FEDERAL REGISTER

VOLUME 8 NUMBER 92

Washington, Tuesday, May 11, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP–1942–21]

PART 701—AGRICULTURAL CONSERVATION PROGRAM [1]

WHEAT

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1942 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.301 (g) (6) (ii) is amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments and deductions.* * * *

(g) *Wheat.* * * *

(6) * * * (ii) any acreage of volunteer wheat which reaches maturity: *Provided,* That, on any farm on which the acreage seeded to wheat does not exceed the farm wheat acreage allotment, the acreage of volunteer wheat will not be regarded as acreage planted to wheat for any producer if he places in farm storage and agrees to hold in storage until it may be marketed free of marketing quota penalty an amount of wheat equal to the smaller of his share of the wheat produced on the farm in excess of his share of the normal production of the acreage allotment, or his share of the normal production of the number of acres by which the sum of the acreage of seeded wheat and the acreage of volunteer wheat which reaches maturity exceeds the wheat acreage allotment;

2. Section 701.301 (g) (8) is amended by deleting the reference therein to § 701.301 (d) (6) (ii) and by substituting in lieu thereof § 701.301 (g) 6 (ii).

Done at Washington, D. C., as of the 23d day of February 1943. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43–7328; Filed, May 10, 1943; 11:18 a. m.]

[1] Subpart D—1942.

[ACP–1943–9]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM [1]

WHEAT AND CORN

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1943 Agricultural Conservation Program, as amended, is further amended to read as follows:

1. Section 701.401 (f) is amended by deleting subparagraph (4) and by renumbering subparagraph (5) as subparagraph (4) and by changing subdivision (ii) of new subparagraph (4) to read as follows:

§ 701.401 *Allotments, yields, and grazing capacities.* * * *

(f) *Wheat.* * * *

(4) Acreage planted to wheat means * * *

(ii) Any acreage of volunteer wheat which reaches maturity; and * * *

2. Section 701.403 (a) (1) and (5) is amended to read as follows:

§ 701.403 *Production adjustment allowance and deductions*—(a) *The farm production adjustment allowance.* * * *

(1) Corn: 3.6 cents per bushel of the normal yield of corn for the farm for each acre in the corn allotment.

* * * * *

(5) Wheat: 9.2 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

3. Section 701.403 (c) is amended by deleting subparagraph (3) thereof and by changing subparagraph (2) to read as follows:

[1] Subpart E—1943.

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

(Continued on next page)

FEDERAL REGISTER

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

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

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

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

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

(c) *Deductions for exceeding allotments.* * * *

(2) Tobacco: Ten times the payment rate for each acre planted to tobacco in excess of the applicable tobacco allotment.

Done at Washington, D. C., as of the 23d day of February 1943. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43-7329; Filed, May 10, 1943; 11:18 a. m.]

PART 721—CORN

NATIONAL AND COUNTY CORN ACREAGE ALLOTMENTS FOR 1943

Whereas pursuant to sec. 328 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture

on the 24th day of November, 1942, proclaimed a national corn acreage allotment for the commercial corn producing area for the calendar year 1943, and

Whereas pursuant to sec. 329 (a) of said Act, the Secretary of Agriculture on the 31st day of December, 1942, proclaimed county corn acreage allotments for the commercial corn producing area for 1942, and

Whereas during the present emergency it is necessary to utilize in the most effective manner the soil, labor, and other facilities of production, in order to provide for the production of food and fibers sufficient to maintain normal domestic consumption at the level required by sec. 304 of said Act, and

Whereas the national acreage allotment and the county acreage allotments heretofore proclaimed will limit the incentive to produce in areas and on farms where an acreage of corn larger than the corn acreage allotment can be grown more economically than other crops, thereby discouraging the production of corn in amounts sufficient to maintain normal domestic consumption during the present national emergency at the level required by sec. 304 of said Act;

Now, therefore, pursuant to the authority vested in the Secretary of Agriculture by sec. 304 of said Act, it is hereby proclaimed that:

§ 721.402 *Corn acreage allotments for the commercial corn producing area for 1943.* The 1943 national corn acreage allotment for the commercial corn producing area is revoked for the purposes of Title III of the Agricultural Adjustment Act of 1938, as amended, but shall remain in effect for the purposes of the Soil Conservation and Domestic Allotment Act, as amended.

§ 721.403 *County corn acreage allotments for 1943.* The 1943 county corn acreage allotments are revoked for the purpose of Title III of the Agricultural Adjustment Act of 1938, as amended, but shall remain in effect for the purposes of the Soil Conservation and Domestic Allotment Act, as amended.

(Sec. 304, 7 U.S.C. 1940 ed. 1304, 52 Stat. 45)

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

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

[F. R. Doc. 43-7330; Filed, May 10, 1943; 11:18 a. m.]

PART 728—WHEAT

NATIONAL MARKETING QUOTA FOR WHEAT FOR THE MARKETING YEARS 1942–43 AND 1943–44

Whereas pursuant to sec. 335 (a) of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture proclaimed that a national marketing quota shall be in effect with respect to the marketing of wheat during the 1942–43 marketing year, and

Whereas on the 30th day of June, 1942, the Secretary of Agriculture proclaimed that wheat farmers had approved marketing quotas for wheat for the 1942–43 marketing year in a national referendum and that marketing quotas would be in effect for the 1942 crop of wheat, and

Whereas the Secretary of Agriculture on the 5th day of August, 1942, proclaimed that a national marketing quota shall be in effect with respect to the marketing of wheat during the 1943–44 marketing year, and

Whereas the Secretary of Agriculture has reason to believe that because of the present national emergency, termination of marketing quotas for wheat for the marketing years 1942–43 and 1943–44 is necessary in order to effectuate the declared policy of the Act and has caused an investigation to be made, and

Whereas the Secretary of Agriculture hereby finds and determines that the termination of marketing quotas for wheat for the marketing years 1942–43 and 1943–44 is necessary in order to meet the present national emergency:

Now, therefore, pursuant to the authority vested in the Secretary of Agriculture by sec. 371 (b) of the Agricultural Adjustment Act of 1938, as amended, it is hereby proclaimed that:

§ 728.305 *National marketing quota for wheat for the 1942–43 marketing year.* The national marketing quota for wheat for the 1942–43 marketing year is hereby terminated.

§ 728.405 *National Marketing quota for wheat for the 1943–44 marketing year.* The national marketing quota for wheat for the 1943–44 marketing year is hereby terminated.

(Sec. 371 (b), 7 U.S.C. 1940 ed. 1371 (b), 52 Stat. 64)

Done at Washington, D. C., as of the 23d day of February 1943. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43-7331; Filed, May 10, 1943; 11:18 a. m.]

PART 728—WHEAT

NATIONAL AND STATE WHEAT ACREAGE ALLOTMENTS FOR 1943

Whereas pursuant to sec. 333 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on the 10th day of November, 1942, proclaimed a national wheat acreage allotment for the calendar year 1943, and

Whereas pursuant to sec. 334 (a) of said Act, the Secretary of Agriculture on the 12th day of June, 1942, proclaimed State wheat acreage allotments for the calendar year 1943, and

Whereas during the present emergency it is necessary to utilize in the most effective manner the soil, labor, and other facilities of production, in order to provide for the production of food and fibers sufficient to maintain normal domestic consumption at the level required by sec. 304 of said Act, and

Whereas the national acreage allotment and the State acreage allotments heretofore proclaimed will limit the incentive to produce in areas and on farms where an acreage of wheat larger than the wheat acreage allotment can be grown more economically than other crops, thereby discouraging the production of wheat in amounts sufficient to maintain normal domestic consumption during the present national emergency at the level required by sec. 304 of said Act;

Now, therefore, pursuant to the authority vested in the Secretary of Agriculture by sec. 304 of said Act, it is hereby proclaimed that:

§ 728.401 *1943 national wheat acreage allotment.* The 1943 national wheat acreage allotment is revoked for the purposes of Title III of the Agricultural Adjustment Act of 1938, as amended, but shall remain in effect for the purposes of the Soil Conservation and Domestic Allotment Act, as amended.

§ 728.402 *1943 state wheat acreage allotments.* The 1943 State wheat acreage allotments are revoked for the purposes of Title III of the Agricultural Adjustment Act of 1938, as amended, but shall remain in effect for the purposes of the Soil Conservation and Domestic Allotment Act, as amended.

(Sec. 304, 7 U.S.C. 1940 ed. 1304, 52 Stat. 45)

Done at Washington, D. C. as of the 23d day of February 1943. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43-7332; Filed, May 10, 1943; 11:19 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-39]

PART 115—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

JOINT RESOLUTION

MAY 6, 1943.

Pursuant to the authority contained in section 5 (g) of the Joint Resolution of

April 29, 1943 (Public Law 45, 78th Congress; Chapter 82, 1st Session); section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753) and all other authority conferred by law, the following new part is prescribed in Subchapter B of the said regulations:

Sec.
115.1 Definitions.
115.2 Qualifications for admission.
115.3 Fingerprinting; identification card; conditions and period of admission.
115.4 Extensions of period of admission.
115.5 Hearings before Board of Special Inquiry.
115.6 Maintenance of status and deportation.
115.7 Duplicate identification cards.
115.8 Readmission after temporary visits to foreign contiguous territory.
115.9 Waiver of departure permit requirements.

AUTHORITY: §§ 115.1 to 115.9, inclusive, issued under sec. 5 (g), Pub. Law 45, 78th Cong.; sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 115.1 *Definitions.* As used in this part:

(a) The term "agricultural worker" means an alien, either male or female, who was born in North America, South America, Central America, or in any island adjacent thereto, who is residing in any of said places, and who desires to enter the United States for the purpose of engaging in agricultural labor as defined herein; or such an alien who, after so entering, is engaged in such labor.

(b) The term "agricultural labor" means services performed in the employ of any person, trust, estate, partnership, or corporation in connection with farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the raising, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including crude gum (oleoresin) from a living tree and certain products as processed by the original producer of the crude gum (oleoresin) from which derived), the raising and shearing of livestock, bees, fur-bearing animals, poultry, or wild life, and any practices (including any forestry or lumbering operations) performed by a farmer on a farm as an incident to, or in conjunction with such farming operations, including handling, drying, packing, freezing, grading, processing (if such service is performed as an incident to ordinary farming operations, or in the case of fruits and vegetables as an incident to the preparation of such fruits and vegetables for market), and including further the preparation for market, delivery to storage or to market or to carriers for transportation to market, and the operation, management, conservation, improvement, or maintenance of the tools and equipment used in connection therewith: *Provided, however,* That the foregoing shall not include services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(c) The term "enemy alien" means any native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war or which the President by public proclamation has declared to have perpetrated, attempted, or threatened an invasion or predatory incursion against the territory of the United States. (Sec. 3 (f), 52 Stat. 1060, 29 U.S.C. 203; sec. 1426 (h), 53 Stat. 1386, 26 U.S.C. 1426)

§ 115.2 *Qualifications for admission.* Any agricultural worker who applies for admission into the United States under Public Law 45 of April 29, 1943, and the provisions of this part must:

(a) Submit to the examining immigrant inspector an alien laborer's identification card (Form I–100) prepared prior to embarkation for the United States by the War Food Administrator or his duly authorized representative, or if not in possession of an alien laborer's identification card so issued, shall establish that he is seeking admission as one of a specific group of agricultural workers who are being recruited directly by an employer under conditions which have been approved by the District Director of Immigration and Naturalization of the district in which the alien applies for admission;

(b) Submit to the examining immigrant a birth certificate, or otherwise establish to the satisfaction of said immigrant inspector that he was born in the country of claimed nativity;

(c) Establish that he is not an enemy alien and that he is in all respects admissible under the provisions of the immigration laws except:

(1) The provisions of section 3 of the Immigration Act of February 5, 1917, relating to contract laborers, the requirements of literacy, and the payment of passage by corporations, foreign governments, or others;

(2) The provisions of section 3 of the Immigration Act of February 5, 1917, and section 1 of the Act of March 4, 1929, requiring permission of the Attorney General to reapply for admission in the case of any alien previously arrested and deported or excluded and deported solely because of illegal entry or absence of required documents, if such deportation has not occurred on more than one occasion, and such alien establishes that he is otherwise entitled to temporary admission as an agricultural worker under the provisions of this Part;

(3) The requirement of section 2 of the Immigration Act of February 5, 1917, relative to the payment of head tax;

(4) The prohibitions contained in sections 5 and 6 of the Immigration Act of February 5, 1917;

(5) The provisions of the laws and regulations relating to documents required of aliens entering the United States, and

(6) The provisions of Title III of the Alien Registration Act of 1940 relating to the registration of aliens.

(d) Satisfy the examining immigrant inspector that if admitted he will comply with the conditions of such admission. (Secs. 2, 3, 5, 6, 39 Stat. 875, 879, 8 U.S.C. 132, 136, 139, 142; sec. 1, 45 Stat. 1551, 46 Stat. 41, 8 U.S.C. 180; Title III, 54 Stat. 673, 8 U.S.C. 451)

§ 115.3 *Fingerprinting; identification card; conditions and period of admission.* Any alien found admissible into the United States under the provisions of this Part shall:

(a) Be fingerprinted as follows:

(1) By placing prints of the right thumb and right index finger on the reverse side of the original Form I–100 prepared by the War Food Administrator or his duly authorized agent or, in cases not recruited by the Administrator, on the original of a Form I–100 prepared at the port of arrival by an officer of the Immigration and Naturalization Service;

(2) By placing complete fingerprints of both hands on one copy of Form AR–4; and

(3) By executing the obverse of Form AR–4, in duplicate (only one copy of which shall bear fingerprints), and by placing on both copies of Forms AR–4 a stamped notation reading "Admitted as agricultural worker". Both copies of Form AR–4, when so executed, shall be forwarded to the Assistant Commissioner for Alien Registration.

(b) Be given the original alien laborer's identification card bearing his photograph, and stating his name, place of birth and citizenship, duly endorsed by an immigrant inspector to show the date, place, and period of his admission into the United States and signed by said immigrant inspector across the bottom of the photograph, partly on the photograph and partly on the card. In cases of aliens recruited by the War Food Administrator or his duly authorized representative the duplicate copy of said card shall be forwarded to the Administrator or to such representative. In cases recruited directly by employers the duplicate need not be executed. In all cases a triplicate copy of the card shall be completely executed and retained in the records of the Service at the port of the

alien's entry. Fingerprints of the alien shall not be placed on the duplicate and triplicate cards.

(c) Be admitted for a fixed period, not exceeding one year, on condition that he continuously maintain the status of an agricultural worker and depart from the United States at the expiration of his admission or of any extension thereof: *Provided, however,* That regardless of the period for which an alien is admitted under this Part, or of any extension thereof, such period shall automatically terminate 30 days after cessation of all hostilities between the United States and her enemies in the present war.

§ 115.4 *Extensions of period of admission.* No extension of the temporary admission of any alien admitted under this part shall be granted without general or specific instructions from the Central Office.

§ 115.5 *Hearings before Board of Special Inquiry.* Any alien seeking admission under this part in whose case the examining immigrant inspector is not satisfied that such alien is admissible shall be held for hearing before a Board of Special Inquiry and the procedure applicable to aliens seeking admission into the United States under the general provisions of the immigration laws shall be followed.

§ 115.6 *Maintenance of status and deportation.* (a) An alien admitted into the United States as an agricultural worker under the provisions of this part shall maintain the status of an agricultural worker during the entire time he remains in the United States pursuant to such admission and shall depart at the termination of the period for which he was admitted or of any extensions thereof, including the automatic termination prescribed in paragraph (c) of § 115.3.

(b) An alien admitted as an agricultural worker under the provisions of this part who fails to maintain the status under which he was admitted, or fails to depart from the United States in accordance with the conditions of his admission shall be deemed to be unlawfully in the United States and shall be taken into custody and deported in accordance with the applicable provisions of Part 150 of this chapter.

§ 115.7 *Duplicate identification cards.* A duplicate alien laborer's identification card may be issued in the discretion of the District Director of Immigration and Naturalization of the district through which the alien agricultural worker entered the United States where the original has been lost or destroyed.

§ 115.8 *Readmission after temporary visits to foreign contiguous territory.* An agricultural worker who has been admitted under the provisions of this part may be readmitted after temporary visits to foreign contiguous territory on presentation of his alien laborer's identification card if he is still maintaining the status of an agricultural worker in the United States.

§ 115.9 *Waiver of departure permit requirements.* Any alien admitted to the United States under the provisions of this part shall not, when departing from the United States, be required to present a permit to depart issued under the provisions of Part 175 of this Chapter.

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-7302; Filed, May 10, 1943; 10:01 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

CONTRACT DELAYS

Section 81.381 (8 F.R. 2144) is hereby rescinded, the regulations contained therein having been omitted in revision of the procurement regulations. (Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C. Sup. 601–622) [War Dept. Procurement Regulations, September 5, 1942, as amended by Change No. 14, March 26, 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-7306; Filed, May 10, 1943; 10:33 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 308—RULES AND REGULATIONS OF GENERAL APPLICATION

CONFIDENTIAL AND PRIVILEGED DOCUMENTS

§ 308.1 *Regulation defining confidential and privileged documents and information and restricting disclosure thereof*—(a) *Confidential information and documents.* All files, documents, reports, books, accounts and records (hereinafter collectively referred to as "documents") pertaining to insured banks, or the internal operations and affairs of the Corporation in the possession or under the control of the Corporation, or any officer or employee thereof, and all facts or information contained in such documents or acquired by said officers or employees in the performance of their official duties (hereinafter collectively referred to as "information") are confidential, unless prepared for public distribution by order of the Board of Directors of the Corporation or its Chairman.

(b) *Certain documents and information also privileged.* Documents and information pertaining to (1) examinations or investigations of insured banks, (2) applications and reports to the Corporation by any bank (exclusive of applications for loans or purchases of assets under Title 12 U.S.C., Sec. 264 (n) (4)), (3) proceedings for the termination of the insured status of any bank, or (4) the internal operations of the Corporation are conditionally privileged as well as confidential, and shall hereinafter sometimes be referred to as "privileged".

(c) *Disclosure prohibited.* Officers and employees of the Corporation are prohibited from allowing any person to inspect, examine or copy any of said confidential or privileged documents, or furnishing copies thereof, or from disclosing any such confidential or privileged information, except as hereinafter provided:

(1) The Chief of any Division having custody thereof in his discretion may release or furnish any document or information, not privileged, to any governmental agency, state or federal, for use in the exercise of their official duties; and to any other person upon a verified written application, which shall show that the applicant has a substantial interest therein and the purpose for which it is to be used: *Provided,* Such disclosure, in the opinion of the Division Chief, will not be prejudicial to the Corporation or the public interest.

(2) The Chief of the Division of Examination may furnish to an insured nonmember bank copies of any reports of examination of such bank (except the section designated "confidential") and other information pertaining to its affairs: *Provided,* That copies of such reports of examination and other information so furnished to an insured bank shall remain the property of the Corporation and under no circumstances shall the bank or any of its directors, officials or employees disclose or make public in any manner such reports or any portion thereof or other information so furnished by the Corporation.

(3) The Chief of the Division of Examination may furnish to the Comptroller of the Currency, to any Federal Reserve Bank, and to any Commission, Board or authority having supervision of a state nonmember bank, and to the Reconstruction Finance Corporation, if it owns or holds as pledgee, or has under consideration an application for the purchase of any preferred stock, capital notes or debentures in such bank, copies of reports of examination made on behalf of the Corporation and other information pertaining to insured nonmember banks for use in the exercise of their official duties: *Provided,* That such reports of examination and other information so

furnished to such officials or agency shall remain the property of the Corporation and under no circumstances shall any such official or agency disclose or make public in any manner such reports or any portion thereof or other information so furnished by the Corporation.

