943, "or" should read "of".

**TITLE 30—MINERAL RESOURCES**  
**Chapter III—Bituminous Coal Division**

[Docket No. A-1756]

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

**ORDER GRANTING RELIEF, ETC.**

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this

Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, tem-

porary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceed-

ings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

It is further ordered, That no relief be granted herein for the coals of the Lansberry #3 Mine (Mine Index No. 573) of Lansberry & Son, Abbie E., for all shipments except truck and for truck shipments for the reasons appearing in the order separating that portion of Docket No. A-1756 relating to these coals from the rest of the docket and designating it as Docket No. A-1756, Part II.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,  
 Director.

**TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1**  
 The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK**

**§ 321.7 Alphabetical list of code members—Supplement R**

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3794	Berkelbille, Freeman	Berkelbille #3	37	C'	Stoyestown, Pa.	B&O	100	(f)	(f)	(f)	(f)	(f)
3785	Billings Coal Company (C. E. Wood)	Billings Coal Co. #1 (S)	1	C'	Shippensville, Pa.	NYC	30	(f)	(f)	(f)	(f)	(f)
3854	Billings Coal Company (C. E. Wood)	Billings Coal Co. #2 (S)	1	C	Shippensville, Pa.	NYC	30	(f)	(f)	(f)	(f)	(f)
2315	Glenn Coal Co. (Walter Crago)	Glenn	14	B	Phillipsburg, Pa.	PRR	45	(f)	(f)	(f)	(f)	(f)
3803	Hill Brothers (Coal) W. D. Hill	Hill Bros. #1 (S)	14	E	Oscola Mills, Pa.	PRR	45	(f)	(f)	(f)	(f)	(f)
3857	Iseman Bros. (Hugh W. Iseman)	Iseman Bros. #2 (S)	4	D	New Bethlehem, Pa.	PRR	75	(f)	(f)	(f)	(f)	(f)
3808	Lorelli, John F.	Round Hill	6	L	Ankita, Pa.	PRR	50	(f)	(f)	(f)	(f)	(f)
3830	Miller, Harvey E.	Miller	5	E	Knockdale, Pa.	P&S	119	(f)	(f)	(f)	(f)	(f)
3835	Schnars Coal Co., R. R.	Belfast #17	14	B	Phillipsburg, Pa.	NYC	44	(f)	(f)	(f)	(f)	(f)
3856	Schnars Coal Co., R. R.	Belfast #18 (S)	14	C	Phillipsburg, Pa.	NYC	44	(f)	(f)	(f)	(f)	(f)
3859	Schnabel, George	Schnabel #2	24	D	St. Benedict, Pa.	NYC	44	(f)	(f)	(f)	(f)	(f)

†Indicates no classifications or prices effective in these size groups.

is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof.

It is further ordered, That commencing forthwith § 324.9 (Recapitulation of price classifications) in the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck be, and the same is hereby amended by deleting the classification of "Q" from Size Group 10 coals produced by the Jacobs Mine, Mine Index No. 2960, of Pearl Jacobs, formerly operated by George A. Christy.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.  
Dated: December 24, 1942.

[SEAL] DAN H. WHEELER,  
Director.

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4, and the elimination of the "Q" classification in Size Group 10 as set out in the Schedule of Effective Minimum Prices for District No. 4, For All Shipments Except Truck, for the coals of the Jacobs Mine, Mine Index No. 2960, of Pearl Jacobs, for the reason that this is not a strip mine; and

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

No petitions of intervention having been filed with the Division in the above-entitled matter; and  
The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 324.11 (Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel) is amended by adding thereto Supplement R-II, and § 324.24 (General prices in cents per net ton for shipment into all market areas)

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES, prices, instructions, exceptions, and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R-I

[Alphabetical list of code members having railroad loading facilities, showing price classification by price group numbers]

Mine index No.	Code member	Mine name	Seam	Type	Sub-district No.	Shipping points in Ohio	Freight origin group No.	Railroad	Railroad fuel price group No.	
									On line	Off line
3059	A & A Coal Company (A. E. Akenhead)	A & A No. 2	4	Strip	4	Lectonia	72	PRR	113	202-204
810	B & W Coal Co. (Barnett Essex & Wilbur McDonald)	B & W	6	Deep	5	Shawnee	27	NYC	110	201-203
511	Capitini, Adolph	Bakewell C. Co.	8	Deep	1	Bellair	15	PRR	112	201-203
489	Carbon Limestone Company, The	Carbon Limestone	4	Strip	4	Hillsville, Penna.	200	P&LE	123	202-204
463	Central States Engineering Co.	Williams	6	Strip	4	Rogers	92	P&L&W	116	202-204
961	Cook Brothers (John Cook)	Cook Brothers	6	Deep	6	Corning	73	NYC	110	201-203
2574	Hashman, Paul	Hashman	6	Deep	5	Nelsonville	22	C&O	103	201-203
410	Vaughn Bros. Coal Co. (Charles Vaughn)	Vaughn Bros. #2	6	Deep	5	Floodwood	22	C&O	103	201-203

For letter classification see § 324.9 in Minimum Price Schedule for District No. 4.

FOR TRUCK SHIPMENTS  
§ 321.24 General prices—Supplement T

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

Code Member Index	Mine Index No.	Mine	Sub. Dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine mod. bed R/M	1' and under slack	2' and under slack
Berkebile, Freeman	3794	Berkebile #3	37	Somerset	C'	(f)	(f)	245	(f)	(f)
Billings Coal Company (C. E. Wood)	3785	Billings Coal Co. #1 (S)	1	Clarion	C'	260	235	235	225	215
Billings Coal Company (C. E. Wood)	3854	Billings Coal Co. #2 (S)	1	Clarion	C	265	240	240	230	220
Hill Brothers (Coal) W. D. Hill	3803	Hill Bros. #1 (S)	14	Clearfield	E	(f)	(f)	240	(f)	(f)
Iscman Bros. (Hugh W. Iscman)	3857	Iscman Bros. #2 (S)	4	Clarion	D	260	235	235	220	210
Lorelli, John F.	3808	Round Hill	6	Jefferson	L. Freeport	(f)	(f)	245	235	225
Miller, Harvey E.	3830	Miller	5	Jefferson	E.	(f)	(f)	235	(f)	(f)
Morehouse Brothers (Dakin C. Morehouse)	3807	MB #1	43	Allegheny	Big Velh.	(f)	(f)	230	(f)	(f)
Quick & Quick	3827	Quick #4	9	Clearfield	C'	(f)	(f)	245	(f)	(f)
Rager, James & John Kerestey (James Rager)	3814	Lydic	15	Indiana	E	(f)	(f)	245	(f)	(f)
Schnabel, George	3859	Schnabel #2	24	Cambria	D	(f)	(f)	245	(f)	(f)
Schnars Coal Co., R. R.	3855	Belfast #17	14	Centre	B	(f)	(f)	230	(f)	(f)
Schnars Coal Co., R. R.	3856	Belfast #18 (S)	14	Centre	C	(f)	(f)	240	(f)	(f)
Thompson, Charles R.	3811	Thompson	40	Somerset	E	(f)	(f)	230	(f)	(f)

Indicates no classifications or prices effective for these size groups.

[F. R. Doc. 43-351; Filed, January 7, 1943; 11:25 a. m.]

[Docket No. A-1703]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4  
ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief

in the matter of the petition of District Board No. 4, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4.  
An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES, prices, instructions, exceptions, and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.



§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T—Continued

Code member	Mine	Mine Index No.	Type	Seam	Base sizes									
					6' lump	3'-4'-5' lump	2' lump	2' x 4' egg	1 1/2' lump, 1 1/4' x 4' egg	Mine run, nut, and pea	2' x 0 slack	3/4' x 0 slack		
SUBDISTRICT No. 7—JACKSON														
JACKSON COUNTY														
Locust Grove Coal Co. (Charles F. Dixon)	Locust Grove #2	3070	Deep	2	315	305	295	270	265	215	195	185		
Speary, Frank (Speary Coal Co.)		3044	Deep	4	315	305	295	270	265	215	195	185		
SUBDISTRICT No. 8—POMEROY														
GALLIA COUNTY														
Partin Coal Co. (Geo. H. Partin)		498	Strip		315	305	295	270	265	215	160	160		

[F. R. Doc. 43-353; Filed, January 7, 1943; 11:27 a. m.]

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-II

New railroad fuel price groups, Numbers 122 and 123, are hereby established as follows (add to § 324.11 (a) in Minimum Price Schedule for District No. 4):

Name of railroad	Railroad fuel—on-line price group No.	Prices in cents per net ton by size group Nos.											
		1	2	3	4	5	6	7	8	9	10	11	12
The Pittsburgh and Lake Erie Railroad Co.	122	240	240	240	240	240	240	240	240	240	240	240	240
	123	230	230	230	230	230	230	230	230	230	230	230	230

1 Indicates no classification or prices effective in these size groups.

FOR TRUCK SHIPMENTS

§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T

Code member	Mine	Mine Index No.	Type	Seam	Base sizes								
					6' lump	3'-4'-5' lump	2' lump	2' x 4' egg	1 1/2' lump, 1 1/4' x 4' egg	Mine run, nut, and pea	2' x 0 slack	3/4' x 0 slack	
SUBDISTRICT No. 4—MIDDLE													
CARROLL COUNTY													
Davis, A. R. & Emory Baughman (A. R. Davis)	Davis #2	3068	Deep	7	295	285	270	255	255	240	210	200	
Grant Collieries, Inc.	Grant "B"	355	Strip	7A	295	285	270	255	255	240	210	200	
COLUMBIANA COUNTY													
A & A Coal Co. (A. E. Akenhead)	A & A No. 2	3059	Strip	4	320	310	295	270	265	245	225	215	
Central States Engineering Co.	Williams	463	Strip	6	320	310	295	270	265	245	225	215	
COSHOCK COUNTY													
Consumers Collieries Co., The	Power	3049	Deep	6	300	290	280	255	250	215	185	175	
Senter, A. R.	Senter	3036	Deep	6	300	290	280	255	250	215	185	175	
West Coal Co.	No. 76	3071	Deep	6	300	290	280	255	250	215	185	175	
MAHONING COUNTY													
Carbon Limestone Co., The	Carbon Limestone	489	Strip	4	320	310	295	270	265	255	225	215	
TUSCARAWAS COUNTY													
Eberhart, Edwin R., (Eberhart Coal Co.)	Eberhart #2	458	Strip	5	295	285	270	255	255	230	210	200	
Marchest Coal Co., The	Marchest C. Co.	3069	Deep	6	295	285	270	255	255	240	210	200	
Schneller, Frank H.	Broad Run	3038	Deep	6	295	285	270	255	255	240	210	200	
SUBDISTRICT No. 5—HOCKING													
HOCKING COUNTY													
Coe, J., & Sons (Jack Coe)	J. Coe & Sons	499	Deep	6	315	305	295	270	265	215	185	175	
SUBDISTRICT No. 6—CROOKSVILLE													
MUSKINGUM COUNTY													
Wills Creek Coal Mining Co. (John Homyak)	Wills Creek C. Co.	3042	Deep	6	300	290	280	255	250	215	185	175	

1 Erroneously listed and priced in Docket A-1339 as being located in Columbiana County.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 327.11 (Low volatile coals: Alphabetical list of code members) is amended by adding thereto Supplement R, and § 327.34 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered. Dated: December 28, 1942.

[SEAL] DAN H. WHEELER, Director.

[Docket No. A-1775]  
PART 327—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 7

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of the Allen Mine of P. B. Allen, in District No. 7:

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Allen Mine of P. B. Allen, Mine Index No. 329, in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and  
No petitions of intervention having been filed with the Division in the above-entitled matter; and  
The following action being deemed necessary in order to effectuate the purposes of the Act;

in Supplement R and Supplement T for the coals of Mine Index No. 407 shall be as therein shown instead of the seam designation heretofore applicable to this mine.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

The minimum prices requested by District Board No. 8 in the original petition filed herein for the coals of the Betsey No. 1 Mine, Mine Index No. 5768 of Shank & Shank, have not been established for the reason that the prices requested are the same as those requested in Docket No. A-1557 for all the mines in Putnam County for truck shipments and upon which request a hearing was held. This matter is now pending before the Director. In lieu thereof, the minimum prices for truck shipments set forth in Supplement T, which are the prices presently established for coals in Putnam County, West Virginia, have temporarily been established for the coals of this mine.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER, Director.

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; for a change in the shipping point, railroad and freight origin group for the coals of Mine Index No. 5720, and for a change in the seam designation for the coals of Mine Index No. 407, in District No. 8; and

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

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

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

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; commencing forthwith, the shipping point, railroad and freight origin group appearing in the aforesaid Supplement R for the coals of Mine Index No. 5720 shall be as therein shown instead of the shipping point, railroad and freight origin group heretofore applicable for this mine; and commencing forthwith, the seam designation appearing

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7  
 Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members—Supplement R*  
 [Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Price classification by size group No.									
							1	2	3	4	5	6	7	8	9	10
329	Allen, P. B.	Allen.....	2	Sewell...	Lookout, W. Va.	C&O.....	A	(t)	(t)	(t)	A	B	B	B	B	(t)

†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area—Supplement T*

Code member index	Mine	Mine Index No.	County	Seam	All lump or larger, all size	All nut or pea or smaller	Straight Mine	Screened M/R	1 1/2" screenings	3/4" screenings
Allen, P. B.	Allen.....	329	Fayette.....	Sewell.....	350	.....	300	235	215	210

[F. R. Doc. 43-354; Filed, January 7, 1943; 11:26 a. m.]

[Docket No. A-1743]  
 PART 328—MINIMUM PRICE SCHEDULE,  
 DISTRICT NO. 8  
 ORDER GRANTING RELIEF, ETC.  
 Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

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

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 Alphabetical list of code members—Supplement B

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

Table with columns: Mine index No., Code member, Mine name, High volatile seam, Sub-district No., Shipping point, Railroad, Freight origin group, and Price classifications by size group Nos. (For destinations other than great lakes, For Great Lakes cargo only).

1 Denotes new shipping point. Shipping point at Monterey, Tenn., shall no longer be applicable. 2 Denotes change in seam designation. 3 Indicates no classification effective for these size groups. 4 Indicates previously classified these size groups.



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

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 4" x 6", egg	Lump 2" and under, egg 3" x 6"	Lump 3/4" and under, egg 2" x 4", egg 2"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	3/4" and under, slack	
SUBDISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
	Ridgeview	407	Cedar Grove and No. 2 Gas <sup>2</sup>	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
PUTNAM COUNTY, W. VA.											
	Betsey No. 1	5768	Pittsburgh No. 8	265	245	215	200	215	145	140	
SUBDISTRICT NO. 5—LOGAN											
LOGAN COUNTY, W. VA.											
	Crystal Block Coal & Coke Co. No. 4	5823	"C"	275	255	240	235	220	205	200	
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
	Garrison, Brodis B	5804	Virginia Sue No. 2	315	295	245	265	235	235	185	180
CLAY COUNTY, KY.											
	Hibbard & Harris (Theo. Hibbard)	5778	Mose Lewis	285	265	240	240	225	230	175	170
CLINTON COUNTY, KY.											
	Corey No. 1	5755	No. 3	275	255	235	230	220	225	175	170
	Guinn No. 1	5776	No. 3	275	255	235	230	220	225	175	170
JACKSON COUNTY, KY.											
	Templeton & Pennington (Dewey Templeton)	5825	Sand Gap	285	265	240	240	225	230	175	170
KNOX COUNTY, KY.											
	Wilson-Elliott No. 1	5747	Jellico	275	255	245	245	225	235	175	170
	Larence Helton No. 2	5794	Jellico	275	255	245	245	225	235	175	170
FULASKI COUNTY, KY.											
	Victory	5822	No. 3	285	265	240	240	225	230	175	170
WAYNE COUNTY, KY.											
	Black No. 3	5782	No. 3	275	255	235	230	220	225	175	170
	Stinson, Arthur	5772	No. 3	275	255	235	230	220	225	175	170
WHITLEY COUNTY, KY.											
	James Lawson	5783	Blue Gem	355	335	255	280	245	245	165	160
	Gatlin Coal Co.	5805	Blue Gem	355	335	255	280	245	245	165	160
	Siler, Mode & Frank Goley	5762	Jellico	305	285	245	260	235	235	190	185
	(Frank Goley)										
CAMPBELL COUNTY, TENN.											
	Seiber, Mack & Clyde & Amon Polson (Amon Polson)	5793	Rex	315	295	230	265	235	220	165	160

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

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 4" x 6", egg	Lump 2" and under, egg 3" x 6"	Lump 3/4" and under, egg 2" x 4", egg 2"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	3/4" and under, slack	
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
CARTER COUNTY, KY.											
	Haywood, C. S. & George (C. S. Haywood)	5752	No. 7	285	265	230	240	225	220	170	165
FLOYD COUNTY, KY.											
	Hopper, Noah	5770	Elkhorn No. 1	305	285	245	250	235	235	185	180
	Porter, Henry (Porter Elkhorn Coal Co.)	5788	Elkhorn No. 1	305	285	245	250	235	235	190	185
JOHNSON COUNTY, KY.											
	Fairchild, Ray	5783	Millers Creek	325	305	255	260	235	245	190	185
MAGOFFIN COUNTY, KY.											
	Allen, Otis	5774	Whitesburg	285	265	230	240	225	220	170	165
MENEFEE COUNTY, KY.											
	Williams, Jasper	5824		285	265	230	240	225	220	170	165
PIKE COUNTY, KY.											
	Mullins, Allen	5769	Upper Elkhorn	295	275	240	250	235	230	190	185
	Osborne, S. V.	5771	Elkhorn No. 2	295	275	240	250	235	230	190	185
	Republic Steel Corporation	5682	Elkhorn	(f)	(f)	255	(f)	(f)	245	(f)	(f)
SUBDISTRICT NO. 3—HAZARD											
BREATHITT COUNTY, KY.											
	Moore, H. R.	5744	Hazard No. 4	285	265	230	225	210	220	165	160
KNOX COUNTY, KY.											
	Stone, Linzy & Russell (Russell Stone)	5801	Hazard No. 6	285	265	240	225	215	230	165	160
LEE COUNTY, KY.											
	Cooper & Dunaway (J. G. Cooper)	5706	Ida May	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
	Johnson, Price	5784	Beattyville	295	275	240	245	225	230	175	170
	Samples, David	5826	Beattyville	295	275	240	245	225	230	175	170
ERRY COUNTY, KY.											
	Campbell, Arthur	5751	Hazard No. 4	295	275	240	245	225	230	175	170
	Combs, James M.	5806	Hazard No. 4	295	275	240	245	225	230	175	170

1 Cooper & Dunaway (J. G. Cooper) was erroneously listed in Docket A-1644 as Mine Index 5707.  
 \* Denotes change in seam designation.  
 † Indicates no classification effective for these size groups.  
 \* Indicates previously classified these size groups.

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

Code member index	Mine	Seam	Base sizes									
			Lump 4' over 2' egg	Lump 2' and under	Lump 3' x 6'	Lump 3/4' and under	Egg 2' x 6' egg	Egg 3' x 6' egg	Stove 3' and under	Straight mine run	2' and under, slack	3/4' and under, slack
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Continued SCOTT COUNTY, TENN.	Cross, Charles & James Chambers, H. F. Pemberton, H. F.	5820 5821	Glen Mary	275	235	235	230	230	225	175	170	8
				275	235	235	230	230	225	175	170	8
SUBDISTRICT NO. 7—VIRGINIA DEKENS COUNTY, VA.	Gibson Coal Co. (George Gibson).	5811	Lower Banner	285	235	240	240	235	230	175	170	
				285	235	240	240	235	230	175	170	
RUSSELL COUNTY, VA.	Helton & Vance	2246	Upper Banner	285	235	240	240	235	230	175	170	
				285	235	240	240	235	230	175	170	
WISE COUNTY, VA.	Christie Coal Co. Osborne, Tive	107 5785	Blair Widow Kennedy	(t)	(t)	(t)	(t)	235	(c)	(t)	(t)	
				285	275	240	260	245	230	175	170	

†Indicates no classification effective for these size groups.  
\*Indicates previously classified these size groups.

[F. R. Doc. 43-355; Filed, January 7, 1943; 11:26 a. m.]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

for certain coals produced in District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the

ORDER GRANTING RELIEF, ETC.  
Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of minimum prices and price classifications

coals of certain mines located in District No. 13; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (General Prices) is amended by adding thereto Supplement R-I, § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, § 333.7 (Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto Supplement R-III, § 333.24 (General prices) is amended by adding thereto Supplement R-IV, § 333.25 (Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses) is amended by adding thereto Supplement R-V, § 333.27 (Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama) is amended by adding thereto Supplement R-VI, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I, § 333.43 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereinafter made a part hereof.

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

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

No price classifications or minimum prices have been established for the Millie and Moss Hollow Mine of R. C. Gillespie as proposed in the original petition because records of the Division indicate that this producer is not a member of the Bituminous Coal Code.

The petition also proposed a minimum price in the amount of \$3.10 for Size Group 23 (raw screenings) for the New Riceton #5 Mine for truck shipments. In view of the fact that a minimum price of \$2.60 is proposed for coals of this mine in Size Group 18 (raw screenings) and because of the fact that a minimum price of \$2.10 is proposed for comparable coals in Size Group 23 produced at other mines operating in the same county and seam, it appears that the proposed minimum price of \$3.10 for the coals in Size Group 23 of the New Riceton #5 Mine is a typographical error and that the minimum price intended to be proposed for this coal is \$2.10. A minimum price for Size Group 23 of the New Riceton #5 Mine for truck shipments is accordingly established at \$2.10.

Dated: December 19, 1942.

(SEAL) DAN H. WHEELER, Director.

**§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Supplement R-III**  
 [Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship bunker fuel subject to price instructions and exceptions]

Mine Index No.	Size groups and prices applicable for steamship vessel fuel
Sub-district No. 1	Mine group
1532	14, 15, 16, 17, 18
1647, 1648, 1649	12
1701	13
	315
	315
	275

**§ 333.24 General prices—Supplement R-IV**

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1 1691	Crooks, Joe	Crooks	3	No. 7	200
	MARION COUNTY, TENN.				
3 1702	Cain, Geo. D.	Cain #4	3	Sewanee	210
3 1699	Henry Bros. (Clarence Henry)	Henry Bros. No. 2	3	Sewanee	150
4 1688	Richardson, Joe	Tommy #1	3	Etna #3	190
3 1692	Simmons, N. E.	Simmons #2	3	Sewanee	210

<sup>1</sup> Shipping Point: Rathburn, Tenn. Railroad: Sou. Ry. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 695 (C. B. Alexander, Alexander mine, Minimum Price Schedule), and will be included in Group 4.  
<sup>2</sup> Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 731 (Sequatichie Coal Co., Sequatchie mine, Minimum Price Schedule), and will be included in Group 1.  
<sup>3</sup> Shipping Point: Dunksap, Tenn. Railroad: N. C. & St. L. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 714 (E. L. Goforth, Goforth mine, Minimum Price Schedule), and will be included in Group 9.  
<sup>4</sup> Shipping Point: Ladds, Tenn. Railroad: N. C. & St. L. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 713 (Etna Coal & Coke Company, Inc., Etna #2, Minimum Price Schedule), and will be included in Group 2.  
<sup>5</sup> Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 731 (Sequatichie Coal Co., Sequatchie mine, Minimum Price Schedule), and included in Group 1.

**§ 333.25 Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses—Supplement R-V**  
 [Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses]

For mines in sub-district No. 3	Size	Price
Mine index number: 1688, 1691, 1692, 1699, 1702.	For all sizes except screenings with top size not more than 2".	255
		245

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13  
 NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK**

**§ 333.6 General prices—Supplement R-I**

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1 1683	Martin, W. F.	Sell Creek #5	1	Black Creek	31
4 1532	Reed, John	Nyota #10	1	Black Creek	31
	BLOUNT COUNTY, ALA.				
3 1647	Crick, T. T.	Wilburn Smith #1	1	Black Creek	101
3 1648	Crick, T. T.	Wilburn Smith #2	1	Black Creek	101
3 1649	Crick, T. T.	Wilburn Smith #3	1	Black Creek	101
	MARION COUNTY, ALA.				
4 1701	Naramore, W. A. (Naramore Coal Co.)	New Riceton #2, 3, 4, 5 & 6	1	Mt. Carmel	121
3 1467	Roberts & Early (John C. Roberts)	Roberts & Early	1	Black Creek	80
	WALKER COUNTY, ALA.				
3 1676	Pendley, Carl	Millstone Mt. #10	1	Black Creek	111
	WINSTON COUNTY, ALA.				

<sup>1</sup> Shipping Point: Warrior, Ala. Railroad: L&N. This mine shall have in Size Group 13 on each respective price table the same price as is shown thereon for Mine Index No. 1369 (Floyd Cooper, Cooper's mine, Minimum Price Schedule), and will be included in group 120.  
<sup>2</sup> Shipping Point: Carbon, Ala. Railroad: L&N. This mine shall have in Size Groups 20, 22, 23 and 24 on each respective price table the same price as are listed in these respective size groups for Mine Index No. 1360 (Willie Martin, Nyota #9, Minimum Price Schedule), and will be included in group 118. Change in shipping point but without change in railroad and Freight Origin Group. Shipping point at Warrior, Ala., shall no longer be applicable.  
<sup>3</sup> Shipping Point: Glen Allen, Ala. Railroad: St. L.-S. F. These mines shall have in Size Groups 4, 6, 17, 18, 20, 22 and 26 on each respective price table the same price as are listed in these respective size groups for Mine Index No. 427 (T. T. Crick, Kelly #3 mine, Minimum Price Schedule), and will be included in group 29.  
<sup>4</sup> Shipping Point: Cordova, Ala. Railroad: St. L.-S. F. & Sou. Ry. This mine shall have in Size Groups 1, 13 and 23 on each respective price table the same price as are listed in these respective size groups for Mine Index No. 1249 (W. A. Naramore (Naramore Coal Co.), New Riceton, Mine, Minimum Price Schedule), and included in Group 203.  
<sup>5</sup> Shipping Point: Rosemary, Ala. Railroad: St. L.-S. F. Change in shipping point but without change in railroad and Freight Origin Group. Shipping point at Drummond, Ala., shall no longer be applicable.  
<sup>6</sup> Shipping Point: Lynn, Ala. Railroad: Sou. Ry. This mine shall have in Size Groups 1, 4, 7, 13, and 23 on each respective price table the same price as are listed in these respective size groups for Mine Index No. 1415 (W. L. Thomas, Dodd #1 Mine, Minimum Price Schedule) and included in Group No. 107.

**§ 333.7 Special prices—(a) Prices for shipment to all railroads for exclusive use of railroads—Supplement R-II**

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply. For all mines in subdistrict No. 1. For all sizes customarily furnished railroads for locomotive fuel]

Mine Index No.	Central of Georgia <sup>1</sup>	Seaboard Air Line Ry. <sup>1</sup>	St. Louis & San Francisco R. R. (for consignment west of the Mississippi River)	St. Louis & San Francisco R. R. (for consignment east of the Mississippi River)	A. B. & C. Railroad	All other railroads not specifically shown
1532, 1647, 1648, 1649, 1701	250	250	250	250	250	250

<sup>1</sup> Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.



§ 333.27 Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to J. a. s. consumers in the States of Tennessee and Alabama—Supplement R-VI

Code member index	Mine	Mine index No.	County	Seam	Lump: Over 2', Egg: Top size over 5' and under	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Industrial coal
TENNESSEE-GEORGIA																					
Subdistrict No. 5																					
Cain, Geo. D.	Cain #4	1702	Marion	Sewanee	345	345	335	290	280	275	265	265	265	265	235	235	235	230	195	290	
Crooks, Joe	Crooks	1691	Hamilton	No. 7	345	345	335	290	280	275	265	265	265	265	235	235	235	230	185	290	
Henry Bros. #2	Henry Bros. #2	1699	Marion	Sewanee	345	345	335	290	280	275	265	265	265	265	235	235	235	230	195	290	
Richardson, Joe	Tommy #1	1688	Marion	Etna #3	345	345	335	290	280	275	265	265	265	265	235	235	235	230	205	290	
Simmons, N. E.	Simmons #2	1692	Marion	Sewanee	345	345	335	290	280	275	265	265	265	265	235	235	235	230	195	290	

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2', Egg: Top size over 6' and under	1	2	3	Nut: Top size 3' and under, bottom size over 1/2'		Chestnut: Top size 3' and under, bottom size 1/2' and under		Chestnut: Top size 1 1/2' and under, bottom size 1/2' and under		Run of mine, mod. R/M		Screens: 1 1/2" and under		Screens: 3/4" and under		Industrial coal	
									Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw		
ALABAMA																						
BIBB COUNTY																						
Evans, David S.	Persimmon	1695	2	Youngblood	395	395	370	365	345	345	320	330	305	305	290	255	270	245	305	24, 25, 26		
BLOUNT COUNTY																						
Martin, W. F.	Self Creek #5	1683	2	Black Creek	385	385	370	375	355	340	330	325	315	315	305	295	295	280	315	315		
Quiek, L. C. & M. T. Doss (L. C. Quiek)	Fannie First	1669	2	Black Creek	385	385	370	375	355	340	330	325	315	315	305	295	295	280	315	315		
JEFFERSON COUNTY																						
Keef, N. E.	N. E. Keef #2	1703	2	Upper Nunnally	310	310	305	325	305	300	300	280	260	260	265	230	260	210	260	260		
MARION COUNTY																						
Burks & Dykes (Clyde Burks)	Colburn's #7	1671	2	Black Creek	415	415	390	365	345	345	335	340	330	330	305	295	295	255	320	320		
WALKER COUNTY																						
Hannon & Ivy (D. B. Hannon)	Tucker #11	1689	2	Black Creek	415	415	390	365	345	345	335	340	330	330	305	295	295	255	320	320		
Naramore, W. A. (Naramore Coal Company) & 6.	New Rietton #2, 3, 4, 5	1701	2	Mt. Carmel	365	365	305	325	305	310	290	280	280	280	255	255	230	260	210	255		
WINSFORD COUNTY																						
Pendley, Carl	Millstone Mt. #10	1676	2	Black Creek	415	415	390	365	345	345	335	340	330	330	305	295	295	255	320	320		

§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Code member index	Mine	Mine index No.	Substrata	Seam	Lump: Over 2", Egg: Top size over 5"	Egg: Top size 5" and under	Lump: 2" and under	Nut: Top size 2" and under; bottom size 1" and under	Stoker: Top size 1 1/2" and under; bottom size 1/2" and under	Stoker: Top size 3/4" and under; bottom size 1/4" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screens: 2" and under	Screens: 1 1/2" and under	Screens: 1" and under	Screens: 3/4" and under	Industrial coal 1
	TENNESSEE—GEORGIA																	
	HAMILTON COUNTY, TENN.																	
	Crooks, Joe	1691	4	No. 7	345	345	335	290	280	250	265	265	265	235	225	220	185	290
	MARION COUNTY, TENN.																	
	Cain, Geo. D.	1702	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	230	195	290
	Henry Bros. (Clarence Henry)	1699	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	230	195	290
	Richardson, Joe	1688	4	Ft. #3	345	345	335	290	280	275	265	265	265	235	235	230	195	290
	Simmons, N. E.	1692	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	230	195	290

1 For sizes included see Size Group Table § 333.6.

[F. R. Doc. 43-352; Filed, January 7, 1943; 11:25 a. m.]

[Docket No. A-1765]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of Tombrello Coal Company, a code member in District No. 13, for the establishment of price classifications and minimum prices for the Udora #1 Mine (Mine Index No. 1706) and the Udora #2 Mine (Mine Index No. 1709) and for change in shipping point of the Spradling Hollow Mine (Mine Index No. 199).

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Udora #1 Mine (Mine Index No. 1706) and the Udora #2 Mine (Mine Index No. 1709), and requesting change in shipping point for the Spradling Hollow Mine (Mine Index No. 199);

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

the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: December 24, 1942.

[SEAL]

DAN H. WHEELER,  
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 General prices—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine Index No.	Code member	Mine	Sub-district	Seam	Freight origin group
JEFFERSON COUNTY, ALA.					
1706	Tombrello Coal Company.....	Udora #1.....	1	Nickel Plate.....	31
1709	Tombrello Coal Company.....	Udora #2.....	1	Pratt.....	31
199	Tombrello Coal Co., Inc.....	Spradling Hollow.....	1	Nickel Plate.....	31

<sup>1</sup> Shipping Point: Udora, Ala. Railroad: L&N. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 199 (Tombrello Coal Company, Inc., Spradling Hollow Mine, Minimum Price Schedule), and will be included in Group 175.

<sup>2</sup> Shipping Point: Udora, Ala. Railroad: L&N. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 381 (Tombrello Coal Company, Inc., Tombrello Mine, Minimum Price Schedule), and will be included in Group 165.

<sup>3</sup> Shipping Point: Udora, Ala. Railroad: L&N. Change in shipping point, railroad and freight origin group. Shipping point at Cardiff, Ala., on Southern Railway in freight origin group 50 shall no longer be applicable.

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply.]

Mine Index No.	For all mines in Subdistrict No. 1		For all sizes customarily furnished railroads for locomotive fuel			
	Central of Georgia	Seaboard Air Line Railway	St. Louis & San Francisco R. R. (for consignment west of the Mississippi River)	St. Louis & San Francisco R. R. (for consignment east of the Mississippi River)	A. B. & C. Railroad	All other railroads not specifically shown
1706, 1709.....	250	250	230	250	.....	250

<sup>1</sup> Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

[F. R. Doc. 43-356; Filed, January 7, 1943; 11:27 a. m.]

[Docket No. A-1759]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF, ETC.

Memorandum opinion and order granting temporary relief and conditionally providing for final relief in the matter of the petition of the Kistler Coal Company, code member in District No. 14, for revision of certain price classifications and minimum prices for coals produced from the Rock Island Mine.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division by the above-named party requesting revision of the price classifications and minimum prices for the coals in Size Groups Nos. 4, 6, 7, 8, 9, and 18, produced from the Rock Island Mine, Mine Index No. 203, of the Kistler Coal Company, located in Subdistrict No. 6 of District No. 14, for shipments by both rail and truck.

Petitioner alleges that the price classifications and minimum prices heretofore established and currently in effect for the coals of its Rock Island Mine in

Size Groups Nos. 4, 6, 7, 8, 9, and 18, do not reflect the relative market values of such coals for the reason that at the time the coals in question were originally classified and priced in Dockets Nos. A-928 and A-928 Part II, petitioner's mine was in the process of development and approximated but 300 feet in depth, with the result that the coal produced therefrom was inferior in quality to the so-called A Grade coals produced in the Excelsior field in District No. 14. Petitioner further alleges that the depth of its Rock Island Mine now approximates 1100 feet and that the coals currently being produced therefrom are comparable both physically and analytically with the A Grade coals produced from competing mines in the Excelsior field.

In support of its allegation to the effect that the coals of its Rock Island Mine are presently comparable to the coals produced from other A Grade mines in the Excelsior field, petitioner, for the purpose of comparison, submits an analysis of the lump coals produced from its Rock Island Mine and a composite analysis of the lump coals produced from Mine Index Nos. 13, 33, 89 and 144,

which mines are classified as A Grade mines and are located in the Excelsior field in District No. 14.

In support of its allegation that the coals produced from its Rock Island Mine are comparable in hardness and in physical characteristics to the coals produced from A Grade mines in the Excelsior field, petitioner submits reports of drop shatter tests conducted upon 8" x 3" egg coal produced from its Rock Island Mine, and upon similar size coals produced from Mine Index Nos. 13, 33, 89 and 144, the A Grade mines referred to above.

No petitions of intervention have been filed with the Division in the above-entitled matter.

From the facts alleged in the original petition in this matter it appears that a reasonable showing of necessity has been made for the granting of temporary relief and that, pending final disposition of this proceeding, interested persons will not be prejudiced by the granting of such temporary relief in the manner hereinafter set forth.

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 334.5 (Alphabetical list of code members) and § 334.24 (General prices for shipment into all market areas) in the Schedules of Effective Minimum Prices for District No. 14 For All Shipments Except Truck and For Truck Shipments are supplemented to include, for the coals of the Rock Island Mine, Mine Index No. 203, of the Kistler Coal Company, in Size Groups Nos. 4, 6, 7, 8, 9, and 18, the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and hereby made a part hereof.

It is further ordered, That the price classifications and minimum prices heretofore established in Dockets Nos. A-928 and A-928 Part II, 6 F.R. 3944 and 6 F.R. 6183, respectively, for the coals of the Rock Island Mine, Mine Index No. 203, of the Kistler Coal Company, in Size Groups Nos. 4, 6, 7, 8, 9, and 18, for all shipments except truck, and for truck shipments, be, and they hereby are, withdrawn and terminated as of the date of this order.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: December 26, 1942.

[SEAL] DAN H. WHEELER, Director.





**PART 1293—HAND TOOLS SIMPLIFICATION**  
[Schedule V to Limitation Order L-157]

**HAND FORKS, HAND HOOKS, HAND RAKES, HAND HOES, HAND EYE HOES AND HAND CULTIVATORS.**

§ 1293.6 *Schedule V to Limitation Order L-157*—(a) *Definitions*: For the purpose of this schedule:

(1) "Producer" means any person who manufactures, stamps, forges or otherwise fabricates hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators.

(2) "Hand cultivator" means a tined hoe or rake designed for manual operation. Hand cultivator shall not include a hand wheel cultivator.

(b) *Simplified practices*. Pursuant to Order L-157, the kinds, grades, styles, sizes, weights, and finishes set forth in Appendix A and Tables 1 through 6 of this schedule are established for the manufacture, stamping, forging or fabricating of hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, and hand cultivators.

(c) *Effective date of simplified practices*. On and after the 8th day of April 1943, no producer shall put in process any steel for the purpose of manufacturing, stamping, forging or otherwise fabricating hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators other than such forks, hooks, rakes, hoes, eye hoes or cultivators as conform to the kinds, grades, styles, sizes, weights and finishes as established by paragraph (b) and Appendix A, Table 1 through Table 6 of this schedule. On and after the 8th day of May 1943, no producer shall manufacture, stamp, forge, or fabricate a hand fork, hand hook, hand rake, hand hoe, hand eye hoe or hand cultivator not conforming to the kinds, grades, styles, sizes, weights and finishes established in paragraph (b), and Appendix A, Table 1 through Table 6 of this schedule, except with the express permission of the Director General for Operations.

(d) *Records*. Each producer of hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time require.

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

Issued this 8th day of January 1943.  
ERNEST KANZLER,  
Director General for Operations.

**APPENDIX A—EXPLANATIONS AND LIMITATIONS**

(1) *Grades*. A, B, and C designate qualities of complete tools; A designating the best quality. Limitations applying to quality are given separately at the foot of each table. Handle grades A, B, and C are defined in Simplified Practice Recommendation R76-40, Ash Handles, issued by the National Bureau of Standards, United States Department of Commerce. Handle grade requirements shall not

be construed as prohibiting the substitution for ash of other suitable species of wood having characteristics as nearly comparable as possible to the respective grades of ash for which they are substituted, provided all handles other than ash be marked with the name of the species of wood of which they were made.

(2) *Finishes*. Except where otherwise stated, blades and tines shall be natural finish, i. e., dipped in their natural state (ex-

cept that they may be wire brushed to remove scale or rust) in paint, enamel, lacquer, or other protective coating. Wood handles shall be finished so that the grain of the wood is plainly visible.

(3) *Material*. No alloy steels shall be used in the construction of any tool listed in Table 1 through Table 6.

(4) *Tolerances*. Dimensions and weights given herein are subject to commercial tolerances.

TABLE 1.—FORKS

Kind	Grades <sup>a</sup>	Tines				Spread of points (ap. prox.)	Space between tines	Handle lengths <sup>b</sup>	Weight per dozen (ap. prox.) <sup>c</sup>
		No.	Length	Shape	Finish				
<b>LIGHT FORKS</b>									
Barley, with or without bails and braces	A, B	4	In. 18	Oval	Polished	14½	In. {4-5½ ft. 34 in. DT.	Lbs. d e 50 e 57 d 35 d 33	
Hay, regular 3-tine. Header, round shouldered	A, B	3	12	do	do	7¼	4-6 ft.	d 33	
	C	3	12	do	Black	7¼			
Manure, regular pattern:	A, B	4	15	do	Polished	10½	4-5½ ft.	d 44	
	A, B	4	12-12½	do	do	9¼	{4 & 4½ ft. 32 in. DT.	d 43 d 42	
4-tine	C	4	12-12½	do	Black	9¼	{4 & 4½ ft. 32 in. DT.	d 40 d 38	
	A, B	5	12-12½	do	Polished	9½	{4 & 4½ ft. 32 in. DT.	d 44 d 43	
5-tine	C	5	12-12½	do	Black	9½	{4 & 4½ ft. 32 in. DT.	d 43 d 41	
	A, B	4	11	Angular back	Polished face, tumbled back	11	{4 ft. 30 in. DT.	57-58	
Spading: Light pattern	A, B	4	11				{4 ft. 30 in. DT.	55-56	
Heavy pattern	A, B	4	11	do	do	11	{4 ft. 30 in. DT.	62 60	
<b>HEAVY FORKS</b>									
Beet, scoop shaped, with ball pointed tines.	A	7	16½	Round	Black	13½-14½	2-2½ 32 in. DT.	80	
Coal, scoop shaped	A	10	15 or 16	do	do	13½-14	1¾ 30 in. DT.	86	
		12	16	do	do	15-16	1 30 in. DT.	98	
Coke fork	A	14	15 or 16	do	do	14	¾ 30 in. DT.	92	
		10	17	Diamond	Black	14½-15	1¾ 30 in. DT.	96	
Cotton seed, scoop shaped.	A	12	17	do	do	17½-18	1¾ 30 in. DT.	107	
		10	16-17	do	do	14	1¾ 30 in. DT.	84	
Ensilage, barn, or kaffir corn, regular pattern, outside tines turned up.	A	8	16	Oval	do	12¼-13	1½-1½ 30 in. DT.	72	
		10	16	do	do	15	1½ 30 in. DT.	78	
Mill, manure, street, or pulp.	A	4	15	do	Half-polished	10½ to 11	2½-2¾ 30 in. DT.	55	
		8	13½	Square	Black	10½	1¾ 30 in. DT.	83	
Stone, ballast, or gravel.	A	10	13½	do	do	8½	¾ 30 in. DT.	80	
		10	13½	do	do	9½-9¾	¾ 30 in. DT.	80	
		14	13½	do	do	12-12½	¾ 30 in. DT.	92	
Vegetable, scoop shaped, with flattened points.	A	10	15½-16	Oval	do	14-14½	1¾ 30 in. DT.	85	

<sup>a</sup> Grade A forks shall have grade A handles; grade B forks, grade B handles; and grade C forks, grade C handles.  
<sup>b</sup> All handles shall be of the bent type, except those of hay forks, which may be either straight or bent type. Those identified by the initials DT shall be D-top handles. The longest handle length listed is the maximum for the fork to which it applies. Where a range is given it indicates the commercial practice of furnishing long handles in 6-inch increments, including the shortest and longest listed, e. g., 4-5½ ft. means 4, 4½, 5, and 5½-foot handles. Handles are not required to conform to the listed sizes, but shall not exceed the maximum length listed.

<sup>c</sup> The approximate weight per dozen is given for the highest grade listed. It is intended only to fix within reasonable limits the weight of the fork proper.

<sup>d</sup> With 4½-foot handles.

<sup>e</sup> Including bails and braces.

<sup>f</sup> Grade B spading forks to have tines half polished on face, tumbled back.

TABLE 2.—HOOKS

Kind	Grades <sup>(a)</sup>	Tines				Width at points	Maximum handle lengths	Approx. weight per dozen <sup>b</sup>
		No.	Length	Shape	Finish			
Manure, garbage, or refuse	A, B	4	8¾-9	Oval	Half-polished	In. 8½	Ft. 5	Pounds 40
		A	4	11	Flat	Tumbled	8¾-9	6
Potato:								
Gooseneck pattern	A, B	5	7	Round	do	6¼-6½	4¾	29
Southern or broad oval:	A, B	4	6¼-6¾	Broad oval	do	5½-6¼	4¾	28
		A, B	4	7½	do	do	7-7½	4¾
Heavy pattern	A	4	9-9¾	Diamond back	Black	7¾-8	5	54½

<sup>a</sup> Grade A hooks shall have grade A handles; grade B hooks shall have grade B handles.

<sup>b</sup> Weight is for best grade listed, with handle of length listed.

TABLE 3.—RAKES

[All rakes shall be made only in natural finish]

Kind	Grade <sup>a</sup>	Number of teeth	Head			Maximum length of handle	Weight per dozen (approx.) <sup>b</sup>
			Width	Thickness	Depth		
Level head, general purpose; straight and curved teeth.....	A.....	14	In. 14 <sup>3</sup> / <sub>4</sub>	1 <sup>1</sup> / <sub>4</sub>	3 <sup>1</sup> / <sub>4</sub>	5 <sup>1</sup> / <sub>2</sub>	35
	B.....	14	14 <sup>3</sup> / <sub>4</sub>	1 <sup>1</sup> / <sub>4</sub>	3 <sup>1</sup> / <sub>4</sub>	5 <sup>1</sup> / <sub>2</sub>	35
	C.....	14	14	1 <sup>1</sup> / <sub>4</sub>	2 <sup>3</sup> / <sub>4</sub>	5	30
Road, straight teeth.....	A, B.....	14	15 <sup>1</sup> / <sub>2</sub> -15 <sup>3</sup> / <sub>4</sub>	3 <sup>3</sup> / <sub>8</sub>	3 <sup>7</sup> / <sub>8</sub> -4	5 <sup>1</sup> / <sub>2</sub>	51
Asphalt or tar, straight teeth, with square drop shank 18 in. long.....	A.....	14	16 <sup>1</sup> / <sub>2</sub> -17	1 <sup>1</sup> / <sub>2</sub>	4 <sup>1</sup> / <sub>2</sub>	5	78
Combination fire rake and hoe.....	A.....	6	9 <sup>3</sup> / <sub>4</sub>		9	4	71
Eye hoe type fire rake, triangular teeth riveted to head, 1 <sup>3</sup> / <sub>4</sub> -inch round eye.....	A.....	4	12		3 <sup>1</sup> / <sub>2</sub>	4 <sup>1</sup> / <sub>2</sub> -5	• 45

<sup>a</sup> A grade rakes shall have A grade handles; B grade rakes, B grade handles; and C grade rakes, C grade handles.  
<sup>b</sup> Weight is for highest grade listed, with handle of length listed.  
 • With 4<sup>1</sup>/<sub>2</sub>-foot handle.

TABLE 4.—HOES

Kind	Grades <sup>a</sup>	Construction		Blade size		Maximum length of handle	Weight per dozen (approx.) <sup>c</sup>
		Socket type <sup>b</sup>	Shank type <sup>b</sup>	Width	Depth (greatest)		
Cotton: Chopper, straight shank.....	A, C.....	None	1/2	In. 8	In. 4	In. 60	Pounds 37 <sup>1</sup> / <sub>2</sub>
				6	5	60	35
Regular gooseneck.....	A, C.....	None	1/2	7	5	60	36
Field and garden, regular <sup>d</sup> .....	A, B, C.....	3/16	3/16	6 <sup>1</sup> / <sub>2</sub>	4 <sup>3</sup> / <sub>4</sub>	52	• 26
				6 <sup>1</sup> / <sub>2</sub>	4 <sup>3</sup> / <sub>4</sub>	18	• 17
Field and garden, riveted <sup>d</sup> .....	C.....	1/16	1/16	6 <sup>1</sup> / <sub>2</sub>	4-4 <sup>3</sup> / <sub>4</sub>	52	22-24
Mattock hoe "Dig Ezy" pattern, two blades in the same plane.....	A.....	None	None	1 <sup>1</sup> / <sub>2</sub> & 3	12 <sup>5</sup> / <sub>8</sub>	54	34
Mortar, perforated and plain blade.....	A.....	None	3/8	9	6	66	• 48 <sup>1</sup> / <sub>2</sub>
				10	6	66	• 40 <sup>1</sup> / <sub>2</sub>
Scuffle, heavy duty or railroad.....	A.....	None	X	8-8 <sup>1</sup> / <sub>2</sub>	4-6	60	40
Southern meadow or blackland.....	A, C.....	3/16	3/16	7	4	60	• 31
				8	4	60	• 32
Square top: Regular or sugar beet pattern.....	A, B, C.....	X	None	7	3 <sup>1</sup> / <sub>2</sub>	52	27
				7	3 <sup>1</sup> / <sub>2</sub>	18	18
Renewable blade sugar beet or onion pattern.....	A.....	3/16	None	7	1 <sup>3</sup> / <sub>4</sub>	54	28
Regular onion.....	A.....	3/16	3/16	6 <sup>1</sup> / <sub>2</sub>	1 <sup>3</sup> / <sub>4</sub>	52	21

<sup>a</sup> Grade A hoes shall have grade A handles; grade B, grade B handles; and grade C, grade C handles. The blades of grade A and grade B hoes shall be polished front and back; the blades of grade C hoes shall be polished front and back for the first third of their height. Scuffle and mattock hoes shall be made only in natural finish.  
<sup>b</sup> The dimensions given are the diameters of the shanks in inches. "X" means no dimension is specified.  
 "None" means no hoe to be made in such construction type.  
<sup>c</sup> Weight per dozen is that for highest grade listed, with handle of length listed.  
<sup>d</sup> Blade may be attached to shank by riveting or any other satisfactory method.  
 • Weight of socket type.  
 † Maximum.  
 • Plain blade; perforated blade approximately one pound lighter per dozen.

TABLE 5.—EYE HOES

[To be made in natural finish except for lower 1/3 which shall be polished]

Kind <sup>a</sup>	Width of cut	Depth of blade	Maximum length of handle	Approx. weight per dozen
ROUND EYE HOES				
Planter's: American pattern, unhandled.....	In. 6	In. 6	In. 54	Pounds 15
	7	6 <sup>1</sup> / <sub>2</sub>	54	18
Scovil field pattern, straight and curved blade, unhandled.....	8	7	54	21
	6 <sup>1</sup> / <sub>2</sub>	5 <sup>1</sup> / <sub>2</sub>	54	14 to 17
	7	6-6 <sup>1</sup> / <sub>4</sub>	54	16 to 19
	7 <sup>1</sup> / <sub>2</sub>	6 <sup>1</sup> / <sub>2</sub> -6 <sup>3</sup> / <sub>4</sub>	54	18 to 21
Grub, handled and unhandled.....	8	6 <sup>1</sup> / <sub>2</sub> -6 <sup>3</sup> / <sub>4</sub>	54	20 to 23
	4	7-7 <sup>1</sup> / <sub>2</sub>	54	b18 to 22
Giant planter's: Cane pattern, unhandled.....	5 to 6 <sup>1</sup> / <sub>4</sub>	2-8 <sup>1</sup> / <sub>2</sub>	54	b21 to 31
	4 <sup>1</sup> / <sub>2</sub>	8	54	17
SQUARE EYE HOES				
Garden or field pattern, handled.....	4	6	54	25
	6	6	54	28
	7 <sup>1</sup> / <sub>2</sub>	6 <sup>1</sup> / <sub>4</sub>	54	35

<sup>a</sup> Eye hoes are described handled or unhandled according to the condition in which they are generally sold by the producers. They may be distributed in either condition or both.  
<sup>b</sup> Without handles.



TABLE 6.—HAND CULTIVATORS

Kind	Grade*	Number of points	Maximum spread	Maximum length of handle	Approx. weight per dozen
Four-tine regular pattern, forged, curved oval tines.	A.....	4	In. 5	In. 52	Pounds 22
Four-tine wire spring type.....	A, B.....	4	5	48	20-30
Three-tine regular pattern, or equipped with U-Shaped cultivating blade. <sup>b</sup>	A.....	3	4½	54	20-22
Flat-wire type.....	A.....	6	7	48	25
Five-tine adjustable pattern; tines flattened and points at ends. <sup>c</sup>	A, B.....	5	6½-7½	60	30-37
U-shaped cultivators, with straplike blades approximately 1½" wide, having sharpened edges and equipped with one or two shares:			Depth In.	Width In.	
One share pattern.....	A.....		4½	5	30
Two share pattern.....	A.....		4½	8½	35

- \* Grade A cultivators shall have grade A handles; grade B cultivators shall have grade B handles.  
<sup>b</sup> The three-tine pattern shall not be made by any producer who elects to make a four-tine pattern cultivator.  
<sup>c</sup> Prongs shall not exceed ¼-inch square in size, or its equivalent.

[F. R. Doc. 43-426; Filed, January 8, 1943; 11:37 a. m.]

#### PART 3096—PAPER AND PAPERBOARD

[General Conservation Order M-241 as Amended Jan. 8, 1943]

Section 3096.1 *General Conservation Order M-241*, as amended, is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of various materials and facilities required in the manufacture and distribution of paper and paperboard; and the following order is deemed necessary in the public interest and to promote the national defense:

§ 3096.1 *General Conservation Order M-241*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the 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) "Produce" includes all operations connected with the production of paper and paperboard, including operations in the finishing room and packaging, but does not include processes or operations applied to paper and paperboard after the primary papermaking, such as printing, waxing, gumming, coating, bag manufacture, cup manufacture and envelope manufacture, box and container manufacture, and the fabrication of paper into paper articles.

(3) "Mill" means a congregation of pulp preparation and roll and sheet finishing equipment, paper machines and subsidiary facilities located and operated together as a single producing unit for the production of paper and paperboard.

(4) "Base Period" means the six month period from October 1, 1941 through March 31, 1942.

(5) "Paper merchant" means any person regularly engaged in the business of buying and reselling paper and/or paperboard.

(c) *Restrictions on production of paper and paperboard.* (1) Unless specifically authorized by the Director General for Operations pursuant to subparagraph (5) of this paragraph (c), no person or persons shall produce paper or paperboard in any mill which has not produced paper or paperboard since August 1, 1942.

(2) Each manufacturer of paper and/or paperboard shall for each mill operated by him determine quarterly a production quota, calculated as follows:

(i) Determine, separately for each class of paper and paperboard on List A, the quantity thereof produced at such mill during the period from October 1, 1941 through March 31, 1942;

(ii) Subtract from the result for each class the quantity produced at such mill during such period of each of the grades of paper or paperboard on List B falling within such class;

(iii) Multiply the remainder for each class by percentage figure set opposite the particular class on List A;

(iv) Add together the several tonnages obtained by (iii), and divide by two.

The quantities shall be measured, to the nearest ton, in tonnage delivered from the paper machine. The method and basis for determining such tonnage shall be that method and basis followed at the particular mill in the past, or any other practicable method and basis, provided the same method and basis are used to determine both current production and production during the base period. If any machine unit of any mill was shut down during the base period for as much as 72 consecutive hours, excluding vacations and holidays, there may be added to (i) for such mill for the class of paper or paperboard principally produced on such machine unit, whatever quantity thereof could have been produced on such machine unit during the down time at the average rate of operation during the preceding month.

The Director General may from time to time by amendment change the classification and/or percentages on List A or change List B, specifying a particular date for the change to take effect. Quotas for production after any such date shall be calculated according to Lists A and

B as amended, until further amended. If the effective date of any such amendment is other than the first day of a calendar quarter, the quota for the quarter within which such date falls shall be recalculated by adding together (i) the proportion of the old quota which equals the proportion of the quarter preceding such date and (ii) the proportion of the new quota which equals the proportion of the quarter following such date, including such date.

(3) No person or persons shall during the first calendar quarter of 1943 or any calendar quarter thereafter produce at any mill any quantity of paper and/or paperboard in excess of the quota for such mill for such quarter determined according to subparagraph (2) of this paragraph (c), except:

(i) To the extent and upon the conditions stated in subparagraph (4) of this paragraph (c); or

(ii) To the extent specifically authorized by the Director General for Operations pursuant to paragraph (5) (c) of this order, subject to any conditions imposed by the Director General for Operations in such authorization: and *Provided*, That,

(i) Within such quota there may be produced at any mill any quantities of any one or several kinds of paper and/or paperboard, provided that the aggregate during any quarter does not exceed such mill's quota for that quarter; and

(ii) Regardless of and over and beyond any such quota, any person may produce at any mill, unless restricted by paragraph (c) (1) or by paragraph (e), any quantity of any kind of paper on List B.

(4) If one person owns only one mill, and such mill is equipped with only one machine unit for the manufacture of paper and/or paperboard, such person may, unless restricted by paragraph (c) (1) or by paragraph (e), produce at such mill during any calendar week any quantity of paper and/or paperboard required to occupy such machine 120 hours during such week; *Provided*, That such person shall in no other week during the same calendar quarter operate such mill in excess of 120 hours.

(5) If any person owns more than one mill, and can show that by combining or exchanging the several quotas of such mills, or parts thereof, significant quantities of critical materials will be saved, transportation reduced, labor released in areas where needed, or other materials or facilities required in the national defense conserved, he may submit to the Director General for Operations, in writing, a plan for such combination or exchange, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during each month of the year from October 1, 1941 through September 30, 1942, the quantity and kinds of paper expected to be produced at each such mill during each quarter under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will accomplish the purposes mentioned.

The Director General for Operations may thereupon approve, modify, or disapprove such plan or may impose upon the execution of any such plan whatever conditions he may deem appropriate to this order. Upon receipt from the Director General for Operations of approval in writing of such a plan the proponent may produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the Director General for Operations in his approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives such approval.

(d) *Reserve production.* Each manufacturer of paper and/or paperboard shall reserve in the production schedule of each of his mills for the month of January, 1943, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month, at the order of the Director General for Operations, 2% of such mill's quota for the current calendar quarter. In general this should amount to approximately 6% of each month's production. The Director General for Operations may on or before the 15th of any month, by telegram or letter, direct any manufacturer to employ such reserve to produce any kind of paper and/or paperboard usually produced at such mill, and any quantity thereof, not to exceed in the aggregate for any one month 2% of such mill's quota for the current quarter, and sell and deliver the same within the month to any person named by the Director General for Operations. The manufacturer may refuse so to produce and deliver only for the reasons specified for the refusal of rated orders in § 944.2 (b) of Priorities Regulation No. 1. If the manufacturer does not on or before the 15th of any month receive from the Director General for Operations directions as to the disposition of such reserve (or has received directions as to the disposition of a part but not of the remainder) he may employ the same or such remainder) as he may desire, consistent with the other provisions of this order.

(e) *Restrictions on inventory.* Unless specifically authorized by the Director General, by telegram or letter, or excepted by paragraph (e) (5):

(1) No person shall knowingly deliver, and no person shall accept delivery of any quantity of newsprint, if the inventory of newsprint in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than seventy five days' supply, on the basis of either his average rate of consuming newsprint for the preceding quarter or his average rate of consuming newsprint as projected for the then current quarter;

(2) No person except a paper merchant shall knowingly deliver, and no person except a paper merchant shall accept delivery of, any quantity of any

grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than sixty days' supply, on the basis of either his average rate of consuming such grade of paper or paperboard for the preceding quarter or his average rate of consuming such grade of paper or paperboard as projected for the then current quarter;

(3) No person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of such paper merchant is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than ninety days' supply, on the basis of either his average rate of distributing such grade of paper or paperboard for the preceding quarter or his average rate of distributing such grade of paper or paperboard as projected for the then current quarter;

(4) No person shall produce at any mill any quantity of any grade of paper or paperboard other than newsprint, if his inventory of such grade at such mill is, or will by virtue of such production become, in excess of (i) two carloads or (ii), if in excess of two carloads, greater than sixty days' supply, on the basis of either the average rate of shipment of such grade from such mill for the preceding quarter or the average rate of shipment of such grade from such mill as projected for the then current quarter.

(5) The term "grade of paper or paperboard" refers to the classification on United States Department of Commerce (Census) Form WPB-514, as revised November 7, 1942, each caption (except those which are further broken down by following captions) representing a separate grade. If a person's gross inventory of a grade is in excess of two carloads or sixty days' supply, as above, but his inventory of a particular item within that grade is less than thirty days' supply (or, in the case of a paper merchant, less than sixty days' supply), he may accept delivery of or produce, and others may deliver to him, any quantity of such item as may be required to provide him with thirty days' supply (or in the case of a paper merchant sixty days' supply). The restrictions of this paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB-514, as revised November 7, 1942, under the captions "Photographic and other sensitized" (07611) and "Cigarette" (08512), or to any paper or paperboard after it is printed or converted beyond waxing or coating, or to inventories held by or for

any agency or government referred to in § 944.1 (b) (1) and (2) of Priorities Regulation No. 1, or by or for the United States Government Printing Office.

(f) *Miscellaneous provisions*—(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

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

(4) *Violations.* Any person who 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, materials under priority control and may be deprived of priorities assistance.

(5) *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.

(6) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to, War Production Board, Pulp and Paper Division, Washington, D. C. Ref.: M-241.

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

Issued this 8th day of January 1943.

ERNEST KANZLER,  
Director General for Operations.

#### LIST A

Column 1 lists general classes of paper and paperboard by names common in the trade. Each class includes all the grades of paper or paperboard reported on United States Department of Commerce (Census) Forms OPM-514 (for the last quarter of 1941) and WPB-514 (for the first quarter of 1942) by the code numbers, respectively as indicated, set out under the name. In the calculation of a mill's quota there should first be determined the whole quantity of each class produced at the mill during the base period, then subtracted from the result for each class the quantity produced at the mill during the base period of any kind of paper or paperboard on List B falling within such class, then the remainder multiplied by the percentage in column 2, and the several results added and the total divided by two. (See (c) (2) of Order M-241, as amended.)

Class of paper or paperboard	Percentage
Newsprint	90
OPM-514—0100 to 0103, incl.	
WPB-514—01000 to 01300, incl.	

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Class of paper or paper-board—Continued	Percentage	Class of paper or paper-board—Continued	Percentage
Groundwood papers.....	80	Absorbent papers.....	80
OPM-514—0200 to 0207, incl.		OPM-514—0600 to 0607, incl.	
WPB-514—02000 to 02900, incl.		WPB-514—13000 to 13990, incl.	
Book papers.....	80	Container board.....	100
OPM-514—0300 to 0340, incl.		OPM-514—0901 to 0930, incl.	
WPB-514—03000 to 03590, incl.		WPB-514—51000 to 51900, incl.	
Writings.....	90	Folding box board, etc.....	80
OPM-514—0350 to 0375, incl., 0980 to 0983, incl.		OPM-514—0940 to 0943, incl.	
WPB-514—04000 to 08009, incl.		WPB-514—52000 to 52990, incl.	
Wrapping paper.....	85	Set-up box boards, etc.....	80
OPM-514—0400 to 0494, incl. and 0800		OPM-514—0950 to 0952, incl.	
WPB-514—09000 to 10900, incl. and 19000		WPB-514—53000 to 53990, incl.	
Tissue paper.....	100	Cardboard.....	80
OPM-514—0500 to 0516, incl.		OPM-514—0970 to 0974, incl.	
WPB-514—11000 to 11900, incl. and 12100 to 12990, incl.		WPB-514—54000 to 54900, incl.	
		Special industrial boards.....	90
		OPM-514—0960, 0990, 1000, 1020.	
		WPB-514—55000 to 57000, incl. 59000 to 59900, incl.	

## List B

Column 1 lists the grades of paper and paperboard which may in general be manufactured without restriction. (See (c) (3) of Order M-241, as amended). The general class within which each falls, according to the classification on List A, is indicated in Column 2. In the calculation of a mill's quota, the amount produced during the base period of each kind of paper and paperboard listed in column 1 is to be subtracted from the total quantity of the corresponding class in column 2 produced during the base period. (See (c) (2) (ii) of Order M-241, as amended). The kinds of paper and paperboard listed in column 1 are further identified by the numbers in parentheses following each, being the code numbers for each on United States Department of Commerce (Census) Forms OPM-514 (for the last quarter of 1941) and WPB-514 (for the first quarter of 1942), respectively as indicated.