(4) The Chief of the Division of Examination may furnish to any official of the Department of Justice any information regarding defalcations, burglaries or robberies affecting insured banks when, in his opinion, there is urgent need for immediate action to be taken by such Department in the investigation thereof or the apprehension or prosecution of persons responsible therefor.

(5) The Chief of the Division of Research and Statistics may furnish to the Comptroller of the Currency, to any Federal Reserve Bank, and to any Commission, Board or authority having supervision of a state nonmember bank copies of reports of condition made by insured banks to the Corporation, including statements of assets, liabilities and capital accounts and of earnings, expenses and distribution of profits, for use in the exercise of their official duties: *Provided*, That under no circumstances shall such state or federal officials make public the contents of such reports or any portion thereof, except in the publication of general statistical reports.

(6) The Solicitor of the Corporation may disclose to the proper federal prosecuting authorities any and all documents and information relating to irregularities discovered in open and closed insured banks believed to constitute violations of the federal criminal statutes. The Solicitor may authorize the production of any document, the disclosure of any information, and the giving of any testimony with respect thereto by any officer or employee of the Corporation, upon any proceedings, hearing or trial, civil or criminal, in any state or federal court or before any administrative board, commission or committee. Such authorization may be given only in response to a subpoena or other process duly issued and served upon the Corporation in Washington, D. C., which service may be by registered mail addressed to the Federal Deposit Insurance Corporation, Washington, D. C., specifying the document requested, the nature and scope of the testimony to be elicited, the name of the witness and the place and time of appearance: *Provided*, That the Solicitor, in his discretion, may waive the requirement of service of subpoena or process when he believes it to be in the interest of justice to do so. Without such prior authorization, any officer or employee required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any document or disclose any information or give any testimony with respect thereto, basing his refusal upon this regulation: *Provided, however*, This prohibition shall not apply to information which may be disclosed pursuant to and in accordance with the provisions of subsection (b), section 22 of the Federal Reserve Act (Title 12 U. S. C., sec. 594) as amended by section 326 of the Banking Act of 1935: *And provided further*, That when such requested documents or information are privileged, the Solicitor shall not authorize their production or disclosure in any of the suits or proceedings hereinbefore mentioned, or otherwise, except where the production of such evidence is requested in behalf of the Corporation, the United States, or the person from whom such privileged documents and information were obtained.

(d) *Service of process on officer or employee.* Any officer or employee of the Corporation served with a subpoena, order or other process requiring his personal attendance as a witness or the production of documents or information upon any proceeding mentioned in the preceding paragraph shall promptly advise (1) the court or tribunal which issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this regulation, and (2) the Solicitor of the Corporation at Washington, D. C. of such service and of the documents and information requested and any facts which may be of assistance to the Solicitor in determining whether such documents and information should be made available.

(e) *Authority of Chairman of Board of Directors.* Notwithstanding any of the foregoing provisions, the Chairman of the Board of Directors, in his discretion and pursuant to law, may authorize the production, examination or inspection of any documents, or the furnishing of copies thereof, or the disclosure of any information, or may direct the Solicitor or the Chief of any Division to refuse to permit the production, examination or inspection of any documents, or the furnishing of copies thereof, or the disclosure of any information, when in his opinion such action is consistent with the public interest. (U.S.C., 1940 Ed., title 12, secs. 264 (j), (k) and (n). (Adopted April 23, 1943.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 43-7307; Filed, May 10, 1943; 10:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3403]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACOB SIEGEL COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondent's "Alpacuna", or any other similar coats, representing (1) that respondent's coats contain guanaco hair; (2) that the Angora goat hair or mohair used in respondent's coats is imported from Turkestan or any other foreign country; (3) through the use of drawings or pictorial representations, or in any other manner, that respondent's coats contain fibers or materials which they do not in fact contain; or (4) that coats made of fabrics which have a cotton backing are composed entirely of wool or of wool and hair; or (5) using any advertising matter or causing, aiding, encouraging, or promoting the use by dealers of any advertising matter which purport to disclose the constituent fibers or materials of coats composed in part of cotton, unless such advertising matter clearly discloses such cotton content along with such other fibers or materials; or (6) using the word "Alpacuna", or any other word which in whole or in part is indicative of the word "vicuna", to designate or describe respondent's coats; or otherwise representing, directly or by implication, that respondent's coats contain vicuna fiber; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Jacob Siegel Company, Docket 3403, April 28, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of April, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the second amended complaint of the Commission, the answer of respondent, testimony and other evidence taken before Edward E. Reardon, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence and the exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Jacob Siegel Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's coats now designated "Alpacuna" coats, or any other coats of substantially similar composition, under whatever name sold, do forthwith cease and desist from:

1. Representing that respondent's coats contain guanaco hair.

2. Representing that the Angora goat hair or mohair used in respondent's coats is imported from Turkestan or any other foreign country.

3. Representing through the use of drawings or pictorial representations, or in any other manner, that respondent's coats contain fibers or materials which they do not in fact contain.

4. Representing that coats made of fabrics which have a cotton backing or composed entirely of wool or of wool and hair.

5. Using any advertising matter or causing, aiding, encouraging, or promoting the use by dealers of any advertising matter which purports to disclose the constituent fibers or materials of coats composed in part of cotton, unless such advertising matter clearly discloses such cotton content along with such other fibers or materials.

6. Using the word "Alpacuna," or any other word which in whole or in part is indicative of the word "vicuna," to designate or describe respondent's coats; or otherwise representing, directly or by implication, that respondent's coats contain vicuna fiber.

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

It is further ordered, That no provision in this order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder.

Commissioner Freer dissents from so much of the order as wholly prohibits the continued use of the trade name "Alpacuna" for the reason that this trade name, which has been in use for more than thirteen years, is a valuable business asset, and is neither deceptive per se, nor is the testimony concerning its tendency or capacity to deceive sufficiently clear and convincing as to render such prohibition of its use necessary in the public interest.

A majority of the Commission do not agree with either Commissioner Freer's statements of fact or his conclusions of law.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-7333; Filed, May 10, 1943; 11:37 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 1 to Rev. V]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F. R. 3555), Cumulative Supplement 1 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision V of April 23, 1943 (8 F.R. 5435), is hereby promulgated.[1]

By direction of the President:

CORDELL HULL,
Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director
Board of Economic Warfare.
J. C. ROVENSKY,
Acting Coordinator of Inter-American Affairs.

MAY 7, 1943.

[F. R. Doc. 43-7287; Filed, May 8, 1943; 12:43 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 152, 2d. Ed.]

PART 627—APPEAL TO BOARD OF APPEAL

RECONSIDERATION OF BOARD OF APPEAL DETERMINATION

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

1. Amend paragraph (b) of section 627.61 to read as follows:

§ 627.61 *Reconsideration of board of appeal determination.*[2] * * *

(b) At any time within 10 days after the date when the local board mails to the registrant a Notice of Classification (Form 57), as provided in § 627.31, or at any time before the registrant is mailed an Order to Report for Induction (Form 150), the government appeal agent, if he deems it to be in the national interest or necessary to avoid an injustice, may prepare and place in the registrant's file a recommendation that the State Director of Selective Service either request the board of appeal to reconsider its determination or appeal to the President. The registrant's file shall then be forwarded to the State Director of Selective Service. As soon as the State Director of Selective Service has acted upon the government appeal agent's request, he shall advise the local board and, if he determines neither to request the board of appeal to reconsider its determination nor to appeal to the President, he shall return the file to the local board.

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

LEWIS B. HERSHEY,
Director.

MAY 7, 1943.

[F. R. Doc. 43-7243; Filed, May 7, 1943; 4:48 p. m.]

[No. 183]

CORRESPONDENCE POSTAL CARD—GENERAL

ORDER PRESCRIBING FORM

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

Addition of a new form designated as DSS Form 353, entitled "Correspondence Postal Card—General," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 8, 1943.

[F. R. Doc. 43-7305; Filed, May 10, 1943; 10:39 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

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

PART 1010—SUSPENSION ORDERS

[Suspension Order S-291]

BAILEY-FARRELL CO.

The Bailey-Farrell Company, having its principal place of business in Pitts-

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

[2] 7 F.R. 10520; 8 F.R. 4292.

[1] Form filed as part of the original document.

burgh, Pennsylvania, has a branch sales office at 912 Virginia Street East, Charleston, West Virginia, and is engaged in the sale of plumbing and heating equipment. Although it was familiar with the provisions of Limitation Order L–79, the Charleston Branch sold or delivered on a number of occasions subsequent to October 14, 1942 new metal heating equipment to ultimate consumers in violation of that Order. The sales and deliveries were made by the Company pursuant to orders which bore no preference ratings and did not fall within any of the other exceptions contained in Limitation Order L–79. Most of the invoices, furthermore, bore certifications signed by ultimate consumers similar to a certification contained in Limitation Order L–79, the authorized certification being altered, however, by the Bailey-Farrell Company salesman to fit the circumstances. These sales and deliveries in violation of Limitation Order L–79 were made in such careless disregard of the Order as to constitute wilful behavior.

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

§ 1010.291 *Suspension Order S–291.* (a) Deliveries of material to the Charleston, West Virginia Branch of the Bailey-Farrell Company, its successors and assigns, shall not be accorded priority, directly or indirectly, over deliveries under any other contract or order and no preference ratings shall be directly or indirectly assigned, applied or extended to such deliveries by means of preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, except as hereafter specifically authorized in writing by the War Production Board.

(b) No allocation, directly or indirectly, shall be made to the Charleston, West Virginia Branch of the Bailey-Farrell Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve the Charleston, West Virginia Branch of the Bailey-Farrell Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 9, 1943, and shall expire on August 9, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 7th day of May 1943.

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

[F. R. Doc. 43–7244; Filed, May 7, 1943; 4:54 p. m.]

Subchapter A—Delegations of Authority

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1S, as Amended May 8, 1943]

RATIONING OF NEW DOMESTIC COOKING AND HEATING STOVES

Section 903.24 *Supplementary Directive 1S* is amended to read as follows:

§ 903.24 *Further delegation of authority to the Office of Price Administration with reference to the rationing of new domestic heating and cooking stoves.* (a) In order to permit the efficient rationing of new domestic heating and cooking stoves, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1) is hereby extended to include the following:

(1) The exercise of rationing control over the sale, transfer, delivery or other disposition of new domestic heating and cooking stoves by any person to any other person: *Provided,* That such authority shall not include the power to limit or restrict the quantity of such stoves to be produced, or the quantity of such stoves obtainable by the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States; or by government agencies or other persons to the extent to which they acquire such stoves for export to and consumption or use in any foreign country, or by government agencies or other persons to the extent to which they acquire such stoves for installation in a project when such installation has been specifically authorized by the War Production Board by the issuance of an order in the P–19, P–55 or P–110 series.

(2) The requiring of the delivery of such certificate or other evidence as the Office of Price Administration may prescribe as a condition to the sale, transfer, delivery or other disposition of new domestic heating and cooking stoves by any person to any other person.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of new domestic heating and cooking stoves to, or the acquisition of such stoves by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration pursuant to this supplementary directive.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this supplementary directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person making any sale, transfer, delivery, or other disposition of new heating and cooking stoves to any other person; and

(2) To require any person who is engaged in the distribution of new heating and cooking stoves to the consumer to comply with any rule, regulation or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

(d) As used in this supplementary directive, the term "domestic heating and cooking stoves" means heating stoves and space heaters, cooking stoves and ranges, combination heating and cooking stoves, laundry stoves, combination ranges, and conversion range burners designed to burn oil, all the foregoing designed for domestic purposes (whether or not used for such purposes), but does not include equipment which is especially designed for commercial, industrial, institutional, or agricultural uses; the term "new", as applied to domestic heating and cooking stoves, means stoves which have not been sold to a consumer, and stoves which have been sold to a consumer but which have been used for not more than 60 days; the term "consumer" means any person who acquires new domestic heating and cooking stoves other than persons who acquire such stoves for resale without using them for the purposes for which they were designed; the term "person" means any individual, partnership, corporation, association, government or government agency, and any other organized group or enterprise.

(e) The War Production Board from time to time will advise the Office of Price Administration as to the quantities of new heating and cooking stoves available for rationing and may specify the quantities of new heating and cooking stoves which shall be released to consumers from time to time by the Office of Price Administration under this supplementary directive.

(f) The War Production Board may from time to time amend the delegation herein in such manner and to such extent as said War Production Board may determine to be necessary or appropriate.

(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 May 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43–7275; Filed, May 8, 1943; 11:27 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 15]

PYRETHRUM AND ROTENONE INSECTICIDES

Section 903.27a *Directive 15, Pyrethrum insecticides* is hereby amended to read:

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9040

of January 24, 1942 and Executive Order No. 9125 of April 7, 1942, and for the purpose of securing the efficient distribution to and use in agriculture of pyrethrum insecticides and rotenone insecticides in order to assure the greatest possible production of food, it is hereby ordered that:

§ 903.27a *Pyrethrum and rotenone insecticides.* (a) Within the quantities of pyrethrum insecticides and rotenone insecticides from time to time allocated to agriculture by War Production Board, the War Food Administrator is authorized to perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940 (Pub. Law 671, 76th Cong.; 54 Stat. 676), as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.; 55 Stat. 236), and as further amended by the Act of March 27, 1942 (Pub. Law 507, 77th Cong.; 56 Stat. 176), with respect to the sale or other disposition of such insecticides to ultimate agricultural consumers and the use of such insecticides in agriculture by such consumers.

(b) The authority of the War Food Administrator under this directive shall include the power to regulate or prohibit use of pyrethrum insecticides and rotenone insecticides in agriculture and sale or other disposition of such insecticides to or acquisition of such insecticides by any ultimate consumer for use in agriculture. The War Food Administrator may issue such regulations, orders and directives, direct such inspections, and take such measures as he may deem necessary or appropriate for the effectuation of the powers conferred by this directive.

(c) Nothing herein shall be construed to authorize the War Food Administrator (1) to determine the amount of governmental requirements for pyrethrum or pyrethrum insecticides or for rotenone or rotenone insecticides, (2) to regulate or prohibit the manufacture or import of pyrethrum or pyrethrum insecticides or of rotenone or rotenone insecticides, (3) to regulate or prohibit the use, sale or other distribution of pyrethrum or rotenone, (4) to regulate or prohibit any non-agricultural use of pyrethrum insecticides or of rotenone insecticides or the sale or other distribution of pyrethrum insecticides or rotenone insecticides for any non-agricultural use, (5) to control the delivery of pyrethrum or pyrethrum insecticides or of rotenone or rotenone insecticides to or for the account of, or the acquisition or use of pyrethrum or pyrethrum insecticides or of rotenone or rotenone insecticides by or for the account of: (i) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics and the Office of Scientific Research Development; or (ii) Government agencies or other persons acquiring such product for export to and consumption or use in any foreign country.

(d) The War Food Administrator may exercise the power, authority and discretion conferred by this directive, through such officials, including part time and uncompensated special agents, as he may determine.

(e) The Chairman or Executive Vice Chairman of the War Production Board may from time to time delegate to the War Food Administrator such additional powers with respect to the distribution to or use in agriculture of pyrethrum insecticides or rotenone insecticides or amend or revoke the delegation herein in such manner and to such extent as he may determine to be necessary.

(f) Nothing herein shall be construed to limit or modify any order heretofore issued by the Director of Priorities of the Office of Production Management, by the Director of Industry Operations of the War Production Board, by the Director General for Operations of the War Production Board, or by War Production Board, as from time to time amended, nor to delegate to the War Food Administrator the power to extend, amend or modify any such order.

(g) Nothing herein shall be construed to limit such authority as is conferred on the Secretary of Agriculture by section 2 of Executive Order No. 9280 of December 5, 1942.

(h) For the purposes of this directive: (1) "Pyrethrum" means pyrethrum flowers and the powder, dust or extract derived therefrom. (2) "Rotenone" means the active insecticidal ingredients of the roots of derris, cube, barbasco, tuba or timbo. The term includes both crude rotenone in the form of root or of root which has been dried, broken, shredded, cut or chipped, and processed rotenone in the form of finely ground or powdered crude rotenone, or in the form of liquid or solid extracts (or resins) obtained from crude rotenone. (3) "Pyrethrum insecticides" means any compound containing pyrethrum combined with other liquid or dry materials, whether active or inert: *Provided,* That such compound is suitable for use as an insecticide. (4) "Rotenone insecticides" means any compound containing rotenone combined with other liquid or dry materials, whether active or inert: *Provided,* That such compound is suitable for use as an insecticide. (5) "Person" means any individual, partnership, corporation, association, government or governmental agency and any other organized group or enterprise. (6) "Agriculture" means the raising of crops and domestic animals and includes the production of dairy products, cotton, tobacco, wool, hemp, flax fiber, and all trees, shrubs, flowers, grasses and other plants. The term does not include the distribution (through retail stores or otherwise) of agricultural products.

(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 May 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-7276; Filed, May 8, 1943; 11:27 a. m.]

Subchapter B—Executive Vice Chairman

PART 1209—HAND TRUCKS AND OTHER HANDLING EQUIPMENT

[General Limitation Order L-111, as Amended May 8, 1943]

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

§ 1209.1 *General Limitation Order L-111*—(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) "Manufacturer" means any person who fabricates or assembles hand trucks, platforms, pallets, portable (platform type) elevators, or racks.

(3) "Hand truck" means any truck, lift truck, lift jack, dolly, or trailer, not self-power propelled, with one or more free running wheels or casters, designed or used for transporting material of any kind; except a hospital cart designed for moving materials in parts of hospitals customarily used by patients, or a trailer for use on the highway or for use in earth moving, mining, logging, or petroleum development.

(4) "Dolly" means any low platform or structure mounted on wheels or casters (or one or more of each), and designed primarily for moving bulky loads on floors.

(5) "Rubber tire" means any solid, pneumatic, or cushion tire, wheel, or caster, made in whole or in part of any type of crude, reclaimed, synthetic or scrap rubber, and designed for use on, or to be used on a hand truck, semi-live platform, or portable (platform type) elevator.

(6) "Lift truck" means a hand truck designed or used to lift and support a platform or pallet in moving. "Lift jack" means a hand truck designed or used to lift and support a part of a semi-live platform in moving.

(7) "Two wheel hand truck" means a hand truck in which the load is partly carried or balanced by a person, even though such hand truck may be equipped with more than two wheels or casters.

(8) "Platform truck" means a hand truck consisting of a platform on wheels or casters or both, not self-power propelled.

(9) "Trailer" means a platform type truck designed to be towed.

(10) "Platform" means any platform, deck or skid, with or without box top or enclosure, standing on legs or other supports, and used or designed primarily for use in conjunction with hand or power operated lift trucks, portable (platform type) elevators, or similar devices. "Semi-live platform" means a platform with one or more wheels, or casters, and one or more legs or similar supports.

(11). "Pallet" means a single or double faced support designed primarily for the same purposes as a platform.

(12) "Portable (platform type) elevator" means any elevating device, mounted on wheels or casters (or one or more of each), with either power or hand operated lift, used or designed primarily for elevating or lowering material, for purposes of tiering, stacking, or access to elevated places.

(13) "Rack" means any rack or other structure used or designed primarily for the storage of pallets or platforms, or storage or draining (or both) of barrels, drums, carboys, or similar containers.

(14) "Small hardware" means bolts, nuts, screws, rivets, nails, washers, and cotter pins.

(15) "Copper or copper base alloy" means unalloyed copper metal, or alloy metal containing 40% or more by weight of copper metal. It shall include unalloyed copper metal or alloy metal produced from scrap.

(16) "Steel" means any kind or type of steel except Bessemer steel or rerolled rail steel.

(b) *Restrictions on acceptance of orders for hand trucks, platforms, and portable (platform type) elevators, and parts therefor.* (1) On and after April 13, 1943, no manufacturer, dealer or other person shall accept any order for any new hand truck, platform, or portable, (platform type) elevator, or any new parts for any such equipment, or deliver any such equipment or parts under any order tendered on or after that date, unless such order bears a preference rating of AA-5 or higher.