Column 1	Column 2 (Corresponding general class on List A)
(Unrestricted)	
Sanitary napkin and wadding stock (OPM-514: 0510, 0516) (WPB-514: 11100)	Tissue Papers
Absorbent for Vulcanized Fibre (OPM-514: 0605) (WPB-514: 13500)	Absorbent Papers
Absorbent for Resin Impregnating and Plastics (OPM-514: 0607) (WPB-514: 13910, 13990)	Absorbent Papers
Building Papers (OPM-514: 0700 to 0704 incl.) (WPB-514: 14000 to 14900 incl.)	Not Listed in A
Building Boards (OPM-514: 1010 to 1013 incl.) (WPB-514: 58000 to 58900 incl.)	Not Listed in A
Container Board, from waste (OPM-514: 0904 to 0930 incl.) (WPB-514: 51200, 51300, 51410, 51420, and 51440 to 51900 incl.)	Container Board
Cigarette Paper (less than 24 x 36, 480, 18 #) (OPM-514: 0502) (WPB-514: 12110)	Tissue Papers
Condenser Paper (less than 24 x 36, 480, 18 #) (OPM-514: 0503) (WPB-514: 12120)	Tissue Papers
Carbonizing Paper (less than 24 x 36, 480, 18 #) (OPM-514: 0504) (WPB-514: 12130)	Tissue Papers
Stencil and Lens Paper (less than 24 x 36, 480, 18 #) (OPM-514: 0505) (WPB-514: 12190)	Tissue Papers
Photographic Paper (not separately identified on census forms)	Writing Papers
Currency Paper (not separately identified on census forms)	Writing Papers

[F. R. Doc. 43-431; Filed, January 8, 1943; 11:38 a. m.]



**PART 3096—CONSERVATION OF PAPER AND PAPERBOARD**

[General Conservation Order M-241-a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of various materials and facilities required in the manufacture and distribution of pulp, paper and paperboard; and the following order is deemed necessary in the public interest and to promote the national defense:

§ 3096.2 *General Conservation Order M-241-a*—(a) *Definitions*. For the purpose of this order:

(1) "Converter" means any person engaged in the business of manufacturing from pulp, paper and/or paperboard any of the commodities or articles referred to in paragraph (b).

(b) *Restrictions on consumption of pulp, paper and/or paperboard in the manufacture of certain converted products*. (1) No converter shall during the first calendar quarter of 1943, or any calendar quarter thereafter, consume in the manufacture of any article or class of articles on List A any quantity, in tons, of pulp, paper and/or paperboard greater than the quantity determined by applying the percentage figure on List A opposite the designation of such article or class of articles to either, at the option of the converter:

(i) The quantity, in tons, of pulp, paper and/or paperboard consumed by such converter in the manufacture of such article or class of articles during the corresponding quarter of 1942; or

(ii) One-fourth of the total quantity of pulp, paper and/or paperboard consumed by such converter in the manufacture of such article or class of articles during the entire calendar year of 1942.

(2) From and after February 15, 1943, no converter shall consume in the manufacture of any article or class of articles underlined on List B any quantity of pulp, paper, or paperboard.

It shall be the duty of each converter to determine in the first instance which, if any, of his products are included among the articles and classes of articles on Lists A and B. In case of doubt he may apply to the Director General for Operations, in writing, describing the product in question, for a specific ruling, by telegram or letter, determining whether or not the same is so included. The Director General for Operations may of his own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(c) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as

amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

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

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

(f) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

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

(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, materials under priority control and may be deprived of priorities assistance.

(i) *Communications*. All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington, D. C. Ref.: M-241-a.

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

Issued this 8th day of January 1943.

ERNEST KANZLER,  
Director General for Operations.

**LIST A**

Article or class of articles	Percentages
Chair seat covers.....	75
Dishes, plates and spoons.....	90
Envelopes.....	90
Expansion pockets, unprinted.....	90
Facial tissue.....	90
File folders, unprinted.....	90
Fly paper.....	90
Household rolls (waxed).....	90
Index tabs, unprinted.....	90
Napkins.....	90
Paper stationery and papeteries.....	90
Photo mounts.....	75
Ribbon, all types, including package ties, and ribbon blocks and cores.....	90
Salt and pepper shakers.....	90
Tablets, notebooks and pads.....	100
Toilet seat covers.....	100

Article or class of articles	Percentages
Toilet tissue.....	110
Towels.....	90
Waxed papers, other than bread wrappers.....	90
The following decorative items as a group:	
Friction glazed paper.....	50
Flint glazed paper.....	
Metallic coated paper.....	
Mica coated paper.....	
Plated papers.....	
Mat finish papers.....	

**LIST B**

Articles and classes of articles in the manufacture of which pulp, paper or paperboard may not be used after February 15, 1942.

Albums and album covers, including scrap-books, for photos, snapshots, post cards, clippings, stamps, matchbook covers, etc.

Aprons.

Ash trays.

Bakers decorative specialties, such as:

- (a) Pie collars and rings.
- (b) Cake circles.
- (c) Cake laces.
- (d) Casserole collars.

Bird cage specialties, such as:

- (a) Bird cage bottoms.
- (b) Bird cage covers and hoods.
- (c) Bird cage foot holders.

Bouquet holders for displays, corsages, etc.

Card table covers.

Coaster and mats, such as beer mats, and coasters of the type commonly used for households, hotels, taverns, restaurants, etc.

Coin cards.

Combs.

Costumes.

Doilies.

Dusters and dusting paper.

Finger bowl liners.

Hanger protectors.

Laundry specialties, such as:

- (a) Shirt bands.
- (b) Collar circles.
- (c) Collar supports.
- (d) Shirt protectors and envelopes.
- (e) Shirt boards.
- (f) Shirt displays.

Novelties, holiday, party, advertising, and decoration, such as:

- (a) Garlands.
- (b) Serpentes.
- (c) Horns.
- (d) Hats.
- (e) Table decorations and place cards.
- (f) Streamers, including those for window display and decoration.
- (g) Flower pot covers.
- (h) Costumes.

(i) Decalcomania transfers (for non-commercial use).

(j) Artificial flowers and flower specialties (for non-commercial use).

- (k) Confetti.
- (l) Festoons.
- (m) Fireworks.
- (n) Bouquets.
- (o) Skewers.

Place and table mats.

Poker chips.

Punch boards.

Retail packages shelf and drawer lining.

Slippers.

Tablecloths.

Tray covers and mats.

Venetian blinds.

Window drapes.

[F. R. Doc. 43-428; Filed, January 8, 1943; 11:37 a. m.]

PART 3123—FLOOR FINISHING AND FLOOR MAINTENANCE MACHINES AND INDUSTRIAL VACUUM CLEANERS

[Limitation Order L-222]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials used in the manufacture of floor finishing and floor maintenance machines and industrial vacuum cleaners; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3123.1 *Limitation Order L-222*—(a) *Definitions.* For the purpose of this order:

(1) "Floor finishing or floor maintenance machines" means any motorized or hand-powered mechanical device, designed for the purpose of floor finishing or maintenance. The term includes, but is not limited to, the types of machines on List A attached to this order as amended from time to time, and excludes independent motor-operated vacuum producing units, floor sanding machines and machines specifically designed for the manipulation of wet cement.

(2) "Floor finishing" and "floor maintenance" include, but are not limited to, the operations of grinding, staining, sealing, scraping, oiling, waxing or polishing floors or decks, and the collection and removal of dust, grime, oil, reclaimable materials or refuse from floors or decks, either separately or in conjunction with the operations of washing, scraping, sterilizing and wiping floors or decks.

(3) "Floor sanding machines" means machines used for the smoothing of floors or decks, other than stone or tile floors, by the use of abrasives such as, but not limited to, sandpaper and steel wool.

(4) "Vacuum cleaners" means machines in which a combination of a motor operated vacuum producer (stationary or portable), an air impeller line, and a portable tool with attachments is used for the collection and removal by suction of dust, oil, reclaimable materials or refuse, in either the wet or dry state.

(5) "Industrial vacuum cleaners" means all vacuum cleaners other than those designed primarily for household use, exclusive of motor-operated vacuum producing units incorporated in floor sanding, floor finishing or floor maintenance machines.

(6) "Blowers" means machines in which a combination of a motor operated air pressure producer, an air impeller line, and a portable tool with attachments is used for the removal of dust, materials or refuse by air pressure.

(7) "New machines" means machines which have neither been used nor sold, rented or lent for the purpose of being used for floor sanding, floor finishing, floor maintenance or vacuum cleaning, and also machines which have been used solely for demonstration or trial loans.

(8) "Supplies" means replaceable items, such as, but not limited to, polishing brushes, cleaning brushes, sanding drums and discs, stones, hoses and bags, which are expended in the operations of floor sanding, floor finishing, floor maintenance, and vacuum cleaning.

(9) "Manufacturer" means any person engaged in the fabrication or assembly of new floor sanding machines, new floor finishing or floor maintenance machines, or new industrial vacuum cleaners, or of parts designed specifically for such machines, and includes wholesaling or retailing subsidiaries or divisions of such a person.

(10) "Distributor" means any person engaged in the business of selling, renting or lending new floor sanding machines, new floor finishing or floor maintenance machines, or new industrial vacuum cleaners, other than a manufacturer.

(b) *Restrictions on production*—(1) *Floor sanding machines.* No manufacturer shall fabricate or assemble any new floor sanding machines or parts for such new machines except as follows:

(i) On and before January 15, 1943, but not thereafter, a manufacturer may start to fabricate parts, for the assembly of new floor sanding machines, from materials which are still in the form in which he received them, provided that the materials which he starts to fabricate can be fabricated into parts and can be assembled into new floor sanding machines within the time limits set by paragraphs (b) (1) (ii) and (b) (1) (iii) of this order.

(ii) On and before March 15, 1943, but not thereafter, a manufacturer may fabricate parts for the assembly of new floor sanding machines.

(iii) On and before March 15, 1943, but not thereafter, a manufacturer may assemble new floor sanding machines.

(2) *Floor finishing or floor maintenance machines.* No manufacturer shall fabricate or assemble any new floor finishing or floor maintenance machines or parts for such new machines, except as follows:

(i) On and before January 15, 1943, but not thereafter, a manufacturer may start to fabricate parts, for the assembly of new floor finishing or floor maintenance machines, from materials which are still in the form in which he received them, provided that the materials which he starts to fabricate can be fabricated into parts and can be assembled into new floor finishing or floor maintenance machines within the time limits sets by paragraphs (b) (2) (ii) and (b) (2) (iii) of this order.

(ii) On and before March 15, 1943, but not thereafter, a manufacturer may fabricate parts for the assembly of new floor finishing or floor maintenance machines.

(iii) On and before March 15, 1943, but not thereafter, a manufacturer may assemble new floor finishing or floor maintenance machines.

(3) *Industrial vacuum cleaners.* No manufacturer shall fabricate any parts for new industrial vacuum cleaners except as follows:

(i) On and before January 15, 1943, but not thereafter, a manufacturer may start to fabricate parts, for the assembly of new industrial vacuum cleaners, from materials which are still in the form in which he received them, provided that the materials which he starts to fabricate can be fabricated into parts within the time limit set by paragraph (b) (3) (ii) of this order.

(ii) On and before March 15, 1943, but not thereafter, a manufacturer may fabricate parts for the assembly of new industrial vacuum cleaners, provided that if the Director General for Operations shall fix a production quota for such manufacturer, the number of machines for the assembly of which such manufacturer fabricates parts shall not exceed such production quota. Whenever production quotas are assigned by the Director General for Operations, he will take into consideration the number of machines already completed and the number of machines needed to be completed to meet, but not to exceed, the total requirements for such machines as determined by the Standard Products Committee.

(4) *Repair parts other than supplies.*

(i) During the calendar quarter commencing January 1, 1943, and during any calendar quarter thereafter, no manufacturer shall fabricate repair parts having an aggregate manufacturing cost in excess of two per cent of that manufacturer's billed sales of new floor sanding machines, new floor finishing and floor maintenance machines, and new industrial vacuum cleaners during the calendar year of 1941.

(5) *Supplies.* Except as otherwise specifically provided, the restrictions of paragraph (b) of this order shall not apply to supplies other than suction attachments used in the conversion of portable industrial blowers to industrial vacuum cleaners.

(c) *Restrictions on transfer.* (1) No manufacturer or distributor shall sell, rent, lend or deliver any of the following types of new machines without authorization on Form PD-722:

(i) Drum type floor sanding machines making an eight-inch path or wider.

(ii) Disc type floor sanding machines making a twelve-inch path or wider.

(iii) Drum type floor finishing or floor maintenance machines making an eight-inch path or wider.

(iv) Disc type floor finishing or floor maintenance machines making a twelve-inch path or wider.

(v) Industrial vacuum cleaners.

Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration, all expired authorization forms shall be returned for cancellation to the War Production Board, Service Equipment Division, Washington, D. C., Ref: L-222.

(2) Nothing in this paragraph shall be construed to prohibit the sale, rental, loan, or delivery of new machines from one manufacturer or distributor to fill an order, or part of an order received by the



latter for such machines if the filling of the order has been authorized on Form PD-722.

(d) *Procedure for authorization.* All persons making application for the authorization required by paragraph (c) hereof shall make such application on Form PD-722.

(e) *Applicability of other orders and priorities regulations.* (1) 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) Nothing in this order shall be construed to permit the production of any machines whose production is prevented by any other orders or regulations of the War Production Board, including § 1174.1 *Limitation Order L-91*, and § 1176.1 *Conservation Order M-126*, as amended from time to time.

(f) *Records.* All persons to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, leases, and rentals.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(2) On or before January 28, 1943, for the month of December, and on or before the 15th day of each month thereafter for the preceding month, each manufacturer or distributor of new floor sanding machines, new floor finishing or floor maintenance machines, or new industrial vacuum cleaners shall file a monthly report on Form PD-723.

(i) *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.

(j) *Appeals.* Any appeal from 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.

(k) *Communications.* All reports to be filed hereunder, or communications concerning this order, should be addressed to: War Production Board, Service Equipment Division, Washington, D. C., Ref: L-222.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January, 1943.

ERNEST KANZLER,  
Director General for Operations.

#### LIST A

Terrazzo grinders.  
Waxing and polishing machines.  
Disc type scrubbers, either wet or dry.  
Drum type scrubbers, either wet or dry.  
Combination scrubbers and water pickup.  
Drum type sweepers.  
Drum type scarifying machines.  
Disc type scarifying machines.

[F. R. Doc. 43-433; Filed, January 8, 1943;  
11:39 a. m.]

#### PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-241]

##### COMMERCIAL PRINTING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc and paper, required for the production of printed matter 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:

§ 3133.9 *Limitation Order L-241*—(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) "Printed matter" means any paper (or paperlike substance) with ink applied to it by the relief, planographic, intaglio, silk screen or other stencil processes or any combination or modification thereof, except:

(i) "A Newspaper" as defined in General Limitation Order L-240.

(ii) "Wall Paper" as defined in General Limitation Order L-177.

(iii) "A Box" as defined in General Limitation Order L-239.

(iv) Any converted paper product as contained in List A and List B of General Conservation Order M-241-a.

(v) "A Magazine" as defined in General Limitation Order L-244.

(vi) "A Book" as defined in General Limitation Order L-245.

(vii) Printed matter produced by or for the account of any department or agency of the United States or any State, County or Municipality in the United States, its territories or possessions.

(3) "Printer" means a person who produces printed matter.

(4) "Put into process" means the first application of ink to paper (or paperlike substance) in the production of printed matter.

(5) "Base period" means the calendar year 1941.

(b) *Restrictions on the weight of paper which a printer may put into process.* (1) During the first calendar quar-

ter of 1943 or any calendar quarter thereafter no printer shall put paper (or paperlike substance) into process in excess of either of the following schedules:

(i) 22½% of the gross weight of paper (or paperlike substance) put into process by him during the base period.

(ii) 90% of the gross weight of paper (or paperlike substance) put into process by him during the corresponding calendar quarter of the base period.

(2) Notwithstanding the provisions of (b) (1) above, no printer during the calendar year 1943 or any calendar year thereafter shall put into process paper (or paperlike substance) in excess by weight of 90% of the gross weight of paper (or paperlike substance) put into process by him during the base period.

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

(3) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning their inventory, use and sales of printed matter, subject to the inspection of the duly authorized representative of the War Production Board.

(4) *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, stating fully the grounds of the appeal.

(5) *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, Printing & Publishing Division, Washington, D. C. Ref.: L-241.

(d) *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.

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

Issued this 8th day of January 1943.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 43-429; Filed, January 8, 1943;  
11:38 a. m.]



PART 3133—PRINTING AND PUBLISHING  
[Limitation Order L-245]

BOOKS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc, and paper required for the production of books 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:

§ 3133.17 *Limitation Order L-245—*  
(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) "Book" means a collection of 32 or more pages of paper (or paperlike substance), either bound or in loose-leaf form, to which ink has been applied to a minimum amount of one-half of such pages by the relief, planographic, intaglio, silk screen or other stencil processes, or any combination or modification of such processes, not issued periodically (except at intervals of more than 6 months) and consisting of reading matter and/or illustrations printed and offered for sale, including supplements thereto regardless of number of pages or frequency of issuance.

(3) "Publisher" means a person who causes a book to be printed and offers the same for sale.

(4) "Put into process" means the first application of ink to paper in the printing of a book.

(5) "Paper" means any grade or quality of paper used in the production of a book, including text, inserts, end papers, jackets or any printed paper physically incorporated into, or made a part of, a book.

(6) "Base period" means the calendar year 1942.

(b) *Limitations on paper put into process.* No publisher shall cause paper to be put into process for the production of books during the calendar year 1943 in excess of 90% of the amount of paper by weight which he caused to be put into process in the production of books during the calendar year 1942.

(c) *Restrictions on paper for reprinting.* (1) On and after the 8th day of January, 1943, no publisher shall cause paper to be put into process for the reprinting of any book issued prior to said date, in an amount by per copy weight greater than 90% of the amount by per copy weight of the paper caused to be put into process by him, or by the original publisher, in the last printing of said book prior to said date.

(2) Excepted from the provisions of paragraph (c) (1) above is the reprinting of books:

(i) The last printing of which occurred prior to the 8th day of January, 1943 on paper of a 40-pound base weight or lighter, and where such reprinting is to be effected on a paper of an equal or lighter base weight;

(ii) The paper for which was ordered prior to the 8th day of January, 1943 and is scheduled for delivery to, or for the account of, the publisher within 45 days after the 8th day of January, 1943.

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

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

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

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

(h) *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.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C. Ref.: L-245.

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

Issued this 8th day of January 1943.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 43-432; Filed, January 8, 1943;  
11:39 a. m.]

PART 3162—FOLDING AND SET-UP BOXES  
[Limitation Order L-239]

The fulfillment of requirements for the defense of the United States has created shortages in the supply of materials entering into the production of folding and set-up boxes 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:

§ 3162.1 *Limitation Order L-239—*  
(a) *Definitions.* (1) "Folding box" means any collapsible container, or part thereof, made of paper or paperboard, excepting solid fibre or corrugated shipping containers not made on folding box machinery.

(2) "Blank" means any sheet of paper or paperboard, cut to shape and creased or scored for the purpose of being used as a box or part thereof.

(3) "Set-up box" means a non-collapsible or rigid container, or part thereof, made of paper or paperboard, excepting cups, pails, and solid fibre or corrugated shipping containers not made on set-up box machinery.

(4) "Pail" means a wedge shaped, folded, liquid-tight, paper container.

(5) "Box" unless otherwise specified, includes blanks, folding boxes, set-up boxes, pails and parts thereof.

(6) "Work in process" means any material for physical incorporation in boxes, on which actual box making operations have been started. No preparatory work such as art work, engravings, electrotypes, dies, forms shall be deemed "work in process".

(7) "Virgin wood pulp" means pulp manufactured either by mechanical or chemical means from coniferous or broadleaf trees.

(8) "Gage list" means any gage list set forth in United States Department of Commerce Simplified Practice Recommendation R44-36 entitled "Box Board Thickness".

(9) "Multiple container" means a box containing a number of separately packaged items of the same commodity.

(b) *General restrictions—*(1) *Restrictions on use of metal.* No person shall manufacture or incorporate in the manufacture of boxes:

(i) Any metal balls or metal handles for boxes, or

(ii) Metal mailing clips or fasteners for boxes customarily known as mailing containers.

(2) *Restrictions on manufacture of seasonal boxes and sleeves.* No person shall manufacture:

(i) Any box for seasonal or other special purpose having a greater pulp content or area or weight of paper or paperboard than contained in the usual commercial box for like contents.

(ii) Any sleeves or extra containers for seasonal or other special purposes unless also required for the usual commercial box for like contents.

(iii) *Exception.* The restrictions of paragraphs (b) (2) (i) and (ii) shall not apply to boxes in which are packed two or more commodities usually separately packed, except to the extent that said paragraphs (b) (2) (i) and (ii) are made applicable by any schedule.

(3) *Restrictions on dummy boxes.* No person shall manufacture any commercial display box simulating a package and not intended for packaging purposes, or use for display purposes, any box not previously used for packaging.

(4) *Restrictions imposed by separate schedules.* All persons shall observe the restrictions and other provisions which are and may be imposed from time to time by the Director General for Operations in all schedules hereto, all of which shall be parts of this order. No person shall manufacture, sell, or deliver any box which he knows or has reason to believe will be used in violation of any provision of this order.

(5) *Restrictions on manufacture of boxes from virgin wood pulp.* No person shall manufacture any box from any of the following grades of paperboard listed in United States Department of Commerce Simplified Practice Recommendation R44-36 if any virgin wood pulp is contained in any of such paperboard: plain chipboard, filled news board, single news vat-lined chip, colored box board chip back, bending chip board, colored suit box chip back, mist color suit box chip back, solid jute, cracker shell board, or solid news, provided that this restriction shall not apply to boxes manufactured from paperboard in the box manufacturer's inventory on January 8, 1943.

(6) *Restriction on use of double lined folding box board.* No person shall commercially use any virgin wood pulp liner on the inside surface of any box unless for packaging wet or oily foods, or when the use of virgin wood pulp liner is essential in order to deliver the packaged contents in a usable condition, *Provided*, That this restriction shall not apply to the use of any virgin wood pulp liner in the box manufacturer's inventory on January 8, 1943.

(c) *Exceptions*—(1) *Boxes completed or in process.* No restriction of this order shall apply to boxes completely manufactured or made from work in process prior to the effective date of such restriction: *Provided*, That work in process on the date of such restriction is completely manufactured within 90 days thereafter.

(2) *Boxes for certain Government agencies.* The restrictions of this order shall not apply to boxes manufactured to meet the packaging specifications of, and delivered to or for the account of, the United States Army, Navy, Maritime Commission, War Shipping Administration, or any agency imposing such speci-

fications for material to be delivered under the Act of Congress of March 11, 1941, entitled "An Act for the Defense of the United States" (Lend-Lease Act).

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

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

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

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington, D. C., Ref. L-239.

(h) *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.

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

Issued this 8th day of January 1943.

ERNEST KANZLER,  
Director General for Operations.

SCHEDULE I—FOOD BOXES

*Table I—Butter, lard, oleomargarine and similar boxes.* (a) No person shall manufacture any box for packaging butter, lard, oleomargarine, or similar products with a content capacity of less than one pound.

*Table II—Ice cream boxes.* (a) No person shall manufacture any box for direct fill factory packed ice cream except with content capacities of one pint, one quart, two and one half gallons or larger than two and one half gallons.

*Table III—Crackers and baked goods boxes*—(a) *Terms.* (1) Crackers and baked goods mean products of the biscuit, cracker and pretzel industry.

(2) Crackers and baked goods caddies mean paperboard containers for dispensing crackers and other baked goods in bulk.

(3) Cubic inch capacity of formed cartons is calculated on center to center of score line dimensions.

(b) *Restrictions on packing crackers and baked goods.* The following restrictions

shall be observed in the packing of crackers and baked goods:

(1) Crackers, cookies or biscuits shall be packed not less than six bags, packets, or rolls to a folding or set-up box.

(2) Single caddies and double caddies made from folding or set-up boxboard shall be filled to normal capacity, regardless of weight or count of contents.

(c) *No person shall manufacture any box for packaging crackers or baked goods exceeding the following maximum specifications:*

(1) No end flaps on seal end cartons shall be more than 1/2 the width of the carton plus 1/2", excepting that flaps on cartons for ground products (such as cracker meal) may be full width.

(2) (i) Tuck on carton having cover flap 5" or less in length shall not exceed 7/8" from the center of score line to edge of tuck.

(ii) Tuck on carton having cover flap over 5" in length shall not exceed one inch from center of score line to edge of tuck.

(3) Length of side flaps on tuck flap cartons shall not exceed 1/2 of the width of carton from front to back, plus 1/2 of the closure tuck flap, as provided by paragraphs (c) (2), (1) and (ii).

(4) (i) Single caddies of folding or set-up boxboard for bulk goods shall not have openings less than 10" x 10".

(ii) Double caddies of folding or set-up boxboard for bulk goods shall not have openings less than 10" x 20".

(iii) No single or double folding or set-up boxboard caddies for bulk goods shall be less than 6 1/2" in depth, excepting that fruit-filled bars, sandwich varieties and shortbreads may be packed in caddies not less than 4 3/8" in depth.

(iv) Single caddies of folding or set-up boxboard shall be no thicker than .053.

(v) Double caddies of folding or set-up boxboard shall be no thicker than .060.

(5) (i) Layer boards, strips, dividers and nestings of folding or set-up boxboard (non-virgin wood pulp) for bulk receptacles shall not exceed basis 100 sheets per 50 lb. bundle, excepting that divider strips for fruit-filled bars shall not exceed basis 50 sheets per 50 lb. bundle.

(ii) Layer boards, strips, dividers and nestings made from wood pulp board for bulk receptacles shall not exceed basis 100 sheets per 50 lb. bundle.

(iii) Nests for single caddies made from virgin wood pulp board shall not exceed .024 in thickness.

(iv) Nests for double caddies made from virgin wood pulp board shall not exceed .026 in thickness.

(v) Layers, strips, dividers and nestings for cellophane bags, glassine bags, paper bags, packets, tray packages and boats if made from laminated stock shall not exceed .022 in thickness; if made from other than laminated stock shall not exceed basis 90 sheets per 50 lb. bundle.

(6) Paperboard for packets, trays and boats shall not exceed .022 in thickness.

(7) Basis weight of board for cracker shell type cartons shall not exceed the following:

Cubic inch capacity of formed cartons	Legend weight up to and including	Weight per thousand square feet	Caliper
Up to 50.....	8 oz.....	72	} See Gage List No. 2
51 to 150.....	12 oz.....	80	
151 to 200.....	1 lb.....	85	
201 to 250.....	2 lb.....	90	
251 and up.....	Over 2 lb.....	96	

(8) Basis weight and caliper of board with printing surface, such as single manila lined and bleached manila lined boards used for printed cartons shall not exceed the following:

Cubic inch capacity of formed cartons	Legend weight up to & including	Weight per thousand square feet	Caliper
Up to 50.....	8 oz.....	80	See Gage List No. 2.
51 to 150.....	12 oz.....	85	
151 to 200.....	1 lb.....	90	
201 to 250.....	2 lb.....	96	
251 and up.....	Over 2 lb.....	103	

(9) Basis weight and caliper of board with printing surface such as patent coated news back board used for printing cartons shall not exceed the following:

Cubic inch capacity of formed cartons	Legend weight up to and including	Weight per thousand square feet	Caliper
Up to 50.....	8 oz.....	82	See Gage List No. 2.
51 to 150.....	12 oz.....	88	
151 to 200.....	1 lb.....	96	
201 to 250.....	2 lb.....	104	
251 and up.....	Over 2 lb.....	112	

(10) Basis weight and caliper of board in paragraphs (c) (7), (8) and (9) shall be based on the cubic inch capacity of the formed carton or the legend weight, whichever is greater.

(11) Caliper of board for single sale unit boxes made of laminated stock in one pound or up to and including two pound sizes shall not exceed .030 in thickness.

(12) Flanges on telescope covers of laminated single and double size caddies shall not exceed 2" in depth.

(13) Printing designs shall not extend (bleed) over carton edges if such extension (bleed) causes an excess use of paperboard through the use of double knives or otherwise.

(14) Cracker caddies in carload lots shall be mill tied, knocked down flat, not wrapped.

**SCHEDULE II—BEVERAGE AND TOBACCO BOXES.**

**Table I—Alcoholic beverage boxes.** (a) *Definition:* Alcoholic beverage means any beverage containing 3.2% or more of alcohol by volume, including but not limited to whisky, gin, rum, brandy, liqueurs, cordials, wines and malt beverages, not including medicinal preparations.

(b) No person shall manufacture any box for packaging alcoholic beverages.

**SCHEDULE III—RETAIL BOXES**

**Table I—General restrictions on retail boxes.** (a) *Definition:* Retail box means any box furnished directly or indirectly by a retailer for packaging merchandise for retail distribution, excepting parcel post boxes and boxes for packaging foods, drugs, medicinal supplies or custom jewelry.

(b) *Quota restriction on manufacture of retail boxes.* Beginning January 1, 1943, no person shall in any quarter put in process for the manufacture of retail boxes more than 65 percent of the tonnage of paperboard he put in process for the manufacture of retail boxes in the corresponding quarter of 1941.

(c) No person shall knowingly manufacture boxes for sale at retail as empty boxes.

**Table II—Restrictions on retail set-up boxes.** (a) No person shall manufacture any retail boxes exceeding the following maximum specifications, provided that retail boxes of sizes other than specified below may be manufactured if the material used is not of heavier weight than that permitted for the size box having the nearest higher area in square inches:

Length	Size width	Depth	Lid depth	Paperboard shall not be heavier than regular number 50 lb. bundles (sheets per bundle)
2	x 2	x 2	2	65
2½	x 1½	x ¾	¾	65
3	x 2½	x 1	¾	65
3½	x 3½	x 1	¾	65
4	x 4	x 2	1	65
4	x 4	x 4	1	60
4½	x 1	x 1	1	65
4½	x 4	x 5/8	5/8	65
5	x 3½	x 1½	3/8	65
5	x 5	x 2	¾	65
5½	x 5½	x 4	1	60
6	x 3	x 2	¾	65
6	x 4½	x 2½	1	65
6	x 6	x 3	1	60
6½	x 1½	x 1½	9/16	65
6½	x 6½	x ½	¾	65
6½	x 6½	x 4	1	60
6½	x 6½	x 6	1½	55
7	x 6	x 2	2	65
7½	x 7½	x ½	¾	65
7½	x 5½	x 3½	1	60
8	x 3	x ¾	¾	65
8	x 5½	x 1½	1½	65
8	x 8	x 2½	1½	60
8	x 8	x 4	1	65
8	x 8	x 8	1½	50
9	x 3	x 3	1	60
9	x 6	x 3	1	60
9½	x 6½	x 5/8	5/8	65
9½	x 6½	x 1	1	65
9½	x 6½	x 1½	1½	65
10	x 3½	x 2	2	65
10	x 6	x 6	1½	50
10	x 7	x 2	2	65
10	x 10	x 5/8	5/8	60
10	x 10	x 4	1½	50
10	x 10	x 5½	1½	50
10	x 10	x 10	2½	50
10½	x 7½	x 1½	1½	65
10½	x 10	x 1	1	60
10½	x 10	x 1½	1½	60
10½	x 10	x 2½	1½	60
11	x 4½	x 1	1	65
11½	x 5½	x 3½	1	60
11½	x 8½	x 1½	1½	60
11½	x 8½	x 2½	1½	60
12	x 8	x 8	2	50
12	x 12	x 1	1	60
12	x 12	x 2	2	60
12	x 12	x 4	1	50
12	x 12	x 6	1½	50
12	x 12	x 10	2	45
12½	x 6½	x 4	1	60
12½	x 9½	x 2½	1½	60
13	x 4	x 5/8	5/8	65
13	x 4	x 1	1	65
13	x 6	x 6	1½	50
14	x 10	x 1½	1½	60
14	x 14	x 8	2	45
14½	x 8	x 8	2	45
15	x 11	x 2	2	50
16	x 16	x 2½	2½	50
17	x 11	x 2½	2½	50
18	x 7	x 1½	1½	50
18	x 10	x 1½	1½	50
18	x 13	x 3	1½	50
18½	x 7½	x 5	2	50
20	x 18	x 5	2	45
22	x 12	x 3½	1½	50
23	x 14	x 4	1½	50
24	x 20	x 6	2	40
26	x 2	x 2	1	60
26	x 4	x 1½	¾	50
30	x 4	x 1½	¾	50
36	x 5½	x 1½	¾	50

(b) *Material for retail boxes.* No person shall incorporate in any retail boxes:

(1) Any grade or quality of paperboard higher than solid news No. 2 finish, Gage List No. 3, or

(2) Any bottom paper if the box is strip wrapped, or

(3) Any lining other than news vat lining on the side of the board forming inside of the blank, or

(4) Any metal.

**Table III—Restrictions on retail folding boxes.** (a) No person shall incorporate in the manufacture of retail boxes for packaging clothing or other garments, laundry, or flowers, any grade of paperboard other than paperboard without virgin wood pulp listed in paragraph (b) (5) of this order, or any metal.

**SCHEDULE IV—BOXES FOR PAPER PRODUCTS**

**Table I—Envelope boxes.** (a) (1) No person shall use in the manufacture of any set-up envelope box:

(i) Any paperboard of a quality better than bending chip board or news vat lined chip, No. 2 finish, Gage List No. 2 if cover paper is used; if cover paper is not used the quality of the paperboard shall not be better than patent coated news back, or

(ii) Any sheet lined board, or

(iii) Any paperboard of a count in excess of the maximum shown below (25" x 40"—50 lbs. per bundle), which count shall be specified by the envelope manufacturer or packer:

Envelopes	Sheets per bundle
Envelopes 14" half perimeter and less....	60
Envelopes over 14" half perimeter and not exceeding 16" half perimeter.....	55
Envelopes over 18" half perimeter.....	40

(2) No envelope box shall be double stripped on either box or cover, or have incorporated therein any metal.

(b) No person shall manufacture any folding box for envelopes from paperboard of better quality than patent coated news back without sheet lining, nor of greater weight per box than required for an equivalent cubical content set-up box.

**Table II—Papeterie boxes.** (a) (1) No person shall use in the manufacture of any set-up box for papeteries:

(i) Any paperboard better than bending chip board or news vat lined chip, No. 2 finish, Gage List No. 2, if cover paper is used; if cover paper is not used the quality of the paperboard shall not be better than patent coated news back,

(ii) Any paperboard of count in excess of the maximums shown below: (25" x 40"—50 lbs. per bundle).

Boxes containing 23 envelopes or less with corresponding note paper and/or cards—60 sheets per bundle;

Boxes containing from 24 to 72 (inclusive) envelopes with corresponding note paper and/or cards—50 sheets per bundle;

Boxes containing more than 72 envelopes with corresponding note paper and/or cards—40 sheets per bundle.

(iii) Any sheet lined board, metal, or more than double stripping.

(2) No person shall manufacture any folding box for papeteries from paperboard of higher quality than patent coated news back without sheet lining, nor of greater weight per box than required for an equivalent cubical content set-up box, nor incorporate any metal in any such folding box.



(3) Folding and set-up boxes. No box shall be made with slides, drawers, shoulders, base or cover caps, false bottoms, ends or sides, flanges or projections, padded tops or any covering other than paper, traps, decks, or other false work, except that boxes containing in excess of 23 envelopes with corresponding note paper and/or cards may contain false work not exceeding 1/4 the volume of the box.

**Table III—Waxed paper cutter boxes.** (a) No person shall manufacture any cutter boxes for packaging rolls of waxed paper excepting in accordance with the following maximum specifications:

(1) Box dimensions: 2 1/16 x 2 1/16 x 12 3/8 inches.

(2) Quality of paperboard: no higher than bleached manila lined news basis 70 sheets per 50 lb. bundle.

**Table IV—Roll toilet tissue.** (a) No person shall manufacture any boxes for packaging roll toilet tissue.

**SCHEDULE V—SPORTING GOODS BOXES**

**Table 1—Golf, tennis, baseball, football, volley ball and basket ball boxes.** (a) No person shall manufacture any box for packaging less than twelve (12) golf, tennis or baseballs or incorporate in the manufacture of any such box metal or sheet lining, or paperboard exceeding in area or weight the paperboard required for a full telescope set-up box without projecting edges or dividers, basis sixty (60) sheets per 50 lb. bundle.

(b) No person shall manufacture any box for packaging inflated footballs, volley balls or basket balls, or incorporate in any such box paperboard exceeding in area or weight the paperboard required for a full telescope set-up box without projecting edges, basis sixty (60) sheets per 50 lb. bundle.

[F. R. Doc. 43-427; Filed, January 8, 1943; 11:37 a. m.]

**Chapter XI—Office of Price Administration**

**PART 1316—COTTON TEXTILES**

[MPR 11]

**FINE COTTON GOODS**

The title, preamble and §§ 1316.1 to 1316.14, inclusive, of Revised Price Schedule No. 11<sup>1</sup>—Fine Cotton Goods—are amended, renumbered and reissued as Maximum Price Regulation No. 11—Fine Cotton Goods.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 11 has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation. In the judgment of the Price Administrator, the maximum prices established by this maximum price regulation are, and will be, generally fair and equitable, and comply with the requirements of section 3 and the other requirements of the Emergency Price Control Act of 1942, as amended, and will effectuate the purpose of said Act.

Therefore, under the authority vested in the Price Administrator by the Emer-

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

<sup>1</sup> 7 F.R. 1231, 2000, 2132, 2737, 3163, 5519, 7434, 8936, 8948, 10009, 10534.

gency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 11 is hereby issued.

**Sec.**

- 1316.1 Prohibition against dealing in fine cotton goods at prices above the maximum.
- 1316.2 Less than maximum prices.
- 1316.3 To what transactions, fabrics and persons this Regulation applies, and the relation to other Regulations.
- 1316.4 Maximum prices.
- 1316.5 What the contracts of sale and invoices must contain.
- 1316.6 Prohibited practices.
- 1316.7 Applications for adjustment or petitions for amendment.
- 1316.8 Records and reports.
- 1316.9 Enforcement.
- 1316.10 Effective date.

**AUTHORITY:** §§ 1316.1 to 1316.10 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; Executive Order 9250, 7 F. R. 7871.

**§ 1316.1 Prohibition against dealing in fine cotton goods at prices above the maximum.** Except as provided in § 1316.3 (a) no person shall sell or deliver and no person in the course of trade or business shall buy or receive any fabrics covered by this regulation at prices higher than the maximum prices fixed herein, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

**§ 1316.2 Less than maximum prices.** Prices lower than the maximum prices set by this regulation may be charged, demanded, paid or offered.

**§ 1316.3 To what transactions, fabrics and persons this regulation applies, and the relation to other regulations.** (a) *What transactions are covered and the relation to other regulations.* (1) This regulation covers all sales and deliveries of fabrics listed in paragraph (b) below other than (i) any sale or delivery which is covered by the Revised Maximum Export Price Regulation;<sup>3</sup> and (ii) sales or deliveries made by a wholesaler, jobber or retailer in the performance of a recognized distributive function. A sale or delivery performs a "recognized distributive function" only if it advances the goods sold to the next stage of distribution. It follows that sales by any person to a converter or finisher, by one jobber to a competitive jobber, and by one manufacturer of commodities from cloth to another are covered by the regulation.

(2) Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation<sup>4</sup> or to Maximum Price Regulation No. 157.<sup>5</sup>

(b) *What fabrics are covered.* (1) This regulation covers:

- <sup>2</sup> 7 F.R. 8961.
- <sup>3</sup> 7 F.R. 5059, 7242, 8829, 9000, 10530.
- <sup>4</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155 10454.
- <sup>5</sup> 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948.

(i) All grey goods made wholly of combed cotton yarn, except:

(a) Goods (other than marquisettes) containing colored yarn elsewhere than in the selvage;

(b) Cross-bordered handkerchief cloth;

(c) Twills;

(d) Oxfords;

(e) Balloon cloth;

(f) Madras made in a weave requiring a dobby loom.

(g) When sold under a government contract (as defined in § 1316.7), any fabric for which no maximum price per yard is listed herein.

(ii) Grey sateens made in whole or in part of combed cotton yarn; and

(iii) Unfinished box-loom clip-spot marquisettes and beat-up marquisettes made of combed or carded cotton yarn or any combination thereof.

(c) *What persons are covered.* This regulation covers all persons, including individuals, corporations, partnerships, associations and any other organized groups; their agents or legal successors; the United States, any government and any agencies or political subdivisions thereof.

**§ 1316.4 Maximum prices.** (a) The maximum prices established herein are prices f. o. b. the seller's point of shipment, net ten days.

(b) For seconds, short lengths and remnants of any fabric subject to the maximum prices set in this regulation, the maximum prices shall be discounted as follows:

	Discount (Percent)
Seconds, shorts and remnants:	
20 to 40 yards.....	10
10 to 20 yards.....	25
1 to 10 yards.....	50
Seconds:	
40 yards and over.....	5

(c) In addition to the maximum prices set forth in Table I, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to any fabric which, in its basic construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process	Premium (cents per yd.)
Weaves requiring dobby loom: <sup>1</sup>	
Weaves requiring 16 harnesses or less.....	1 1/4
Weaves requiring more than 16 harnesses.....	1 1/2
Fancy draw: <sup>1</sup>	
For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist, wrap stripes, or any other novelty draw, or for any combination of the above.....	1/2
Each extra beam.....	1/2
Hard twist:	
Wrap yarn where turns per inch equal 5 1/4 or more times the square root of yarn size.....	1/2
Filling yarn where turns per inch equal 4 1/4 or more times the square root of yarn size.....	1/2
Clipping.....	1

<sup>1</sup> If a premium is charged for dobby weave, no premium may be charged for fancy draw.

(d) The maximum prices are as follows:

TABLE I<sup>1</sup>

Type and construction of cloth

Type and construction of cloth	Cents per yard
<b>Combed broadcloth:</b>	
37"-128 x 68, 4.20	19.04
37"-136 x 60, 4.00	18.80
37"-144 x 76, 4.20	20.44
37"-152 x 80, 4.20	21.81
37"-128 x 64, 4.00 (slub filled)	19.29
<b>Lawns:</b>	
39"-68 x 56, 11.00	9.83
36"-72 x 56, 10.00	9.91
36"-76 x 72, 10.00	11.15
40"-72 x 68, 9.50	11.58
36"-88 x 80, 9.50	12.62
40"-76 x 72, 9.65	12.38
40"-76 x 72, 9.00	12.08
40"-96 x 100, 9.00 (pima)	21.22
40"-88 x 80, 8.50	13.74
40"-88 x 80, 11.30	17.77
45"-76 x 72, 8.00	14.26
36"-76 x 72, 7.75	12.06
40"-96 x 92, 7.50	15.47
45"-88 x 80, 7.50	16.18
44"-88 x 80, 7.15	15.93
40"-96 x 100, 9.00 (foreign pima)	19.62
36"-96 x 100, 7.05	15.60
40"-96 x 100, 6.75	18.01
40"-88 x 80, 6.90	14.32
40"-108 x 112, 6.40	18.55
40"-88 x 80, 6.00	15.35
37 1/2"-96 x 92, 6.60	16.53
40"-80 x 80, 5.40	16.23
39"-96 x 100, 5.00	18.90
44"-96 x 100, 4.40	21.96
39"-96 x 100, 4.10	21.30
40"-80 x 92, 3.80 (gas mask)	21.85
43"-80 x 92, 3.50 (gas mask)	23.61
<b>Dimities:</b>	
36"-96/64 x 68, 9.00	12.06
36 1/2"-116/76 x 76, 8.00	14.16
36 1/2"-114/76 x 64, 7.60	12.87
40 1/2"-90/64 x 72, 7.55	13.34
38"-94/64 x 68, 6.80	13.34
<b>Dimity checks:</b>	
37 1/2"-54 x 44, 10.40	8.57
36"-76 x 72, 8.30	11.87
36"-73 x 64, 9.40	11.15
36"-90 x 89, 8.10	13.57
<b>Pique:</b>	
38"-150/176 x 100, 3.50	29.99
<b>Pongee:</b>	
38"-72 x 100, 6.25	15.61
<b>Voiles:</b>	
37 1/2"-60 x 44, 12.50 (drop check)	8.04
37 1/2"-56 x 42, 11.15 (check voile)	8.45
40"-74 x 56, 10.00 (drop check)	10.64
39"-60 x 52, 9.00 (slack twist)	10.25
39"-60 x 48, 9.10 (slack twist)	9.79
38"-60 x 48, 9.80	9.15
<b>Marquissettes:</b>	
38 1/2"-44 x 18	6.73
39"-44 x 22	7.37
39 1/2"-46 x 20	7.49
39 1/2"-48 x 22	7.93
39 1/2"-48 x 24	8.31
39 1/2"-48 x 28	8.68
39 1/2"-48 x 32	9.26
49"-48 x 28	10.76
49"-48 x 32	11.47
39 1/2"-52 x 30	9.22
48"-52 x 30	10.68
48"-54 x 30	10.87

<sup>1</sup> Fabrics shall be subject to the yardage prices set forth in Table I and II, rather than to the poundage prices set forth in Table III, unless they are over 4% lighter or over 6% heavier than the weights specified, *Except* that for marquissettes and beat-up marquissettes the appropriate yardage price shall apply to all weights of each construction specified.

<sup>2</sup> The maximum price for 37" 136x60, 4.00 to 4.20 combed broadcloth on subcontracts entered into prior to January 13, 1943 under Army Invitation No. 669-43, Negotiated 161, dated November 28, 1942 is 19.00 cents per yard.

TABLE I—Continued  
Type and construction of cloth—Continued

Type and construction of cloth	Cents per yard
<b>Marquissettes—Continued.</b>	
39 1/2"-60 x 34	10.62
49"-60 x 34	11.77
40"-50 x 32 (ply filling)	16.32
50"-52 x 32 (ply filling)	19.85
<b>Scrim:</b>	
40"-38/80 x 36, 5.41	22.10
50"-38/80 x 36, 4.34	27.38
<b>Fine combed plains:</b>	
50"-22 x 20, 20.70	4.95
52"-28 x 24, 20.00	5.87
52"-28 x 24, 14.65	6.34
36"-60 x 48, 10.00	8.80
47"-80 x 76, 5.41	20.52
62"-80 x 76, 3.93	27.39
<b>Organdie:</b>	
40"-84 x 80, 11.00 (peeler)	17.74
40"-84 x 80, 10.75 (pima)	17.50
40"-84 x 80, 10.75 (foreign pima)	16.15
45"-84 x 68, 10.50 (peeler)	19.49
45"-84 x 68, 10.25 (foreign pima)	17.80
45"-84 x 68, 10.25 (pima)	19.25
45"-84 x 80, 9.75 (peeler)	21.52
45"-84 x 80, 9.50 (foreign pima)	19.64
45"-84 x 80, 9.50 (pima)	21.15
<b>Typewriter cloth:</b>	
40"-154 x 168, 5.98	51.03
40"-144 x 156-158, 5.27 (pima)	50.61
<b>Umbrella cloth:</b>	
26"-84 x 108, 6.25	20.05
26"-104 x 108, 6.40	20.38
26"-72 x 84, 5.55	18.41
<b>Collar cloth:</b>	
40 1/2"-102/206 x 64, 2.08	43.11
40"-96 x 112, 3.66	30.89
<b>Poplins:</b>	
37"-116 x 52, 3.50	19.51
37"-136 x 72, 3.40	22.01
38"-102/206 x 48, 3.28	26.91
37"-116 x 56, 3.25	21.61
37 1/2"-102/206 x 48, 3.15	28.02
37"-136 x 60, 3.00	23.84
40 1/2"-136 x 68, 2.50	28.53
<b>Beat-ups (Marquissettes):</b>	
39 1/2"-36 x 16, 5.33 Extra (combed)	7.13
39 1/2"-48 x 22, 16.50 Extra (Combed)	11.25
39 1/2"-48 x 22, 16.50 Extra (Carded fill)	10.11
39 1/2"-44 x 18, 7.50 Extra (Combed)	8.76

TABLE I—Continued  
Type and construction of cloth—Continued

Type and construction of cloth	Cents per yard
<b>Sateens:</b>	
38 1/2"-84 x 136, 4.90 (Combed)	17.90
38 1/2"-84 x 136, 4.25 (Carded warp (Combed filling))	18.91
38 1/2"-84 x 136, 4.25 (Combed)	20.39
43"-136 x 96, 3.50 (Combed warp-Carded filling)	22.05
39 1/2"-96 x 160, 3.35 (Combed)	23.57
<b>Tracing cloth:</b>	
35"-80 x 76, 6.90	13.35
41"-80 x 76, 5.85	15.41
48"-80 x 76, 5.00	17.49
36"-88 x 92, 7.10	15.97
48"-88 x 92, 5.27	24.68
<b>Aeroplane ply yarns:</b>	
36 1/2"-80 x 86, 4.00	41.99
39"-80 x 84, 3.61	42.85
<b>Aeroplane merc. ply yarns:</b>	
36 1/2"-80 x 84, 4.00	43.86

TABLE II

The following provisions shall apply to unfinished box-loom clip-spot marquissettes.

As used herein, the term "standard" means having a width of 35", 39 1/2", 46", or 48" and a total count per inch of 37 to 48 sley and 14 to 34 picks (including roving), inclusive. The term "base construction" means 39 1/2" 40 x 18, 40s or 50s combed warp, 40s or 50s, combed filling, 2 picks of 6.00 hank grey roving, 10 jumpers and/or 15 harnesses or less.

The base maximum price for standard unfinished box-loom clip-spot marquissettes shall be 8 1/2 cents per yard. For any standard construction other than the base construction the maximum price shall be the base maximum price adjusted upward or downward by the following per yard differentials.

A. Width differentials.

35", deduct	\$0.0059
46", add	.0084
48", add	.0224

B. Warp differentials—ground.

	35"	39 1/2"	46"	48"
40s or 50s combed, where ground ends are more or less than 40 per inch:				
Grey, add or subtract for each two ends per inch	\$0.0013	\$0.0015	\$0.0017	\$0.0018
Pastel colors, add per end per inch	.00041	.00047	.00054	.00057
Empire colors, add per end per inch	.00054	.00062	.00072	.00075
40s or 50s carded, subtract from combed for two ends per inch	.00012	.00014	.00016	.00017

C. FILLING DIFFERENTIALS

	35"	39 1/2"	46"	48"
<b>1. Ground:</b>				
40s or 50s combed, where ground picks are more or less than 18 per inch:				
Grey, add or subtract for two picks per inch	\$0.0033	\$0.0035	\$0.0037	\$0.0047
Pastel colors, add per pick per inch	.00046	.00052	.00060	.00063
Empire colors, add per pick per inch	.00059	.00067	.00078	.00082
40s or 50s carded, subtract from combed for one pick per inch	.000053	.000060	.000070	.000072
<b>2. Roving, subtract \$0.009 and add per pick per inch:</b>				
<b>Grey:</b>				
4 hank	.0053	.0058	.0067	.0074
6 hank	.0041	.0045	.0051	.0057
8 hank	.0033	.0036	.0041	.0046
10 hank	.0028	.0031	.0035	.0040
12 hank	.0027	.0029	.0032	.0038
<b>Pastel:</b>				
4 hank	.0091	.0101	.0116	.0126
6 hank	.0066	.0073	.0084	.0092
8 hank	.0052	.0057	.0066	.0072
10 hank	.0044	.0048	.0054	.0061
12 hank	.0039	.0043	.0049	.0055
<b>Empire:</b>				
4 hank	.0101	.0113	.0130	.0140
6 hank	.0073	.0081	.0093	.0101
8 hank	.0057	.0063	.0072	.0079
10 hank	.0048	.0053	.0060	.0067
12 hank	.0043	.0047	.0054	.0060

D. PATTERN DIFFERENTIALS

	35"	39 1/2"	46"	48"
Over 10 jumpers and/or 15 harness: Per yard per pick 2 shuttles.....	\$0.000114	\$0.000114	\$0.000140	\$0.000140
Per yard per pick 3 and 4 shuttles.....	.000140	.000140	.000175	.000175

20/2 Carded cords (other than selvage) : Add per end:

Grey.....	\$0.000055
Pastel colors.....	.000095
Empire colors.....	.000110

E. Loop cutting.

All widths..... .0033

F. Production differential.

After applying all necessary differentials add or subtract for each pick over or under an over-all count of 20 picks..... .0003

TABLE III

The maximum price for any fabric covered by this regulation for which a specified price is not set forth or ascertainable from Tables I and II, shall be the applicable poundage price set forth below:

	Price (cents per pound)
Cloths:	
Lawn.....	75
Broadcloths.....	60
Voiles.....	75
Dimities.....	75
Marquisettes.....	65
Other fabrics.....	50

A seller may, however, request the Office of Price Administration to determine in place of such poundage price a special maximum price for a particular fabric. The request shall contain a complete description of the fabric (including the width; the cloth count; the weight; detailed production costs; and a statement of the price requested). Even if such a request has been made, the poundage price set forth above shall govern until the Price Administrator has issued a special maximum price.

§ 1316.5 *What the contracts of sale and invoices must contain.* (a) Every seller shall deliver to the purchaser at the time the contract is made a written contract of sale which shall contain:

- (1) The date on which the sale or contract of sale was made;
- (2) A full description of the materials sold including:
  - (i) The width;
  - (ii) The cloth count;
  - (iii) The number of yards per pound;
  - (iv) Any feature of the cloth for which a premium is allowed or discount required;
- (3) The quantity sold;
- (4) The terms of sale; and
- (5) The prices.

(b) With each delivery the seller shall transmit to the purchaser an invoice or similar document which shall either contain the information required by paragraph (a) above or make reference to the contract in which such information is set forth.

§ 1316.6 *Prohibited practices.* Any practice which is a device to increase the consideration obtained above the maximum price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making

use of commissions, services, premiums, special privileges, tying agreements, trade understandings and the like.

§ 1316.7 *Applications for adjustment or petitions for amendment—(a) Government contracts.* (1) The term "government contract" is here used to mean any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled "An Act to promote the defense of the United States", or any subcontract under contracts with such persons.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established by this Regulation is impeding or threatens to impede production of material which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6<sup>o</sup> issued by the Office of Price Administration.

(3) As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to appropriate refund if the requested adjustment is denied in whole or in part. The seller must notify the buyer in writing that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this Regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration. In appropriate situations where a petition for amendment requires extended consideration the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

However, the filing of a petition shall not be construed as authorizing transactions at a price above the maximum price.

§ 1316.8 *Records and reports—(a) Records.* Every person making purchases or sales subject to the regulation shall keep for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records which will show a complete description of the items sold; the name and address of the buyer or seller; the date of the sale and the price paid or received.

(b) *Reports.* Persons affected by this regulation shall submit such reports to

\*7 F.R. 5087, 5664.

the Office of Price Administration as it may, from time to time, require.

§ 1316.9 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest district or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. The term "war procurement agencies" means the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

§ 1316.10 *Effective date.* Maximum Price Regulation No. 11 (§§ 1316.1 to 1316.10 inclusive) shall become effective January 13, 1943: *Provided*, That up to and including February 12, 1943 deliveries against contracts entered into prior to January 7, 1943 at an agreed firm price may be made at prices in conformity with the regulation or price schedule applicable to such contracts at the time they were made.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-380; Filed, January 7, 1943; 12:08 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Ration Order 2A, Amendment 22]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

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

A new paragraph (p) is added to § 1360.372:

*Persons Eligible to Acquire New Passenger Automobiles by Transfer With Certificates*

§ 1360.372 *Eligibility classification.* \* \* \*

(p) A full-time social worker, employed by a bona fide non-profit agency, who will use the automobile principally for one or more of the following purposes: to investigate the necessity for relief or to administer relief; to arrange for the placement of minors or aged, handi-

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

<sup>17</sup> F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149, 8808, 8895, 9316, 10228.



capped or indigent persons in foster homes or in institutions, and to inspect such foster homes or institutions; to investigate reported abuse, neglect or delinquency of minors; or to transport minors or aged, handicapped or indigent persons to foster homes or institutions or to transport persons to hospitals or clinics for treatment or diagnosis: *Provided*, That the applicant must present to the Board a statement from a responsible official of such social agency setting forth:

(1) That the automobile is to be driven by a full-time social worker to perform one or more of the purposes specified in this paragraph; and

(2) That the social agency employing such worker is either:

(i) Licensed by the appropriate governmental authority; or

(ii) A member of the local Community Chest, the local Council of Social Agencies, the State Conference of Social Work, the Family Welfare Association of America, the Child Welfare League of America, or the National Travelers Aid Association; or

(iii) A bona fide non-profit agency carrying on one or more of the purposes specified in this paragraph, as evidenced by a certification of that fact by a responsible official of a social agency specified in (i) or (ii) hereof. Such certification shall be attached to the official statement.

#### Effective Dates

#### § 1360.442 Effective dates of amendments

(v) Amendment No. 22 (§ 1360.372) to Rationing Order No. 2A shall become effective January 13, 1943.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-381; Filed, January 7, 1943;  
12:03 p. m.]

#### PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[MPR 299]

#### SALES BY CANNERS OF TUNA, BONITO, AND YELLOWTAIL

In the judgment of the Price Administrator the prices of tuna, bonito, and yellowtail have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of tuna, bonito, and yellowtail prevailing between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established

by this regulation are and will be generally fair and equitable, and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

The maximum prices established herein are not below the average price of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 299 is hereby issued.

**AUTHORITY:** §§ 1364.651 to 1364.662 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.651 *Prohibition against dealing in tuna, bonito, and yellowtail at prices above the maximum.* On or after January 13, 1943, regardless of any contract, agreement or other obligation, no canner, or agent or other person acting on behalf, or under control, of such canner shall sell or deliver any tuna, bonito, or yellowtail, and no person in the course of trade or business shall buy or receive from a canner any tuna, bonito, or yellowtail at prices higher than those set forth in Appendix A hereof, incorporated herein as § 1364.662; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of tuna, bonito, and yellowtail to a purchaser if prior to January 13, 1943, such tuna, bonito, or yellowtail has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.652 *Conditional agreement.* No canner of tuna, bonito, or yellowtail shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.662 in the event that this Maximum Price Regulation No. 299 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.653 *Export sales.* The maximum price at which a person may export tuna, bonito, or yellowtail shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

§ 1364.654 *Less than maximum prices.* Lower prices than those set forth in § 1364.662 may be charged, demanded, paid, or offered.

§ 1364.655 *Evasion.* The price limitations set forth in this Maximum Price

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

<sup>1</sup> 7 F.R. 4059, 7242, 8829, 9000, 10530.

Regulation No. 299 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to tuna, bonito or yellowtail, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or style of processing or the canning, wrapping or packaging of tuna, bonito or yellowtail.

§ 1364.656 *Records and reports.* (a) Every person making a purchase or sale of tuna, bonito, or yellowtail in the course of trade or business, or otherwise dealing therein, after January 12, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and a description of the grade or brand, style of pack, and container size of tuna, bonito, or yellowtail.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1364.657 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 299 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 299 or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.658 *Petitions for amendment.* Any person seeking an amendment of any provision of this Regulation No. 299 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration.

§ 1364.659 *Applicability of General Maximum Price Regulation.*<sup>3</sup> The provisions of this Maximum Price Regulation No. 299 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

<sup>2</sup> 7 F.R. 8961.

<sup>3</sup> 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6784, 6939, 7993, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

§ 1364.650 *Definitions.* (a) When used in this Maximum Price Regulation No. 299 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing: *Provided*, That no punishment provided by this regulation shall apply to the United States, or to any such government, political subdivision, or agency.

(2) "Canner" means a person who preserves tuna, bonito, or yellowtail by processing and hermetically sealing in metal containers.

(3) "Tuna" means canned meat from the following species of fish caught in the Pacific Ocean: Albacore (*Germo alalunga*); skipjack (*Katsuwonus pelamis*); bluefin (*Thunnus thynnus*); and yellowfin (*Neothunnus macropterus*); and from bluefin (*Sarda Sarda*) caught in the Atlantic Ocean.

(4) "White meat tuna" means albacore meat.

(5) "Light meat tuna" means skipjack, bluefin, or yellowfin meat.

(6) "Bonito" means canned meat from fish of the species bonito (*Sarda Chitensis*).

(7) "Yellowtail" means canned meat from fish of the species yellowtail (*Seriola Dorsatis*).

(8) "Fancy" means choice cuts of cooked tuna from fish weighing not more than 60 pounds round weight, packed with large pieces of solid meat with the addition of one or two small pieces of solid meat, if necessary to bring the contents to required net weight, but not including any flakes added at the time of packing.

(9) "Choice cuts" means large choice pieces of cooked tuna composed of tender solid meat of selected light color and fine texture, free from dark meat, bones, skin, extraneous tissue, and any substance or condition impairing quality.

(10) "Standard" means wholesome cooked meat, regardless of size of fish, which when packed contains at least 75 percent large pieces of solid meat, free from dark meat, bones, skin, extraneous tissue, and debris.

(11) "Flakes" means small pieces of wholesome cooked meat not utilized in the packing of fancy or standard grades, but free from dark meat, bones, skin, extraneous tissue, and debris.

(12) "Grated" means wholesome cooked meat not utilized in the pack of fancy or standard grades, mechanically reduced to small uniform pieces but free from dark meat, bones, skin, extraneous tissue and debris.

(13) "Price per case" means the price for 48 cans of tuna, bonito, or yellowtail packed for shipment in the usual container.

(14) "No. 1 Tuna tin" means a can 401x205.5.

(15) "1/2 Tuna tin" means a can 307x 113.

(16) "1/4 Tuna tin" means a can 211x 109.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1364.661 *Effective date.* This Maximum Price Regulation No. 299 (§§ 1364.651 to 1364.662, inclusive) shall become effective January 13, 1943.

§ 1364.662 *Appendix A: Maximum canners' prices for Tuna, Bonito, and Yellowtail.* (a) The prices set forth below are maximum prices per case f. o. b. car at the shipping point nearest cannery. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts, and differentials to purchasers of different classes.

Variety	Style of container and price per case		
	1 lb. Tuna	1/2 lb. Tuna	1/4 lb. Tuna
Albacore:			
Fancy.....	\$31.00	\$16.00	\$9.00
Standard.....	27.00	14.00	8.00
Grated.....	25.00	13.00	7.50
Flake.....	25.00	13.00	7.50
Light meat:			
Fancy.....	23.00	12.00	7.00
Standard.....	21.00	11.00	6.50
Grated.....	19.70	10.35	6.20
Flake.....	19.00	10.00	6.00
Bonito:			
Standard.....	17.00	9.00	5.50
Flake.....	15.00	8.00	5.00
Yellowtail:			
Standard.....	16.00	8.50	5.25
Flake.....	14.00	7.50	4.75

(b) For varieties, container sizes, or types and styles of pack of tuna, bonito, and yellowtail not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by sworn statements showing costs and usual differentials.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-382; Filed, January 7, 1943; 12:04 p. m.]

PART 1372—SEASONAL COMMODITIES

[MPR 298]

ROTENONE

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales, other than at retail, of rotenone by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 298 are and will be generally

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

fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practical, the Price Administrator has advised and consulted with members of the industry affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 298 is hereby issued.