(2) The foregoing requirements shall not apply to any order for parts to be delivered to a manufacturer or dealer for resale for repair purposes, or to any other person for use in the repair of any such equipment already owned by such person, if the purchaser furnishes his supplier with a certification in substantially the following form, on the purchase order or in a separate document:

I hereby certify that the above (or attached) order is for parts to be used for repair purposes only, in compliance with paragraph (b) (2) of General Limitation Order L-111.

---------- Company

By ----------
(Authorized Official)

Such certification shall in every case be signed by the purchaser or an authorized official, either manually or as provided in Priorities Regulation No. 7. No person shall make delivery under any such order if he knows or has reason to believe that such certificate is false; and no person shall falsely furnish any such certification. Such certification shall constitute a representation to the War Production Board, as well as to the supplier, that the statements therein are true. Any supplier may rely upon the information therein, and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he knows or has reason to believe that such statements are inaccurate or untrue. Such certificate may be incorporated as a part of any certification furnished under paragraph (e) below.

(c) *Operation reports.* On or before the 15th day of May 1943, and the 15th day of each succeeding calendar month, each manufacturer shall file a report with the War Production Board on Form PD-845 showing his production capacity and such other information as may be required by said form.

(d) *Required specifications for hand trucks and other handling equipment.* No person shall manufacture or deliver any new hand trucks, platforms, pallets, racks, or portable (platform type) elevators, or deliver any new rubber tires, wheels, or other parts for use on any such new equipment or for replacement on any such used equipment, except in accordance with the specifications and restrictions set forth below, and no person shall deliver, or accept delivery of, any such equipment which he knows, or has reason to believe, was manufactured, or is being delivered, contrary to such specifications and restrictions:

(1) *Restrictions on use of rubber.* No rubber shall be used in the manufacture of hand trucks, semi-live platforms, or portable (platform type) elevators, except in wire or cable insulation, or for rubber tires where such rubber tires or rubber tired equipment are not available from the inventory of the purchaser and are required for immediate use to avoid breakage or damage in the transportation of "green" foundry cores, delicate instruments, unbaked enamelware, or unbaked grinding wheels, or to avoid explosions either (i) in transportation of explosives not already packaged, encased, or otherwise prepared for storage, shipment, or transfer so as to eliminate the explosion hazard, or (ii) where the use of other wheels, tires, or casters would create a definite explosion hazard as a result of the necessity of using the equipment in the same room with, or in other close proximity to materials subject to explosive reaction from sparks caused by static electricity, such as black powder, lead azide, igniter composition, tracer mixtures, primer mixtures, incendiary composition, vapors from combustible substances, or dust from explosives.

(2) *Restrictions on use of bearings.* No ball bearings or roller bearings shall be used in the manufacture of two wheel hand trucks, platform trucks, dollies, or semi-live platforms, except where the normal load capacity is 2,500 pounds or more, and except also that ball bearings of other than alloy steel may be used in the swivel bearings or casters. This restriction shall not be deemed to prohibit the use of pin bearings using unground steel pins of other than alloy steel.

(3) *Restrictions on use of cast steel wheels.* No cast steel wheels shall be used in the manufacture of two wheel hand trucks, platform trucks, lift trucks, lift jacks, portable (platform type) elevators, dollies, or semi-live platforms.

(4) *Other restrictions on use of iron and steel.* No iron or steel shall be used in the manufacture of the equipment specified below, elsewhere than in bearings, wheels, axles, axle housings, caster brackets, or small hardware.

(i) In two wheel hand trucks, except in halfstrap nose, legs, or leg braces; except in the cross bars, hoops, clamps, or hooks of barrel trucks; and except in protective strapping on two wheel hand trucks to be used in stevedore operations and having a load capacity of 1,000 pounds or more;

(ii) In platform trucks, except in tongue type handles, stake pockets, and turntable in fifth wheel types;

(iii) In the flooring of trailers, except in edging and binding;

(iv) In dollies;

(v) In platforms, except in legs; in semi-live platforms, except in legs and engaging pins; in angle iron supports on sides and strap or angle iron protection on ends of platforms only where load capacity is 6,000 pounds or more;

(vi) In pallets;

(vii) In the platforms and back plates of portable (platform type) elevators, except in edging and binding; or

(viii) In racks.

(5) *Restrictions on use of copper and copper base alloy.* No copper or copper base alloy shall be used in the manufacture of hand trucks, pallets, or platforms, except in hydraulic packing washers, or where the use of other materials would create a definite explosion hazard as a result of the necessity of using such equipment under the conditions specified under paragraph (d) (1) (ii) above.

(6) *Restrictions on use of aluminum, tin, cadmium, zinc, stainless or chrome steel, and metallic plating and finishes.* No aluminum, tin, cadmium, zinc, stainless or chrome steel, metallic plating or metallic finishes shall be used in the manufacture of hand trucks, pallets, or platforms, except that alloy steel may be used in bearings where permitted under paragraph (d) (2) above, or in lift trucks or lift jacks where necessary to afford strength, and being used by the manufacturer thereof for that purpose in such parts on April 13, 1943, and zinc may be used for galvanizing when necessary to comply with the regulations of the Bureau of Animal Industry of the Department of Agriculture.

(e) *Required certification with orders.* Each person placing an order for delivery of (1) new rubber tires, with any producer of such tires, for use on any hand truck, semi-live platform, or portable (platform type) elevator, or for replacement on any such equipment, or with any manufacturer or dealer for delivery of new hand trucks, semi-live platforms, portable (platform type) elevators, with rubber tires, or new rubber tires, or (2) new platform trucks, trailers or platforms with steel or iron platforms, or (3) new all steel or iron platforms, trailers or platform trucks, or (4) new steel supported platforms to carry loads in excess of 6,000 pounds, shall certify to his supplier on the purchase order or in an accompanying letter, as a condition to receiving such delivery, informa-

tion in statements substantially as follows, respectively:

(i) The undersigned hereby certifies that he is familiar with General Limitation Order L–111, as heretofore amended, and that (state which):

The rubber tired hand trucks, dollies, semi-live platforms
The rubber tired portable (platform type) elevators
The rubber tires

hereby ordered are not available from inventory of the undersigned and are required for immediate use (state which):

To avoid breakage or damage to "green" foundry cores, unbaked enamelware, delicate instruments, or unbaked grinding wheels, in the transportation thereof.

To avoid explosions in the transportation of explosives not already packaged, encased, or otherwise prepared for storage, shipment, or transfer so as to eliminate the explosion hazard.

Where the use of other wheels, tires, or casters would create a definite explosion hazard as a result of the necessity of using the equipment in the same room with, or in other close proximity to material subject to explosive reaction from sparks caused by static electricity, such as black powder, lead azide, igniter composition, tracer mixtures, primer mixtures, incendiary composition, vapors from combustible substances, or dust from explosives.

(showing which foregoing statements are applicable by omitting those which are not applicable); or

(ii) The undersigned hereby certifies that the steel or iron platform on the platform truck(s), trailer(s) or platform(s) hereby ordered is (are) necessary in meat packing or processing to comply with the regulations of the Bureau of Animal Industry of the United States Department of Agriculture.

or

(iii) The undersigned hereby certifies that the all steel or iron platform(s) or platform truck(s) or trailer(s) hereby ordered is (are) necessary to handle hot metal parts, or that the load to be handled will exceed 10,000 pounds.

or

(iv) The undersigned hereby certifies that the steel supported platform(s) hereby ordered is (are) necessary to carry loads in excess of 6,000 pounds.

Such certification shall in every case be signed by the purchaser or an authorized official, either manually or as provided in Priorities Regulation No. 7.

No person shall make delivery under any such order if he knows, or has reason to believe, that the certificate is false; and no person shall falsely furnish any such certification. Such certification shall constitute a representation to the War Production Board, as well as to the supplier, that the statements therein are true. Any manufacturer or dealer may rely upon the information therein and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he knows or has reason to believe that such statements are inaccurate or untrue.

(f) *Exemptions and exceptions.* (1) The limitations and restrictions contained in subparagraphs (4) (ii), (iii) and (v) of paragraph (d) shall not apply to the use of iron or steel where necessary in equipment manufactured for use in meat packing or processing to comply with the regulations of the Bureau of Animal Industry of the United States Department of Agriculture, or for the transportation of hot forgings, castings, heat treated or other hot metal parts, or loads in excess of 10,000 pounds.

(2) The limitations and restrictions of subparagraphs (2) to (6) inclusive, of paragraph (d) of this order shall not apply:

(i) To the manufacture, delivery and acceptance of parts which are to be used for repair and maintenance only and which cannot be used for replacement on existing equipment in a practical manner if made in conformity with such specifications and restrictions;

(ii) To the manufacture, delivery and acceptance of parts which on April 23, 1943, had been fabricated or processed to the extent that any other use would be impractical;

(iii) To the manufacture, delivery and acceptance of any hand trucks or other handling equipment in the process of manufacture on April 23, 1943, and to be used in filling any order accepted by the manufacturer prior to said date;

(iv) Until 90 days after April 13, 1943, to the manufacture, delivery and acceptance of any hand trucks or other handling equipment to be delivered to, and for direct use of, the Army, Navy, Maritime Commission or War Shipping Administration, to the extent that any applicable specifications of any such organization require construction, design or materials not in accordance with the provisions of this order. As used in this paragraph, the terms "Army", "Navy", "Maritime Commission" and "War Shipping Administration" shall not include any privately operated plants or shipyards financed by or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as issued and amended from time to time, except to the extent that any provision of this order may be inconsistent therewith, in which case the provision of this order shall govern.

(2) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production, and sales of hand trucks and other handling equipment.

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, or any direction thereunder, 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 reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref.: L–111.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43–7277; Filed, May 8, 1943; 11:26 a. m.]

PART 1232—ACRYLONITRILE

[Allocation Order M–153 as Amended May 8, 1943]

§ 1232.1 *Allocation Order M–153*—(a) *Definitions.* For the purpose of this order:

(1) "Acrylonitrile" means acrylonitrile (vinyl cyanide) in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of acrylonitrile, including any person who has acrylonitrile produced for him pursuant to toll agreement, and excluding any person who produces acrylonitrile for another person pursuant to toll agreement.

(b) *Restrictions on use and delivery of acrylonitrile.* (1) No producer shall use or deliver acrylonitrile, except as specifically authorized by the War Production Board upon application pursuant to paragraph (e), or except as provided in paragraph (c).

(2) Each person furnishing a certificate pursuant to paragraph (d) with a purchase order for acrylonitrile shall use the acrylonitrile delivered on such purchase order for the purpose specified in such certificate, except as otherwise specifically directed by the War Production Board.

(3) The War Production Board at its discretion may at any time issue special directions to any person with respect to the use or delivery of acrylonitrile by such person, or of products made from acrylonitrile allocated to such person, notwithstanding the provisions of paragraph (c) hereof, or may issue special directions to any producer with respect to the kinds of acrylonitrile which he may or must manufacture.

(c) *Small order exemption.* (1) Any person may order and accept delivery of 50 pounds or less of acrylonitrile in the aggregate during any one calendar month from all producers without filing

a certificate pursuant to paragraph (d), and any producer may use 50 pounds or less of acrylonitrile in the aggregate during any one calendar month without specific authorization pursuant to paragraph (b) (1).

(2) Any producer may deliver acrylonitrile without specific authorization under this order to any person entitled to accept delivery pursuant to this paragraph, *Provided*, That:

(i) No producer shall deliver an aggregate amount of acrylonitrile in any one calendar month pursuant to this paragraph in excess of ¼ of 1% of the amount of acrylonitrile which he is specifically authorized to deliver during such month; and

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

(iii) Any producer may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Use certificate.* (1) Each person placing a purchase order for acrylonitrile with a producer, or accepting delivery of acrylonitrile from a producer, shall furnish such producer with a certificate specifying the end use of such acrylonitrile, unless such purchase order is placed or such delivery is accepted pursuant to the provisions of paragraph (c). Such certificate may be placed on the purchase order and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

(End Use Description)

Pursuant to Allocation Order M–153, the undersigned hereby certifies to the seller and to the War Production Board that the acrylonitrile covered by the accompanying purchase order will be used solely for the purposes listed above.

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

(2) The end use description shall be substantially as follows:

Oil resistant synthetic rubber subject to Order M–13.

Other (specify the number of the allocation order, if any, governing the primary product, or describe the end use in detail).

(e) *Applications and reports.* (1) Each producer seeking authorization to use or deliver acrylonitrile shall file application on Form PD–602, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD–602. Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

Time. Applications on Form PD–602 shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to make delivery or to use is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Reference M–153.

Number of sets. Each producer shall file a separate set of PD–602 applications for each of his plants.

Heading. Under name of material, specify acrylonitrile; under War Production Board Order number, specify M–153; leave grade column blank; specify delivery month; specify unit of measure as pounds; and otherwise fill in as indicated.

Table I. All customers shall be listed here who have filed certificates with the applicant and the applicant shall specify his own name as customer if he uses any part of his own production.

Table II. Fill in as indicated.

(2) Each producer shall notify the War Production Board of the cancellation or postponement for more than a month of any authorized delivery of acrylonitrile or of inability to make any authorized delivery of acrylonitrile as soon as possible after he has notice of such fact.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form PD–602 and certificates pursuant to paragraph (d).

NOTE: Following paragraphs redesignated May 8, 1943.

(f) *Notification of customers.* Each producer shall notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

(2) *Violations.* Any person who wilfully violates any provisions 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.

(3) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M–153.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43–7278; Filed, May 8, 1943; 11:26 a. m.]

PART 1273—STYRENE

[Allocation Order M–170, as Amended May 8, 1943]

§ 1273.1 *Allocation Order M–170*—(a) *Definitions.* For the purpose of this order:

(1) "Styrene" means styrene (vinyl benzene) in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of styrene, including any person who has styrene produced for him pursuant to toll agreement, and excluding any person who produces styrene for another person pursuant to toll agreement.

(b) *Restrictions on use and delivery of styrene.* (1) No producer shall use or deliver styrene, except as specifically authorized by the War Production Board upon application pursuant to paragraph (f), or except as provided in paragraphs (c) and (d).

(2) Each person furnishing a certificate pursuant to paragraph (e) with a purchase order for styrene shall use the styrene delivered on such purchase order for the purpose specified in such certificate, except as otherwise specifically directed by the War Production Board.

(3) The War Production Board at its discretion may at any time issue special directions to any person with respect to the use or delivery of styrene by such person, or of products made from styrene allocated to such person, notwithstanding the provisions of paragraph (c) hereof, or may issue special directions to any producer with respect to the kinds of styrene which he may or must manufacture.

(c) *Small order exemption.* (1) Any person may order and accept delivery of 50 pounds or less of styrene in the aggregate during any one calendar month from all producers without filing a certificate pursuant to paragraph (e), and any producer may use 50 pounds or less of styrene in the aggregate during any one calendar month without specific authorization pursuant to paragraph (b) (1).

(2) Any producer may deliver styrene without specific authorization under this order to any person entitled to accept delivery pursuant to this paragraph, *Provided*, That:

(i) No producer shall deliver an aggregate amount of styrene in any one calen-

dar month pursuant to this paragraph in excess of ¼ of 1% of the amount of styrene which he is specifically authorized to deliver during such month; and

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

(iii) Any producer may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Rubber Reserve Company exemption.* Subject to any special directions issued by the War Production Board pursuant to this order:

(1) Rubber Reserve Company and each operator, pursuant to contract with Rubber Reserve Company, of any plant owned by any department or agency of the United States Government, may use styrene for the production of synthetic rubber, or may deliver styrene to, or accept delivery of styrene from, Rubber Reserve Company or any other such operator, without application or specific authorization under this order.

(2) Any producer may, pursuant to contract with Rubber Reserve Company, deliver styrene to, and such delivery may be accepted by, Rubber Reserve Company or any operator of a plant owned by any department or agency of the United States Government, for use in the production of synthetic rubber, without application or specific authorization under this order: *Provided, however,* That no producer shall make any such delivery which would prevent completion of other deliveries of styrene specifically authorized or directed to be made by such producer during the same calendar month.

(e) *Use certificate.* (1) Each person placing a purchase order for styrene with a producer, or accepting delivery of styrene from a producer shall furnish such producer with a certificate specifying the end use of such styrene, unless such purchase order is placed or such delivery is accepted pursuant to the provisions of paragraph (c) or (d). Such certificate may be placed on the purchase order and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

(End Use Description)

Pursuant to Allocation Order M–170, the undersigned hereby certifies to the seller and to the War Production Board that the styrene covered by the accompanying purchase order will be used solely for the purposes listed above.

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

(2) The end use description shall be substantially as follows:

Non-oil resistant synthetic rubber subject to Order M–13.

Polystyrene subject to Order M–170–a.

Other (specify the number of the allocation order, if any, governing the primary product, or describe the end use in detail).

(f) *Applications and reports.* (1) Each producer seeking authorization to use or deliver styrene shall file application on Form PD–602, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD–602. Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

Time. Applications on Form PD–602 shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to make delivery or to use is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Reference M–170.

Number of sets. Each producer shall file a separate set of PD–602 applications for each of his plants.

Heading. Under name of material, specify styrene; under War Production Board order number, specify M–170; leave grade column blank; specify delivery month; specify unit of measure as pounds; and otherwise fill in as indicated.

Table I. All customers shall be listed here who have filed certificates with the applicant and the applicant shall specify his own name as customer if he uses any part of his own production.

Table II. Fill in as indicated.

(2) Each producer shall notify the War Production Board of the cancellation or postponement for more than a month of any authorized delivery of styrene or of inability to make any authorized delivery of styrene as soon as possible after he has notice of such fact.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form PD–602 and certificates pursuant to paragraph (e).

NOTE: Following paragraphs redesignated May 8, 1943.

(g) *Notification of customers.* Each producer shall notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

(2) *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.

(3) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M–170.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43–7279; Filed, May 8, 1943; 11:27 a. m.]

PART 1285—BUTADIENE

[Allocation Order M–178 as Amended May 8, 1943]

§ 1285.1 *Allocation Order M–178*—(a) *Definitions.* For the purpose of this order:

(1) "Butadiene" means butadiene in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of butadiene, including any person who has butadiene produced for him pursuant to toll agreement, and excluding any person who produces butadiene for another person pursuant to toll agreement. The term producer shall not include any person producing less than 5 tons of butaliene per month.

(b) *Restrictions on use and delivery of butadiene.* (1) No producer shall use or deliver butadiene, except as specifically authorized by the War Production Board upon application pursuant to paragraph (f), or except as provided in paragraphs (c) and (d).

(2) Each person furnishing a certificate pursuant to paragraph (e) with a purchase order for butadiene shall use the butadiene delivered on such purchase order for the purpose specified in such certificate, except as otherwise specifically directed by the War Production Board.

(3) The War Production Board at its discretion may at any time issue special directions to any person with respect to the use or delivery of butadiene by such person, or of products

made from butadiene allocated to such person, notwithstanding the provisions of paragraph (c) hereof, or may issue special directions to any producer with respect to the kinds of butadiene which he may or must manufacture.

(c) *Small order exemption.* (1) Any person may order and accept delivery of 125 pounds or less of butadiene in the aggregate during any one calendar month from all producers without filing a certificate pursuant to paragraph (e), and any producer may use 125 pounds or less of butadiene in the aggregate during any one calendar month without specific authorization pursuant to paragraph (b) (1).

(2) Any producer may deliver butadiene without specific authorization under this order to any person entitled to accept delivery pursuant to this paragraph, *Provided That:*

(i) No producer shall deliver an aggregate amount of butadiene in any one calendar month pursuant to this paragraph in excess of ¼ of 1% of the amount of butadiene which he is specifically authorized to deliver during such month; and

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

(iii) Any producer may make deliveries pursuant to this paragraph without regard to preference ratings.