- Sec.
- 1372.151 Sales at retail.
  - 1372.152 Maximum prices for rotenone.
  - 1372.153 Applicability of the General Maximum Price Regulation.
  - 1372.154 Less than maximum prices.
  - 1372.155 Export sales.
  - 1372.156 Federal and State taxes.
  - 1372.157 Petitions for amendment.
  - 1372.158 Adjustable pricing.
  - 1372.159 Evasion.
  - 1372.160 Enforcement.
  - 1372.161 Records and reports.
  - 1372.162 Filing of prices and pricing methods.
  - 1372.163 Transfers of business or stock in trade.
  - 1372.164 Definitions.
  - 1372.165 Notification to the trade of price reduction.
  - 1372.166 Effective date.
  - 1372.167 Appendix A: Maximum price for rotenone roots.
  - 1372.168 Appendix B: Manufacturer's maximum prices for rotenone products (unfinished).
  - 1372.169 Appendix C: Manufacturer's maximum prices for dry finished rotenone insecticides not made from dust bases.
  - 1372.170 Appendix D: Manufacturer's maximum prices for finished rotenone insecticides made from dust bases.
  - 1372.171 Appendix E: Manufacturer's maximum prices for other finished rotenone insecticides.
  - 1372.172 Appendix F: Manufacturer's maximum prices which cannot be established under Appendix C, D or E.
  - 1372.173 Appendix G: Wholesaler's maximum prices for finished rotenone insecticides.
  - 1372.174 Appendix H: Maximum prices which cannot be established under Appendix C, D, E, F or G.

AUTHORITY: §§ 1372.151 to 1372.174 inclusive, issued under Pub. Laws 421 and 729, 77th Cong., and E.O. 9250, 7 F.R. 7871.

§ 1372.151 *Sales at retail.* Maximum Price Regulation No. 144<sup>2</sup> as amended, establishes the maximum prices for sales at retail of agricultural insecticides, and Maximum Price Regulation No. 142<sup>3</sup> as amended, establishes maximum prices for sales at retail of household insecticides and, therefore, this Maximum Price Regulation No. 298 shall not apply to sales at retail of rotenone described herein.

§ 1372.152 *Maximum prices for rotenone.* (a) On and after January 13,

<sup>1</sup> 7 F.R. 8961.

<sup>2</sup> 7 F.R. 3720, 5665, 7248.

<sup>3</sup> 7 F.R. 3553, 3720, 5192, 5520.



1943, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver, other than at retail, rotenone roots, rotenone products (unfinished) and finished rotenone insecticides, and no person shall buy or receive, other than at retail, rotenone roots, rotenone products (unfinished) and finished rotenone insecticides, in the course of trade or business, at prices higher than the maximum prices set forth in the Appendices hereto, lettered A to H, incorporated herein as § 1372.167 to § 1372.174 inclusive, and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That the provisions of this Maximum Price Regulation No. 298 shall not apply to sales if, prior to January 13, 1943, the commodity was received for shipment to the purchaser by a carrier other than a carrier owned or controlled by the seller.

(b) The provisions of paragraph (a) of this section, prohibiting purchasers from paying in excess of the maximum prices, shall not be applicable to any war procurement agency or any contracting officer thereof, and any contracting officer or any paying finance officer of such agency shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 298 or by the Emergency Price Control Act of 1942, as amended.

(c) The provisions of paragraph (a) of this section prohibiting persons from selling finished rotenone insecticides at prices in excess of the maximum prices established herein shall not apply to sales of finished rotenone insecticides still in the hands of and owned by wholesalers, and which shall have been delivered to them, prior to the effective date of this regulation.

§ 1372.153 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 298 supersede the provisions of the General Maximum Price Regulation<sup>4</sup> with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1372.154 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 298 may be charged, demanded, paid or offered.

§ 1372.155 *Export sales.* The maximum price at which a person may export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>5</sup> issued by the Office of Price Administration.

§ 1372.156 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such com-

modity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during March 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March 1942 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall be regarded as having included such amount in determining the maximum price under this Maximum Price Regulation No. 298.

(2) In all other cases if, at the time the seller determined his maximum price, the statute or ordinance imposing such tax did not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller did state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 298.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased; except that the tax on transportation imposed by section 620 of the Revenue Act of 1942 shall, for the purposes of determining the applicable maximum price of any commodity subject of this regulation, be treated as though it were an increase of 3% in the amount charged by any person transporting the commodity for hire, and it shall not be treated under any provision of this regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.

§ 1372.157 *Petitions for amendment.* Any person subject to any provision of this Maximum Price Regulation No. 298 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>6</sup> issued by the Office of Price Administration.

§ 1372.158 *Adjustable pricing.* Any person may offer or agree to adjust to or fix at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition for amend-

ment under § 1372.157 has been duly filed, and requires extended consideration, the Administrator may, upon application, grant permission to the seller to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition thereof.

§ 1372.159 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 298 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to rotenone roots, rotenone products (unfinished) or finished rotenone insecticides, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement, or other trade understanding or otherwise; without limiting the generality of the foregoing, the price limitations set forth in Maximum Price Regulation No. 298 shall not be evaded by improper classification of any rotenone roots, rotenone products (unfinished) or finished rotenone insecticides, improper application of extras, splitting of orders into small quantities or exchange of formulae in order to increase prices, or by decreasing or discontinuance of cash discounts.

§ 1372.160 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 298 are subject to the criminal penalties, civil enforcement, actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 298 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1372.161 *Records and reports.* (a) Each person selling within the continental United States rotenone roots, rotenone products (unfinished) or finished rotenone insecticides other than at retail, shall preserve and keep for inspection by the Office of Price Administration, for as long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, all available records of prices, costs, pricing methods, delivery charges, allowances and discounts, on all sales of rotenone roots, rotenone products (unfinished) and finished rotenone insecticides made by such seller since January, 1941.

(b) Persons affected by this Maximum Price Regulation No. 298 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1372.162 *Filing of prices and pricing methods.* (a) Each person selling other than at retail any rotenone product shall report to the Office of Price Administration in Washington, D. C., within ten days after its determination,

<sup>4</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 6939, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

<sup>5</sup> 7 F.R. 5059, 7242, 8829, 9000, 10530.

<sup>6</sup> 7 F.R. 8961.



his maximum price for each of his rotenone products, except roots, powder, resin, chemically pure rotenone, technically pure rotenone, solvate, or products priced in § 1372.168 (Appendix B (7)) hereof. Such maximum price shall be reported for each class of purchaser and for each kind and type of package. Each product shall be described by brand or trade mark, if any, and by the kinds and amounts of ingredients contained in the product.

(b) Each person selling liquid extract shall report to the Office of Price Administration in Washington, D. C., within ten days after the price was determined, an explanation of how he computed his maximum price for such liquid extract.

(c) Each person who establishes a maximum price for a rotenone insecticide under the provisions of Appendix F hereof, shall report within 10 days after the establishment of such price to the Office of Price Administration in Washington, D. C., an explanation of how he computed his maximum price.

§ 1372.163 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any person producing rotenone roots, rotenone products (unfinished) or finished rotenone insecticides are or have been sold or otherwise transferred after March 1, 1942, and the transferee carries on the business or continues to produce rotenone roots, rotenone products (unfinished) or finished rotenone insecticides in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record and filing of price provisions of this regulation.

§ 1372.164 *Definitions.* (a) When used in this Maximum Price Regulation No. 298 the term:

(1) "Rotenone" means the chemical compound having the formula  $C_{23}H_{32}O_6$ .

(2) "Pure rotenone" means rotenone which would be indicated as present in the rotenone-bearing material by the analytical method developed by Jones and Graham and adopted as "official, first action" by the Association of Official Agricultural Chemists.

(3) "Chemically pure rotenone" means crystals of pure rotenone  $C_{23}H_{32}O_6$ .

(4) "Powder" means ground rotenone root, sufficiently fine so that 90 per cent of the ground material will pass through a 200-mesh sieve. "Powder" includes a blend of two or more lots of ground root but does not include material containing any substance other than ground rotenone bearing root.

(5) "Resin" means the dry, undiluted product, consisting of rotenone and rotenoids, which may be extracted from

rotenone bearing material with ethyl ether.

(6) "Liquid extracts" means resins in solution:

(7) "Technically pure rotenone" means crystals containing at least 90 per cent pure rotenone.

(8) "Solvate", as used in this regulation, means a compound of rotenone and carbon tetrachloride containing at least 71 per cent pure rotenone.

(9) "Rotenone roots" means roots dug from the ground, whole or chopped, such as timbo, barbasco, cube or derris root, which contain rotenone.

(10) "Dust base" means any rotenone bearing material, other than powder, resin, or liquid extract, sold to a commercial purchaser to be mixed with inert materials, other insecticides, or fungicides in the preparation of a dry, finished, rotenone insecticide known as a dust.

(11) "Rotenone products (unfinished)" means preparations made in whole or in part from rotenone roots, which are not finished insecticides but which may be materials in the manufacture of finished rotenone insecticides. Powder, when sold by a manufacturer of powder or by an importer or foreign shipper, shall be considered a rotenone product (unfinished); but when sold by a wholesaler or dealer shall be considered a finished rotenone insecticide.

(12) "Finished rotenone insecticides" means products containing rotenone and used for control of insects, when sold in a form commonly purchased by consumers.

(13) "Manufacturer" means any person who grinds, extracts, mixes, reconditions or otherwise processes rotenone bearing roots or rotenone products to produce other rotenone products or finished rotenone insecticides.

(14) "Wholesaler", for the purposes of this regulation, means a person other than a manufacturer who sells the commodity being priced to a dealer.

(15) "Dealer", for the purposes of this regulation, is a person other than a manufacturer or wholesaler who sells at retail the commodity being priced.

§ 1372.165 *Notification to the trade of price reductions.* If reductions of maximum prices for dry, finished rotenone, insecticides are effected under the operation of Appendix C, D, or G, hereinbelow set forth, the manufacturer or wholesaler, as the case may be, shall attach to his first outgoing invoices sent to each purchaser, after the price reduction becomes effective, and shall enclose in each carton, box or other shipping package, with the legend stamped thereon "Price Reduction Notification Enclosed", first shipped by him to each purchaser after the price reduction becomes effective, the following notification:

Under an OPA maximum price regulation the manufacturer of \_\_\_\_\_ is  
(name of product)  
required to reduce his ceiling price by \$\_\_\_\_\_.  
Wholesalers and retailers are required to reduce their selling prices of the product by the same amount. OPA requires you to preserve this notice.

§ 1372.166 *Effective date.* This Maximum Price Regulation No. 298 shall become effective January 13, 1943.

§ 1372.167 *Appendix A: Maximum price for rotenone roots.* (a) The maximum price for root containing not more than 12 per cent moisture, seller to pay all costs of freight, insurance, entry, analysis, weighing, and the like, shall be the sum of (1) the price paid f. o. b. foreign shipping point, landed weight basis, (2) transportation costs by boat or boat and rail from shipping point to United States port, (3) marine and war risk insurance at lowest available rates, and (4) one and one-quarter cents (\$.0125) per pound of landed weight.

(b) For lots of root containing more than 12 per cent moisture, the maximum price calculated in (a) above shall be adjusted downward so that the buyer does not pay more for the lot, including freight, marine and war risk insurance and importer's margin, than he would if the lot had contained 12 per cent moisture when landed at United States port.

§ 1372.168 *Appendix B: Manufacturers' maximum prices for rotenone products (unfinished)*

1. *Powder.* The maximum price shall be (a) for powder containing 5% pure rotenone, 35 cents per pound f. o. b. manufacturer's plant or f. o. b. port of entry when sold by an importer or foreign shipper; (b) for powder containing more than 5 per cent pure rotenone, 35 cents per pound plus 6 cents for each 1 per cent (unit) of pure rotenone more than 5 per cent (5 units); (c) for powder containing less than 5 per cent pure rotenone, 35 cents minus 6 cents for each 1 per cent (unit) of pure rotenone less than 5 per cent (5 units); (d) for powder in less than 200-pound lots, the maximum price determined under (a), (b), or (c), plus 10 per cent. For the purposes of this paragraph, the pure rotenone content shall be computed to the nearest tenth of one per cent (nearest tenth of one unit).

2. *Resin.* (a) The maximum price shall be \$3.25 per pound f. o. b. manufacturer's plant.

3. *Liquid extract.* (a) The maximum price per gallon f. o. b. manufacturer's plant shall be the sum of the number of pounds of 30% rotenone resin required to make one gallon of liquid extract, multiplied by \$2.55 per pound of such resin, plus the cost of one gallon of the solvent used in the manufacture of the liquid extract, plus 25 cents for each 1% of rotenone contained in the liquid extract.

4. *Chemically pure rotenone.* (a) The maximum price shall be \$12.25 per pound f. o. b. manufacturer's plant.

5. *Technically pure rotenone.* (a) The maximum price shall be \$9.75 per pound f. o. b. manufacturer's plant.

6. *Solvate.* (a) The maximum price shall be \$7.75 per pound f. o. b. manufacturer's plant.

7. *Other rotenone products (unfinished).* (a) The maximum price shall be determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provision of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (i) a description of the commodity for which a maximum price is sought, (ii) a list of materials used in the manufacture of the commodity, (iii) an outline of the manufacturing process, (iv) the seller's cost of

raw materials, packages, manufacturing and other expenses, (v) changes in the selling price since January 1, 1941, and (vi) the seller's maximum price under the General Maximum Price Regulation. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall certify the price to the Office of Price Administration in Washington, D. C. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(b) If the seller has a maximum selling price under the General Maximum Price Regulation for the product, he shall continue to use such maximum selling price until a maximum price has been established under (a) above; but within 30 days after the effective date of this regulation, he shall apply for such maximum price.

§ 1372.169 *Appendix C: Manufacturer's maximum prices for dry, finished rotenone insecticides not made from dust bases:* The price shall be the lower of the following:

1. The highest price charged to a purchaser of the same class in March, 1942, or

2. A price computed by adding items (a), (b), (c), and (d), below:

(a) The price most frequently charged to a purchaser of the same class in June, 1941, or on the latest date prior to June, 1941, on which the product was sold,

(b) The increase in the cost of pure rotenone guaranteed in the product, between the first half of 1941 and December 31, 1942, calculated according to the following provisions:

(i) Manufacturers who do not process root:

The increase in the cost of rotenone shall be calculated by determining the average delivered cost of rotenone purchased in the period January-June, 1941, inclusive (or, if no such purchase was made in such period, the delivered cost of rotenone purchased on the latest date prior to January 1, 1941), and by subtracting such delivered cost from the maximum delivered cost of rotenone contained in the same type and quality of rotenone-bearing material on December 31, 1942; but such increase in cost of pure rotenone shall not exceed \$3.40 per pound of pure rotenone contained in the finished product.

(ii) Manufacturers who process imported root:

The increase in the cost of rotenone shall be calculated by multiplying the pounds of pure rotenone guaranteed in the finished product by \$3.10.

(c) The difference between the delivered cost of packages and raw materials other than rotenone on the latest dates prior to July 1, 1941, on which purchases of such commodities were made, and the maximum delivered cost of the same items on December 31, 1942;

(d) Forty cents per hundred pounds, or \$0.004 per pound, of the finished product.

§ 1372.170 *Appendix D: Manufacturer's maximum prices for finished rotenone insecticides made from dust bases.* The maximum price shall be the lower of the following:

1. The highest price charged to a purchaser of the same class in March, 1942, or

2. A price computed by adding items (a), (b), and (c) below:

(a) The price most frequently charged to a purchaser of the same class in June, 1941, or on the latest date prior to June, 1941 on which the product was sold.

(b) The increase in the delivered cost of all raw materials and packages between June, 1941, or on the latest date prior thereto on

which such commodities were purchased, and the maximum delivered cost of the same commodities on December 31, 1942.

(c) Forty cents per hundred pounds, or \$0.004 per pound, of the finished product.

§ 1372.171 *Appendix E: Manufacturer's maximum prices for other finished rotenone insecticides.* The maximum price shall be the highest price for which the insecticide was sold or delivered in March 1942, to a purchaser of the same class; or if no sale or delivery was made in March 1942, the highest price at which the insecticide was offered for sale and delivery in March 1942, to a purchaser of the same class.

§ 1372.172 *Appendix F: Manufacturer's maximum prices which cannot be established under Appendix C, D or E.*

(a) If a seller cannot determine his maximum price under the above provisions, he shall select the finished rotenone insecticide most closely similar to the product being priced and for which a maximum price has been established, and he shall add to (if the cost of the product being priced is greater) or subtract from (if such cost is less) the maximum price of the similar product the difference between the total cost of all raw materials and packages used in the manufacture of the similar product and the total cost of all raw materials and packages used in the manufacture of the product being priced.

(b) If the product being priced is a dry, finished insecticide and the seller is no longer selling a similar product, but sold a similar product in 1941, he shall compute the maximum price for the similar product according to the formula in Appendix C; and he shall add to (if the cost of the product being priced is greater) or subtract from (if such cost is less) the maximum price so computed, the difference between the total cost of all raw materials and packages which would be used in the manufacture of the similar product and the total cost of all raw materials and packages used in the manufacture of the product being priced.

§ 1372.173 *Appendix G: Wholesaler's maximum prices of finished rotenone insecticides.* The maximum price at which a wholesaler may sell to a dealer shall be determined in the following manner:

(a) If the maximum price which may be charged by the manufacturer from whom the wholesaler buys the commodity is not changed by this regulation, the wholesaler's maximum selling price shall be the highest price at which he delivered or offered for delivery the commodity in March 1942.

(b) If the maximum price which may be charged by the manufacturer from whom the wholesaler buys the commodity is reduced by this regulation, the wholesaler's maximum selling price shall be reduced by a like amount in dollars and cents.

(c) If the wholesaler did not sell the commodity in March 1942, he shall establish his maximum selling price by adding to his delivered cost of the commodity the dollar and cent margin between his delivered cost and his maximum selling price on the commodity most closely similar to the commodity being priced.

§ 1372.174 *Appendix H: Maximum prices which cannot be established under Appendix C, D, E, F or G.* (a) If a seller cannot determine his maximum price under any of the provisions of Appendix C, D, E, F or G, he shall take as his maximum price the maximum price of the closest competing seller of the same class.

(b) If a seller cannot in anywise determine his maximum price, he shall apply to the Office of Price Administration in Washington, D. C., for authorization to establish a maximum price, in accordance with the provisions of § 1499.3 (b) of the General Maximum Price Regulation as amended.

Issued this 7th day of January, 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-383; Filed, January 7, 1943;  
12:05 p. m.]

#### PART 1381—SOFTWOOD LUMBER

[MPR 219, Amendment 1]

##### NORTHEASTERN SOFTWOOD LUMBER

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

Section 1381.309 is amended by adding paragraph (e).

§ 1381.309 *Transportation charges.*

(e) Where lumber is shipped by rail from a mill having milling-in-transit arrangements with a carrier to a planing mill, owned by the same person, for further processing before delivery to the purchaser, that person may apply for permission to figure transportation charges on the basis of the through rail freight rate from the first mill to final destination in the following case:

(1) Where the hurricane of September 1938 damaged and destroyed a substantial portion of the timber near which the planing mill had been located so that the mill has been compelled to rely primarily on more distant sources of timber; and

(2) Where it has not been practicable to move the planing mill near other sources of timber because of excessive moving costs, shortages of mill labor and insufficient standing timber in any single location to warrant moving the mill.

The application should be made by letter to the Lumber Branch, of the Office of Price Administration, Washington, D. C., and may be acted upon by letter. The addition may not be made on quotations or sales until permission has been received.

§ 1381.314a *Effective dates of amendments.* \* \* \*

(b) This Amendment No. 1 (§ 1381.309) to Maximum Price Regulation No. 219 shall become effective January 13, 1943.

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

17 F.R. 7285, 7747, 8949.



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

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-384; Filed, January 7, 1943;  
12:03 p. m.]

**PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT**

[MPR 136 as Amended, Amendment 65]

**MACHINES AND PARTS AND MACHINERY SERVICES**

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.

In § 1390.32 (h) the term "Portable heating, melting, burning, and thawing equipment" is amended to read "Portable heating, melting, burning, and thawing equipment for industrial and transportation purposes (not including mechanic's fire pots and blow torches)".

§ 1390.31a *Effective dates of amendments.* \* \* \*

(nnn) Amendment No. 65 (§ 1390.32 (h)) to Maximum Price Regulation No. 136, as amended, shall become effective January 13, 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-385; Filed, January 7, 1943;  
12:03 p. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[Ration Order 5C, Amendment 10]

**MILEAGE RATIONING: GASOLINE REGULATIONS**

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

The word "or" at the end of subparagraph (3) of § 1394.8014 (a) is deleted; the period at the end of subparagraph (4) is deleted and a semicolon followed by the word "or" is substituted therefor; subparagraph (1) of paragraph (a) of § 1394.8014 is amended: a new subparagraph (iv) to § 1394.7851 (b) (2), a new subparagraph (5) to § 1394.8014, and a new paragraph (j) to § 1394.8352 are added; as set forth below:

*Special Rations*

§ 1394.7851 *Application for special ration.* \* \* \*

(b) \* \* \*

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

<sup>1</sup> 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556.

<sup>2</sup> 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070, 8 F.R. 179.

(2) \* \* \*

(iv) To tow a house trailer in connection with a *bona fide* change in residence of the person entitled to the use thereof, or to a site where such trailer is to be used as necessary housing for a person in connection with his occupation.

*General Provisions With Respect to Issuance of Rations and Tire Inspection Records*

§ 1394.8014 *Issuance of rations notwithstanding ownership of excess tires.*

(a) \* \* \*

(1) Such other tires have been acquired pursuant to a certificate issued under the Revised Tire Rationing Regulations or Ration Order No. 1A, or such tires are held for a purpose for which a certificate authorizing the acquisition of tires or recapping services may be obtained under Ration Order No. 1A and are not in excess of the number which would preclude a person from obtaining such a certificate, or the possession and use of such tires is otherwise expressly permitted or authorized by the Office of Price Administration or by the War Production Board.

(5) Such other tires are held for use in moving house trailers by persons regularly engaged in the business of towing house trailers: *Provided*, That no such person shall own or keep for such use more than eight (8) passenger-type tires for each establishment, plus four (4) additional passenger-type tires for each separate branch at which a tow car is regularly kept: *Provided further*, That the number of passenger-type tires which may be retained for such purpose shall be reduced by the number of other type tires which are similarly held.

*Effective Dates*

§ 1394.8352 *Effective dates of amendments.* \* \* \*

(j) Amendment No. 10 (§§ 1394.7851 (b) (2) (iv), 1394.8014 (a) (1) and (5)) shall become effective January 7, 1943.

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

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-392; Filed, January 7, 1943;  
2:16 p. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[Ration Order 11, Amendment 23]

**FUEL OIL RATIONING REGULATIONS**

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

<sup>1</sup> 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 8 F.R. 165.

In § 1394.5260, a new paragraph (d) has been added; in § 1394.5261, paragraph (a) is amended by inserting the phrase "Subject to the provisions of paragraph (e) of this section" before the phrase "the allowable ration"; paragraph (b) is amended by inserting the phrase "Subject to the provisions of paragraph (e) of this section" before the phrase "the allowable ration"; paragraph (c) is amended by deleting the period after the word "Board" and adding after the word "Board" the phrase "subject, however, to the provisions of paragraph (e) of this section"; and a new paragraph (e) is added to said section; a new paragraph (c) is added to § 1394.5851; and a new paragraph is added to § 1394.5902; as set forth below:

*Heat and Hot Water Rations*

§ 1394.5260 *Application for ration for heat or hot water in premises other than private dwellings.* \* \* \*

(d) In the case of all applications made in the States enumerated in paragraph (e) of § 1394.5261, the applicant shall certify upon the application the percentage of the floor area of the premises, which is used for residential purposes.

§ 1394.5261 *Determination of allowable ration for heat or hot water in premises other than private dwellings.* \* \* \*

(e) The allowable ration for the operation of oil burning equipment designed for, and furnishing heat, or both heat and hot water, to all or part of any premises other than a private dwelling in the states of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia in all Thermal Zones, shall be determined as follows:

(1) The Board shall determine the applicant's allowable ration in accordance with paragraphs (a), (b) or (c) of this section, before any deduction is made for fuel oil on hand. The Board shall then detach from the applicant's coupon sheets (whether issued or to be issued) the number of unit value coupons corresponding with the percentage of floor area (as shown in Columns (2) to (9), inclusive, of Table VI of § 1394.5851 (c)) which the applicant shall certify is used for residential purposes, for such allowable ration (as shown in Column 1 of said Table VI). Where the applicant's allowable ration (before inventory deduction) is not a multiple of 100 gallons, the nearest multiple of 100 in Column 1 of Table VI to such allowable ration, shall be used by the Board for the purpose of determining the number of such coupons to be detached. The Board may detach such number of change coupons as shall be necessary to account for units for which coupons cannot be detached.

(2) The provisions of subparagraph (1) of this paragraph shall be applicable to all rations for such purposes heretofore as well as those hereafter issued.



(3) Every person in the states enumerated in this paragraph, to whom a ration for the said purposes was issued prior to January 15, 1943 shall upon receipt of written notice from the issuing Board surrender (in person or by mail) the coupon sheets representing his ration to the Board so that the Board may detach the coupons therefrom as provided in subparagraph (1) of this paragraph.

At the time he surrenders his coupon sheets, he shall certify the percentage of the floor area of the premises used for residential purposes. If he appears personally, such certification shall be made upon the application for the original ration. If surrender is made by mail, such certification shall accompany the coupon sheets.

(4) The units to be deducted shall be divided equally, insofar as possible, among all unexpired thermal periods. The Board shall enter upon the appli-

cant's coupon sheets, under the Record of Deliveries, the date, the number and kind of coupons detached, the number of the Board, and the member of the Board making the entries.

(5) The Board shall, on February 1, 1943, report to the nearest State or District Office having jurisdiction of the area in which the Board is located, the name and address of any consumer who was required to and failed to surrender his coupon sheets pursuant to subparagraph (3) of this paragraph.

(6) On or after February 1, 1943, no dealer or supplier shall transfer fuel oil to a person in the states enumerated in this paragraph, who was required and failed to surrender his coupon sheets to the issuing Board in accordance with subparagraph (3) of this paragraph, and who was reported as such by the Board pursuant to subparagraph (5) of this paragraph.

(d) The action of the Board upon an application, the reasons therefor when denied and the serial number of any certificate issued shall be noted upon the application and signed by one member of the Board. The application shall then be filed by the Board among its records.

(f) The Board shall indicate whether a certificate authorizes acquisition of a new adult bicycle for use or for salvage, and shall enter on Parts A, B and C of the certificate the number of bicycles which may be acquired pursuant thereto. It shall indicate on Parts A, B and C of the certificate the number of the Board and its address, and the name and address of the person to whom the certificate is issued. No certificate shall be valid unless signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated to act as issuing officer.

(g) When all the foregoing steps have been taken the Board shall issue the certificate by mailing it to the applicant at the address appearing on the application or by notifying the applicant to appear at the office of the Board and receive it. If the Board has any doubt as to the identity of the applicant or as to whether or not the address appearing on the certificate is the correct one, it shall require the applicant to appear at the office of the Board and to give such additional information as the Board may require before receiving the certificate.

§ 1394.5851 Tables \* \* \*  
(c) Table VI: Total number of units to be removed from coupon sheets according to allowable ration and percentage of residential area of premises other than a private dwelling.

(1) Total allowable ration (before inventory deduction) (gallons)	(2)-(9) Percentage of residential area							
	0	1-9	10-19	20-29	30-39	40-49	50-59	60-69
	Units	Units	Units	Units	Units	Units	Units	Units
100	1	1	1	1	1	1	1	0
200	3	3	2	2	2	2	1	1
300	4	4	4	3	3	2	2	2
400	6	6	5	4	4	3	3	2
500	7	7	6	6	5	4	3	2
600	9	8	8	7	6	5	4	3
700	10	10	9	8	7	6	5	4
800	12	11	10	9	8	7	5	4
900	13	13	11	10	9	7	6	5
1,000	15	14	13	11	10	8	7	5
2,000	30	28	25	22	19	16	13	10
3,000	45	43	38	34	29	25	20	16
4,000	60	57	51	45	39	33	27	21
5,000	75	71	64	56	49	41	34	26
6,000	90	85	76	67	58	49	40	31
7,000	105	100	89	79	68	58	47	37
8,000	120	114	102	90	78	66	54	42
9,000	135	128	115	101	88	74	61	47
10,000	150	142	127	112	97	82	67	52
20,000	300	285	255	225	195	165	135	105
30,000	450	427	382	337	292	247	202	157
40,000	600	570	510	450	390	330	270	210
50,000	750	712	637	562	487	412	337	262
60,000	900	855	765	675	585	495	405	315
70,000	1,050	997	892	787	682	577	472	367
80,000	1,200	1,140	1,020	900	780	660	540	420
90,000	1,350	1,282	1,147	1,012	877	742	607	472
100,000	1,500	1,425	1,275	1,125	975	825	675	525
200,000	3,000	2,850	2,550	2,250	1,950	1,650	1,350	1,050
300,000	4,500	4,275	3,825	3,375	2,925	2,475	2,025	1,575
400,000	6,000	5,700	5,100	4,500	3,900	3,300	2,700	2,100
500,000	7,500	7,125	6,375	5,625	4,875	4,125	3,375	2,625

§ 1394.5902 Effective dates of corrections and amendments. \* \* \*

(w) Amendment No. 23 (§§ 1394.5260, 1394.5261 and 1394.5851) to Ration Order No. 11 shall become effective January 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 421; Pub. Law 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-393; Filed, January 7, 1943; 2:16 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Rev. Ration Order 7, Amendment 6]

NEW ADULT BICYCLE RATIONING REGULATIONS

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

Sections 1391.9 (d), (f) and (g), 1391.12 (a), (b), (c) and (d) are amended to read as follows:

§ 1391.9 Action by Board. \* \* \*

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

§ 1391.12 Use of certificate. (a) A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purposes specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing Board.

(b) An applicant shall sign Part A of the certificate in the presence of the transferor and shall satisfactorily identify himself before accepting delivery of a new adult bicycle, except that in purchases by mail the applicant shall sign the certificate before mailing.

(c) Upon receipt of a certificate, Part A of which has been signed by the person to whom the certificate was issued, the dealer or other transferor may transfer a new adult bicycle to such person: *Provided, however,* That a new adult bicycle may be shipped or delivered only to the address appearing on the certificate.

(d) Upon delivery of a new adult bicycle, the transferor shall complete and return Part C of the certificate to the transferee. The transferor shall complete, sign, and forward Part A of the certificate to the Office of Price Administration, Inventory Unit, within three days after delivery of such bicycle.

Effective Dates

§ 1391.37 Effective dates of amendments. \* \* \*

(f) Amendment No. 6 (§§ 1391.9 (d) (f) and (g), 1391.12 (a), (b), (c), and (d)) to Revised Ration Order 7 shall become effective January 13, 1943.

(Pub. Law 421, 77th Cong., 2d sess., W.P.B. Dir. No. 1, Supp. Dir. No. 1-G, 7 F.R. 562, 3546)

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-386; Filed, January 7, 1943; 12:04 p. m.]

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

[Amendment 1 to Third Rev. Zoning Order 1 Under Rationing Order 3<sup>1</sup>]

**SUGAR RATIONING REGULATIONS**

Those parts of paragraph (a) of § 1407.281, Third Revised Zoning Order No. 1, which establish Zones 2, 3, 4, and 11, are amended, and a new Zone 3-A is added to paragraph (a) of § 1407.281, and paragraphs (c) and (e) of § 1407.281 are amended, as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 2 shall include the States of Connecticut and New York; and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex and Union Counties in the State of New Jersey.

Zone 3 shall include the State of Delaware; that part of the State of New Jersey not included in Zone 2; and all of the State of Pennsylvania except Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cumberland, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Lawrence, Mifflin, Perry, Somerset, Washington, Westmoreland and York Counties.

Zone 3-A shall include that part of the State of Pennsylvania not included in Zone 3.

Zone 4 shall include the State of Maryland; the District of Columbia; Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties in the State of West Virginia; Accomac, Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Loudoun, Madison, Northampton, Page, Prince William, Rappahannock, Shenandoah, Stafford, and Warren Counties and the independent cities of Alexandria and Winchester in the State of Virginia.

Zone 11 shall include Brooke, Hancock, Marshall and Ohio Counties in the State of West Virginia; that part of the State of Ohio not included in Zone 8; and all points in the State of Indiana not included in Zone 8 where the base rate is based on shipments from Baltimore, Maryland.