(d) *Rubber Reserve Company Exemption.* Subject to any special directions issued by the War Production Board pursuant to this order:

(1) Rubber Reserve Company and each operator, pursuant to contract with Rubber Reserve Company, of any plant owned by any department or agency of the United States Government, may use butadiene for the production of synthetic rubber, or may deliver butadiene to, or accept delivery of butadiene from, Rubber Reserve Company or any other such operator, without application or specific authorization under this order.

(2) Any producer may, pursuant to contract with Rubber Reserve Company, deliver butadiene to, and such delivery may be accepted by, Rubber Reserve Company or any operator of a plant owned by any department or agency of the United States Government, for use in the production of synthetic rubber, without application or specific authorization under this order: *Provided, however,* That no producer shall make any such delivery which would prevent completion of other deliveries of butadiene specifically authorized or directed to be made by such producer during the same calendar month.

(e) *Use certificate.* (1) Each person placing a purchase order for butadiene with a producer or accepting delivery of butadiene from a producer shall furnish such producer with a certificate specifying the end use of such butadiene, unless such purchase order is placed, or such delivery is accepted pursuant to the provisions of paragraph (c) or (d). Such certificate may be placed on the purchase order and shall be substantially in the following form, signed manually or as provided in Priorities Regulation No. 7:

(End Use Description)

Pursuant to Allocation Order M–178, the undersigned hereby certifies to the seller and to the War Production Board that the butadiene covered by the accompanying purchase order will be used solely for the purposes listed above.

(Name of purchaser) ---------- (Address) ----------

By---------- ----------

(Signature and title of duly authorized officer) (Date)

(2) The end use description shall be substantially as follows:

Non-oil resistant synthetic rubber subject to Order M–13.

Other (specify the number of the allocation order, if any, governing the primary product, or describe the end use in detail).

(f) *Applications and reports.* (1) Each producer seeking authorization to use or deliver butadiene shall file application on Form PD–602, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD–602. Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

Time. Applications on Form PD–602 shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to make delivery or to use is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Reference M–178.

Number of sets. Each producer shall file a separate set of PD–602 applications for each of his plants.

Heading. Under name of material, specify butadiene; under War Production Board order number, specify M–178; leave grade column blank; specify delivery month; specify unit of measure as pounds; and otherwise fill in as indicated.

Table I. All customers shall be listed here who have filed certificates with the applicant and the applicant shall specify his own name as customer if he uses any part of his own production.

Table II. Fill in as indicated.

(2) Each producer shall notify the War Production Board of the cancellation or postponement for more than a month of any authorized delivery of butadiene or of inability to make any authorized delivery of butadiene as soon as possible after he has notice of such fact.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form PD–602 and certificates pursuant to paragraph (e).

NOTE: Following paragraphs redesignated May 8, 1943.

(g) *Notification of customers.* Each producer shall notify his regular customers as soon as possible of the requirements of this order as amended, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(h) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

(2) *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.

(3) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M–178.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43–7280; Filed, May 8, 1943; 11:27 a. m.]

PART 3024—MEN'S WORK CLOTHING

[Limitation Order L–181 as Amended May 8, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of men's work clothing 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:

§ 3024.1 *General Limitation Order L–181.*—(a) *Definitions.* For the purpose of this order:

(1) "Men's work clothing" means any of the following garments, customarily graded as men's:

Waistband overalls or dungarees.
Bib overalls.
Overall jumpers or coats.
One-piece work suits.
Work pants.
Work shirts, (whether separate or in ensembles, but excluding uniform shirts).

(2) "Put into process" means the first cutting operation of material in the manufacture of any men's work clothing.

(3) Pro rata widths—where a certain width material is specified—narrower or wider width material shall be figured in pro rata yardages allowed or restricted.

(4) Measurements set forth refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

(5) Yards specified "to the dozen" shall mean the average yardage, over any 90 day period after August 15, 1942, consumed in the cutting of each type of garment.

(6) Yards specified "to the dozen" may be exceeded proportionately in the manufacture of sizes larger than specified herein to meet the needs of oversize persons.

(7) All terms used in this order shall have their usual and customary trade meanings unless stated otherwise.

(b) *General exceptions.* The prohibitions and restrictions of this order shall not apply to:

(1) Sales and deliveries by, to or for the account of the ultimate consumers by any person who does not put cloth into process for the manufacture of work clothing.

(2) Men's work clothing put into process or manufactured prior to August 15, 1942.

(3) Drills, twills, or jeans used for pocketing or waistbanding in the inventory of the manufacturer on August 15, 1942.

(4) Men's work clothing to fill purchase orders placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development and the Defense Supplies Corporation.

(5) Men's work clothing made and sold to conform with state, county or municipal safety laws, codes or regulations: *Provided,* That such laws, codes or regulations were in existence on August 15, 1942, and specifically required the use of work clothing not made in conformity with the provisions of this order.

(6) Garments manufactured in the home except when made for sale or for a contractor or jobber or other person who sells such garments.

(c) *General curtailments.* No person shall, after August 15, 1942, put into process, or cause to be put into process by others for his account, any material for the manufacture of, and no person shall, after the said date, sell or deliver any men's work clothing, the material for which was put into process after August 15, 1942, with:

(1) False or more than double stitching:

(2) Pockets or waistbands made from drills, twills or jeans heavier than 39 inch 4.00 yard, except irregulars, seconds or cuts under 40 yards in length and except as provided in paragraph (b) (3).

(3) Pockets of more than single thickness.

(d) *Additional curtailments.* No person shall after August 8, 1942, put into process, or cause to be put into process by others for his account, any material for the manufacture of, and no person shall sell or deliver any of the following men's work clothing, the cloth for which was put into process after August 15, 1942.

(1) *Waistband overalls* or *dungarees* with:

(i) More than two front or swing pockets, two hip pockets, one rule pocket and one watch pocket.

(ii) Suspender buttons or with more than four fly buttons and one button or snap fastener on waistband.

(iii) Back buckle or strap.

(iv) More than nine bartacks or rivets exclusive of those needed on belt loops.

(v) Sizes other than 26 to 50 waist and 27 to 36 inseam.

(vi) More than 33½ yards or less than 31 yards to the dozen of 28/29 inch material: *Provided, however,* That for the sole purpose of allowing such garments when made for miners (and each miner's garment shall be designated as such by label or other marking thereon) to include not more than two front leg patch reinforcements, one double seat and one additional leg pocket, the yardage per dozen for such garments shall be not more than 45 yards or less than 37 yards to the dozen of 28/29 inch material, the extra yardage to be used, however, only for such purpose.

(2) *Bib overalls* with:

(i) More than one large or two small bib pockets, two front swing or patch pockets, two hip patch pockets, one rule pocket and one hammer loop.

(ii) More than one button on each side opening, two bib suspender buttons, one button or one snap fastener on bib, two buttons on fly through size 38 or three buttons on fly on size 40 and up.

(iii) More than fifteen bartacks.

(iv) Sizes other than 26 to 50 waist and 27 to 36 inseam;

(v) More than an average of 46 yards or less than 39 yards to the dozen of 28/29 inch material for both the bib overall and the overall jacket.

Provided, however, For the sole purpose of allowing:

(*a*) *Bib overalls for carpenters* to include not more than two double knee or leg patch reinforcements, two side leg pockets, an apron with necessary divisions, one hand axe loop, the yardage per dozen for such garments shall be not more than 66½ yards or less than 60½ yards to the dozen of 28/29 inch material, and such garments may have 15 additional bartacks.

(*b*) *Bib overalls for painters or paperhangers* to include one brush loop and one leg pocket, the yardage per dozen for such garments shall be not more than 47½ yards or less than 41½ yards to the dozen of 28/29 inch material.

(c) *Bib overalls for steel workers* to include not more than two knee patch reinforcements, two leg pockets, one additional hammer loop, the yardage per dozen for such garments shall be not more than 57 yards or less than 51 yards to the dozen of 28/29 inch material, and such garments may have six additional bartacks.

Each such garment shall be designated as such by label or other marking thereon and the additional yardages shall only be used for the respective purposes specified above.

(3) *Overall jumpers or coats* with:

(i) More than two patch pockets.

(ii) More than four buttons on front and one button on each cuff.

(iii) Sizes other than 34 to 50.

(iv) Blanket-lining heavier than 16 ounce, 54 to 56 inch width, of cotton or of cotton and reused wool.

(4) *One-piece work suits* with:

(i) More than two front swing or patch pockets, two breast pockets, two-patch or swing hip pockets, one rule pocket and one hammer loop.

(ii) More than four front buttons, one breast pocket button, three fly buttons and one button on each cuff.

(iii) More than 17 bartacks, exclusive of those needed on belt loops.

(iv) Sizes other than 34 to 50.

(v) More than 72 yards or less than 66 yards to the dozen of 28/29 inch material.

(5) *Work pants* with:

(i) More than two front swing pockets, two hip patch or swing pockets and one watch pocket.

(ii) Tunnel loops.

(iii) Suspender buttons on sizes other than 38 and up.

(iv) More than 11 bartacks exclusive of those needed on belt loops.

(v) Side buckle and straps.

(vi) Self belt or extension waistband.

(vii) Pleats.

(viii) More than five fly buttons, including waistband, on sizes through 38 and more than six fly buttons, including waistband, on sizes 40 and up, and with more than one hip pocket button.

(ix) Cuffs where 30 inch 2.50 gray width and weight basis material and heavier is used.

(x) More than 1½ inch hem.

(xi) More than 1½ inch cuff on material lighter than 30 inch 2.50 gray width and weight basis.

(xii) Sizes other than 26 to 50 waist and 27 to 36 inseam.

(xiii) (*a*) More than 27½ yards or less than 24½ yards to the dozen of 36 inch material weighing less than 8 ounces per yard of 36 inch width material, or

(*b*) More than 28 yards or less than 25 yards to the dozen of any heavier material.

(6) *Work shirts* with:

(i) Other than one or two plain patch pockets but only button through or open.

(ii) More than single thickness lining in collar.

(iii) More than six buttons on front, one button each cuff and one button on each pocket.

(iv) Lined cuffs.
(v) More than four bartacks.
(vi) Eyelets or vents.
(vii) Reinforced elbow, shoulder, back or front.
(viii) [Revoked May 8, 1943]
(ix) [Revoked May 8, 1943]
(x) Sizes other than 13 to 19 or sizes small, medium and large.
(xi) More than 29½ yards or less than 26 yards to the dozen of 36-inch material on long sleeve models, or more than 24 yards or less than 23 yards to the dozen of 36-inch material on half-sleeve models. On regular or mill finish material or on 36-inch 2.85 material and heavier a total of a half yard to the dozen additional yardage may be used.

(e) *Certification.* No person, who has before August 8, 1942, or shall after August 8, 1942, put into process or cause to be put into process by others for his account any men's work clothing, shall after August 8, 1942, sell such work clothing without furnishing to his purchaser (when other than an ultimate consumer) a certification, signed by an individual duly authorized to sign for such person, in substantially the following form:

The undersigned hereby certifies to his purchaser and the War Production Board that the men's work clothing covered by his invoice No. ---------- dated ---------- (or the annexed invoice) has been manufactured or sold in accordance with the curtailment and/or exceptions of General Limitation Order L–181.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of men's work clothing conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference L–181, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Records and inspections.* (1) Each person affected by the order shall keep and preserve for a period of not less than two years accurate and complete records of his applicable inventories, certifications, production, sales and transactions. (2) All records required to be kept by the order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports and communications.* (1) Each person affected by the order shall execute and file with the War Production Board such reports and questionnaires as may be requested by the Board from time to time. (2) All reports required hereunder, and all communications concerning the order, shall be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference: L–181.

(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.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43–7281; Filed, May 8, 1943; 11:26 a. m.]

PART 3036—COMMERCIAL COOKING AND FOOD AND PLATE WARMING EQUIPMENT

[Interpretation 1 to Limitation Order L–182]

The following official interpretation is hereby issued by the War Production Board with respect to § 3036.1 *General Limitation Order L–182.*

Paragraph (c) (1) of General Limitation Order L–182 (Commercial Cooking and Food and Plate Warming Equipment) reads as follows:

(1) Any person may make or accept physical delivery of any such equipment on a specific contract or subcontract for delivery to or for the account of the Army, the Navy, the Maritime Commission, the War Shipping Administration of the United States, or the Defense Plant Corporation;

Question has been raised as to whether purchase by the Army Pre-Flight Training Schools is within the exception stated in this subparagraph or whether such schools desiring to purchase this equipment must apply on Form PD–638A for authorization.

The exception referred to applies only to specific contracts or subcontracts for deliveries to or for the account of the agencies named. It does not include equipment which will be owned by the training schools and not by the Army, even though it is intended that the equipment will for the present be used solely for the benefit of the personnel assigned to the school. Such a delivery is not made on a specific contract or subcontract for delivery to or for the account of the Army within the meaning of the provision quoted above. Accordingly, any training school desiring to purchase this equipment under these circumstances must apply on Form PD–638A for authorization.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43–7282; Filed, May 8, 1943; 11:26 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Interpretation 1 to General Limitation Order L–219]

The following official interpretation is hereby issued by the War Production Board, with respect to § 3118.1 Consumers' Goods Inventory Limitation Order L–219:

(a) *Question:* If a merchant "swaps" merchandise with another merchant, is the one who transfers more goods than he receives allowed to consider the difference in amount involved in the exchange as an addition to his sales?

Answer: No. Exchanges between merchants are not to be considered as sales for the purposes of Order L–219. They are generally treated in all computations under Order L–219 in the manner usually employed when a return of goods is made to a vendor or merchandise supplier.

(b) *Question:* If a "swap" of goods is not considered a sale, how should a merchant treat such transactions in his computations under Order L–219?

Answer: (1) If the "swap" involves an even exchange, there is no addition to, or subtraction from, his inventory, sales or receipts for the purposes of Order L–219.

(2) If there is a difference in the dollar value of goods exchanged, the difference in dollars cannot be treated as a sale by the merchant who transfers goods of greater value than those which he receives in exchange.

(c) *Question:* When two corporations, having different fiscal years, are required by Order L–219 to consolidate their reports relating to sales, inventories and other matters, how should the consolidation be effected?

Answer: Both corporations must use the inventory year of the corporation having the larger sales volume. Records of the smaller corporation must be adjusted to those of the larger one.

EXAMPLE: Corporation A, with sales volume of $2,000,000 in 1942, begins its Federal income tax year on January 1, while Corporation B, with a 1942 sales volume of $1,000,000, begins its Federal income tax year on December 1. The beginning date of the consolidated inventory year will be January 1.

Adjustments Necessary for Corporation B: Corporation B's first quarter comprises the months of December, January and February, while Corporation A's first quarter comprises the months of January, February and March. In order to combine the records of Corporation A and Corporation B, it will be necessary for Corporation B to adjust its records so that January, February and March will comprise its first quarter for all years beginning with the first quarter of 1939 and continuing to the present. Corporation B must make similar adjustments for all other quarters.

(d) *Question:* When are "consumer" goods imported into the United States" as the term is used in List A of the order no longer considered "imported" for the purpose of qualifying a merchant for exemption under subparagraph (b) (1)?

Answer: After the first transfer or first processing, manufacturing or assembly of imported consumers' goods, such goods are no longer considered imported consumers' goods.

EXAMPLE (1) Importer A imports linen handkerchiefs and sells a portion of them to Retailer X. Such goods cannot be considered as "imported" goods by Retailer X in determining whether he qualifies for exemption under subparagraph (b) (1).

EXAMPLE (2) Retailer Y imports consumers' goods directly from abroad. He may consider such goods imported goods for the purpose of determining whether he is exempted under subparagraph (b) (1).

EXAMPLE (3) Woolen goods imported into the United States are manufactured into men's suits. Such suits may *not* be considered imported goods for purposes of Order L–219.

(e) *Question:* Is a physical inventory required at the beginning of each quarterly period?

Answer: No. The quarterly computations required under Order L–219 may be made from book records. Merchants who do not maintain book records may use Form PD–691, "Work Sheet for Computing Inventories of Consumers' Goods." This form is provided for the convenience of merchants who do

not have available the information needed to fill in Form PD-689 properly. Inventory records maintained for completing Federal income tax returns may be used as a basis for *estimating inventories* at the beginning of each quarterly period. However, when a physical inventory is taken, proper adjustments must be made in the records.

(f) *Question:* May a merchant who elects the "retail method" reduce his dollar inventory of unseasonable merchandise through the use of the markdown device?

Answer: No. In the computation of mercantile inventory, only those markdowns are permissible which apply to goods:

(1) That are currently being offered for sale at the markdown price;

or

(2) That were last offered for sale at the markdown price and will be offered for sale at the markdown price when again placed on sale.

(g) *Calculation of allowable receipts for the second quarter 1943*—(1) *For those merchants who value their inventories at "cost" or "cost value".*

Method I: Add the projected cost of goods sold for the second quarter of 1943 to the normal inventory (cost or cost value) at the beginning of the third quarter of 1943.

From this amount subtract the mercantile inventory at cost (physical, book or calculated) at the beginning of the second quarter of 1943. The difference equals the "allowable receipts" for the second quarter.

EXAMPLE

Projected cost of goods sold 2nd quarter 1943	$115,500
Normal inventory at cost or cost value (beginning of 3rd quarter 1943)	67,200
	$182,700
Subtract mercantile inventory at cost or cost value (beginning of 2nd quarter 1943)	57,200
Allowable receipts during 2nd quarter 1943	$125,500

Method II: Allowable Receipts may be equal to one-third of the cost of goods sold during the previous quarter.

EXAMPLE

Cost of goods sold during 1st quarter of 1943	$225,000
⅓ cost of goods sold during 1st quarter 1943	75,000

NOTE: A merchant's "allowable receipts" are the larger of the two amounts calculated by Methods I and II. Hence, in this case, the merchant would select Method I, whereby his allowable receipts are $125,000, instead of Method II, by which his allowable receipts would have been $75,000.

(2) *For those merchants who compute their inventories at retail value.*

Method I: Add the projected retail sales and anticipated markdowns for the second quarter of 1943 to the normal inventory (retail figures) at the beginning of the third quarter 1943. From this sum subtract the mercantile inventory at retail figures (physical or book) at the beginning of the second quarter of 1943. The difference equals the allowable receipts at retail figures for the second quarter.

EXAMPLE

Projected sales at retail 2nd quarter of 1943	$180,000
Anticipated markdowns (computed by using a percent of sales no greater than that prevailing during 2nd quarter of 1942)	3,600
Normal inventory at retail figures (beginning of 3rd quarter 1943)	150,000
Total:	$333,600
Subtract—Mercantile inventory at retail figures (beginning of 2nd quarter 1943)	$267,600
Allowable receipts at retail 2nd quarter 1943	66,000

Method II: Allowable receipts at retail may be equal to one-third of the sum of the retail sales and markdowns during the previous quarter:

EXAMPLE

Sales at retail 1st quarter 1943	$204,000
Markdowns, 1st quarter 1943	6,000
Total	210,000
One-third sales plus markdowns at retails	70,000

NOTE: A merchant's allowable receipts are the larger of the two sums calculated by Methods I and II. Hence, this merchant would select Method II, because his allowable receipts equal $70,000 by this method, and only $66,000 by Method I.

(3) In order to plan their merchandising operations, merchants may desire to calculate the allowable receipts for the third quarter of 1943, prior to the end of the second quarter of 1943.

To do this it is necessary to estimate the normal inventory at the beginning of the fourth quarter of 1943. This may be done in the following manner:

At the end of the second month of the second quarter of 1943, divide sales of the first two months of the second quarter in 1943 by the sales of the corresponding months of 1942. The ratio thus obtained may be used as a temporary sales ratio for substitution in Schedule C of Form PD-690, in computing projected sales, and from them, normal inventory for the fourth quarter. This technique can be used at the end of each month of a quarter. While the resulting estimates will not be accurate, they usually will be near enough to the true figure so that they will prove useful in planning merchandising operations.