(c) Sugar may be delivered, shipped or transferred as follows: (1) From Zone 1 to any point in Zone 1-A; (2) From Zone 2 to any point in Zone 1-A; (3) From Zone 3 to any point in Zone 3-A; (4) From Zone 4 to any point in Zone 3-A; (5) From Zone 12 to any point in Zones 9 or 11.

(e) Any carrier who has, prior to the effective date of this Amendment No. 1 to Third Revised Zoning Order No. 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 may complete such delivery, shipment or transfer after the effective date of this Amendment No. 1 to Third Revised Zoning Order No. 1.

(g) Amendment No. 1 to § 1407.281, Third Revised Zoning Order No. 1 (those parts of paragraph (a) of § 1407.281, which establish Zones 2, 3, 4, and 11, and Zone 3-A of paragraph (a) of § 1407.281, and paragraphs (c) and (e) of § 1407.281) shall become effective January 7, 1943.

Issued this 7th day of January 1943.

HAROLD B. ROWE,  
Director, Food Rationing Division.

[F. R. Doc. 43-388; Filed, January 7, 1943; 12:05 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[GMPR, Amendment 40]

**CERTAIN SALES OR DELIVERIES**

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

Section 1499.9 (b) (5) is amended to read as set forth below:

§ 1499.9 (b) This regulation shall not apply to the following sales or deliveries:

(5) By hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments, of meals, servings of food portions customarily served separately or as part of a meal, or beverages mixed or prepared by the seller.

§ 1499.23a *Effective dates of amendments.*

(oo) Amendment No. 40 (§ 1499.9 (b) (5)) to the General Maximum Price Regulation shall become effective January 13, 1943.

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

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-387; Filed, January 7, 1943; 12:04 p. m.]

[Order 207 Under § 1499.3 (b) of GMPR]

**PART 1499—COMMODITIES AND SERVICES**

S. C. JOHNSON & SON, INC.

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

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

<sup>17</sup> F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

§ 1499.1443 *Approval of maximum prices for Johnson's Paste Wax.* (a) On and after January 8, 1943 S. C. Johnson and Son, Inc. may sell and deliver Johnson's Paste Wax packaged in six ounce glass containers to wholesalers and jobbers at prices not in excess of those hereinafter set forth:

\$ .179 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

\$ .189 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Racine, Wisconsin.

(b) Any person may sell and deliver Johnson's Paste Wax packaged in six ounce glass containers to retailers at prices not in excess of those hereinafter set forth:

\$ .189 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

\$ .211 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehouse.

\$ .234 when ordered in less than carton lots (12 in carton) f. o. b. Johnson Warehouse.

(c) Any person may sell and deliver Johnson's Paste Wax packaged in six ounce glass containers to dealer-distributors with warehouse facilities at prices not in excess of those hereinafter set forth:

\$ .179 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

\$ .20 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehouse.

\$ .222 when ordered in less than carton lots (12 in carton), f. o. b. Johnson Warehouse.

(d) Any person may sell and deliver Johnson's Paste Wax at retail at a price not in excess of the following:

6-ounce glass container at 30 cents each.

(e) The prices set forth above shall be subject to terms by each seller thereof which are no less favorable than those which were in effect during March 1942, with respect to sales of eight-ounce tin containers of Johnson's Paste Wax.

(f) (1) S. C. Johnson and Son, Inc. shall supply to each wholesaler or jobber, before or at the time of its first delivery of Johnson's Paste Wax in six ounce bottles to such wholesaler or jobber, a written statement as follows:

The OPA has authorized us to charge the following maximum prices for Johnson's Paste Wax in six ounce bottles, subject to all customary discounts and allowances:

\$ .179 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

\$ .189 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Racine, Wisconsin.

Your maximum prices subject to customary discounts and allowances, are authorized to be as follows on sales to retailers:

\$ .189 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

\$ .211 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehouse.

\$ .234 when ordered in less than carton lots (12 in carton) f. o. b. Johnson Warehouse.

<sup>17</sup> F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556, 10845.

OPA requires that you keep this notice for examination.

(2) S. C. Johnson and Son, Inc. shall supply to each dealer-distributor with warehouse facilities, before or at the time of its first delivery of Johnson's Paste Wax in six ounce bottles to such dealer-distributor, a written statement as follows:

The OPA has authorized us to charge the following maximum prices for Johnson's Paste Wax in six ounce bottles subject to all customary discounts and allowances:

\$.179 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

\$.20 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehouse.

\$.222 when ordered in less than carton lots (12 in carton), f. o. b. Johnson Warehouse.

Your maximum prices, subject to customary discounts and allowances, are authorized to be as follows on sales to retailers:

\$.189 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

\$.211 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehouse.

\$.234 when ordered in less than carton lots (12 in carton) f. o. b. Johnson Warehouse.

OPA requires that you keep this notice for examination.

(3) On each six ounce glass container the following words must be plainly stamped or printed by S. C. Johnson and Son, Inc. "Ceiling price 30 cents each."

(g) This Order No. 207 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 207 (§ 1499.1443) shall become effective January 8, 1943.

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

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-390; Filed, January 7, 1943; 12:07 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Order 153 Under § 1499.18 (b) of GMPR]

**OHIO VALLEY CHARCOAL COMPANY**

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

§ 1499.1054 *Adjustment of maximum price for lump charcoal sold by the Ohio Valley Charcoal Company.* (a) Ohio Valley Charcoal Company of Ironton, Ohio, may sell and deliver and any person may buy and receive lump charcoal from that concern at a price no higher than that set forth below:

\$25.00 per ton, f. o. b. Ironton, Ohio, in carload quantities.

(b) All discounts, allowances and trade practices in effect with respect to the commodity named above during March 1942 by the seller shall remain in effect under this order.

(c) At the first delivery to any purchaser of lump charcoal at a price au-

thorized by this order, Ohio Valley Charcoal Company shall deliver the following notice to the purchaser:

The Office of Price Administration has permitted us to raise our maximum price to you for carload quantities of lump charcoal from \$23.00 per ton, f. o. b. Ironton, Ohio to \$25.00 per ton, f. o. b. Ironton, Ohio, with all discounts, allowances and trade practices in effect with respect to the price of \$23.00 charged during March 1942. You or no other seller is permitted to raise his maximum price for the sale of lump charcoal purchased from us.

(d) This Order No. 153 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 153 (§ 1499.1054) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 153 (§ 1499.1054) shall become effective January 8, 1943.

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

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-389; Filed, January 7, 1943; 12:06 p. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[Ration Order 5C, Amendment 11]

**MILEAGE RATIONING: GASOLINE REGULATIONS**

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

In paragraph (b) of § 1394.8011 and in paragraphs (a) and (b) of § 1394.8105, the numeral "1394.8161 (d)" is inserted between "§§" and the numeral "1394.8171"; and a new paragraph (d) is added to § 1394.8161, and a new paragraph (k) is added to § 1394.8352; as set forth below:

*Prohibited Acts*

§ 1394.8161 *General restrictions on use.* \* \* \*

(d) No person to whom a basic ration has been issued may use or permit the use of such ration for any driving in the gasoline shortage area other than family or personal necessity driving for which no adequate alternative means of transportation are available, or occupational driving, or driving by naval or military personnel on leave or furlough for the purpose of visiting relatives or making social calls: *Provided*, That such leave or furlough is evidenced by leave provisions in travel or transfer orders, or by liberty cards, leave papers, furlough certificates, letters or special orders signed by the commanding officer. Family or personal necessity driving shall be deemed to include (but shall not be limited to): Driving for the purpose of essential shopping,

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

17 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070, 8 F.R. 179.

procuring medical attention, attending religious services, attending wakes or funerals, attending meetings directly related to the occupation or profession of the owner or person using the vehicle or necessary to the public welfare or to the war effort, or driving for the purpose of meeting an emergency involving a threat to life, health or property. No basic ration may be used for pleasure driving, which shall include (but shall not be limited to): Driving for the purpose of attending places of amusement, recreation or entertainment (such as theaters, amusement parks, concerts, dances, golf courses, skating rinks, bowling alleys or night clubs) or sporting or athletic events (such as races or games) or for sightseeing, touring or vacation travel, or for making social calls, except that naval or military personnel on leave or furlough evidenced as specified above may use such a ration for the purpose of visiting relatives or making social calls.

\* \* \* \* \*  
§ 1394.8352 *Effective dates of amendments.* \* \* \*

(k) Amendment No. 11 (§§ 1394.8011 (b), 1394.8105 (a) and (b) and 1394.8161 (d) to Ration Order No. 5C shall become effective January 7, 1943.

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

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-400; Filed, January 7, 1943; 4:26 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Amendment 18 to Rev. Supp. Reg. 4<sup>1</sup> to GMPR<sup>2</sup>]

**EXCEPTIONS FOR SALES AND DELIVERIES**

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.\*

Subparagraph (3) of § 1499.29 (a) is amended to read as set forth below:

§ 1499.29 *Exceptions for sales and deliveries to be United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities, sales and deliveries.* (a) \* \* \*

(3) Any manufacturing service performed by a person other than the manufacturer in the production of any product set forth in paragraph (1) or (2) above, if all or part of the material on which such service is performed is supplied by the manufacturer; and services performed for the War Department or the

17 F.R. 8021, 9827, 10022, 10110, 10531, 5056, 5089, 5566, 6082, 6084, 6426, 6744, 6793, 7175, 7538, 8 F.R. 130, 137.

17 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7464, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.



Department of the Navy on aircraft at modification centers.

(d) *Effective dates.* \* \* \*

(19) This Amendment No. 18 (§ 1499.29 (a) (3)) to Revised Supplementary Regulation No. 4 shall become effective January 7, 1943.

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

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-399; Filed, January 7, 1943; 4:29 p. m.]

PART 1337—RAYON

[Amendment 2 to MPR 168<sup>1</sup>]

CONVERTED RAYON YARN AND CONVERTING CHARGES

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

A new § 1337.56a is added, paragraph (a) (2) of § 1337.60 is amended and in paragraph (a) of § 1337.62, the second unnumbered paragraph following Table I is amended as set forth below:

§ 1337.56a *Invoice requirements.* On and after January 21, 1943, every person selling and supplying a special lubricating treatment for rayon yarns the maximum price for which is established in the paragraph under Table I covering "other lubricants" shall, with respect to each such sale, deliver to the purchaser an invoice or similar document setting forth the following: (a) a description of the lubricating treatment performed (including a description of the agent); (b) the total cost per pound to him of the process determined in accordance with the definition of "cost" set forth under Table I; and (c) the price per pound charged.

§ 1337.60 *Definitions.* (a) When used in this Maximum Price Regulation No. 168, the term:

(2) "Rayon yarn" means continuous filament yarn produced chemically from cellulose or with a cellulose base and only for the purposes of the maximum converting charges set forth in Tables XVI to XX, inclusive, includes the yarns specified therein;

§ 1337.62 *Appendix A: Maximum prices.* (a) Converting charges.

TABLE I—HOSIERY THROWING

*Other lubricants:* The maximum price for any other special lubricating treatment of

rayon yarns shall be the sum of the cost to the throwster of the lubricating treatment plus an amount equal to the following percentage of his cost:

Lubricating treatment employing a volatile solvent.....	40%
Lubricating treatment employing a non-volatile solvent.....	30%

*Provided,* That in no event shall the maximum price for any such special lubricating treatment exceed \$.14 per pound.

In determining his "cost" for the purposes of this paragraph, the throwster shall use an amount not in excess of the sum of the following costs which are involved in the application of the special lubricating treatment:

- (1) The cost of the materials used, including an allowance for loss;
- (2) The cost of the direct and indirect labor;
- (3) The cost of the depreciation of the equipment which shall not be calculated at a higher rate than 5% per annum; and
- (4) The cost of the heat, light and power not to exceed ½¢ per pound.

§ 1337.61a *Effective dates of amendments.* \* \* \*

(b) Amendment No. 2 (§§ 1337.56a, 1337.60 (a) (2), 1337.62 (a) Table I) to Maximum Price Regulation No. 168 shall become effective this 14th day of January, 1943.

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

[Figures to be used by wholesale distributors in determining new maximum prices under § 1351.503 of this regulation (new maximum prices are required after the effective date of this regulation)]

Food product	Last date for determining new maximum prices under this regulation	Last date for filing new maximum prices with appropriate OPA District or State offices	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation		
			Class 1, retail-owned cooperative	Class 2, cash and carry	Class 3, service and delivery
4. Coffee.....	February 10, 1943..	February 20, 1943..	1.055	1.065	1.09
5. Fish, canned.....	February 10, 1943..	February 20, 1943..	1.095	1.13	1.19
6. Oils, cooking and salad.....	February 10, 1943..	February 20, 1943..	1.07	1.075	1.10
7. Shortening, hydrogenated.....	February 10, 1943..	February 20, 1943..	1.045	1.045	1.06
8. Shortening, other.....	February 10, 1943..	February 20, 1943..	1.045	1.045	1.06
9. Corn meal.....	February 10, 1943..	February 20, 1943..	1.06	1.095	1.13
10. Canned citrus fruits and juices.....	February 10, 1943..	February 20, 1943..	1.105	1.155	1.18
11. Evaporated and condensed milk.....	February 10, 1943..	February 20, 1943..	1.035	1.035	1.04
12. Pure maple syrup and pure cane syrup.....	February 10, 1943..	February 20, 1943..	1.07	1.10	1.11
13. Flour and flour mixes.....	February 10, 1943..	February 20, 1943..	1.07	1.075	1.10

2. *Definition of food products on which wholesalers must determine new maximum prices under § 1351.503 of this regulation.* \* \* \*

d. Coffee shall mean roasted coffee, either whole or ground; decaffeinated coffee; coffee concentrates; chicory; coffee compounds consisting of a blend of coffee and any other product; cereals, beans, peas, and other products and concentrates thereof designated as, or intended for use as, beverages, coffee substitutes or coffee extenders.

e. Canned fish shall mean all processed fish and sea food in hermetically sealed containers; excluded are fresh and frozen fish and sea food.

f. Cooking and salad oils shall mean all vegetable oils, whether pure or mixed; but shall not include prepared dressings.

Issued this 8th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-401; Filed, January 8, 1943; 9:41 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 237, Amendment 7]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of this Amendment No. 7 to Maximum Price Regulation No. 237 has been issued and filed with the Division of the Federal Register.\*

The table in § 1351.518 is amended by deleting therefrom the following items: "Coffee", "Fish, canned", "Oils, cooking and salad", "Shortening, hydrogenated", "Shortening, other"; subparagraphs (b), (c), (d), (f), and (g) of paragraph (2) of § 1351.518 are deleted; 10 new items, Nos. 4 through 13 are added to the table in § 1351.519 and new subparagraphs (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m) are added to paragraph (2) thereof; all to read as set forth below:

§ 1351.519 *Appendix B.*

g. Hydrogenated shortening shall include all fully hydrogenated pure vegetable shortenings, such as Bakerite, Crisco, Dexo, Krogo, Royal Satin, Spry and Tex.

h. Other shortenings shall include all shortenings except those included in (g) above, and except pure lard.

i. Corn meal shall mean all corn meal in package or bulk sold for human consumption.

j. Canned citrus fruits and juices shall mean all canned fruits and juices in hermetically sealed containers made from fresh citrus fruits including, but not limited to, oranges, lemons, limes, grapefruit and tangerines.

k. Evaporated and condensed milk shall mean all evaporated, concentrated or condensed milk in hermetically sealed containers and also powdered whole or skim milk packaged for the ultimate consumer.

l. Pure maple syrup shall mean the concentrated sap of the maple tree; pure cane syrup shall mean the concentrated juices of sugar cane.

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

<sup>1</sup> 7 F.R. 4463, 8193, 8948.

<sup>1</sup> 7 F.R. 8205, 8427, 8808, 9183, 9973, 10013, 10715.

m. Flour and flour mixes shall mean all flour and flour mixes milled from wheat, buckwheat, corn, rice, or potatoes in packages, cartons, or bulk, including prepared pancake, cake, biscuit, pie crust, or gingerbread mix.

§ 1351.517a *Effective dates of amendments.*

(g) Amendment No. 7 (§§ 1351.518 and 1351.519) to Maximum Price Regulation No. 237 shall become effective on January 14, 1943, except to sales of Item No. 11, Evaporated and Condensed Milk, which become effective January 8, 1943.

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

Issued this 8th day of January, 1943.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 43-402; Filed, January 8, 1943; 9:43 a. m.]

[Figures to be used by retail distributors in determining new maximum prices under § 1351.603 of this regulation (new maximum prices are required after the effective date of this regulation)]

Food product	Last date for determining new maximum prices under this regulation	Last date for filing new maximum prices with appropriate local war price and rationing board	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation				
			Independent retailer with annual volume			Class 4—Chain retailer with annual volume under \$250,000	Class 5—Any retailer (chain or independent) with annual volume \$250,000 or more
			Class 1—Under \$20,000	Class 2—\$20,000 but less than \$50,000	Class 3—\$50,000 but less than \$250,000		
4. Coffee.....	March 10, 1943	March 20, 1943	1.17	1.17	1.17	1.12	1.11
5. Fish, canned.....	March 10, 1943	March 20, 1943	1.27	1.27	1.27	1.21	1.21
6. Oils, cooking and salad.....	March 10, 1943	March 20, 1943	1.28	1.28	1.28	1.24	1.16
7. Shortening, hydrogenated.....	March 10, 1943	March 20, 1943	1.09	1.09	1.09	1.07	1.06
8. Shortening, other.....	March 10, 1943	March 20, 1943	1.18	1.18	1.18	1.13	1.09
9. Corn meal.....	March 10, 1943	March 20, 1943	1.31	1.31	1.31	1.27	1.23
10. Canned citrus fruits and juices.....	March 10, 1943	March 20, 1943	1.26	1.26	1.26	1.24	1.22
11. Evaporated and condensed milk.....	March 10, 1943	March 20, 1943	1.20	1.20	1.20	1.10	1.09
12. Pure maple syrup and pure cane syrup.....	March 10, 1943	March 20, 1943	1.28	1.28	1.28	1.24	1.21
13. Flour and flour mixes.....	March 10, 1943	March 20, 1943	1.27	1.27	1.27	1.23	1.15

2. Definition of food products on which retailers must determine new maximum prices under § 1351.603 of this regulation.

d. Coffee shall mean roasted coffee, either whole or ground; decaffeinated coffee; coffee concentrates; chicory; coffee compounds consisting of a blend of coffee and any other product; cereals, beans, peas, and other products and concentrates thereof designated as, or intended for use as, beverages, coffee substitutes or coffee extenders.

e. Canned fish shall mean all processed fish and sea food in hermetically sealed containers; excluded are fresh and frozen fish and sea food.

f. Cooking and salad oils shall mean all vegetable oils, whether pure or mixed; but shall not include prepared dressings.

g. Hydrogenated shortening shall include all fully hydrogenated pure vegetable shortenings, such as Bakerite, Crisco, Dexo, Krogo, Royal Satin, Spry and Tex.

h. Other shortenings shall include all shortenings except those included in (g) above, and except pure lard.

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

<sup>1</sup>7 F.R. 8209, 8808, 9184, 10013, 10227, 10714.

PART 1351—FOOD AND FOOD PRODUCTS  
[MPR 238, Amendment 7]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of this Amendment No. 7 to Maximum Price Regulation No. 238 has been issued and filed with the Division of the Federal Register.\*

The table in § 1351.618 is amended by deleting therefrom the following items: "Coffee", "Fish, canned", "Oils, cooking and salad", "Shortening, hydrogenated", "Shortening, other"; subparagraphs b, c, d, f, and g of paragraph 2 of § 1351.618 are deleted; 10 new items, Nos. 4 through 13, are added to the table in § 1351.619, and new subparagraphs d, e, f, g, h, i, j, k, l and m are added to paragraph 2 thereof; all to read as set forth below:

§ 1351.619 *Appendix B.*

January 14, except to sales of Item No. 11, Evaporated and Condensed Milk, which become effective January 8, 1943.

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

Issued this 8th day of January 1943.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 43-403; Filed, January 8, 1943; 9:43 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Correction to Ration Order 11<sup>1</sup>]

FUEL OIL RATIONING REGULATIONS

In subparagraph (15) of paragraph (a) of § 1394.5001, the phrase "designated grades used" is corrected to read "designated grades and used"; in subdivision (iii) of subparagraph (1) of paragraph (a) of § 1394.5151, the word "and" is corrected to read "an"; in column (2) (b) of paragraph (a) of § 1394.5651 the minimum figure for thermal sub-zone 6A is corrected from ".315" to read "1.315"; in the headnote to § 1394.5261 the word "premise" is corrected to read "premises"; the word "or" in the title immediately preceding § 1394.5451 is corrected to read "of"; a title reading "Tables" is inserted immediately before § 1394.5851; and the table of contents is corrected to reflect the corrections made herein.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of January 1943.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 43-405; Filed, January 8, 1943; 9:41 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Correction to Amendment 5 to Ration Order 11<sup>1</sup>]

FUEL OIL RATIONING REGULATIONS

The designation "(c)" of the paragraph added to § 1394.5701 in Amendment No. 5 is corrected to read "(d)", and all references to such paragraph in Amendment No. 5 are corrected to read accordingly; and the phrase "(a) and (b)" in paragraph (e) of § 1394.5902 is corrected to read "(a) and (c)."

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of January 1943.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 43-404; Filed, January 8, 1943; 9:41 a. m.]

§ 1351.617a *Effective dates of amendments.*

(g) Amendment No. 7 (§§ 1351.618 and 1351.619) to Maximum Price Regulation No. 238 shall become effective on

<sup>1</sup>7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071.

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

[Restriction Order 1,<sup>1</sup> Amendment 10]

**MEAT RESTRICTION**

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

Paragraph (f) of § 1407.902 is amended; the last sentence of paragraph (a) of § 1407.904 is amended; a new paragraph (b) is added to § 1407.904; subparagraph (1) of paragraph (c) of § 1407.912a is amended; a new paragraph (j) is added to § 1407.912a; a new paragraph (j) is added to § 1407.925 to read as set forth below:

**§ 1407.902 Deliveries of slaughterers restricted. \* \* \***

(f) Any deliveries of any type of controlled meat by a slaughterer in excess of his quota for such type of controlled meat for any quota period shall be charged against his quota for such type of controlled meat for the subsequent quota period and in addition thereto shall subject the slaughterer to such other actions, penalties or proceedings as may be prescribed by law or imposed pursuant to Restriction Order No. 1.

**§ 1407.904 Deliveries of non-quota slaughterers restricted. (a) \* \* \***  
Deliveries during a quota period to persons referred to in, and in accordance with the procedure prescribed by § 1407.912a (a), (b), (c), (d) or (j), shall not be subject to the restrictions of this section.

(b) Any deliveries by a non-quota slaughterer of any type of controlled meat resulting from his own slaughter in excess of deliveries permitted by paragraph (a) of this section for any quota period shall be charged against his restricted deliveries of such type of controlled meat for the subsequent quota period, and in addition thereto shall subject the non-quota slaughterer to such other actions, penalties or proceedings as may be prescribed by law or imposed pursuant to Restriction Order No. 1.

**§ 1407.912a Deliveries permitted without charge against quotas. \* \* \***

(c) \* \* \*  
(1) The certification shall state the name and address of the slaughterer or, in the case of a certification pursuant to paragraph (d) or (j) of this section, the name and address of the person who delivered the controlled meat, canned meat or sausage to the exempt purchaser, and the date or dates of delivery; the name and address of the exempt purchaser or slaughterer to whom delivery was made; the total weight of each type of controlled meat, canned meat, or sausage covered by such certification; and a description thereof permitting conversion in accordance with the provisions of § 1407.913.

\* \* \* \* \*  
(j) Deliveries through intermediate persons. Any person other than a

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

<sup>1</sup> 7 F.R. 7839, 8217, 8524, 9247, 9250, 9639, 10258, 10621, 10704.

slaughterer, who desires to deliver, or has delivered controlled meat, canned meat or sausage to an exempt purchaser may obtain the certification required by paragraph (b), (c) or (d) of this section, whichever is applicable. Such certification may be passed through one or more persons to a slaughterer. Each person through whom such certification passes shall endorse thereon his name and address. In computing the conversion weight of controlled meat delivered during a quota period subsequent to Quota Period 1 without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of controlled meat delivered by him during such period, or contained in canned meat or sausage delivered by him during such period, to any person from whom during such period he obtains such an endorsed certification covering the delivery.

**§ 1407.925 Effective dates of amendments. \* \* \***

(j) Amendment No. 10 (§§ 1407.902 (e), 1407.904 (a), 1407.904 (b), 1407.912a (c) (1), 1407.912a (j) and 1407.925 (j)) to Restriction Order No. 1 shall become effective January 14, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; W.P.B. Directive No. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234)

Issued this 8th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-406; Filed, January 8, 1943; 9:42 a. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Order 208 Under § 1499.3 (b) of GMPR]

**CAMPBELL TAGGART RESEARCH CORP.**

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

§ 1499.1444 Approval of maximum prices for New Type Oxipan manufactured by Campbell Taggart Research Corporation. (a) The maximum price for the sale by the Campbell Taggart Research Corporation, 4049 Pennsylvania Avenue, Kansas City, Missouri, of New Type Oxipan manufactured by that company shall be \$9.97 per cwt.

(a) All discounts, trade practices, and practices relating to the payment of transportation charges in effect during March 1942 on the sale of old type Oxipan by the Campbell Taggart Research Corporation shall apply to the maximum price set forth in paragraph (a).

(c) This Order No. 208 (§ 1499.1444) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 208 (§ 1499.1444) shall become effective January 9, 1943.

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

Issued this 8th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-407; Filed, January 8, 1943; 9:41 a. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Order 210 Under § 1499.3 (b) of GMPR]

**WAR PRODUCTION BOARD**

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

§ 1499.1446 Approval of maximum price for sale by the War Production Board of a single track deck plate girder span located on the Muskogee-Fayetteville Branch Line of the St. Louis and San Francisco Railway. (a) The War Production Board may sell and deliver and any person may buy and receive, at present location, from the War Production Board the 42' 0" (4 girder) single track deck plate girder span now located on the Muskogee-Fayetteville Branch of the St. Louis and San Francisco Railway at a price not in excess of 65% of the cost of reproducing an identical bridge at the present site: *Provided*, That such reproduction cost shall not exceed \$120 per ton.

(b) This Order No. 210 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 210 (§ 1499.1446) shall become effective January 9, 1943.

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

Issued this 8th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-408; Filed, January 8, 1943; 9:42 a. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Order 209 Under § 1499.3 (b) of GMPR]

**MONSANTO CHEMICAL COMPANY**

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

§ 1499.1445 Approval of maximum price for 30% aqueous solution of sodium polysulfide (Na<sub>2</sub>S<sub>2.25</sub>) manufactured by the Merrimac Division of the Monsanto Chemical Company at Everett, Massachusetts. (a) The maximum price for sales by the Merrimac Division of the Monsanto Chemical Company at Everett, Massachusetts of 30% aqueous solution polysulfide is established as set forth below:

\$5.00 per hundred pounds of 30% aqueous solution of sodium polysulfide (Na<sub>2</sub>S<sub>2.25</sub>) f. o. b. Everett, Massachusetts.

(b) Report. At such time as the manufacture of 30% aqueous solution of sodium polysulfide is transferred from a pilot plant to a full-scale operation, or at the end of one year, whichever is earlier, applicant shall submit its then current cost figures for the production of this product.

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

(d) This Order No. 209 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 209 (§ 1499.1445) shall become effective January 9, 1943.



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

Issued this 8th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-439; Filed, January 8, 1943;  
12:00 m.]

PART 1499—COMMODITIES AND SERVICES

[Order 147 Under § 1499.18 (b) of GMPR]

SOUTHGATE FOODS

Correction

In paragraph (g) of § 1499.1408 appearing on page 239 of the issue for Wednesday, January 6, 1943, the effective date should read "January 5, 1943."

Chapter XVII—Office of Civilian Defense

PART 1903—UNITED STATES CITIZENS  
DEFENSE CORPS

[Regulations 3<sup>1</sup> Amendment 5]

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 dated April 15, 1942, and Executive Order No. 9088 dated March 6, 1942, and pursuant to the Act approved January 27, 1942, *It is hereby ordered*, That §§ 1903.1 to 1903.17, inclusive, of this chapter (Regulations No. 3 of the Office of Civilian Defense), as heretofore issued and amended, be further amended, effective immediately, by adding to § 1903.9 (a) thereof the following:

The oath taken by each alien appointed to membership in the Defense Corps may omit the first two clauses of the form hereinbefore set forth.

(Pub. Law No. 415, 77th Congress; E.O. 8757, 6 F.R. 2517; E.O. 9088, 7 F.R. 1775; E.O. 9134, 7 F.R. 2887)

[SEAL] JAMES M. LANDIS,  
Director of Civilian Defense.

JANUARY 7, 1943.

[F. R. Doc. 43-391; Filed, January 7, 1943;  
2:27 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Coast Guard: Lighthouses

PART 402—AIDS TO NAVIGATION

MARKING OF WRECKS

Section 402.5 of Chapter IV, Title 33, is amended to read as follows:

§ 402.5 *Marking of wrecks.* (a) In the event that the owner of any wrecked or sunken vessel, boat, watercraft, raft, or other similar obstruction existing on any river, lake, harbor, sound, bay, or canal, or other navigable waters of the United States shall fail to immediately mark the same in accordance with the provisions of section 15 of the Act of March 3, 1899 (33 Stat. 1154; 33 U.S.C.

<sup>1</sup> 7 F.R. 3244, 4276, 4669, 6900, 8434.

409), the District Commander of the Coast Guard district in which such wrecked or sunken craft is located shall, in his discretion, take measures to have it marked as the safety of navigation may require, notifying the owner of the wrecked craft or his representative of such action. Notice may be addressed to the owner at his usual or last known address or place of business. The cost of such marking, from the commencement thereof, will be charged to the owner of the wrecked craft, as provided by law, and such charges will continue until affirmative notice is received from the owner or his representative that the wreck is abandoned, unless abandonment is otherwise determined by the United States Engineers pursuant to section 19 of the Act of March 3, 1899 (33 Stat. 1154; 33 U.S.C. 414). Notice of abandonment shall be addressed to the United States Engineer of the district in which the wreck is located, with a copy to the District Commander of the Coast Guard district.

(b) If a wrecked or sunken craft is marked by the owner, the Coast Guard District Commander may, in his discretion, determine if such marking is suitable for the purpose and conditions; and if he determines that it is not suitable, he shall take measures to have it suitably marked, at the expense of the owner, in accordance with the preceding paragraph.

(c) Charges for services rendered by the Coast Guard in marking of wrecked or sunken craft for private owners shall be invoiced in accordance with the following schedules:

(1) TABLE A—CHARGES FOR BUOYS.

Type of buoy (including mooring and sinker)	Fixed charges per buoy per year, or fraction thereof. (Wear, handling, painting, etc.)	Depreciation and maintenance charges per buoy per month or major fraction thereof
1. Metal can or nun buoys, any class, without light or fog signal.	\$10.00	\$2.40
2. Bell, gong, or whistle buoy, unlighted.	21.00	7.20
2. Lighted buoy for exposed station, any type, with or without fog signal.	45.00	24.00
4. Lighted buoy for sheltered station, any type, with or without fog signal.	26.00	14.80
5. Wooden spar buoy, any class.	4.00	0.70
6. Lightweight buoys, St. Louis District.	1.00	0.50

For equipment or for materials or supplies not included in the foregoing items charge shall be made for the full cost in the case of expendible items and for 1% of the cost per month or fraction thereof in the case of non-expendible items.

(2) *Table B—Charges for cutters (tender class) for placing, relieving or servicing buoys on station.*

Type of vessel	Charge per hour
(a) Cutters similar to <i>Violet</i> and larger (160 feet and larger)	\$27.00
(b) Cutters similar to <i>Hickory</i> and <i>Linden</i> (120 feet and less than 160 feet)	15.00

Type of vessel—Con.	Charge per hour
(c) Cutters similar to <i>Dahlia</i> and <i>Jasmine</i> (80 feet and less than 120 feet)	\$8.25
(d) Cutters similar to <i>Elm</i> and smaller (under 80 feet)	4.50
(e) Motorboats	2.60

NOTE: Charges under table B shall be applied only to the actual time a vessel devotes to the subject work, including time-under-way, charged wholly or proportionally as circumstances justify, but not exceeding 8 hours for any calendar day.

(3) If any equipment is lost or destroyed while being used to mark a wreck in accordance with the provisions of this section, the owner of the wreck will be charged with the value thereof. (Sec. 150 Stat. 663; 33 U.S.C. 1940 Ed. 736) [33 C.F.R. 402.5 as amended August 4, 1942 and December 7, 1942]

R. R. WAESCHE,  
Vice Admiral,

U. S. Coast Guard, Commandant.

Approved, January 7, 1943.

FRANK KNOX,  
Secretary of the Navy.

[F. R. Doc. 43-419; Filed, January 8, 1943;  
11:08 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PRODUCTION OF TRAINING FILMS

EXCEPTION TO AWARD OF CONTRACTS

In the matter of an exception from the provisions of Section 1 of the Walsh-Healey Public Contracts Act to permit the award of contracts for the production of training films.

Whereas, the Secretary of War has made a written finding that the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) in contracts for the production of training films for the United States Army will seriously impair the conduct of Government business; and

Whereas, the Secretary of War has requested that an exception be granted under section 6 of the Walsh-Healey Public Contracts Act permitting the award of such contracts without the inclusion of the representations and stipulations of the Public Contracts Act; and

Whereas, the International Alliance of Theatrical and Stage Employees has joined in the request for the exemption; and

Whereas, I find that justice and public interest will be served by granting the request of the Secretary of War,

Now, therefore, I do hereby grant an exception pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) permitting the award of contracts during the present war for the production of training films without the

inclusion of the representations and stipulations of section 1 of the Act.

Dated: January 5, 1943.

FRANCES PERKINS,  
Secretary of Labor.

[F. R. Doc. 43-397; Filed, January 7, 1943; 3:49 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 310—MERCHANT MARINE TRAINING

[General Order 23, Supp. 1]

APPOINTMENT OF OFFICERS

General Order No. 23<sup>1</sup> is hereby amended by adding thereto §§ 310.45a through 310.45g, inclusive, as follows:

§ 310.45a *Eligibility.* Appointment as an officer in the Maritime Service may be made in the deck, engine, or staff branches without attending a training school, in accordance with the provisions of the Maritime Service Instructions. Any officer of the U. S. Merchant Marine is eligible to be enrolled in a rank commensurate with his present position and duty in the said Merchant Marine.

§ 310.45b *Qualifications.* (a) An applicant for appointment in the deck or engine branch must be a licensed officer of the U. S. Merchant Marine, and must

be serving on a vessel of not less than 1,000 gross tons, which vessel has been documented under the laws of the United States; *Provided, however,* That an applicant with outstanding qualifications may be specially appointed by the Director of the Division of Training.

(b) The applicant must be employed in connection with the seafaring profession in a capacity connected with the operation or management of ships of the U. S. Merchant Marine, or in connection with the training of personnel for said Merchant Marine, or the applicant's services must be desired for special duty.

(c) An applicant in the staff branch must be serving under a license as Steward, Purser, or Radio Operator.

(d) An applicant, aboard ship, must have been employed in his present capacity for at least one year immediately preceding the filing of his application, unless considered otherwise qualified by the Director of the Division of Training: *Provided, however,* That this requirement shall not apply to graduates of schools under the supervision of the Administrator of the War Shipping Administration.

(e) During war time, the applicant must agree, if requested, to take such extension and correspondence courses under such rules and regulations and upon such terms as the Director of the Division of Training may prescribe.

(f) *Table of maximum rank for appointment.*

Service Enrolling Officer that the license claimed has been sighted.

§ 310.45d *Physical examination.* (a) All applicants must take a physical examination. (See § 310.45d (c) and (e).)

(b) All Maritime Service officers must take a physical examination at the following times:

(1) Upon assignment to active administrative or training duty or release therefrom.

(2) When applying for promotion if no physical examination has been taken within the previous three years.

(c) Physical examination reports shall be made on Form MS 13. Defects considered not to be sufficient to disqualify an officer from the performance of the duties of his rank may be waived by the Commandant. For four years thereafter additional waivers for the same disability will not be required for the performance of active, administrative or training duty, or release therefrom, if the degree of such disability is not materially increased.

(d) All physical examinations shall be conducted by an officer of the United States Public Health Service attached to a Maritime Service Enrolling Office or a training unit.

(e) The physical standards prescribed for the Maritime Service shall be the same as those prescribed for the license held. Due consideration will be given age and the type of duty to be performed.

§ 310.45e *Uniforms.* (a) Officers appointed under the provisions of this order will, upon request, be furnished free-of-charge one basic uniform, consisting of the following:

- 1 blue service uniform with appropriate insignia.
- 1 uniform cap with insignia and 1 blue and 1 white cap cover.

Choice of either:

- 1 officer's cravenetted topcoat, or
- 1 officer's overcoat with appropriate insignia.

(b) Additional uniforms may be purchased, if desired, from uniform outfitters in the various ports at the established special rate.

(c) With his appointment, a Maritime Service Officer will be furnished with an order for uniforms, which may be filled at accredited uniform stores in the various ports.

(d) It is urged that Maritime Service Officers wear their uniforms both ashore and on board ship, if practicable.

§ 310.45f *Promotions.* (a) In qualifying for promotion, time served in a capacity higher than that required for the promotion shall be multiplied by the factor two.

(b) No officer in the deck or engine branch shall be promoted unless said officer possesses the requisite license.

(c) No officer will wear the Maritime Service insignia of a higher rank than called for by his position aboard ship, regardless of the designation of grade held by said officer.

§ 310.45g *Benefits.* In peace time, officers serving a minimum of eight months per year aboard vessels of the U. S. Merchant Marine will be eligible for one month's refresher training on active duty, with the pay of his rank,

Duties—Merchant Marine	Passenger or combination vessels over 8,500 gross tons	Vessels over 5,000 gross tons	Vessels under 5,000 gross tons
Master.....	Captain.....	Commander.....	Lt. Commander.
Chief, First, or Exec. Officer.....	Commander.....	Lt. Commander.....	Lieutenant.
Second Officer.....	Lt. Commander.....	Lieutenant.....	Lieutenant (jg).
Third Officer.....	Lieutenant.....	Lieutenant (jg).....	Ensign.
Fourth Officer.....	Lieutenant (jg).....	Ensign.....	Ensign.
Chief Engineer.....	Captain.....	Commander.....	Lt. Commander.
First Asst. Engineer.....	Commander.....	Lt. Commander.....	Lieutenant.
Second Asst. Engineer.....	Lt. Commander.....	Lieutenant.....	Lieutenant (jg).
Third Asst. Engineer.....	Lieutenant.....	Lieutenant (jg).....	Ensign.
Fourth Asst. Engineer.....	Lieutenant (jg).....	Ensign.....	Ensign.
Jr. Licensed Engineer.....	Ensign.....	Ensign.....	Ensign.
RADIO DEPARTMENT			
Chief Operator.....	Lieutenant.....	Lieutenant (jg).....	Ensign.
Second Operator.....	Lieutenant (jg).....	Ensign.....	
Third Operator.....	Ensign.....	Ensign.....	
STEWARD DEPARTMENT			
Chief Steward.....	Lieutenant.....	Lieutenant (jg).....	Ensign.
Second Steward.....	Lieutenant (jg).....	Ensign.....	
Asst. Steward.....	Ensign.....		
Chief Storekeeper.....	Warrant Ship's Clerk.		
PURSERS DEPARTMENT			
Chief Purser.....	Lt. Commander.....	Lieutenant.....	
Asst. Purser.....	Lieutenant.....		
Freight Clerk.....	Lieutenant (jg).....		
Jr. Asst. Purser.....	Ensign.....		
Chief Clerk.....	Ensign.....		
MEDICAL DEPARTMENT			
Senior Medical Officer.....	Commander.....	Lt. Commander.....	
Junior Medical Officer.....	Lieutenant.....		

(g) *Age limits.* Lower age limits are placed on original appointment or promotion to ranks as indicated below:

Captain.....	34
Commander.....	30
Lieutenant Commander.....	27
Lieutenant.....	23
Lieutenant (jg).....	20
Ensign or Warrant Officer.....	19

§ 310.45c *Applications.* (a) Applications for appointment shall be forwarded to the Commandant accompanied by a physical examination report (see § 310.45d) and including a letter from applicant's employer or employers certifying to the time served in various capacities aboard vessels and indicating satisfactory service.

(b) Annexed to the application must be a certificate signed by a Maritime

<sup>1</sup> 7 F.R. 7623.



and will be entitled, in addition, to one month's retainer pay in accordance with the provisions of the Maritime Service Instructions. In war time, officers enrolled in the United States Maritime Service shall, if requested, take such extension and correspondence courses under such rules and regulations and upon such terms as the Director of the Division of Training may prescribe, to become entitled to the benefits in this order set forth.

(E.O. 9054, 7 F.R. 837; E.O. 9198, 7 F.R. 5383)

[SEAL]

E. S. LAND,  
Administrator.

JANUARY 7, 1943.

[F. R. Doc. 43-398; Filed, January 7, 1943;  
3:41 p. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket No. A-1508]

##### DISTRICT 4

#### MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of Bituminous Coal Producers Board for District No. 4 for classification and pricing of gob pile or reject coal for both rail and truck shipment.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on June 16, 1942, and an amended petition filed on September 23, 1942, by District Board No. 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition, as amended, requested amendment of the Schedule of Effective Minimum Prices for District No. 4 for all Shipments Except Truck by the addition of a price exception to read as follows:

Low grade reject or bone coal recovered from gob piles, bins or picking tables, if crushed to not more than 2", shall take the price of the size to which crushed when shipped into market areas 13, 14 and 17.

And, of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, by the addition of the following price exception:

The price of low grade reject or bone coal recovered from gob piles, bins or picking tables, which has not been crushed, shall, when sold for truck delivery from rail mines to Market Areas 13, 14 and 17, be \$1.75 per net ton f. o. b. the mine, gob pile or bin. The invoices for such coal shall carry the designation "Reject" instead of size group number.

Petitioner requested temporary relief, pending final disposition of its petition.

Petitions of intervention were filed by District Boards 1, 2 and 6 and by John DeCorte, et al. (17 others), code members in District 4. The office of Bituminous Coal Consumers' Counsel ("Consumers' Counsel") filed a notice of appearance.

Pursuant to appropriate orders and after due notice to all interested persons,

a hearing in this matter was duly held before Charles S. Mitchell, a duly designated examiner of the Division, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the petitioner, all interveners, and Consumers' Counsel appeared and participated. The record was thereupon submitted to the undersigned for consideration of the matter of granting temporary relief.

It appears from the evidence that, in the course of preparation, as coal moves through the tippie, inferior particles and impurities are removed; that a small quantity of the coal so removed is reject or bone coal, described as substandard coal containing a high ash content and frequently high in sulphur as compared with the standard grades of coal; that in the past this coal has usually been dumped on the gob pile and wasted; and that now, owing to the excessive demand for coal occasioned by war activities and the insufficient supply of coal, markets for such reject or bone coal are available. It seems that approximately only 1 or 2 percent of all coal produced in District 4 is reject coal. Apparently such crushed reject coal is mixed with regular screenings, the resultant mixture containing not over 10% of reject coal. Proximate analyses were introduced in evidence to show that the quality of crushed reject coal is about the same as that of 3/8" x 0 screenings and that while it is slightly inferior to screenings of the larger size, it is coarser. Thus petitioner argued that crushing reject coal and mixing it with natural screenings does not enhance the quality of the mixture, and that there is no reason for requiring the crushed screenings mixture to be priced higher than natural screenings.

The minimum prices for rail shipments of slack coal produced in District 4 by crushing are 15¢ above those for slack coal produced at the same mines by screening. Petitioner requests that the minimum prices for gob pile or reject coal crushed to not over 2" and shipped by rail to Market Areas 13, 14 and 17 be reduced to those for natural screenings.

Petitioner also contends that uncrushed gob pile, bone or reject coal is inferior in quality to, and cannot be sold at the established minimum prices for District 4 standard coal. It appears that uncrushed reject coal can be marketed for domestic use in the nearby mining communities where retail yard service is limited. Petitioner requests the establishment of a minimum price of \$1.75 per net ton f. o. b. the mine (\$1.95 in view of the Order of the Director in General Docket No. 21, dated August 28, 1942) for gob pile, bone or reject coal, limited in its application to shipments by truck from rail mines to adjoining mining communities, in no instance to be greater than 20 miles from the mine.

Although there seems to have been some opposition to petitioner's requests, particularly so far as the uncrushed reject coal to be shipped by truck is concerned, the increased demand for coal occasioned by the exigencies of the war

and the promise that District 4 producers, if the requested relief is granted, would be enabled to meet this increased demand, if only to some small degree, impel me to grant temporary relief, pending the final disposition of this proceeding.

I find that a satisfactory showing has been made for the granting of temporary relief in this matter, substantially as requested.

In order to prevent abuse of the privilege granted, and to protect the consuming public, certain regulations or restrictions are imposed, however, particularly as to clear invoicing of the product sold.

It is therefore ordered, That, pending final disposition of the above entitled matter, temporary relief be, and the same hereby is, granted as follows:

(1) Commencing forthwith, there is added on page 3 of the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck, under the heading "(B) Price Exceptions" a paragraph, to read as follows:

Low grade reject or bone coal recovered from gob piles, bins or picking tables, if crushed to not more than 2", shall take the price of the size to which crushed, when shipped into Market Areas 13, 14 and 17; *Provided, however,* That invoices for such coal contain a notation that such coal is crushed reject coal, or when mixed with natural screenings, that the mixture is one of crushed reject coal and natural screenings.<sup>1</sup>

(2) Commencing forthwith, there shall be added on page 3 of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, under the heading "(B) Price Exceptions", a paragraph, to read as follows:

The price of low grade reject or bone coal recovered from gob piles, bins or picking tables, which has not been crushed, when sold for truck delivery from rail mines to be delivered to a destination no more than 20 miles from the mine, gob pile or bin, shall be \$1.95 per net ton f. o. b. the mine, gob pile or bin, *Provided, however,* That the invoices, sales ticket, or other memoranda of sale for such coal shall contain the designation "Reject".

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be construed to constitute an expression of opinion regarding the granting of final or permanent relief in this proceeding.

Dated: January 7, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 43-417; Filed, January 8, 1943;  
11:15 a. m.]

<sup>1</sup>This order is not intended, nor shall it be construed, to revise the effective minimum price heretofore established for low grade, reject (Size Group 11) coal of the Wheeling Township No. 2 Mine of the Wheeling Township Coal Mining Company.



[Docket No. A-1811]

DISTRICT BOARD 9

## NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 9 for the reduction of minimum prices for washed coals approximately 10 mesh x 0 in size group 25 produced at the Sentry Mine (Mine Index No. 72) of the Sentry Coal Mining Company for rail shipments.

A petition pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party requesting, both temporary and permanent relief;

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 26, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in the offices of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 21, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 to reduce the minimum prices applicable to washed coals approximately 10 mesh x 0 in size, produced at the Sentry Mine (Mine Index No. 72) of the Sentry Coal Mining Company, a code

member in District No. 9, to the same minimum prices applicable to the coals in Size Group 25 produced at the Beech Creek Mine (Mine Index No. 1) of the Beech Creek Coal Company, in District No. 9.

It is further ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

Dated: January 7, 1943.

[SEAL] DAN H. WHEELER,  
Director.[F. R. Doc. 43-418; Filed, January 8, 1943;  
11:15 a. m.]

## General Land Office.

[Public Land Order 73]

## NEVADA

WITHDRAWING ADDITIONAL PUBLIC LANDS FOR  
FLOOD CONTROL PURPOSES

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered as follows:*

The following-described public lands in Nevada are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved, subject to valid existing rights, for the use of the Grazing Service, Department of the Interior, as an addition to the withdrawal for purposes of flood and erosion control made by Executive Order No. 6541 of December 28, 1933:

## MOUNT DIABLO MERIDIAN

T. 14 S., R. 66 E.  
Sec. 16, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas described aggregate 120 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of the Acting Secretary of the Interior of November 3, 1936, establishing Nevada Grazing District No. 5, so far as it affects the above-described lands.

ABE FORTAS,

Acting Secretary of the Interior.

DECEMBER 29, 1942.

[F. R. Doc. 43-410; Filed, January 8, 1943;  
9:33 a. m.]

[Public Land Order 74]

## CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF THE  
WAR DEPARTMENT FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered as follows:*

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department for aviation purposes:

## SAN BERNARDINO MERIDIAN

T. 5 S., R. 16 E.,  
Sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ .

The areas described aggregate 160 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

ABE FORTAS,

Acting Secretary of the Interior.

JANUARY 1, 1943.

[F. R. Doc. 43-411; Filed, January 8, 1943;  
9:33 a. m.]

[Public Land Order 75]

## WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF THE  
WAR DEPARTMENT AS AN ARTILLERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 10 of the act of December 29, 1916, 39 Stat. 865 (U.S.C., title 43, sec. 300), and also to section 3 of the act of June 17, 1902, 32 Stat. 388 (U.S.C., title 43, sec. 416), *It is ordered as follows:*

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as an artillery range:

## WILLAMETTE MERIDIAN

T. 13 N., R. 19 E.,  
Secs. 1, 2, 3, 11, and 12.  
T. 14 N., R. 19 E.,  
Secs. 1 and 2;  
Sec. 3, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 10, E $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Secs. 11 to 15, inclusive, secs. 22 to 28,  
inclusive, and secs. 34 to 36, inclusive.  
T. 13 N., R. 20 E.,  
Secs. 1 to 15, inclusive.  
T. 14 N., R. 20 E.  
T. 13 N., R. 21 E.,  
Secs. 1 to 28, inclusive.  
T. 14 N., R. 21 E.  
T. 13 N., R. 22 E.,  
Secs. 6, 7, 18, 19, and 30.  
T. 14 N., R. 22 E.,  
Secs. 3 to 10, inclusive, secs. 15 to 22,  
inclusive, and secs. 27 to 34, inclusive.

The areas described, including both public and non-public land, aggregate 107,125.13 acres.

This order shall take precedence over, but shall not rescind or revoke, (1) the

order of February 5, 1917, of the Secretary of the Interior withdrawing certain lands for reclamation purposes, and (2) the order of March 1, 1919, of the Secretary of the Interior withdrawing lands for stock driveway purposes (Stock Driveway No. 71), so far as such orders affect any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

ABE FORTAS,  
Acting Secretary of the Interior.

JANUARY 1, 1943.

[F. R. Doc. 43-412; Filed, January 8, 1943;  
9:34 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Marketing Administration.

[Docket No. AO 103-A 5]

#### NEW ORLEANS, LOUISIANA, MARKETING AREA

#### NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure thereunder (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), notice is hereby given of a hearing to be held in the Monteleone Hotel, New Orleans, Louisiana, beginning at 10 a. m., c.w.t., January 15, 1943, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modification thereof, which are hereinafter set forth. Such evidence may also include economic or marketing data relative to the provisions of the said tentatively approved marketing agreement and order which will be affected by approval of the proposed amendments or any modification thereof. The amendments which have been proposed are set forth below:

*Proposed by the Dairy Farmers Protective League, Inc.*

1. Delete § 942.5 (a) (1) and substitute therefor the following:

(1) Class I milk \$4.00 per hundredweight from the effective date of this amendment through March 1944 inclusive, and \$3.15 thereafter.

2. Delete § 942.5 (a) (2) and substitute therefor the following:

(2) Class II milk \$3.33 per hundredweight.

*Proposed by the Dairy and Poultry Branch*

1. Review the Class III prices set forth in § 942.5 (a) (3).

2. Delete § 942.1 (a) (1) and substitute therefor the following:

(1) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is or who may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

3. Add as § 942.12 the following:

§ 942.12 *Agents.* The Secretary may by designation in writing name any officer or employee of the United States or any Bureau or Division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

4. Review the butterfat differential in § 942.8 (d).

*Proposed by Cloverland Dairy Products Company*

1. Amend §§ 942.4 (b) and 942.5 (a) to include a new classification and price applicable to milk used or disposed of as butter.

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and of the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated: January 8, 1943.

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

[F. R. Doc. 43-422; Filed, January 8, 1943;  
11:19 a. m.]

#### LOWELL-LAWRENCE, MASS., MARKETING AREA

#### HANDLING OF MILK

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, as amended, and to Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

Pursuant to § 900.12 (a), General Regulations, as amended, Agricultural Marketing Administration, United States Department of Agriculture, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration with respect to an amended marketing agreement and to an amended marketing order regulating the handling of milk in the Lowell-Lawrence, Massa-

<sup>1</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

chusetts, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 1019, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated by the Agricultural Marketing Administration as the result of written petitions filed by the New England Milk Producers' Association, Inc., for a public hearing to receive evidence on several amendments it proposed. Other amendments were proposed by handlers after all interested parties had been notified by letter of the pending petition. It was concluded from consideration of the various proposed amendments that the hearing should be held and a notice of hearing was accordingly issued on September 18, 1942. The hearing was convened September 30, 1942, at Andover, Massachusetts. The hearing included, in addition to the industry proposals, consideration of proposals for amendments made by the Dairy and Poultry Branch, Agricultural Marketing Administration.

The major issues developed at the hearing were concerned with (1) the classification of milk actually lost in handling operations (commonly known as shrinkage) and classification of butter-milk, (2) the level of prices for Class I milk both inside and outside the marketing area, (3) differentials to be allowed for cost of handling milk at country plants, (4) differentials to reflect cost of transporting milk to the market, (5) the Class II skim milk price level, and (6) the need for increasing the assessment for cost of administration of the order. In addition several proposals of an administrative nature were also considered.

With respect to these issues, it is concluded from the record:

(1) Actual plant shrinkage should be reclassified from the present arrangement, which requires shrinkage associated with the handling of each class of milk to be in the respective class, to an arrangement whereby all actual shrinkage up to 2 percent of the quantity of milk received by handlers shall be Class II milk and the Class I price level should be increased 1 cent per hundredweight to offset the effect of such reclassification on handlers' net cost for Class I milk.

(2) The Class II price for milk received at country plants should be revised to reflect transportation allowances by 50-mile zones in line with average rates from such zones reflected by the "New England Joint Tariff, M-3," and to reduce the amount now reflected as a plant handling allowance from 21.5 to 20.0 cents per hundredweight.

(3) The Class I price should be increased to \$4.10 per hundredweight, 3.7 percent butterfat milk, delivered at handlers' city plants, whenever the price of 92-score butter at New York is 45 cents or more per pound.

(4) The Class II skim value should be revised to provide a value for skim milk based on prices published by the United States Department of Agriculture for roller process skim milk powder for both human consumption and ani-



mal feed, the yield factor and manufacturing cost factor to be as now provided in milk marketing Order No. 27 (New York metropolitan marketing area).

(5) The assessment for cost of administration of the order should be increased from 3 cents to 4 cents per hundred-weight of milk.

(6) Administrative amendments should be made to revise the definition of the term "Secretary" to include any person who may be authorized to exercise the powers and to perform the duties of the Secretary, to amplify the powers of the market administrator to disseminate statistics and information concerning the operation of the order, to amplify the provision relating to the responsibility of handlers in establishing the classification of milk, to clarify the powers of the market administrator with respect to access to books and records necessary to verify reports of handlers, to revise the classification of milk sold to a plant beyond the marketing area, to revise the application of the order to milk shipped to a plant subject to the order regulating the Greater Boston marketing area, to revise the allocation of milk of a handler's own production in computing his pool, to delete an obsolete reference to the Massachusetts Milk Control Board, and to add a new section entitled "Agents," which will allow the Secretary by designation in writing to name any officer or employee of the United States or any division of the United States Department of Agriculture to act as his agent in connection with this regulation.

From the evidence in the record it is concluded that the other proposals for amendments heard at the hearing should not be adopted. These include reclassification of buttermilk from Class I to Class II, reduction of the difference between the Class I price at city plants and country plants of from 13 to 8 cents per hundredweight, extension of the city plant Class I price to include all milk delivered from producers' farms to receiving plants located within 40 miles of the City Hall of Lowell or Lawrence, and provision for pricing Class I milk sold outside the marketing area at prevailing prices in such outside markets, if such prices are different from the Lowell-Lawrence price.

The following proposed amended marketing order prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, as amended, Agricultural Marketing Administration, is recommended as the detailed means by which these conclusions may be carried out. The proposed amended marketing agreement is not included in this report because the provisions thereof will be the same as the provisions of the proposed amended marketing order.

*Proposed Marketing Order, As Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area*<sup>1</sup>

It is found upon the evidence introduced at the public hearing held at Andover, Massachusetts, September 30, 1942:

*Findings*

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Secs. 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as, and is applicable only to handlers, defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the 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*

§ 934.3 *Definitions*—(a) *Terms*. As used herein the following terms shall have the following meanings:

(1) The term "act" means Public No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States [or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the power and perform the duties of the Secretary of Agriculture of the United States].

(3) The term "Lowell-Lawrence, Massachusetts, marketing area," hereinafter called the "marketing area," means the territory included within the boundary lines of the cities and towns of Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Lawrence, Lowell, Methuen,

North Andover, Tewksbury, Tyngsboro, and Westford, Massachusetts.

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

(5) The term "producer" means any person who produces milk which is delivered to a receiving plant from which milk is shipped to, or sold in, the marketing area during any delivery period.

(6) The term "association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(7) The term "handler" means any person who, on his own behalf or as agent for producers, produces milk, or purchases or receives milk from producers, associations of producers, or other handlers, and engages in the handling of such milk, which is sold, distributed, or disposed of as milk or cream within the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(8) The term "producer-handler" means any handler who is also a producer and who receives no milk from other producers and who either (i) has milk receipts from his own production which he does not dispose of in bulk and which average less than 1,000 pounds daily, or (ii) processes and packages his milk at a plant located on a farm from which he receives at least 25 percent of the total receipts from his own production which he does not dispose of in bulk.

(9) The term "market administrator" means the person designated pursuant to § 934.4 as the agency for the administration hereof.

(10) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing period from the first to and including the last day of each month.

(11) The term "hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per 40-quart can.

(12) The term "receiving plant" means any milk plant currently used for receiving, weighing (or measuring), sampling, and cooling milk received there directly from producers' farms, and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weigh sheets or other records of producers' deliveries.

<sup>1</sup> Bracketed words indicate changes from Order No. 34, as amended, effective August 1, 1941, and as further amended by Amendment No. 1, effective Nov. 1, 1941, and Amendment No. 2, effective April 6, 1942.



§ 934.4 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provision hereof;

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(3) To recommend to the Secretary of Agriculture amendments hereto.

(4) To prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this order as do not reveal confidential information.]

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 934.12, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) 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 Secretary may designate;

(4) Unless otherwise directed by the Secretary, publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not (i) made reports pursuant to § 934.7 or (ii) made payments pursuant to § 934.10; and may at any time thereafter so disclose any such name if authorized by the Secretary so to do; and

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 934.5 *Classification of milk*—(a) *Basis of classification.* Subject to verification by the market administrator, all milk received by a handler from producers or from his own production shall be classified in the classes set forth in (b) of this section in accordance with its utilization by him, except as follows:

(1) Subject to (c) of this section, milk or skim milk moved to another handler or to a plant subject to another order of the Secretary may be classified as reported by both the selling and the receiving handlers, or by the seller alone if the receiver submits no report or if the two reports do not agree: *Provided*, That no greater quantity shall be classified as Class II milk than the total

milk or skim milk utilized by such receiver as Class II milk, unless the receiver is a cooperative association as determined pursuant to § 934.11 (b), in which event the milk shall be classified in the same manner as though it were received by the association directly from producers.

(2) Milk or skim milk disposed of to persons not handlers who distribute milk or manufacture milk products, and exclusive of milk disposed of to a plant subject to another order of the Secretary, shall be Class I milk, not in excess of the total quantity of Class I milk, or skim milk, at such plant.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk, the utilization of which is established (i) as being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more, but less than 16 percent of butterfat; and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption, and (ii) [as plant shrinkage not in excess of 2 percent of the volume handled].

(c) *Milk delivered by producers to other markets.* Milk received by a handler at one of his plants not subject to the provisions hereof from persons reported by him as under contract to have their milk received and paid for as part of his supply for the marketing area shall be considered as received from producers and classified (i) as Class II milk if received at a plant of that handler, the handling of milk in which plant is subject to the order regulating the handling of milk for the Greater Boston marketing area, and (ii) as Class I milk if received at a plant of that handler the handling in which plant is not subject to the order regulating the Greater Boston marketing area.

(d) *Responsibility of handlers in establishing the classification of milk.* [In establishing the classification of any milk received by a handler from producers the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.]

§ 934.6 *Minimum class prices*—(a) *Class I price to associations of producers.* Each handler shall pay an association of producers, at the time set forth in § 934.10 (a) and subject to the butterfat differential calculated pursuant to § 934.10 (c), for Class I milk delivered in bulk from such association's receiving plant to such handler's plant located within 20 miles of the city hall in Lowell or Lawrence, not less than the applicable price pursuant to (b) (1) of this section plus 13 cents.

(b) *Class I price to producers.* Each handler shall pay producers, at the time and in the manner set forth in § 934.10, for Class I milk delivered by them, not less than the following prices:

(1) For milk delivered from producers' farms to such handler's plant located within 20 miles from the city hall in Lowell or Lawrence, the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph]

92-score butter, wholesale, at New York, average of quotations of the U. S. Department of Agriculture for 30 days immediately preceding the 25th of each month (cents per pound)	Class I price for the delivery period following 25th day of each month (dollars per cwt.)
Under 40.....	3.64
40 and over but under 45.....	3.87
45 or over.....	4.10

(2) For milk delivered from producers' farms to such handler's plant not located within 20 miles of the city hall in Lowell or Lawrence the price per hundredweight during each delivery period shall be the price effective pursuant to (1) of this paragraph, less an amount per hundredweight equal to the sum of 13 cents and the average of the freight rates (considering 85 pounds to one 40-quart can), from the railroad shipping point for such handler's plant to Lowell and to Lawrence, calculated according to the lowest applicable rail tariffs for the transportation in carload lots of milk in 40-quart cans.

(3) For the purpose of this paragraph, the milk which was disposed of during each delivery period by each handler as Class I milk from a handler's receiving plant located within 20 miles of the city hall in Lowell or Lawrence shall be considered to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest receiving plant not located within 20 miles of the city hall in Lowell or Lawrence.

(c) *Class II prices.* Each handler shall pay producers, at the time and in the manner set forth in § 934.10 for Class II milk delivered by them not less than the following prices per hundredweight:

(1) For such milk delivered to a handler's receiving plant located within 20 miles of the city hall in Lowell or Lawrence, the price calculated pursuant to (2) of this paragraph [for the 201-250 freight mileage zone plus 15 cents].

(2) For such milk delivered to a handler's receiving plant not located within 20 miles of the city hall in Lowell or Lawrence, a price which the market administrator shall compute by combining in one sum such of the following computations as apply:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply this result by 3.7 and subtract the amount set forth in (d) of this section [for the railroad freight mileage zone of the average distance from the railroad shipping point for such handler's plant to Lowell and to Lawrence];

[(ii) For any delivery period for which no cream price as described in (i) of this subparagraph is reported, multiply the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4, multiply this result by 3.7; and subtract the amount set forth in (d) of this section for the railroad freight mileage zone of the average distance from the railroad shipping point for such handler's plant to Lowell and to Lawrence; and

[(iii) For all delivery periods except April, May, and June, compute any plus amount for skim value which results from the following: From the average of all the dry skim milk powder quotations for car lots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation) published during such delivery period by the United States Department of Agriculture for New York City, subtract 4 cents; and multiply this result by 7.5.]

(iv) For the April, May, and June delivery periods, compute any plus amount for skim value which results from the average of the skim value computed pursuant to (iii) of this subparagraph and a value obtained as follows: compute the average of all quotations (using midpoint of any range as one quotation) published during the delivery period in the *Oil, Paint, and Drug Reporter*, for domestic 20-30-mesh casein in bags in car lots at New York, subtract 6.6 cents and multiply this result by 2.2: except that if either computation results in a minus amount, the other shall be used in lieu of the average.