(h) *Consumers' goods.* Consumers' goods are defined as goods suitable in form and type for sale to ultimate individual consumers for personal or household use, including, but not limited to, goods on List B, attached to Order L-219. Some merchants have expressed the opinion that since they do not sell at all to ultimate consumers, the goods they sell are not consumers' goods. The controlling factor in classifying goods as those which are consumers' goods and those which are not is the nature of the goods, rather than the character of the customers of the merchant who sells them.

EXAMPLE: Many goods which are otherwise consumers' goods under Order L-219, are not so considered when they are sold in commercial sizes or packages.

For instance:

(1) Paint in cans containing five gallons or more.

(2) Hospital size packages of gauze, cotton, etc.

(3) Schoolroom-size globes and blackboards, not suitable for household use.

(4) Paper in commercial sizes, such as 22" x 34".

(5) Witch Hazel in one-gallon containers.

(i) *Mercantile inventory.* (1) When a contract-employer, e. g., dress jobber, causes consumers' goods to be manufactured for him by an independent contractor, such goods become mercantile inventory when they are delivered to the contract-employer's stockroom, if such stockroom is not in the immediate vicinity of the contractor's factory. This may not be the case if the contract-employer performs in his stockroom certain final manufacturing operations, such as piece-by-piece inspection, trimming, packaging, etc.

(2) If the contract-employer's stockroom is in the vicinity of the contractor's factory, each case must be determined on the basis of the exact circumstances of the operation. Some of the factors which indicate whether such goods are "factory inventory" or "mercantile inventory" include the answers to the following questions:

(i) Has the contract-employer maintained such control over the goods during the manufacturing period that he can be considered the "manufacturer" of them?

(ii) Does the contract-employer retain title to the goods at all stages of the manufacturing process?

(iii) Does the contract-employer supervise the manufacturing operation in a general way?

(iv) Does the contract-employer issue the manufacturing instructions?

(v) Who bears the risk of loss due to imperfect workmanship?

(vi) Is the contractor, in fact, a plant manager with a high degree of responsibility?

(j) *Imported goods.* Consumers' goods imported into the United States have been interpreted under Order L-219 to mean goods manufactured outside of the 48 States and the District of Columbia, and shipped into one of the States or the District of Columbia.

EXAMPLE

Linen handkerchiefs which have been shipped to the United States from Puerto Rico, after having been made in Puerto Rico from Irish linen, are considered to be "consumers' goods imported into the United States."

(k) *Antiques.* Antiques, for the purpose of List A of Order L-219, are interpreted to include articles determined to be antiques by the Customs Authorities, in accordance with standards set forth in 19 U. S. C. 1201, paragraph 1811, in connection with free imports. Accordingly, goods which were produced prior to the year 1830 will be considered as antiques for the purpose of qualifying merchants for exemption under subparagraph (b) (1). Obviously, many goods that do not qualify as antiques, because they were manufactured after 1830, may be classified as second-hand goods. Hence, a merchant, more than 50% of whose business during his latest inventory year was done in antiques and second-hand goods, is exempt from Order L-219.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43-7283; Filed, May 8, 1943; 11:26 a. m.]

PART 3151—ASCORBIC ACID

[General Preference Order M-269 as Amended May 8, 1943]

Section 3151.1 *General Preference Order M-269* is hereby amended to read:

§ 3151.1 *General Preference Order M-269*—(a) *Definitions.* (1) "Ascorbic acid" means ascorbic acid (also known as cevitamic acid or vitamin C), in crude or refined form. The term includes all chemical compounds of ascorbic acid but does not include standard dosage forms (tablets, capsules, ampoules, solutions, etc.), combinations in feeds, foods or beverages, or ascorbic acid of natural origin.

(2) "Producer" means any person engaged in the production of ascorbic acid, and includes any person who imports ascorbic acid or has ascorbic acid pro-

duced for him pursuant to toll agreement. The term does not include any person who does not produce ascorbic acid but who incorporates ascorbic acid into standard dosage forms, feeds, foods or beverages.

(3) "Distributor" means any person who purchases ascorbic acid solely for the purpose of resale without further processing and without changing the form thereof. The term does not include any person who delivers ascorbic acid to any other person for incorporation into standard dosage forms, feeds, foods or beverages, where the person making delivery retains title to the ascorbic acid and to the product made therefrom.

(b) *Restrictions on deliveries and use.* (1) No producer or distributor shall deliver or use any ascorbic acid except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of any ascorbic acid which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions with respect to deliveries or use of ascorbic acid by producers or distributors in each calendar month will so far as practicable be issued by War Production Board prior to the commencement of such month (in the normal case on Form PD–602 filed pursuant to paragraph (c)(1)), but War Production Board may at any time issue directions to any person with respect to deliveries to be made or with respect to the use or uses which may or may not be made of ascorbic acid to be delivered to, or already in the inventory of, the prospective user.

(3) In the event that any producer or distributor, after receiving notice from War Production Board with respect to a delivery of ascorbic acid which he is authorized or directed to make to any customer or group of customers, shall be unable to make such delivery either because of receipt of notice of cancellation or otherwise, such producer or distributor shall forthwith give notice of such fact to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M–269, and shall not, in the absence of specific written authorization or direction from War Production Board sell or otherwise dispose of the ascorbic acid which he is unable to deliver as aforesaid.

(c) *Applications.* (1) Each producer and distributor seeking authorization to deliver or use ascorbic acid during any calendar month beginning with June 1943, shall file application on or before the 20th day of the preceding month. Application will be made on Form PD–602 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–602 may be obtained at local field offices of the War Production Board.

(ii) An original and three copies shall be prepared of which the original and two copies shall be forwarded to War Production Board, Chemicals Division, Washington, D. C., Ref: M–269, the third copy being retained for applicant's files. The original filed with War Production Board shall be manually signed by applicant by a duly authorized official.

(iii) In the heading under "Name of Material", specify "Ascorbic acid"; under "Grade", specify quality, for example, USP, crude, calcium ascorbate; under "WPB Order No.", specify "M–269"; under heading "This schedule is for delivery to be made in _____ month/quarter, 194__", strike out word "quarter", and specify month during which deliveries covered by the application are to be made; under "Unit of Measure", specify "Ounces"; under "Name of Company", applicant will specify his name and the address of his plant or warehouse.

(iv) In Column 1 (except as provided in subdivision (v)), applicant will list the name and delivery destination of each customer to whom he proposes to deliver ascorbic acid in the applicable month.

(v) Applicant need not list the names or delivery destinations of any customer to whom, in the applicable month, he proposes to deliver 100 ounces or less of ascorbic acid. Applicant will instead lump the total deliveries of 100 ounces or less which he proposes to deliver for export in such month and in addition will lump all other deliveries of 100 ounces or less to be made in such month. More specifically, he will list in Column 1 "Total small order deliveries for export" and in Column 4 will state the total quantity represented by such deliveries, and he will also specify in Column 1 "Total other small order deliveries" and in Column 4 will state the quantity represented by such other deliveries.

(vi) In Column 1a, applicant will specify in each case, except with respect to deliveries of 100 ounces or less to any person in any calendar month, the use to be made of the ascorbic acid to be delivered by him (as for example, civilian medicinal, Army medicinal, food fortification). He will also, where sale is to a distributor for resale, specify "Resale".

(vii) Applicant will also show in Column 7 Army, Navy, or other government agency specification and contract numbers, as well as export license numbers, if any.

(viii) A producer requiring permission to use all or part of his own production of ascorbic acid (whether or not for use in the manufacture of tablets or other dosage forms) shall list his own name on Form PD–602 as a customer, specifying in Column 1a, where that is the case, that his use is the manufacture of tablets or other dosage forms. The receipt by a producer of such Form PD–602, signed by War Production Board, shall constitute authority to such producer to use ascorbic acid in the quantities and for the purposes stated in such approved form.

(ix) Each producer will fill out Table II in its entirety, and each distributor will fill out Columns 8, 10, 12 and 13 of such table. In Column 8, under "grade", producers and distributors will specify quality; for example, USP, crude, calcium ascorbate.

(2) War Production Board may issue special directions to any person with respect to preparing and filing Form PD–602.

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

(2) *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.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M–269.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43–7284; Filed, May 8, 1943; 11:27 a. m.]

PART 3224—PIPE FITTINGS: SIMPLIFICATION

[General Limitation Order L–278]

STEEL PIPE FITTINGS

The fulfillment of requirements for the defense of the United States has created a shortage of steel used in the manufacture of steel pipe fittings 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:

§ 3224.1 *General Limitation Order L–278.*—(a) *Definitions.* For the purpose of this order:

(1) "Producer" means any person who manufactures pipe fittings.

(2) "Manufacture" means to fabricate, assemble, produce, process, machine or alter materials by physical or chemical means, or to cause the doing of those acts.

(3) "Pipe fitting" means any pipe fitting made of carbon or alloy steel, inclusive of flanged fittings, flanges, threaded fittings, butt welding fittings, socket welding fittings, and screwed, socket welding and flange unions. The term shall not include:

(i) Pipe fittings which are ordered for use on aircraft or watercraft, other than pleasure craft;

(ii) Pipe fittings which are ordered for installation, in any system for the conduction of a liquid or gas having chemical or physical properties which produce corrosion or any other condition to such an extent as to render hazardous the use of pipe fittings specified in the appendix hereto;

(iii) Pipe fittings the design of which is peculiar to their requirements for use in such implements of war as are combat

end-products complete for tactical operations and prescribed for field or combat use by the Army or Navy of the United States (including, but not limited to, aircraft, ammunition, armament and weapons, ships, tanks and vehicles);

(iv) Pipe fittings which are ordered for replacement of used, defective or exhausted pipe fittings which cannot be repaired or reconditioned, and which cannot be replaced with pipe fittings specified in the appendix hereto;

(v) Blind, tapped, slip-on welding, socket welding, or welding neck flanges of greater than 24-inch pipe size;

(vi) Spiral pipe standard flanges;

(vii) Swedged (or swage) nipples and bull plugs;

(viii) Orifice unions;

(ix) Commercial pipe nipples and wrought couplings;

(x) Electrical conduit fittings;

(xi) Welding saddles and bosses; welding sleeves; welding fittings of greater than 24-inch pipe size; two piece, 10-gauge butt welding fittings; butt welding forty-five degree (45°) laterals; butt welding fittings with integral ring construction, provided they conform otherwise to the provisions of part 3 of the appendix hereto; or

(xii) Pipe fittings commonly referred to as "specialties", including, but not limited to, refrigeration, oil field and automotive specialties and those especially designed for attachment to internal combustion engines.

(b) *Restrictions.* (1) No producer shall manufacture after July 1, 1943 any pipe fittings which do not conform to the types, sizes and specifications contained and prescribed in the appendix hereto.

(2) No producer shall manufacture after July 1, 1943 any of the following pipe fittings:

(i) Union fittings (this term does not include unions);

(ii) Butt welding crosses;

(iii) Return bends of any type other than butt welding; or

(iv) Eccentric fittings and flanges, except where specifically prescribed in the appendix hereto.

(3) No producer shall sell or make delivery of, nor shall any person knowingly purchase or accept delivery of, any pipe fittings manufactured in violation of this order.

(c) *Exemptions.* (1) The provisions of this order shall not apply to the manufacture, sale or delivery of pipe fittings which were cast, forged or shaped on or before July 1, 1943.

(2) The War Production Board may from time to time authorize in writing exceptions to or exemptions from the provisions of subparagraph (b) (1) hereof.

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

(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 of the appeal.

(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 or both. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed be addressed to: War Production Board, Shipbuilding Division, Washington, D. C., Ref: L-278.

Issued this 8th day of May 1943.

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

APPENDIX—SPECIFICATIONS FOR STEEL PIPE FITTINGS

The following specifications govern the manufacture of steel pipe fittings. These specifications do not purport to contain any recommendations regarding the most efficient or safe use of any pipe fittings covered herein.

Certain of the terms used in this appendix are defined in the body of this order, L-278. In addition, certain exceptions are made and certain obligations imposed by the order upon producers and others. You should therefore be thoroughly familiar with the body of the order before reading this appendix.

PART 1—STEEL PIPE FLANGES AND FLANGED FITTINGS

1. *Standard size schedule.* (a) The following table covers detailed lists of pipe sizes (in inches) which are permitted within the size ranges given in paragraphs (b) and (c) below:

½	2½	10
¾	3	12
1	4	14
1¼	5	16
1½	6	18
2	8	20
		24

(b) Straight sizes of flanged fittings shall be made in the following pressure classes, types and pipe sizes only:

[All sizes are inclusive]

Primary pressure classification (pounds per square inch)	90° Short radius elbow (inches)	90° Long radius elbow (inches)	90° Base elbow (inches)	45° Elbow (inches)	Tee (Standard sweep) (inches)	Cross (inches)	45° Lateral (inches)
150	1 to 24	2 to 12	4 to 12	1 to 12	1 to 24	2 to 8	2 to 8
300	1 to 12	2 to 12	4 to 12	1½ to 12	1 to 12	1½ to 8	1½ to 8
600	½ to 12			1½ to 4	½ to 12	1½ to 4	1½ to 4
900	3 to 8				3 to 8		
1,500	1½ to 8				1½ to 8		

(c) Straight sizes of flanges shall be made in the following pressure classes, types and pipe sizes only.

(All sizes are inclusive)

Primary pressure classification (pounds per square inch)	Screwed (inches)	Blind (inches)	Lapped (inches)	Slip-on and socket welding (inches)	Welding neck (inches)
150	½ to 16	½ to 24	¾ to 24	½ to 24	½ to 24
300	½ to 12	½ to 24	¾ to 24	½ to 24	½ to 24
600	½ to 12	½ to 24	¾ to 24	½ to 24	½ to 24
900	3 to 8	3 to 24	3 to 24	3 to 24	3 to 24
1500	½ to 8	½ to 24	¾ to 24	½ to 24	½ to 24

(d) Reducing sizes of flanged fittings shall be made in the following primary pressure classes, types and pipe sizes only as indicated by "X":

Pipe size [1] (inches)	90° elbow (short radius)			Tee (standard sweep)			Taper reducer (concentric)		
	150	300	600	150	300	600	150	300	600
2 x 1½	X	X			X	X			
2½ x 2	X	X			X			X	
2½ x 1½					X				
2½ x 2 x 2					X				
3 x 2½	X	X		X	X		X	X	
3 x 2	X	X	X	X	X	X	X	X	X
3 x 1½			X		X				
3 x 2½ x 3					X				
3 x 2½ x 2½					X				
3 x 2 x 3				X	X				
3 x 2 x 2				X	X				
4 x 3	X	X	X	X	X	X	X	X	X
4 x 2½	X	X		X	X		X	X	
4 x 2	X	X		X	X		X	X	
4 x 1½					X				

[1] Where two dimensions are given for tees, it indicates both run openings of the same size (the larger or first dimension given).

Pipe size (inches)	90° elbow (short radius)			Tee (standard sweep)			Taper reducer (concentric)		
	150	300	600	150	300	600	150	300	600
4 x 3 x 4				X	X				
4 x 3 x 3				X	X				
4 x 2 x 4				X	X				
3 x 3 x 4				X	X				
5 x 4	X	X			X		X		
5 x 3					X				
5 x 2½					X				
5 x 2					X				
6 x 5	X	X					X	X	
6 x 4	X	X		X	X		X	X	
6 x 3	X	X		X	X		X	X	
6 x 2½					X				
6 x 4 x 6				X	X				
6 x 4 x 4				X	X				
4 x 4 x 6				X	X				
8 x 6	X	X		X	X		X	X	
8 x 4	X			X	X		X		
6 x 6 x 8				X	X				
10 x 8	X	X		X	X		X	X	
10 x 6	X			X	X		X		
12 x 10	X			X			X		
12 x 8	X			X			X		

(e) Concentric screwed, slip-on, and socket welding reducing flanges may be made in any size, but with maximum sizes of tappings or borings as given in paragraph 1 (c).

(f) Welding neck flanges shall not be made in reducing sizes.

(g) Eccentric screwed reducing flanges may be made in 150-lb. primary pressure classification only and may be made to any size with maximum tappings as given in paragraph 1 (c).

2. *General.* (a) Pipe flanges and flanged fittings shall be in accordance with American Standards Association B16e and American Petroleum Institute standard 5–G–3, except as modified herein.

(b) Edges of pipe flanges, including those on fittings, shall be machined only at manufacturer's option.

(c) Forged steel flanges shall not be spotfaced or backfaced if the back of the flange is parallel to the face, except at manufacturer's option.

(d) The inside of cast steel fittings shall not be machined except when necessary to prevent scrapping otherwise usable products.

(e) Bosses on cast steel fittings may be cast on or welded on at manufacturer's option.

(f) Raised contact faces on flanges, including those on flanged fittings, shall be serrated (concentric or spiral) or smooth at manufacturer's option.

3. *150-lb. pressure class.* (a) End flange faces of flanged fittings shall have American Standard 1/16" raised face.

(b) Steel pipe flanges may be straight (plain) faced or American Standard 1/16" raised face. Straight (plain) faced flanges may be refaced from standard flanges at manufacturers' option. When so refaced the flange thickness may be 1/16" less than American Standard minimum.

(c) Cast steel flanged fittings or cast steel pipe flanges shall be of cast carbon steel.

(d) Forged steel flanges shall be of carbon steel conforming to American Society for Testing Materials A–181.

4. *300-lb. pressure class.* (a) Pipe flange and end flange faces shall have American Standard 1/16" raised face or American Petroleum Institute or American Standards Association octagonal ring joint groove, providing groove is cut from basic flange thickness.

(b) Cast steel flanged fittings or cast steel pipe flanges shall be of cast carbon steel except that flanged fittings and welding neck and blind flanges when required to resist corrosion or temperature conditions may be 4 per cent to 6 per cent chrome, ½ per cent molybdenum steel.

(c) Forged steel flanges shall be carbon steel conforming to American Society for Testing Materials A–181.

5. *600-, 900-, and 1500-lb. pressure classes.* (a) End flanges on fittings shall have American Standard ¼ inch large male face or American Standard or American Petroleum Institute octagonal ring joint groove.

(b) Pipe flanges shall have American Standard ¼-inch large male or 3/16-inch large female face or American Standard or American Petroleum Institute octagonal ring joint groove.

(c) Cast steel flanged fittings and cast steel pipe flanges shall be of carbon steel, or of carbon molybdenum steel, except when required to resist corrosion or temperature conditions, they may be of 4 to 6 per cent chrome, ½ per cent molybdenum.

(d) Forged steel pipe flanges shall be carbon steel conforming to American Society for Testing Materials A–105, or carbon molybdenum steel, except when required to resist corrosion conditions, they may be of 4 to 6 per cent chrome, ½ per cent molybdenum.

6. *Exceptions.* Steel pipe flanges and flanged fittings for primary pressure ratings higher than 1500 pounds per square inch or for temperature above 1000° Fahrenheit, or below minus 50° Fahrenheit are permitted without regard to these specifications.

PART 2—STEEL SCREWED PIPE FITTINGS

1. *Standard size schedule.* (a) The following table covers detailed list of pipe sizes (in inches) which are permitted within the size ranges given in paragraph (b) below:

⅛	1	3
¼	1¼	4
⅜	1½	5
½	2	6
¾	2½	8

(b) Straight sizes of steel screwed pipe fittings shall be made in the following pressure classes, types, and pipe sizes only:

Primary pressure classification (lbs. per square inch) [1]	90° Elbow (inches)	90° Street elbow (inches)	45° Elbow inches)	Tee (inches)	Cross (inches)	45° Lateral (inches)	Cap (inches)	Coupling (inches)	Plug (inches)
1,000	2½ to 8	----------	2½ to 6	2½ to 8	----------	----------	----------	----------	----------
2,000	⅛ to 4	----------	⅛ to 4	⅛ to 4	⅛ to 4	----------	----------	----------	----------
3,000	⅛ to 6	¼ to 2	⅛ to 4	⅛ to 6	⅛ to 4	½ to 2	⅛ to 4	⅛ to 4	----------
6,000	⅛ to 3	⅛ to 1½	⅛ to 3	⅛ to 3	⅛ to 3	⅛ to 1½	----------	⅛ to 3	⅛ to 4

(All sizes are inclusive)

[1] The primary pressure classification designates a class of fittings on the basis of non-shock water, oil, and gas pressure ratings at a temperature approximating 100° Fahrenheit, and in no way regulates the pressure at which these fittings may be rated for other fluids and temperatures, but restricts the classes to those mentioned.

(c) Reducing sizes of steel screwed fittings shall be made in the following primary pressure classes, types, and pipe sizes only (as indicated by "X"):

Pipe size [1] (inches)	90° elbow			Tee			Reducer (concentric)		Hexagon bushing (concentric)	Face bushing
	2,000	3,000	6,000	2,000	3,000	6,000	3,000	6,000	6,000	6,000
¼ x ⅛							X	X	X	X
⅜ x ¼		X		X	X		X	X	X	X
⅜ x ⅛							X		X	X
½ x ⅜	X	X	X	X	X		X	X	X	X
½ x ¼	X	X	X	X	X	X	X	X	X	X
½ x ⅛							X		X	X
½ x ⅜ x ½				X	X					
¾ x ½	X	X	X	X	X	X	X	X	X	X
¾ x ⅜	X	X		X	X		X	X	X	X
¾ x ¼				X	X		X	X	X	X
¾ x ½ x ¼				X	X					
¾ x ½ x ½				X	X					
¾ x ⅜ x ¾				X	X					
¾ x ¼ x ¾				X	X					
½ x ½ x ¾				X	X					
1 x ¾	X	X	X	X	X	X	X	X	X	X
1 x ½	X	X	X	X	X	X	X	X	X	X
1 x ⅜	X	X		X	X		X	X	X	X
1 x ¼				X	X		X		X	X
1 x ¾ x 1				X	X					
1 x ¾ x ¾				X	X					
1 x ½ x 1				X	X					
1 x ½ x ½				X	X					
¾ x ¾ x 1				X	X					
½ x ½ x 1				X	X					
1¼ x 1	X	X	X	X	X	X	X	X	X	X
1¼ x ¾	X	X	X	X	X	X	X	X	X	X
1¼ x ½	X	X		X	X	X	X	X	X	X
1¼ x ⅜							X		X	
1¼ x ¼									X	
1¼ x 1 x 1¼				X	X					
1¼ x 1 x 1				X	X					
1¼ x ¾ x 1¼				X	X					
1¼ x ¾ x ¾				X	X					
1¼ x ½ x 1¼				X	X					
1 x 1 x 1¼				X	X					
1½ x 1¼	X	X	X	X	X		X	X	X	X
1½ x 1	X	X	X	X	X	X	X	X	X	X
1½ x ¾	X	X		X	X	X	X	X	X	X
1½ x ½	X	X		X	X	X	X		X	X
1½ x ⅜							X		X	
1½ x ¼									X	
1½ x 1¼ x 1¼				X	X					
1½ x 1 x 1½				X	X					
1½ x 1 x 1				X	X					
1½ x ¾ x 1½				X	X					
2 x 1½	X	X	X	X	X	X	X	X	X	X
2 x 1¼	X	X	X	X	X	X	X	X	X	X
2 x 1	X	X		X	X	X	X	X	X	X
2 x ¾	X	X		X	X		X		X	X
2 x ½				X	X		X		X	X
2 x ⅜									X	
2 x ¼									X	
2 x 1½ x 2				X	X					
2 x 1¼ x 2				X	X					
2 x 1 x 2				X	X					
1½ x 1½ x 2				X	X					
2½ x 2	X	X		X	X		X		X	X
2½ x 1½	X	X		X	X		X		X	X
2½ x 1¼	X	X		X	X		X		X	X
2½ x 1	X	X		X	X		X		X	X
2½ x ¾				X	X				X	
2½ x ½				X	X				X	
3 x 2½		X		X	X		X		X	X
3 x 2	X	X		X	X		X		X	X
3 x 1½		X		X	X		X		X	X
3 x 1¼				X	X		X		X	X
3 x 1	X			X	X		X		X	X
3 x ¾							X		X	
3 x ½									X	

[1] Where two dimensions are given for tees, it indicates both run openings of the same size (the larger or first dimension given).

Pipe size (inches)	90° elbow			Tee			Reducer (concentric)		Hexagon bushing (concentric)	Face bushing
	2,000	3,000	6,000	2,000	3,000	6,000	3,000	6,000	6,000	6,000
4 x 3				X	X		X		X	X
4 x 2½									X	X
4 x 2	X	X		X	X				X	X
4 x 1½									X	
4 x 1¼									X	
4 x 1									X	

2. *Materials.* (a) Fittings in the 1000 pound primary pressure classification shall be made of carbon steel, except when required to resist corrosion or temperature conditions they may be 4 percent to 6 percent chrome, ½ percent molybdenum.

(b) Fittings in the 2000, 3000 and 6000 pound primary pressure classifications shall be carbon or carbon molybdenum steel, except when required to resist corrosion or temperature conditions they may be 4 percent to 6 percent chrome, ½ percent molybdenum.

3. *Exceptions.* Steel screwed pipe fittings for primary ratings higher than 6000 pounds per square inch, or for temperature above 1000° Fahrenheit or below minus 50° Fahrenheit, are permitted without regard to these specifications.

PART 3—STEEL BUTT WELDING PIPE FITTINGS

1. *Schedule of standard sizes and wall thicknesses.* (a) The following table covers pipe sizes (in inches) and nominal wall thicknesses (in inches) which are permitted within the size ranges given in paragraph (b) below. The thickness specified is the thickness at the end of the pipe fitting which corresponds to the thickness of the pipe to which it is to be attached.

Pipe size (*inches*)	A Standard weight[1] (*inches*)	B Extra strong[2] (*inches*)	C Double extra strong (*inches*)	D Schedule 160 (*inches*)	E Light gauge (*inches*)
¼	0.109				
⅜	.113	0.154			
1	.133	.179	0.358		
1¼	.140	.191	.382		
1½	.145	.200	.400		
2	.154	.218	.436		
2½	.203	.276	.552		
3	.216	.300	.600		0.120
4	.237	.337	.674		.134
5	.258	.375	.750		.134
6	.280	.432	.864		.134
8	.322	.500		0.906	.165
10	.365	.500		1.125	.172
12	.375	.500		1.312	.188
14	.375	.500		1.406	
16	.375	.500			
18	.375	.500			
20	.375	.500			
24	.375	.500			

[1] A (standard weight) includes Schedule 20 in sizes 20" and 24"—Schedule 30 in sizes 14" and 16"—Schedule 40 in sizes ½" through 10".

[2] B (extra strong) includes Schedule 60 in size 10"—Schedule 80 in sizes ¾" through 8".

(b) Straight sizes of butt welding pipe fittings shall be made in the following types and size ranges only. (Refer to paragraph 1 (a) for the thicknesses.)

[All sizes are inclusive]

Wall thickness	90° Elbows (inches)	45° Elbows (inches)	180° Return bends (inches)	Caps (inches)	Tees (inches)	Stub Ends (inches)	90° Shaped nipples (inches)
A (Standard weight)	½ to 24	½ to 24	½ to 24	3 to 24	1 to 24	1½ to 24	2 to 12
B (Extra strong)	1 to 24	1 to 24	1 to 24	3 to 24	1 to 24	1½ to 24	2 to 12
C (Double extra strong)	1 to 6	1 to 6	2 to 6	3 to 6	2½ to 6		
D (Schedule 160)	8 to 14	8 to 14	8 to 14		8 to 12		
E (Light gauge)	3 to 12	3 to 12	3 to 12				

(c) Reducing sizes of butt welding pipe fittings shall be made in the following types and sizes only (as indicated by "X"):

Pipe sizes[1] (inches)	90° Elbows		Tees				Reducers				
							Concentric			Eccentric	
	Standard weight	Extra strong	Standard weight	Extra strong	Double extra strong	Schedule 160	Standard weight	Extra strong	Double extra strong	Standard weight	Extra strong
1¼ x ¾			X				X	X			
1½ x ¾				X			X	X			
1½ x 1			X	X			X	X			
1½ x 1¼			X	X			X	X			
2 x 1	X	X	X	X			X	X		X	
2 x 1¼	X	X	X	X			X	X		X	
2 x 1½	X	X	X	X			X	X		X	X
2½ x 1¼	X	X	X	X			X	X		X	
2½ x 1½	X	X	X	X			X	X		X	X
2½ x 2	X	X	X	X	X		X	X	X	X	X
3 x 1½	X	X	X	X			X	X		X	X
3 x 2	X	X	X	X			X	X		X	X
3 x 2½	X	X	X	X	X		X	X	X	X	X
4 x 2	X	X	X	X			X	X		X	X
4 x 2½	X	X	X	X			X	X		X	X
4 x 3	X	X	X	X	X		X	X	X	X	X
5 x 2½	X	X	X	X			X	X		X	
5 x 3	X	X	X	X			X	X		X	X
5 x 4	X	X	X	X	X		X	X	X	X	X
6 x 3	X	X	X	X			X	X		X	X
6 x 4	X	X	X	X	X		X	X	X	X	X
6 x 5	X	X	X	X			X	X		X	X
8 x 4	X	X	X				X	X		X	X
8 x 5	X	X	X				X			X	X
8 x 6	X	X	X	X		X	X	X		X	X
10 x 6	X	X	X	X			X	X		X	X
10 x 8	X	X	X	X		X	X	X		X	X
12 x 6	X	X	X	X			X			X	
12 x 8	X	X	X	X			X	X		X	X
12 x 10	X	X	X	X		X	X	X		X	X
14 x 8			X	X			X	X		X	
14 x 10			X	X			X			X	
14 x 12			X	X			X	X		X	X
16 x 10			X	X			X			X	
16 x 12			X	X			X			X	
16 x 14			X	X			X	X		X	X
18 x 12			X	X			X			X	
18 x 14			X	X			X			X	
18 x 16			X	X			X	X		X	X
20 x 14			X	X			X			X	
20 x 16			X	X			X			X	
20 x 18			X	X			X	X		X	X
24 x 16			X	X			X			X	
24 x 18			X	X			X			X	
24 x 20			X	X			X	X		X	X

[1] Where two dimensions are given for tees, it indicates both run openings of the same size (the larger for first dimension given).

2. *Bevel.* (a) All sizes of pipe fittings shall be beveled in accordance with American Standards Association Standard B 16.9 except light gauge pipe fittings shown in Column E paragraph 1 (a) which shall be furnished with square cut ends.

3. *Material.* (a) Groups A and E paragraph 1 (a) shall be manufactured in carbon steel only, and groups B, C, D in carbon or carbon molybdenum steel except when required for high temperature or corrosion resistance when they may be made of 4 to 6 percent chrome, ½ percent molybdenum steel.

(b) Grades WPA or WPB American Society for Testing Materials A234 can be furnished at manufacturer's option and buyer does not have privilege of specifying by grade.

4. *Exceptions.* Steel butt welding pipe fittings for temperature above 1000° Fahrenheit or below minus 50° Fahrenheit are permitted without regard to these specifications.

PART 4—STEEL SCREWED, SOCKET WELDING, AND FLANGE UNIONS

1. *Standard size schedule.* (a) The following table covers detailed list of pipe sizes (in inches) which are permitted within the size ranges given in paragraph (b) below:

⅛	¾	2
¼	1	2½
⅜	1¼	3
½	1½	

(b) Steel screwed, socket welding and flange unions shall be made in the following pressure classes, types, and pipe sizes only:

[All size ranges are inclusive]

	Primary pressure classification [1] (pounds per square inch)			
	1,000 (inches)	2,000 (inches)	3,000 (inches)	6,000 (inches)
Screwed unions—ground joint:				
Female—steel to brass seats		⅛ to 3		
Female—brass to brass seats		⅛ to 3		
Female—steel to steel seats	¼ to 3	⅛ to 3		⅛ to 3
Female—steel to "stainless" seats		⅛ to 3		⅛ to 2
Female—"stainless" to "stainless" seats		⅛ to 3		
Male and female—steel to brass seats		¼ to 3		
Male and female—steel to steel seats		¼ to 3		
Socket welding unions—ground joint:				
Steel to brass seats		⅛ to 3		
Steel to steel seats		⅛ to 3		
Flange unions:				
Ground joint—steel to brass seats		¼ to 3		
Ground joint—steel to steel seats		¼ to 3	¼ to 2½	¼ to 2
Gasket joint	¼ to 3	¼ to 3		

[1] The primary pressure classification designates a class of unions on the basis of non-shock water, oil and gas pressure ratings at a temperature approximating 100° Fahrenheit, and in no way regulates the pressure at which these unions may be rated for other fluids and temperatures, but restricts the classes to those mentioned.

2. *Screwed and socket welding unions.* (a) Steel thread pieces, swivel or tailpieces, and union ring shall be carbon steel.

(b) "Steel to steel" seat unions shall have integral carbon steel seats, or inserted carbon molybdenum steel seats.

(c) "Steel to brass" and "brass to brass" seat unions shall have brass seats inserted or otherwise attached.

(d) "Steel to stainless" and "stainless to stainless" seat unions shall have stainless steel seats inserted or otherwise attached.

3. *Flange unions.* (a) The two flange halves shall be carbon steel.

(b) Bolts and nuts shall be carbon steel.

(c) Gasket type unions shall have either non-metallic or lead gaskets.

(d) "Steel to steel" seat unions shall have integral seats.

(e) "Steel to brass" seat unions shall have brass seats inserted or otherwise attached.

(f) Flange unions may be oval, square, or round in accordance with manufacturer's standard practice.

4. *General.* (a) Unions shall not be finished on the outside except at manufacturer's option.

5. *Exceptions.* Steel screwed, socket welding and flange unions for primary pressure ratings higher than 6000 pounds per square inch, or for temperature above 1000° Fahrenheit, or below minus 50° Fahrenheit, are permitted without regard to these specifications.

PART 5—STEEL SOCKET WELDING PIPE FITTINGS

1. *Standard size schedule.* (a) The following table covers detailed list of pipe sizes (in inches) which are permitted within the size ranges given in paragraph (b) below:

⅛	¾	2
¼	1	2½
⅜	1¼	3
½	1½	4

(b) Straight sizes of steel socket welding pipe fittings shall be made in the following pressure classes, types and pipe sizes only:

[All sizes are inclusive]

Primary pressure classification [1] (lbs. per square inch)	90° elbow (inches)	45° elbow (inches)	Tee (inches)	Cross (inches)	45° lateral (inches)	Cap (inches)	Coupling (inches)
2,000	⅛ to 4	⅛ to 4	⅛ to 4	⅛ to 4		⅛ to 4	⅛ to 4
3,000	⅛ to 4	⅛ to 4	⅛ to 4	⅛ to 4	½ to 2	⅛ to 4	⅛ to 4
6,000	⅜ to 3	⅜ to 3	⅜ to 3	⅜ to 3	⅜ to 1½	⅜ to 3	⅛ to 3

[1] The primary pressure classification designates a class of fittings on the basis of non-shock water, oil, and gas pressure ratings at a temperature approximating 100° Fahrenheit, and in no way regulates the pressure at which these fittings may be rated for other fluids and temperatures, but restricts the classes to those mentioned.

The 2,000, 3,000, and 6,000-lb. classes are intended for use with Standard Weight (Schedule 40), Extra Strong (Schedule 80), and Double Extra Strong Pipe, respectively.

(c) Reducing sizes of steel socket welding pipe fittings shall be made in the following primary pressure classes, types, and pipe sizes only (as indicated by "X"):

REDUCING SIZES OF STEEL SOCKET WELDING PIPE FITTINGS

Pipe sizes [1] (Inches)	90° Elbow			Tee			Reducer (Concentric)		
	2000	3000	6000	2000	3000	6000	2000	3000	6000
⅜ x ¼							X	X	
½ x ⅜	X	X	X	X	X	X	X	X	X
½ x ¼	X	X		X	X		X	X	
½ x ⅜ x ½				X	X				
¾ x ½	X	X	X	X	X	X	X	X	X
¾ x ⅜	X	X		X	X		X	X	X
¾ x ¼				X	X				
¾ x ½ x ¾				X	X				
¾ x ½ x ½				X	X	X			
1 x ¾	X	X	X	X	X	X	X	X	X
1 x ½	X	X	X	X	X	X	X	X	X
1 x ⅜							X	X	X
1 x ¼							X	X	
1 x ¾ x 1				X	X				
1 x ¾ x ¾				X	X				
1 x ½ x 1				X	X	X			
1 x ½ x ½						X			
1 x ¼ x 1				X	X	X			
¾ x ¾ x 1				X	X	X			
½ x ½ x 1				X	X				
1¼ x 1	X	X	X	X	X	X	X	X	X
1¼ x ¾	X	X	X	X	X	X	X	X	X
1¼ x ½	X	X		X	X	X	X	X	X
1¼ x ⅜							X	X	
1¼ x 1 x 1¼				X	X				
1¼ x 1 x 1				X	X	X			
1¼ x ¾ x 1¼				X	X				
1¼ x ¾ x ¾				X	X				
1¼ x ½ x 1¼				X	X				
1 x 1 x 1¼				X	X				
1½ x 1¼	X	X	X	X	X	X	X	X	X
1½ x 1	X	X	X	X	X	X	X	X	X
1½ x ¾	X	X	X	X	X	X	X	X	X
1½ x ½	X	X		X	X	X	X	X	X
1½ x 1¼ x 1¼				X	X				
1½ x 1 x 1½				X	X				
1½ x 1 x 1				X	X	X			
1½ x ¾ x 1½				X	X				
2 x 1½	X	X	X	X	X	X	X	X	X
2 x 1¼	X	X	X	X	X	X	X	X	X
2 x 1	X	X	X	X	X	X	X	X	X
2 x ¾	X	X	X	X	X	X	X	X	X
2 x ½	X	X		X	X	X	X	X	X
2 x 1½ x 2				X	X	X			
2 x 1½ x 1½				X	X	X			
2 x 1¼ x 2				X	X				
2 x 1 x 2				X	X				
1½ x 1½ x 2				X	X				
2½ x 2	X	X	X	X	X	X	X	X	X
2½ x 1½	X	X	X	X	X	X	X	X	X
2½ x 1¼				X	X	X	X	X	X
2½ x 1	X	X	X	X	X	X	X	X	X
3 x 2½	X	X	X	X	X	X	X	X	X
3 x 2	X	X	X	X	X	X	X	X	X
3 x 1½	X	X	X	X	X	X	X	X	X
3 x 1¼				X	X	X	X	X	X
3 x 1	X	X	X	X	X	X	X	X	X
4 x 3	X	X	X	X	X		X	X	X
4 x 2½	X	X	X				X	X	X
4 x 2	X	X	X	X	X	X	X	X	X

[1] Where two dimensions are given for tees, it indicates both run openings of the same size (the larger or first dimension given).

2. *Materials.* (a) Fittings in the 2000, 3000 and 6000 pound primary pressure classifications shall be carbon or carbon molybdenum steel, except when required to resist corrosion or temperature conditions they may be 4 per cent to 6 per cent chrome, ½ per cent molybdenum.

3. *Exceptions.* Steel socket welding pipe fittings for primary pressure ratings higher than 6000 pounds per square inch or for temperature above 1000° Fahrenheit, or below minus 50° Fahrenheit are permitted without regard to these specifications.

[F. R. Doc. 43-7285; Filed, May 8, 1943; 11:26 a. m.]

PART 3162—FOLDING AND SET-UP BOXES

[Amendment 1 to Limitation Order L-239 [1] as Amended April 15, 1943]

Section 3162.1 *Limitation Order L-239* is amended by deleting Table IV from Schedule I.