(d) *Combined plant handling and transportation differentials.* [Differentials provided pursuant to (c) of this section shall be as set forth in the following table:]

Freight zones (miles):	Class II, cents per cwt.
21-100.....	22.0
101-150.....	25.5
151-200.....	26.5
201-250.....	27.0
251-300.....	27.5

§ 934.7 *Reports of handlers*—(a) *Periodic reports.* On or before the 8th day after the end of each delivery period, each handler who receives milk from producers shall, with respect to milk or cream which was received by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers, including the quantity, if any, received from his own production.

(2) The receipts at each plant from any other handler, including any handler who is also a producer.

(3) Receipts at each plant pursuant to § 934.8 (c).

(4) The respective quantities of milk which were sold, distributed, or used, including sales to other handlers, classified pursuant to § 934.5.

(b) *Reports of handlers who receive no milk from producers.* Handlers who re-

ceive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* (1) Each handler shall submit to the market administrator within 10 days after his request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days on which deliveries were made.

(2) Each handler shall submit to the market administrator, within 10 days after his request, made not earlier than 15 days after the end of the delivery period, his producer payroll for such delivery period, which shall show for each producer; (i) the daily and total pounds of milk delivered with the average butterfat test thereof, and (ii) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(3) On or before the 18th day after each handler becomes subject to the provisions hereof, he shall report to the market administrator a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant, and such information with respect to distances involved as the market administrator may require.

(4) On or before the 18th day after any changes are made in the schedule filed in accordance with (3) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(5) On or before the 8th day after the end of each delivery period, each handler shall report the names of any persons whose milk such handler is reporting pursuant to § 934.5 (c) and § 934.8 (c) and include a certification that these persons have contracts as specified therein.

(d) *Announcement of transportation rates.* On or before the 30th day after the end of each delivery period, the market administrator shall mail to all handlers who receive milk from producers and shall publicly announce the rate or rates of such deductions made by each handler, as reported, pursuant to (3) and (4) of paragraph (c) of this section, and such information with respect to the distances involved and so reported as the market administrator may deem advisable.

(e) *Verification of reports.* [For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, and memoranda as the market administrator deems relevant and which are within the control (i) of any such handler from whom such report was requested, (ii) of any person having, either directly or indirectly, actual or legal control of or over such handler, or (iii) of any subsidiary of any such handler;

[(2) Weigh, sample, and test milk and milk products; and

[(3) Make such examination of operations, equipment, and facilities as the market administrator deems necessary.]

§ 934.8 *Application of provisions*—(a) *Handlers who receive no milk from producers.* The provisions hereof, except as set forth in § 934.7, shall not apply to a producer-handler nor to a handler whose sole source of milk supply consists of receipts from other handlers.

(b) *Milk received from producer-handlers.* Milk of a producer-handler's own production which is delivered in bulk to another handler shall be considered as being delivered by a producer unless the receiving handler is also a producer-handler.

(c) *Producers for other markets.* Milk received from producers who are reported by a handler as under contract to have their milk received and paid for as part of that handler's supply for a market other than the marketing area, shall be reported under a separate category, and the provisions of § 934.10 and § 934.11, shall not apply.

(d) *Milk subject to the Greater Boston order.* The provisions hereof shall not apply, except as provided in § 934.5 to the handling of milk received at any handler's receiving plant which is subject to the provisions of the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area unless such handler [not including a cooperative association as qualified pursuant to § 904.11 (a) of such order, sells, distributes, or disposes of less than 10 percent of his total receipts of milk as Class I milk in the Greater Boston marketing area].

§ 934.9 *Minimum composite prices to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 934.8, the value of milk disposed of by each handler, in the following manner:

(1) Subtract from the quantity of such handler's Class I milk the quantity of milk received pursuant to § 934.8 (c) from producers who are reported as having contracts applying to the Greater Boston marketing area;

(2) Subtract from the quantity of such handler's Class I milk or of his Class II milk according to the classification thereof as the same is reported and classified pursuant to § 934.5, the quantity of milk received by such handler from other handlers;

(3) Subtract from the quantity of such handler's Class II milk the quantity of milk received pursuant to § 934.8



(c) from producers who are reported as having contracts applying to markets other than the Greater Boston marketing area; and

(4) Multiply the remainder of the quantity of milk in each class by the price applicable pursuant to § 934.6 (b) and § 934.6 (c) and add together the resulting value of each class.

(b) *Computation of composite prices.* The market administrator shall compute for each handler the composite price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to (a) of this section the amount of the differential applicable pursuant to § 934.10 (d);

(2) Subtract any amounts required to be paid under the order regulating the handling of milk in the Greater Boston marketing area pursuant to § 934.8 (d); and

(3) Divide the value remaining after subtraction pursuant to (2) of this paragraph by the total quantity of milk included in the computation made pursuant to (a) (4) of this section.

(c) *Announcement of composite prices.* The market administrator shall mail to all handlers who receive milk from producers and shall publicly announce prices resulting from the computations pursuant to (a) and (b) of this section, and other related information, as follows:

(1) On or before the 12th day after the end of the delivery period, he shall announce the composite price, the Class II price, and the butterfat differential.

(2) On or before the last day of the month after the end of the delivery period, he shall announce the total quantity and value of Class I milk and Class II milk included in such computations.

§ 934.10 *Payments to producers—(a) Time and method of payments.* On or before the 18th day after the end of each delivery period, each handler shall make payment, subject to the differentials set forth in this section, for the total value of milk received by him from producers during such delivery period, as computed in accordance with § 934.9 (a), as follows:

(1) To each producer, except as provided in (2) of this paragraph, at not less than the composite price per hundredweight computed for such handler pursuant to § 934.9 (b).

(2) To producers who are members of an association of producers, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under (1) of this paragraph.

(b) *Correction of errors in payments.* Errors in making any of the payments required by this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected as the market administrator shall determine to be equitable, either by (i) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of

such handler, or (ii) addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 934.9 (a).

(c) *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day, inclusive, of the delivery period during which such milk is delivered, subtract 1.5 cents, divide the result by 10: [Provided, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4 subtract 1.5 cents, and divide the result by 10].

(d) *Country receiving plant and freight differential.* The payments to be made by handlers, pursuant to (a) of this section, for milk delivered by producers at a receiving plant located 20 miles or more from the city hall in Lowell or Lawrence, shall be subject to a deduction of 13 cents plus the average of the lowest freight rates from the railroad shipping point for such handler's plant to Lowell and Lawrence, according to the tariff currently approved by the Interstate Commerce Commission for the transportation in carload lots of milk in 40-quart cans (considering 85 pounds of milk per 40-quart can).

(e) *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that is may be retained by the producer, which shall show:

(1) The delivery period, and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of (a), (c), and (d) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under § 934.11, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 934.11 *Marketing service—(a) Marketing service deduction.* In making payments to producers pursuant to § 934.10, each handler shall, with respect to all milk delivered by each producer

during each delivery period, except as set forth in paragraph (b) of this section, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producer. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers who are members of an association of producers which is actually performing the services set forth in (a) of this section, each handler shall, in lieu of the deductions specified in (a) of this section, make such deductions from payments made pursuant to § 934.10 as may be authorized by such producers and pay over, on or before the 18th day after the end of each delivery period, such deduction to such associations.

§ 934.12 *Expense of administration—(a) Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler, except as set forth in § 934.8 (a), shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight or such lesser amount as the market administrator shall determine to be sufficient, with respect to all milk received by him during such delivery period, from producers and from his own production, except that this assessment shall not be deemed to duplicate any amount paid to the market administrator under a separate agreement by the Massachusetts Milk Control Board for cost of administration.

(b) *Suits by the 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.

§ 934.13 *Effective time, suspension, and termination of order—(a) Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Termination of order.* The Secretary may terminate this order whenever he finds that this order obstructs or does not tend to effectuate the declared policy of the act.

This order shall, in any event, terminate 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 handlers, 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 Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate, (i) shall continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements and 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 Secretary shall direct, and (iii) if so directed by the Secretary, 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 thereto.

(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 Secretary may designate, shall, if so directed by the Secretary, 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.

§ 904.15 *Agents.* [The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.]

This report filed at Washington, D. C., the 7th day of January 1943.

[SEAL] C. W. KITCHEN,  
Acting Administrator.

[F. R. Doc. 43-423; Filed, January 8, 1943; 11:20 a. m.]

**Sugar Agency.**

**PUERTO RICO AND VIRGIN ISLANDS  
NOTICE OF HEARINGS AND DESIGNATION OF  
PRESIDING OFFICERS**

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that public hearings will be held at San Juan, Puerto Rico, in the Auditorium of the Ateneo on January 19, 1943, at 9:30 a. m. and at Christiansted, St. Croix, Virgin

Islands, in the Municipal Council Hall, on January 22, 1943, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of subsection (b) of section 301 of the said act, fair and reasonable wage rates to be paid in Puerto Rico and in the Virgin Islands to persons employed in connection with the production, cultivation or harvesting of the 1942-43 crop on farms with respect to which applications for payment under the act are made, and (2), pursuant to the provisions of subsection (d) of section 301 of the said act, fair and reasonable prices for the 1942-43 crop of sugarcane to be paid, under either purchase or toll agreements, by persons who, as producers, apply for payments under the said act; and (3), pursuant to the provisions of section 511 of the said act, to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations with respect to the terms and conditions of contracts between producers and processors of sugarcane.

Such hearings, after being called to order at the time and place mentioned above, may for convenience, be adjourned to such other place in the same city as the presiding officers may designate and may be continued from day to day within the discretion of the presiding officers.

Joshua Bernhardt, C. M. Nicholson, E. T. MacHardy, H. H. Simpson, J. Bernard Frisbie, Davis D. Slappey, and L. R. Fike are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C., this 7th day of January 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Assistant Secretary.

[F. R. Doc. 43-420; Filed, January 8, 1943; 11:19 a. m.]

**FEDERAL COMMUNICATIONS COMMISSION.**

[Docket No. 6483]

**POSTAL TELEGRAPH-CABLE COMPANY  
NOTICE OF HEARING, ETC.**

In the matter of Postal Telegraph-Cable Company (New York), charges for telegraph communications between the United States and New Hebrides.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of January 1943;

It appearing that Postal Telegraph-Cable Company (New York) has in effect charges for telegraph communications from the United States to New Hebrides via British Pacific cable (Australia) which are the same as the proposed charges of The Western Union Telegraph Company suspended by the Commission in Docket No. 6481;

It further appearing that the Postal Telegraph-Cable Company also has in effect charges for telegraph communica-

tions from the United States to New Hebrides, via routes other than British Pacific cable (Australia) which are lower than its charges for telegraph communications from the United States to New Hebrides via British Pacific cable (Australia);

It further appearing that such charges of the Postal Telegraph-Cable Company may be unjust and unreasonable, unjustly, unreasonably, and unduly discriminatory, preferential, advantageous, disadvantageous, or prejudicial, or otherwise violative of the Communications Act of 1934, as amended;

It is ordered, That an investigation be, and the same is hereby, instituted into the rates, charges, classifications, practices, regulations and services of the Postal Telegraph-Cable Company for and in connection with telegraph communication service between the United States and New Hebrides;

It is further ordered, That the Postal Telegraph-Cable Company, and each carrier subject to the Commission's jurisdiction which participates with Postal Telegraph-Cable Company in rendering telegraph communication service between the United States and New Hebrides be, and they are hereby, each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent;

It is further ordered, That this proceeding be, and the same is hereby, consolidated with the proceeding in Docket No. 6481 for purposes of hearing, and it is hereby assigned for hearing at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m., on the 27th day of January, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-409; Filed, January 8, 1943; 10:17 a. m.]

**FEDERAL TRADE COMMISSION.**

[Docket No. 4511]

**PARFUM L'ORLE, INC.**

**ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 25, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-434; Filed, January 8, 1943;  
11:48 a. m.]

[Docket No. 4705]

SALLY'S FURS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41).

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, January 22, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-435; Filed, January 8, 1943;  
11:48 a. m.]

[Docket No. 4742]

MONTE CARLO HATS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, January 21, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-436; Filed, January 8, 1943;  
11:48 a. m.]

[Docket No. 4790]

HABAND COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered* That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

*It is further ordered* That the taking of testimony in this proceeding begin on Monday, January 18, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-437; Filed, January 8, 1943;  
11:48 a. m.]

[Docket No. 4791]

CLERMONT CRAVAT COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

*It is ordered*, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, January 18, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-438; Filed, January 8, 1943;  
11:49 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 148]

INCREASED RAILWAY RATES, FARES, AND CHARGES, 1942

NOTICE OF FURTHER HEARING, ETC.

JANUARY 4, 1943.

This proceeding is assigned for further hearing before Commissioners Aitchison, Mahaffie, and Splawn, at the office of the Commission in Washington, D. C., at 9 o'clock a. m., Eastern War Time, February 2d, 1943, to be followed by oral argument, without briefs, before the Commission, as soon as practicable after the close of the further hearing, according to announcement which will be made during such hearing.

Briefs and written arguments will not be expected, except in lieu of oral argument. If any such are so filed, 20 copies should be sent to the Commission at its office in Washington, and 5 copies to R. V. Fletcher, counsel for class I railroads, Transportation Building, Washington, D. C., not later than February 15, 1943. Service should also be made upon other counsel who may have a direct interest in the particular brief. Replies may be served and filed within 10 days after that date. With respect to form and style briefs should comply with the Commission's Rules of Practice.

In the absence of objection, the Commission will take official notice of facts set forth in its current statistical publications (including such as may be issued after the conclusion of the further hearing but prior to the decision thereon) as follows:

1. Operating revenues and operating expenses of Class I steam railways in the United States (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-100, Monthly).
2. Operating revenues and operating expenses for large steam railways (individually), (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-150, Monthly).
3. Selected income and balance sheet items of Class I steam railways. (I. C. C. Bu-



reau of Transport Economics and Statistics Statement No. M-125, Monthly).

4. Wage statistics of Class I steam railways, (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-300, Monthly).

5. Fuel and power for locomotives (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-230, Monthly).

6. Freight train performance (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-211, Monthly).

7. Passenger train performance (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-213, Monthly).

8. Revenue traffic statistics (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-220, Monthly).

9. Freight commodity statistics (I. C. C. Bureau of Transport Economics and Statistics Statement No. Q-500, Quarterly).

10. Freight commodity statistics (I. C. C. Bureau of Transport Economics and Statistics Statement No. 41100, Annual).

11. Motive power and car equipment statistics (I. C. C. Bureau of Transport Economics and Statement No. M-240, Monthly).

12. Passenger traffic statistics (other than commutation) of Class I steam railways (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-250, Monthly).

13. Revenue freight loaded and received from connections (published weekly by the Association of American Railroads, Car Service Division).

Without such objection to this course made on the opening day of the further hearing, the Commission will consider it stipulated by all parties that such statements may be referred to by the Commission or any party for all purposes in connection with the further consideration of this proceeding.

Attention is called to the appendix hereto, containing special instructions and rules of procedure to be followed by parties who participate in the further hearing.

By the Commission.

[SEAL] W. P. BARTEL,  
Secretary.

APPENDIX

**Simplification of presentations.** In order to conserve time and avoid expense and travel, as well as the inconvenience of attendance on the hearing in a congested city, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest possible extent, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument. All persons who can do so should tender verified statements in lieu of appearing personally.

**Exhibits.** In the preparation of exhibits Rule 84 of the Rules of Practice should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably indexed and bound together. In order to supply the State Commissions, members of this Commission and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. Parties will be expected to distribute copies of their exhibits reasonably in advance of their presentation at the hearing.

**Prepared statements.** Witnesses who expect to read from a written statement must comply with Rule 77 of the Rules of Practice.

**Verified statements (affidavits).** Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection as herein-after specified. Parties desiring to offer such statements should send the original and 15 copies to the Commission at its office, Washington, D. C., 50 copies to John E. Benton, General Counsel, for the National Association of Railway and Utilities Commissioners, New Post Office Building, Washington, D. C., for the use of the State Commissions, and 25 copies to R. V. Fletcher, Counsel for the applicants, Transportation Building, Washington, D. C., on or before January 26, 1943. Copies of such statements must also be furnished to any other interested parties who specifically request them. Any objection to the receipt in evidence of any verified statement must be made on the record at the hearing, and the parties submitting such statements should be so advised prior to the end of the first session of the further hearing. If no such notice of objection to a particular statement is given, it will be considered that objection thereto is waived, subject to the reserved right of objection to the weight to be accorded the statement.

Such statements should conform to Rule 15 of the Rules of Practice in respect of style, mimeographing, printing, etc. They should be limited strictly to statements of fact, and should contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented on further hearing, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to the introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record upon which the Commission will base its decision.

**Notice of intention to introduce testimony.** Persons who desire to be heard will facilitate the arrangements necessary by sending notice to the Commission at Washington of their intention, so as to reach the Commission on or before January 29, 1943, which shall state the number of witnesses, and the approximate amount of time necessary to the presentation of direct testimony. If such notices are given generally and sufficiently in advance, the Commission will endeavor to program the testimony so that witnesses may know on what day their testimony may be given.

**Request to produce certain testimony and to discuss the same in argument.** The Commission requests the applicants and other parties in the presentation of evidence and argument on further hearing to discuss the desirability, feasibility, and legality of a requirement that

the revenue received by them from the authorized increases in rates, fares, and charges, heretofore or hereafter made, shall be kept separate from other operating income of applicants, and be expended solely for additions and betterments to the operating plant or for the reduction of funded or unfunded debt.

[F. R. Doc. 43-424; Filed, January 8, 1943; 11:44 a. m.]

[Ex Parte No. 148]

INCREASED RAILWAY RATES, FARES, AND CHARGES, 1942

ORDER FOR FURTHER HEARING AND RECONSIDERATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of January 1943.

**Ordered,** That the above-entitled proceeding is hereby reopened for further hearing and for reconsideration: (1) for the purpose of supplementing and making current the record herein; (2) with respect to the matters of fact alleged and the prayers contained in the several petitions for reopening or for reconsideration now on file herein, and of the answers thereto; and (3) and upon the record as supplemented and made current to consider what, if any, change should be made in the findings and conclusions of the report hereinbefore made, and of the various orders, authorizations, and approvals heretofore made in this proceeding, and whether the same shall be continued, modified in any respect, suspended, or terminated, and to enter any appropriate order or orders in the premises.

*It is further ordered,* That notice of the time and place of the further hearing, and of the special rules and instructions as to procedure governing the conduct of the case, be served upon the parties in the usual manner, and upon the persons filing the petitions hereinbefore mentioned.

By the Commission.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-425; Filed, January 8, 1943; 11:44 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3 Revised 11]

COMMERCIAL MOTOR FREIGHT, INC., AND THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC.

ORDER COORDINATING MOTOR VEHICLE SERVICE

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property in less-than-truckload lots between Marion, Ohio, on the one hand, and Cardington and Mt. Gilead, Ohio, on the other; and between Mansfield, Ohio, on the one hand, and Loudonville, Bellville, Fredericktown, Polk, Sullivan, Mt. Ver-



non and Wellington, Ohio, on the other, filed with the Office of Defense Transportation by Commercial Motor Freight, Inc., an Ohio corporation, of Columbus, Ohio, and The Cleveland, Columbus & Cincinnati Highway, Inc., an Ohio corporation, of Cleveland, Ohio, as governed by § 501.9 of General Order ODT 3, Revised, as amended,<sup>1</sup> and good cause appearing therefor: *It is hereby ordered, That:*

1. Commercial Motor Freight, Inc., shall discontinue the transportation of shipments in less-than-truckload lots moving between its terminal at Marion, Ohio, or through that terminal, on the one hand, and points of delivery and collection at Cardington and Mt. Gilead, Ohio, on the other; and in respect of such shipments moving between its terminal at Mansfield, Ohio, or through that terminal, on the one hand, and points of delivery and collection at Loudonville, Bellville, Fredericktown, Polk and Sullivan, Ohio, on the other; and shall divert such shipments to the Cleveland, Columbus & Cincinnati Highway, Inc., for transportation between those points.

2. The Cleveland, Columbus & Cincinnati Highway, Inc., shall accept from Commercial Motor Freight, Inc., all shipments diverted to it pursuant hereto and shall transport such shipments over its routes between the terminal of Commercial Motor Freight, Inc., at Marion, Ohio, on the one hand and points of delivery and collection at Cardington and Mt. Gilead, Ohio, on the other; and between the terminal of Commercial Motor Freight, Inc., at Mansfield, Ohio, on the one hand, and points of delivery and collection at Loudonville, Bellville, Fredericktown, Polk, and Sullivan, Ohio, on the other, on the billing, and pursuant to the tariff rates and the rules and regulations, of Commercial Motor Freight, Inc.

3. The Cleveland, Columbus & Cincinnati Highway, Inc., shall discontinue the transportation of shipments in less-than-truckload lots moving between its terminal at Mansfield, Ohio, or through that terminal, on the one hand, and points of delivery and collection at Mt. Vernon and Wellington, Ohio, on the other; and shall divert such shipments to the Commercial Motor Freight, Inc., for transportation between those points.

4. Commercial Motor Freight, Inc., shall accept from The Cleveland, Columbus & Cincinnati Highway, Inc., all shipments diverted to its pursuant hereto and shall transport such shipments over its routes between the terminal of The Cleveland, Columbus & Cincinnati Highway, Inc., at Mansfield, Ohio, on the one hand, and Mt. Vernon and Wellington, Ohio, on the other, on the billing, and pursuant to the tariff rates and the rules and regulations of The Cleveland, Columbus & Cincinnati Highway, Inc.

5. The Cleveland, Columbus & Cincinnati Highway, Inc., shall perform the pickup and delivery at Cardington, Mt. Gilead, Loudonville, Bellville, Fredericktown, Polk and Sullivan, Ohio, with respect to shipments diverted to it pursuant hereto; and Commercial Motor Freight, Inc., shall perform the pickup and deliv-

ery at Mt. Vernon and Wellington, Ohio, with respect to shipments diverted to it pursuant hereto.

6. The division of revenues derived from transportation performed pursuant hereto shall be as agreed upon by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

7. The carriers forthwith shall file with the Interstate Commerce Commission and any other regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

8. Nothing contained herein shall be so construed as to permit or require the carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

9. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3 Revised—11."

10. This order shall become effective January 15, 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 8th day of January 1943.

JOSEPH B. EASTMAN,

Director of Defense Transportation.

[F. R. Doc. 43-416; Filed, January 8, 1943; 11:04 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under Rev. Maximum Export Price Reg.]

M. ROTHSCHILD AND CO.

#### ORDER DENYING PETITION

Order No. 2 under § 1375.9 (c) of the Revised Maximum Export Price Regulation.

On November 7, 1942, M. Rothschild & Co., New York, New York, filed a petition for relief from § 1375.9 (c) of the Revised Maximum Export Price Regulation, pursuant to the provisions of that section.

The petitioner sells to a distributor in Brazil and invoices directly to the distributor's buyers, who are private firms or individuals, at the distributor's selling prices. This practice permits of easy evasion of the Revised Maximum Export Price Regulation, and makes impossible its enforcement unless certain safeguards are present. These safeguards are not present in the instant case. Petitioner presents no special circumstance in his case sufficient to justify an exception

without the presence of these safeguards. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is hereby ordered that the petition be denied.

Issued and effective this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-372; Filed, January 7, 1943; 12:06 p. m.]

[Order 133 Under MPR 120]

J. G. ROOT

#### ORDER GRANTING ADJUSTMENT

Order No. 133 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-276.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coal in Size Groups 1 and 14, produced by J. G. Root, Shelbyville, Illinois, at his Penwell Mine (Mine Index No. 1531) District No. 10, may be sold and purchased for shipment by truck or wagon at prices per net ton not to exceed \$4.50 and \$2.00 respectively, f. o. b. the mine;

(b) Within thirty (30) days from the effective date of this order, J. G. Root shall notify all persons purchasing its coals of the adjustments granted by this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122;

(c) This Order No. 133 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 133 shall become effective January 8, 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-377; Filed, January 7, 1943; 12:05 p. m.]

[Order 134 Under MPR 120]

LILLY COAL COMPANY

#### ORDER GRANTING ADJUSTMENT

Order No. 134 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-238.

<sup>1</sup> 7 F.R. 5445; 7 F.R. 6689.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coal in Size Group 6 produced by Lilly Coal Company, Arcola, West Virginia, at its Lilly Mine, Mine Index No. 91, District No. 3, may be sold and purchased f. o. b. the mine, for shipment by rail at a price per net ton not to exceed \$3.75;

(b) Within thirty (30) days from the effective date of this order, the said Lilly Coal Company shall notify all persons purchasing its coals of the adjustments granted by this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 134 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petitioner not granted herein are hereby denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(f) This Order No. 134 shall become effective January 8, 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-378; Filed, January 7, 1943;  
12:05 p. m.]

[Order 135 Under MPR 120]

ROARING CREEK COAL COMPANY  
ORDER GRANTING ADJUSTMENT, ETC.

Order No. 135 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-85-P.

In the matter of Roaring Creek Coal Company, protestant.

Granting adjustment and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) *Granting adjustment.* (1) Bituminous coal in Size Group 6 produced at the Hart No. 1 Mine (Mine Index No. 795), District No. 3, of the Roaring Creek Coal Company, Beverly, West Virginia, may be sold or purchased for shipment by rail, at prices not to exceed \$3.00 per net ton, f. o. b. the mine;

(2) Bituminous coal in Size Group 5 produced at the said Hart No. 1 Mine, may be sold or purchased for shipment by truck or wagon, at prices not to exceed \$2.88 per net ton, f. o. b. the mine;

(3) Paragraph (a) of this order may be revoked or amended by the Price Administrator at any time;

(4) Within thirty days from the effective date of this order, the said Roaring Creek Coal Company shall notify all persons purchasing its coal of the adjustments granted in this order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions contained in Amendment No. 8 to Maximum Price Regulation No. 122:

(b) *Denial of protest except insofar as relief is granted in this Order No. 135.* The protest filed by the said Roaring Creek Coal Company against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120-85-P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 135;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This Order No. 135 shall become effective January 8, 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-379; Filed, January 7, 1943;  
12:08 p. m.]

[Order 8 Under MPR 152]

SUN GARDEN PACKING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 8 under Maximum Price Regulation No. 152—Canned Vegetables.

Approval of maximum prices for Sun Garden Packing Company, 210 California Street, San Francisco, California.

On August 26, 1942, the Sun Garden Packing Company filed an application for specific authorization to charge a particular maximum price pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by the applicant, with respect to the packing in 8 ounce size (Buffet) cans of tomato sauce meeting the density specification of 10.7% dry tomato solids.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered,* That:

(a) The Sun Garden Packing Company may sell, offer to sell or deliver, and any person may buy, offer to buy or receive 8 ounce size (Buffet) cans of tomato sauce of a density of 10.7% dry tomato solids at a price no higher than the maximum price of \$.42 per dozen, f. o. b. factory.

(b) This Order No. 8 may be revoked or amended by the Price Administrator at any time;

(c) The applicant, Sun Garden Packing Company shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(d) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) This Order No. 8 shall become effective on January 8, 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-373; Filed, January 7, 1943;  
12:07 p. m.]

[Order 9 Under MPR 152]

EMMOLO BROTHERS PACKING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 9 under Maximum Price Regulation No. 152—Canned Vegetables.

Approval of maximum prices for Emmolo Brothers Packing Company, St. Helena, California.

Emmolo Brothers Packing Company has filed an application for specific authorization to charge a particular maximum price pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by the applicant with respect to the packing in 5 gallon cans of tomato puree meeting the density specification of 1.045 specific gravity.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 *It is hereby ordered,* That:

(a) The Emmolo Brothers Packing Company may sell, offer to sell, or deliver and any person may buy, offer to buy or receive 5 gallon cans of tomato puree of a density of 1.045 specific gravity at a price no higher than the maximum price of \$2.30 per 5 gallon can f. o. b. factory.

(b) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(c) The applicant, Emmolo Brothers Packing Company, shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(d) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) This Order No. 9 shall become effective on January 8, 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-375; Filed, January 7, 1943;  
12:07 p. m.]



[Order 9 Under MPR 163]

NORTHFIELD MILLS, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 9 Under § 1410.119 of Maximum Price Regulation No. 163—Woolen or Worsted Civilian Apparel Fabrics.

Northfield Mills Incorporated of Northfield, Vermont, made application under § 1410.119 of Maximum Price Regulation No. 163 for authorization to determine maximum prices for two fabrics, Styles 426 and 520. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

(a) On and after January 8, 1943, Northfield Mills, Incorporated may sell and any person may buy from the Northfield Mills, Incorporated, the following fabrics at prices not in excess of the following applicable maximum prices:

Style No. of fabric	Specifications	Maximum price
426.....	Women's wear Shetland; 100% wool; 12/12½ ounces in weight; 58 inches in finished width; 29 ends and 23 picks per finished inch; stock dyed and cross dyed fabric.	Per yard \$2.00
520.....	Women's wear Shetland; 100% wool; 12/12½ ounces in weight; 58 inches in finished width; 29 ends and 23 picks per finished inch; piece dyed fabric.	1.975

(b) The maximum prices established in paragraph (a) of this order shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 9 may be amended or revoked at any time by the Office of Price Administration.

(d) This Order No. 9 shall become effective January 8, 1943.

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

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-374; Filed, January 7, 1943; 12:06 p. m.]

[Order 58 Under RPS 64]

COLE HOT BLAST MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 58 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

Approval of maximum prices for Cole Hot Blast Manufacturing Company, 3108-3128 West Fifty-First Street, Chicago, Illinois.

On November 28, 1942, the Cole Hot Blast Manufacturing Company, 3108-3128 West Fifty-First Street, Chicago,

Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for eight models of Heating Stoves, as designated below.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Cole Hot Blast Manufacturing Company may sell, offer to sell, transfer or deliver the following models of heating stoves at prices no higher than those specified:

Model No.:	F.o.b. factory to dealers
840-V.....	\$38.91
830-V.....	31.23
205-V.....	23.67
109-V.....	17.97
108-V.....	13.77
225-V.....	11.85
107-V.....	11.32
221-V.....	9.06

subject to discounts, allowances and terms no less favorable than those in effect with respect to the maximum prices for the comparable models B-840, B-830, 205-B, 109-B, 108-B, 625-L, 107-B, 621-L, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 58 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 58 shall become effective on the 8th day of January 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 43-376; Filed, January 7, 1943; 12:07 p. m.]

[Order 7 Under RPS 41]

ELECTROCAST STEEL FOUNDRY CO.

ADJUSTMENT OF MAXIMUM PRICES

Correction

In the 16th line of the middle column of page 246 of the issue for Wednesday, January 6, 1943, the figure 63 is indistinctly printed.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1779]

CLEVELAND BUILDERS REALTY CO.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW 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 4th day of January, A. D. 1943.

In the matter of The Cleveland Builders Realty Company, Capital Stock, No Par Value.

The Cleveland Builders Realty Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Capital Stock, No Par Value, from listing and registration on the Cleveland Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10:00 a. m. on Thursday, February 4, 1943, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That C. J. Odenweller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 43-394; Filed, January 7, 1943; 3:00 p. m.]

WAR PRODUCTION BOARD.

Director General for Operations.

[Preference Rating Order P-19-h, Serial 28136]

RESTORATION AND AMENDMENT OF PREFERENCE RATING

Name and address of builder: Federal Works Agency, North Interior Building, Washington, D. C. Project and location: Construction of an addition to the Sunray Elementary School, Sunray Independent School District, Sunray, Texas (WPW 41-436).

The revocation issued December 4, 1942 of the above serially numbered preference rating order is hereby cancelled; the ratings assigned by said preference rating order are hereby restored; and said preference rating orders shall have full force and effect as hereinafter amended.

The above serially numbered preference rating order is hereby amended to expire on May 1, 1943.

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

Issued January 6, 1943.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 43-395; Filed January 7, 1943; 3:39 p. m.]