Issued this 8th day of May 1943.

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

[F. R. Doc. 43-7301; Filed, May 8, 1943; 5:04 p. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-h as Amended May 10, 1943]

TOOL STEEL

§ 962.9 *Supplementary Order M-21-h*—(a) *Definitions.* For the purpose of this order:

(1) "Tool steel" means any steel to be used for the manufacture of tools for use in mechanical fixtures for cutting, shaping, forming, and blanking of material, either hot or cold, or for precision gauges. It is not deemed to include steel for use as shanks in the manufacture of tipped or welded tools or for hand tools such as chisels, pliers, screw drivers, wrenches, centering punches and nail-sets.

(2) "Alloy steel" means alloy steel as defined in paragraph (a) of Supplementary Order M-21-a.

(3) "High-speed steel" means alloy tool steel of either of the following classes:

(i) "Class A high-speed steel" means either alloy steel containing not less than .60% carbon and more than 3.0% molybdenum; or alloy steel containing not less than .60% carbon, 6.0% or less tungsten, and more than 3.0% molybdenum.

(ii) "Class B high-speed steel" means alloy steel containing not less than .55% carbon and more than 12.0% tungsten.

[1] 8 F.R. 358, 4914, 5446.

Other alloying elements may be present in the high-speed steels of either class, but steel not containing the elements named, in the amount specified, shall not be deemed high-speed steel.

(4) "Producer" means any person who melts tool steel.

(b) *Purchasers' statements.* In addition to any statement required by General Preference Order M-21, on and after May 1, 1943, every order placed with a producer for steel to be used for the manufacture of tools for use in mechanical fixtures for cutting, shaping, forming or blanking of material, either hot or cold, or for precision gauges, shall include the statement, "This is an order for 'tool steel' ", over the signature, either manual or as provided in Priorities Regulation No. 7, of a duly authorized official of the purchaser, which will constitute a representation to the producer and to the War Production Board that the steel ordered will be used only for one or more of the above purposes.

(c) *Producers' forms.* Each producer shall file monthly with the War Production Board, Ref.: M-21-h, melting schedules on form PD-440. The War Production Board may make such changes in any melting schedule as shall seem appropriate and may from time to time issue supplementary directions with regard to melting of tool steel.

(d) *Melting and deliveries of tool steel.* Except pursuant to specific authorization in writing by the War Production Board, tool steel shall be melted and delivered as follows:

(1) Each producer shall melt tool steel in accordance and only in accordance with such melting schedules as are approved by the War Production Board or such supplementary directions as may from time to time be issued by the War Production Board.

(2) Each producer shall deliver tool steel on an order and only on an order for which the melting has been specifically authorized or directed by the War Production Board.

(e) *Special instructions.* The War Production Board may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making tool steel, and whether and in what proportions any such element is to be the metal, a ferroalloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization in writing by the War Production Board, no person shall make or accept delivery under any toll agreement whereby one person melts tool steel for another person.

(g) *Melting and deliveries of high-speed steel.* Except pursuant to specific authorization in writing by the War Production Board

(1) No producer shall melt high-speed steel except within the limits below specified for the following elements:

(i) Class A high-speed steel:

Grade	C.	Cr.	W.	Mo.	V.	Co.
	Min.	*Max.*	*Max.*	*Max.*	*Max.*	
I	.60	4.5	6.0	5.0	1.6	0.0
Ic	.60	4.5	6.0	5.0	1.9	3.5 Min.
II	.60	4.5	1.8	8.75	1.2	0.0
IIc	.60	4.5	1.8	8.75	1.9	3.5 Min.
III	.60	4.5	------	8.75	1.9	0.0
IIIc	.60	4.5	------	8.75	1.9	3.5 Min.

(ii) Class B high-speed steel:

Grade	C.	Cr.	W.	Mo.	V.	Co.
	Min.	*Max.*	*Max.*		*Max.*	
IV	.55	4.5	19.0	0.0	1.10	0.0
IVc	.55	4.5	22.0	1.1 Max.	1.90	3.5 Min.

(2) On and after January 1, 1943, no producer shall melt in any calendar quarter, Class B high-speed steel which will exceed, in the aggregate, by weight, 35% of the total high-speed steel melted by him in such quarter.

(3) No person shall place an order with a producer or any other person for Class B high-speed steel if Class A high-speed steel would reasonably fulfill his requirements.

(4) On and after January 1, 1943, no person shall place with a producer and no producer shall accept in any calendar quarter orders for Class B high-speed steel which will exceed, in the aggregate, by weight, 35% of the total high-speed steel ordered by such person from such producer during such quarter, except that this provision shall not apply to the placement of orders for high-speed steel with warehouses.

(5) On and after January 1, 1943, no person shall accept from a producer in any calendar quarter, deliveries of Class B high-speed steel which will exceed in the aggregate, by weight, 35% of the aggregate of deliveries of all high-speed steel made to him by all producers during such quarter, except that this provision shall not apply to deliveries of high-speed steel by warehouses.

(6) Customers' orders for high-speed steel which are to be filled in whole or in part by the use of material, including tungsten ore, ferro tungsten, and tungsten-bearing scrap, furnished by such customers shall be subject to all the restrictions and provisions of this order.

(7) The foregoing provisions of this paragraph (g) do not authorize the purchase or acquisition of Class A high-speed steel for the purpose of obtaining complementary quantities of Class B high-speed steel when the Class A high-speed steel being purchased or acquired will not be put into productive use within the time limits allowable by applicable War Production Board inventory regulations.

(h) *Exceptions to restrictions on deliveries of high-speed steel.* The provisions of paragraphs (g) (4) and (5) with respect to maximum permitted purchases and deliveries of Class B high-speed steel shall not apply to:

(1) Deliveries of high-speed steel to any person whose total receipts of high-speed steel from all producers does not exceed 100 lbs. per calendar quarter.

(2) Deliveries of high-speed steel to any person whose total receipts of high-speed steel from any producer in any calendar quarter balance within 5%, by weight, or 500 lbs., whichever is the lesser, of the permissive ratio of Class B high-speed steel to total high-speed steel.

(i) *Melting and deliveries of Class A high-speed steel.* Except pursuant to specific authorization in writing by the War Production Board:

(1) On and after December 1, 1942, no producer shall melt during any calendar month Class A high-speed steel, grades II and III, in excess of 30% of the monthly average tonnage of such Class A high-speed steel melted by him during the second calendar quarter of 1942.

(2) On and after January 1, 1943, no person shall accept for delivery from a producer during any calendar quarter Class A high-speed steel, grades II and III, in excess of 35% of the amount of such Class A high-speed steel received by him during the second calendar quarter of 1942.

(j) *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.

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

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C.; Ref.: M-21-h.

Issued this 10th day of May 1943.

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

[F. R. Doc. 43-7340; Filed, May 10, 1943; 11:46 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Supplementary Limitation Order L–1–g as Amended May 10, 1943]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of rubber, steel, chromium, nickel and other critical materials required for the production of truck-trailers for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 976.17 *Supplementary Limitation Order L–1–g*—(a) *Definitions.* For the purposes of this order:

(1) "Truck trailer" means a complete semi-trailer or a complete full trailer designed for the transportation of property or persons, or the chassis therefor, but does not include an attachment third axle, whether dead or power driven, or a re-assembled truck trailer.

(i) "Re-assembled truck trailer" means a complete semi-trailer or a complete full trailer, designed for the transportation of property or persons, or the chassis therefor, produced from used or repaired parts, and of which not more than thirty (30) per cent by actual weight, of the parts used in the construction of the vehicle is new iron or new steel. A re-assembled truck trailer may not include a complete new frame assembly, a complete new axle assembly, a complete new set of springs, or a complete new set of wheels. A re-assembled truck trailer, irrespective of the origin of any of the parts used in its construction, must carry in a conspicuous place a plate or lettering showing the name of the producer, a model designation, a serial number and a load or capacity rating, and carrying the words "Re-assembled with not more than 30% new iron and steel".

(2) "Passenger carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of eleven (11) or more persons, or the chassis or body therefor.

(3) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of truck trailers or re-assembled truck trailers.

(b) *Prohibition of production of truck-trailers after June 30, 1942.* Except to the extent that production is permitted under paragraph (c) below, effective July 1, 1942, producers of truck-trailers shall not manufacture any such vehicles, irrespective of the provisions of any order heretofore issued by the War Production Board or of the terms of any contract heretofore or hereafter entered into by any such producers.

(c) *Exceptions in favor of War Agencies.* Nothing in this order shall prevent any producer from manufacturing and delivering truck-trailers pursuant to contracts or orders for delivery to or for the account of the following:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(d) *Passenger carrier production under Limitation Order L–101.* As of June 23, 1942 the production of passenger carriers shall in no way be regulated by this order, but shall in all respects be regulated and controlled by General Limitation Order L–101, issued May 21, 1942.

(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) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such report and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(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) *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.

(i) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal for relief by addressing a letter to the War Production Board, Ref.: L–1–g, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(j) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C. Ref.: L–1–g.

(k) *Authorized production of trailers.* (1) Notwithstanding the provisions of paragraph (b) of this order, producers may manufacture a total of 800 tank trailers in such quantities, of such types and within such periods of time as may hereafter from time to time be specifically authorized by the War Production Board.

(2) In addition to the production authorized in the preceding subparagraph (1), the War Production Board may hereafter from time to time specifically authorize further production of trailers in such quantities, of such types and within such periods of time as it may determine.

Issued this 10th day of May 1943.

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

[F. R. Doc. 43–7344; Filed, May 10, 1943; 11:47 a. m.]

PART 3022—SILVER

[Conservation Order M–199 as Amended May 10, 1943]

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

§ 3022.1 *Conservation Order M–199*—(a) *Definitions.* For the purposes of this order:

(1) "Silver" means silver bullion, silver scrap and other secondary forms of silver, and any alloy, compound, salt, or mixture containing more than one-half of one per cent of silver by weight. The term does not include alloyed gold produced in accordance with U. S. Commerce Standards CS 51–35 and CS 67–38.

(2) "Foreign silver" means any silver except that which has been produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions. It also includes foreign silver scrap and other secondary forms of foreign silver, and any alloy, compound, salt, or other mixture containing more than one-half of one per cent of foreign silver by weight. *Provided, however,* That scrap and other secondary forms of silver resulting from the processing of silver produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions, shall be considered as excepted from the category of "foreign silver," as such term is used herein, only as long as such scrap and secondary form of silver remains in the ownership of the person whose processing operations produced it.

(3) "Restricted use" means a use of silver in the manufacture of a product or part thereof or in any other use appearing upon List A hereto attached.

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

(5) "Manufacturer" means any person who uses silver by incorporating it physically in the products or parts thereof which he manufactures or who uses or consumes silver in any manufacturing, testing, laboratory, plating, or repairing process.

(6) "Supplier" means any person who imports, smelts, alloys, melts, rolls, or refines silver, or who sells silver to manufacturers. The term includes distributors.

(7) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin, or otherwise shape. It also means assemble. The term does not include sand-bobbing, buffing, or polishing an assembled article.

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

(9) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article. In all other cases, the term "assemble" shall be deemed to include adding parts, whether of silver or of any other material, to an article of silver, where such article is not deemed complete and ready for immediate sale or use until such parts have been added, including adding gems, stones, or glass jewels or beads to articles or parts of silver, and adding brushes, combs, knives, forks, or other utensils to backs or handles of silver.

(10) The term "deliver" shall not be deemed to include a redelivery of silver to the owner thereof, who is a manufacturer, by a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include the delivery under the same circumstances by the owner to the person who alloys or processes the silver for the owner.

(11) The term "receive" shall not be deemed to include a receipt of silver by the owner thereof, who is a manufacturer, from a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include the receipt under the same circumstances from the owner by the person who alloys or processes the silver for the owner.

(12) "Domestic silver" means any silver except foreign silver.

(b) *Restrictions upon sale or delivery of foreign silver for restricted uses.* No supplier shall sell foreign silver except to a supplier or a manufacturer. No manufacturer shall sell foreign silver in the form of raw material, semi-processed material, or scrap except to a supplier or to fill orders bearing a preference rating of A–1–a or higher or to Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended. On and after February 25, 1943, except to fill orders bearing a preference rating of A–1–a or higher, no supplier shall sell or deliver any foreign silver to any manufacturer for restricted uses. No supplier shall sell or deliver foreign silver to any person if he knows, or has reason to believe, such silver is to be received or used in violation of the terms of this order.

(c) *Restrictions upon purchase or receipt of foreign silver for restricted uses.* On and after February 25, 1943, except to fill orders bearing a preference rating of A–1–a or higher, no manufacturer shall purchase or receive any foreign silver for restricted uses.

(d) *Restrictions upon manufacture of foreign silver for restricted use.* On and after February 25, 1943, except to fill orders bearing a preference rating of A–1–a or higher, no manufacturer shall put into process or process any foreign silver for restricted uses.

(e) *Restrictions upon the purchase or receipt of domestic silver for restricted uses.* Except to fill orders bearing a preference rating of A–1–a or higher, no manufacturer shall purchase or receive domestic silver for restricted uses in the period between February 25, 1943, and July 1, 1943, in excess of ⅛, and in any calendar quarter after July 1, 1943, until further notice, in excess of ⅛, of the aggregate amount by weight of all silver (foreign and domestic), computed on the basis of the fine silver content thereof in troy ounces, put into process by such manufacturer for restricted uses during the calendar year 1941 or the calendar year 1942, whichever year is the greater: *Provided, however,* That such manufacturer, in computing the amount of domestic silver which he is entitled to purchase or receive under the foregoing provision, shall deduct from the said aggregate amount put into process by him for restricted uses for the year 1941 or 1942, as the case may be, the aggregate amount by weight of silver (fine silver content, troy ounces) put into process by him in such year for restricted uses to fill orders rated A–3 or higher, and the aggregate amount by weight (fine silver content, troy ounces) of sales made by him in such year of silver scrap or silver waste material resulting from the processing of silver for restricted uses.

(f) *Restrictions upon manufacture of domestic silver for restricted uses.* Except to fill orders bearing a preference rating of A–1–a or higher, no manufacturer shall put into process domestic silver for restricted uses in the period between February 25, 1943, and July 1, 1943, in excess of ⅛, and in any calendar quarter after July 1, 1943, until further notice, in excess of ⅛, of the aggregate amount by weight of all silver (foreign and domestic), computed on the basis of the fine silver content thereof in troy ounces, put into process by such manufacturer for restricted uses during the calendar year 1941 or the calendar year 1942, whichever year is the greater: *Provided, however,* That such manufacturer, in computing the amount of domestic silver which he is entitled to put into process under the foregoing provision, shall deduct from the said aggregate amount put into process by him for restricted uses for the year 1941 or 1942, as the case may be, the aggregate amount by weight of silver (fine silver content, troy ounces) put into process by him in such year for restricted uses to fill orders rated A–3 or higher, and the aggregate amount by weight (fine silver content, troy ounces) of sales made by him in such year of silver scrap or silver waste material resulting from the processing of silver for restricted uses.

(g) *Restrictions upon sale or delivery of domestic silver.* No supplier shall sell domestic silver except to a supplier or a manufacturer. No manufacturer shall sell domestic silver in the form of raw material, semi-processed material or scrap, except to a supplier or to fill orders bearing a preference rating of A–1–a or higher or to Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended. No supplier shall sell or deliver domestic silver to any person if he knows or has reason to believe such silver is to be received or used in violation of the terms of this order.

NOTE: Former paragraphs (g) through (m) redesignated (h) through (n) May 10, 1943.

(h) *Special exception as to domestic silver.* The restrictions of this order as to the purchase, receipt, and manufacture of domestic silver for restricted uses shall not apply to any manufacturer:

(1) Who manufactures jewelry by the use of hand tools exclusively (that is, without the use of dies, jigs, or molds or any mechanical apparatus whatsoever, such as mechanically operated spinning or turning wheels, or lathes, presses, grinders, or cutters, whether operated by hand, foot, or other power); or

(2) Who meets each and all of the following requirements:

(i) He was engaged in the silver manufacturing business throughout the year 1941;

(ii) His gross receipts in the year 1941 from the sale of silver products did not exceed $25,000;

(iii) He continues to engage in the silver manufacturing business, and to have at all times not more than five persons at one time, excluding all clerical employees, working in such business, each of which persons is either over the age of 50 years or is physically incapacitated from performing ordinary factory labor; and

(iv) His gross sales of silver products for the calendar year 1943 and for each calendar year thereafter do not exceed $35,000 per year.

For a manufacturer to be engaged in the "silver manufacturing business" as the term is used in paragraph (h) (2), at least 75% of the gross receipts of such manufacturer in the year 1941 and succeeding years from products of all kinds sold by him (including products sold but not manufactured by him) shall have been derived from the sale of silver products manufactured by him. A silver product is one in which silver is physically incorporated and in which the amount of contained silver is greater either in weight or in value than any other single material, excluding precious or semi-precious stones, contained in such product.

(i) *Delivery certificate for silver.* No supplier shall deliver silver to any manufacturer and no manufacturer shall receive silver from any supplier unless the manufacturer shall make and deliver to the supplier, or endorse on the purchase order, a certificate, manually signed by the manufacturer or a responsible official thereof, in substantially the following form, to-wit:

> The undersigned hereby certifies that he is familiar with the terms of Conservation Order M-199; that he is a manufacturer as such term is used in such order, and that the silver covered by the accompanying order of even date shall be received and used as permitted by said Order M-199.
>
> Dated ----------
> Name ----------
> By ----------

Such certificate shall constitute a representation by the manufacturer to the supplier and the War Production Board of the facts stated therein. The supplier shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(j) *General exception.* None of the restrictions in this order as to sale, purchase, delivery, receipt, or use of silver shall be applicable to the United States Government or any of its departments or agencies: *Provided, however,* This exception shall not be deemed to extend to a manufacturer who manufactures items for delivery to or for the account of the United States Government or any of its departments or agencies. An item is not deemed removed from the list of restricted uses simply because it is to be manufactured for delivery to or for the account of the United States Government or any of its departments or agencies.

(k) *Repair exception.* The restrictions of this order shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use silver weighing in the aggregate more than 3 ounces and if any putting into process or processing done by such person is for the purpose of making the specific repair. The term "repair" as used in this paragraph shall include the replating of used articles, provided the article was originally made of silver or silver-plated material.

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

(m) *Reports.* Each supplier and each manufacturer and every other person affected by this order shall file such reports as may be requested from time to time by the War Production Board.

(n) *Miscellaneous provisions*—(1) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of silver conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order as to foreign silver shall apply to the use of such material in all items manufactured after July 29, 1942, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 29, 1942. The prohibitions and restrictions contained in this order as to domestic silver shall apply to the use of such material in all items manufactured after February 25, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to February 25, 1943. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided, the use of foreign or domestic silver in the production of any item, the limitations of such other order shall be observed.

(3) *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.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington, D. C. Ref.: M-199.

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

Issued this 10th day of May, 1943.

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

LIST A

[NOTE: Items 2, 5 and 7 amended May 10, 1943]

RESTRICTED USES OF SILVER UNDER CONSERVATION ORDER M-199

1. Silverware, including, without limitation, knives, forks, spoons, plates, platters, dishes, pitchers, vases, cups, candlesticks, and all other kinds of flatware and holloware and table, kitchen, and decorative utensils and objects.

2. Watch cases and jewelry, including, without limitation, costume jewelry, blackout jewelry, and other articles of personal adornment, except push-pins for wrist watches.

3. Badges and insignia.

4. Church goods as defined in General Limitation Order L-136.

5. Slide fasteners, hooks and eyes, snaps, buttons, clips (except for fountain pens and mechanical pencils), buckles, and fasteners of every description.

6. Closures for containers.

7. Pens and pencils, except the nibs, interior tubes, filling mechanisms, clips, and reinforcing cap-rings of fountain pens, and the tips, interior operating mechanisms, clips, and reinforcing bands of mechanical pencils.

8. Toilet sets and picture frames.

9. Musical instruments.

10. Electroplating not necessary for operational purposes, except for use in the manufacture and repair of dental, surgical, veterinary, and optical (including spectacle frames) instruments, appliances, and equipment.

11. Silverclad metal, except for use in the manufacture and repair of dental, surgical, veterinary, and optical (including spectacle frames) instruments, appliances, and equipment.

12. Insulated wire for electrical conductors.

INTERPRETATION 1

[NOTE: Interpretation 1 amended in its entirety, May 10, 1943.]

Conservation Order M-199 imposes certain quota limitations upon the amount of domestic silver which a manufacturer may put into process for restricted uses. In many silver manufacturing processes, a manufacturer starts with a certain amount of silver in pri-

mary shapes and ends the operation with a large part of such silver in the form of scrap. It is customary for the manufacturer in these cases to have this scrap melted, rolled, or otherwise processed so as to return it to a primary shape in which it can again be subjected to manufacturing processes. This reforming of the silver scrap in some instances is done by the manufacturer himself, in other instances the work is done by others under toll agreement. The question has been presented as to whether the processing of this reformed scrap must be considered as coming within the meaning of the term "put into process" or whether such processing of reformed scrap shall be considered as only the continuation of a processing operation which began when the manufacturer processed for the first time in any form for a restricted use the specific amount of silver from which such scrap was produced.

It is hereby determined that for the purposes of the quota limitations of Order M-199, the term "put into process" shall be deemed to cover only the manufacturer's first processing for a restricted use of a given amount of silver. It shall not be deemed to cover the subsequent processing of reformed scrap produced therefrom, whether such reforming is done by the manufacturer himself or by others for him under toll agreement. The term shall be deemed to cover, however, the first processing for a restricted use of reformed scrap which was produced in a manufacturing operation which is not restricted under the order.

Domestic silver scrap produced in filling an order rated A-1-a or higher for a restricted use is considered as having been produced in a manufacturing operation which is not restricted under the order. Hence such scrap when reformed can be processed for a restricted use only if within the manufacturer's quota limitations or to fill an order rated A-1-a or higher.

This interpretation supersedes Interpretation 1 of Conservation Order M-199 issued September 1, 1942. (Issued May 10, 1943.)

[F. R. Doc. 43-7339; Filed, May 10, 1943; 11:46 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L-183-a as Amended May 10, 1943]

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

§ 3037.2 *General Limitation Order L-183-a*—(a) *Definitions.* For the purpose of this order:

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

(2) "Electronic equipment" means:

(i) Any electrical apparatus or device used for communications, detection or signalling, and involving the use of vacuum or gaseous tubes;

(ii) Electrical or wire communications equipment used for communications, detection or signalling which has been assigned a numerical designation of urgency by the Precedence List;

(iii) Wire communication equipment for telephone and telegraph; and

(iv) Research, production or maintenance test equipment for any of the foregoing equipment.

The term does not include any fabricated or semi-fabricated part or component of or for electronic equipment.

(3) "Producer" means any person to the extent engaged in the production, manufacture or assembly of electronic equipment.

(4) "Component" means any fabricated or semi-fabricated part of or for electronic equipment.

(5) "Supplier" means any person to the extent engaged in the production, fabrication or assembly of components.

(6) "Precedence list" is the schedule, issued and amended from time to time by the Joint Communications Board of the Army and Navy, which sets forth by numerical designation the relative urgency of deliveries of certain types and quantities of electronic equipment to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, the Office of Scientific Research and Development, and the Civil Aeronautics Administration; or

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its dominions, Crown Colonies and Protectorates, and Yugoslavia; or

(iii) Any other country including those of the Western Hemisphere now or hereafter designated, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

The order of urgency established by this list is:

P/L-A1
P/L-A1a, etc.
P/L-A2, etc.
P/L-B1, etc.; P/L-A1 being the highest urgency presently assigned.

(b) *Operation of the precedence list.* (1) The numerical designations assigned by the precedence list shall establish the relative urgency of certain deliveries of types and quantities of electronic equipment within any single preference rating category. Any delivery assigned a lower numerical designation in any preference rating category shall be deferred to the extent necessary to assure within the time specified those deliveries assigned higher designations within the same preference rating category even though such deferment may cause default in deliveries assigned lower designations.

(2) The assignment of a precedence list designation shall not affect production or delivery under any purchase order (including an order for electronic equipment or components thereof) which does not bear a precedence list designation. The sequence of deliveries among orders bearing no precedence list designation, and as between orders bearing no precedence list designations and orders bearing precedence list designations shall be determined pursuant to War Production Board regulations in accordance with the preference ratings which such orders respectively bear.

(3) Each producer shall review his production and delivery schedules for electronic equipment to which numerical designations have been assigned by the precedence list; and shall on and after February 15, 1943, schedule or reschedule within each preference rating category his production and delivery schedules of types and quantities of electronic equipment to which numerical designations of urgency have been assigned by the precedence list, in relation to each other only, and in accordance with such designations, so that, as to deliveries of those assigned lower designations, production shall be deferred to the extent necessary to assure those deliveries assigned higher designations, within the time specified.

(4) Each producer and supplier shall transmit in writing to his suppliers of components the following information:

(i) Name of the contracting agency or customer on the prime contract and the contract number applicable to the whole or any portion of each purchase order for components;

(ii) On each purchase order a definite monthly delivery schedule of the quantities of components actually required to support the production of the minimum quantities of electronic equipment as established by the precedence list, or to support the producer's authorized production of electronic equipment to which numerical designations of urgency have not been assigned by the precedence list, taking into account in his determination of such quantities the producer's current inventory of such components;

(iii) The producer's manufacturing lead factor in days for each component; and

(iv) The precedence list designations, if any, applicable to the whole or any portion of each purchase order for components, stating the percentage of each purchase order to which each precedence list designation applies.

The provisions of this paragraph (b) (4) shall apply to all purchase orders for components heretofore or hereafter placed by any producer or supplier.

(5) Each supplier to whom precedence list designations of urgency are transmitted may schedule or reschedule, within each preference rating category, all or any portion of his production or delivery schedules of components to which such designations apply, in relation to each other only, and in accordance with such designations, so that, as to those deliveries bearing lower designations, production or delivery may be deferred to the extent necessary to assure within the time specified those deliveries bearing higher designations within the same preference rating category.

(6) No producer shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers in such manner that the amount of components ordered exceeds the amount of the producer's actual requirements of such components to support his authorized production of electronic equipment,

even though he intends to cancel or reduce his purchase orders to the amount of actual requirements prior to completion of deliveries.

(c) *Special directions.* The War Production Board may from time to time issue in respect to electronic equipment or components special orders or directions which:

(1) Alter or freeze production or delivery schedules in whole or in part;

(2) Direct any supplier to reschedule all or any portion of his production or delivery schedules of components to which precedence list designations are applicable as to each other only within any single preference rating category and in accordance with such precedence list designations;

(3) Direct the cancellation of any order held by any producer or supplier;

(4) Allocate any unfilled order from one to another producer or supplier;

(5) Direct the delivery of any electronic equipment or components in production or completed to any person at established prices and terms;

(6) Direct any person to establish a special stock of components for transfer or distribution for such purposes, under such conditions and in such amounts as the War Production Board may specify; or

(7) Take such other action as it deems necessary with respect to the placing of orders for, or the production or delivery of electronic equipment or components.

Any such special orders or directions shall be complied with notwithstanding War Production Board regulations or orders.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, except to the extent that the provisions of paragraphs (b) and (c) provide for departure therefrom. No transactions pursuant to paragraphs (b) (5) or (c) (2) hereof shall interfere with any schedule specifically frozen by action of the War Production Board.

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

(f) *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.

(g) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to War Production Board, Radio and Radar Division, Washington, D. C., Ref: L–183–a; except reports, appeals and other communications relating to wire communication equipment embraced within the definition of paragraphs (a) (2) (ii) and (a) (2) (iii) hereof which shall be addressed to War Production Board, Communications Division, Washington, D. C. Ref: L–183–a.

Issued this 10th day of May 1943.

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

[F. R. Doc. 43–7343; Filed, May 10, 1943; 11:47 a. m.]

PART 3053—CONVEYING MACHINERY AND MECHANICAL POWER TRANSMISSION EQUIPMENT

[General Limitation Order L–193 as Amended May 10, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials, and in the engineering and other facilities, used in the manufacture of conveying machinery and mechanical power transmission equipment, 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:

§ 3053.1 *General Limitation Order L–193*—(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) "Conveying machinery" means any machinery (and any important component part thereof) used for the mechanical handling of materials; except (i) belting, (ii) farm machinery, (iii) machinery or parts used on board ship in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operating of aircraft, tanks, ordnance, or similar combat equipment, (iv) power and hand lift trucks, (v) cranes, hoists and platform elevators, (vi) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vii) cars and car dumpers, (viii) steel mill tables, (ix) sintering conveyors, (x) metal pig conveyors, (xi) underground mining machinery including slope conveyors, and (xii) portable conveyors as defined in Limitation Order L–287.

(3) "Mechanical power transmission equipment" means equipment (and any important component part thereof) of the following kinds (except equipment or parts used in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operation of aircraft, tanks, ordnance or similar combat equipment):

(i) Open and enclosed gearing for transmitting more than ¼ horsepower; except marine propulsion gears, gears manufactured by a person for incorporation into other machinery also produced by him, gears built into turbines, and gears used on household, manually powered, automotive, or farm machinery;

(ii) Mechanical drives and parts thereof for transmitting more than ¼ horsepower; except belting, drives manufactured by a person for incorporation into other machinery also produced by him, and drives used on household, manually powered, automotive, or farm machinery.

(4) "Order" includes any arrangement for the delivery of conveying machinery or mechanical power transmission equipment, whether by purchase and sale, lease, rental or otherwise.

(5) "Engineering services" means services of an engineering nature rendered for a customer or prospective customer in connection with an order or prospective order for the planning, designing, manufacture, delivery, installation, extension, or rearrangement of conveying machinery, or in connection with any bid or estimate or prospective bid or estimate for such an order; but does not include preliminary conferences, discussions, or advice, or the making of line drawings for preliminary purposes, prior to the formulation of a bid or estimate.

(6) "Bid or estimate" means a definitive bid or estimate for the planning, designing, manufacture, delivery, installation, extension, or rearrangement of conveying machinery, but does not include preliminary estimates not intended to form a basis for a firm order.

(7) "Manufacture" means fabrication or shop assembly of conveying machinery or mechanical power transmission equipment, or any component part thereof; but does not include the making of engineering drawings, blue prints, designs, estimates, or surveys.

(8) "Restricted order" means any order for new conveying machinery or mechanical power transmission equipment or parts, in the amount of $5,000 or more (not including amounts applicable to foundations or erection labor); and any order which is part of a planned group of orders for new conveying machinery or mechanical power transmission equipment, aggregating $5,000 or more in amount (not including amounts applicable to foundations or erection labor) for items, units or parts of conveying machinery or mechanical power transmission equipment having related operational functions.

(9) "Anti-friction bearings" means all types of ball, needle and roller bearings.

(b) *Restrictions on acceptance and placing of orders.* (1) On and after October 7, 1942 no person shall place or tender, and no person shall accept, any restricted order, unless the order has been authorized by the War Production Board as provided in paragraph (d) below.

(2) On and after October 7, 1942 no person shall render engineering services, or make any bid or estimate, for any restricted order, and no person shall order or request any such engineering services or invite any such bid or estimate; ex-

cept with respect to an order theretofore authorized by the War Production Board, in accordance with the provisions of paragraph (d) below.

(3) On and after May 15, 1943 no person shall accept any order for any conveying machinery or mechanical power transmission equipment unless the order is rated AA-5 or higher.

(4) The provisions of paragraphs (b) (1) and (b) (2) shall not apply to any order for machinery or equipment for the direct use of the Army, Navy, Maritime Commission, or War Shipping Administration (as defined in paragraph (c) (3)) or to any engineering services or bid or estimate in connection therewith. The provisions of paragraph (b) (2) above shall not apply to any engineering services in connection with any restricted order accepted by the manufacturer prior to October 7, 1942, or to any engineering services in connection with any bid or estimate which was in the process of formulation on that date.

(c) *Restrictions on manufacture and delivery.* (1) Except as otherwise provided in paragraph (c) (3) hereof, on and after October 7, 1942 no person shall commence or continue the manufacture of any conveying machinery or mechanical power transmission equipment or parts therefor, in fulfillment of any restricted order, and no person shall deliver or accept delivery of any such machinery or equipment or parts therefor, in fulfillment of any restricted order; unless the order shall have been authorized by the War Production Board, in accordance with the provisions of paragraph (d) below. No person shall maintain an inventory of parts for conveying machinery or mechanical power transmission equipment in excess of a minimum practicable working inventory.

(2) Except as otherwise provided in paragraph (c) (3) hereof, on and after October 7, 1942 no person shall manufacture or deliver, and no person shall knowingly accept the delivery of, any conveying machinery or mechanical power transmission equipment, or parts therefor, unless such machinery or equipment or parts are manufactured in accordance with the restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however,* That parts fabricated or processed, prior to October 7, 1942 to the point where other use is impracticable, may be used in fulfillment of any order at any time.

(3) The limitations and restrictions of paragraph (c) shall not apply:

(i) To the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer prior to August 1, 1942.

(ii) For ninety days following October 7, 1942, to the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer on or after August 1, 1942 but prior to October 7, 1942.

(iii) For ninety days following October 7, 1942, to the manufacture or delivery in fulfillment of any order for the use of the Army, Navy, Maritime Commission or War Shipping Administration, to the extent that any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration, require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army", "Navy", "Maritime Commission" or "War Shipping Administration" shall not include any privately operated plant or shipyard financed by or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis. For the purposes of this paragraph (c) an order for machinery or equipment shall be deemed to have been in the process of manufacture on October 7, 1942 only if fabrication or assembly of a component part, in fulfillment of such order and not for inventory or stock, was begun prior to October 7, 1942.

(d) *Procedure for obtaining authorization of War Production Board.* (1) The authorization of the War Production Board for orders accepted on or after October 7, 1942, required by the provisions of paragraph (b), may be applied for by the purchaser by filing an application on Form PD-681 with the War Production Board.

(2) The authorization for orders accepted prior to October 7, 1942 by the manufacturer, required by the provisions of paragraph (c) (1), may be applied for by the manufacturer. Such application shall be made by letter in duplicate filed with the War Production Board and shall contain a list of restricted orders of such manufacturer then on hand, together with the name of the purchaser, the date of each order and value thereof, a description of the equipment or machinery, the specified delivery date, the percentage of completion of the order on October 7, 1942, the Production Code symbols, the preference rating and preference rating certificate or general preference rating order number applicable to each order.

(3) The authorization of the War Production Board shall apply not only to the order by the original purchaser for the machinery or equipment covered by the above mentioned Form PD-681 or the application under subparagraph (2) above, but also to any orders for conveying machinery or mechanical power transmission equipment placed by such purchaser's suppliers in fulfillment of the authorized order. The original purchaser shall either (i) transmit a reproduction of the authorization of the War Production Board to his supplier of the authorized order or (ii) furnish him with the following certification (on the order or in an attached document):

I hereby certify that the within (or attached) order has been authorized by the War Production Board under the provisions of paragraph (d) of General Limitation Order L-193, by authorization No. , dated , , covering the within described machinery or equipment.

---------- Company

By ----------

(authorized official)

The purchaser's supplier shall furnish a similar certification on or in connection with any restricted order which he places in fulfillment of the purchaser's authorized order.

Any such certification shall be signed by a duly authorized official of the purchaser or supplier making the certification and shall constitute a representation to the War Production Board, as well as to the person to whom addressed, of the facts certified therein.

(e) [Revoked May 10, 1943]

(f) *Miscellaneous provisions*—(1) *Manufacturers' responsibility with respect to orders less than $5000.* Notwithstanding any other provision of this order, an order in an amount less than $5000 which is a restricted order (as defined in paragraph (a) (8)) because it is part of a planned group of orders aggregating $5000 or more, shall be deemed to be unrestricted with respect to the manufacturer (but not the purchaser), unless the manufacturer has reason to believe that such order is a restricted order.

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

(3) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

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

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

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order,

shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C. Ref.: L-193.

Issued this 10th day of May 1943.

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

SCHEDULE A

RESTRICTIONS AND LIMITATIONS ON THE USE OF MATERIALS IN CONVEYING MACHINERY OR MECHANICAL POWER TRANSMISSION EQUIPMENT

(a) As used in this schedule, (1) "alloy steel" and "alloy iron" mean alloy steel and alloy iron as defined in Order M-21-a, as amended and supplemented from time to time; and (2) "line shafting" means any shaft driving two or more machines or any single length or rigidly coupled lengths of shafting supported by three or more bearings.

(b) *Conveying machinery.* The materials listed below are restricted or prohibited in the construction of conveying machinery, as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Bins, bunkers, hoppers and tanks (when used as part of conveying machinery or equipment).* No metal shall be used in bins, hoppers, tanks, or bunkers having a capacity of more than 400 cubic feet, level filled, except in clips, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars or mesh, washers, and hopper bottoms of less than 400 cubic feet capacity. No steel plate of a thickness in excess of ¼ inch shall be used in bins, tanks, or hoppers with a capacity of less than 400 cubic feet, level filled. No liner plates of steel or rubber shall be used in steel bins, steel tanks, or steel hoppers. Steel liners for wood bins or wood bunkers shall not exceed No. 10 U. S. gage in thickness.

(2) *Conveyors and elevators.* No alloy steel or alloy iron shall be used for parts of chains (other than chains for the transmission of power); except for (i) pins and bushings in steel conveyor chains or cast sprocket chains, or (ii) chains used in the heat zone of heat treating and metallurgical furnaces, to the extent permitted under Order M-21-g. No bushings other than carbon steel or gray iron shall be inserted in bores of conveyor chain rollers.

(3) *Conveyor and elevator sprockets.* No alloy steel or alloy iron shall be used in chain sprocket wheels, except for sprockets to be used in the heat zone of heat treating and metallurgical furnaces, to the extent permitted under Order M-21-g.

(4) *Conveyor structures.* (i) No steel, except in clips, bearing brackets, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars, mesh, and washers, shall be used in the following structural parts:

(A) Supports for fixed conveyor frames, except supports for gravity, live roll and package conveyors when the height of the support does not exceed 36 inches.

(B) Fixed bulk material belt conveyor frames (including stringers).

(C) Conveyor galleries.

(D) Belt conveyor decking.

(E) Walkways, toe boards, handrails, stairways, and platforms.

(F) Guards or housing used only for protection.

(G) Bucket elevator casings; except corner angle iron for self-supporting casings, and boot lining and loading legs. Such corner angle iron for self-supporting casings, and boot lining and loading legs shall not exceed ¼ inch in thickness.

(H) Troughs or trough covers for fixed flight, drag, scraper or screw conveyors; except where liquids or semi-liquids are being conveyed, or where the trough is a structural member of the supporting framework; and except for materials or parts used for repairs to such troughs or trough covers. The above mentioned exception for repairs shall not be construed to permit the replacement of non-metallic parts with metal parts, the use of steel to a greater extent or with a greater thickness than used in the part being repaired or replaced, or the use of alloy steels for the replacement of carbon steel materials.

(I) Continuous stream, conduit elevator-conveyor casings; except for (1) terminal sections, (2) curved sections, (3) straight casings for carrying strands only, and (4) wearing bars for return strands only: *Provided, however,* That no steel exceeding 3/16" in thickness shall be used in the manufacture of such exempted items.

(ii) Trough linings for fixed conveyors shall not exceed No. 10 U. S. gage in thickness.

(iii) Steel for chutes and spouts shall not exceed 3/16 inch in thickness.

(iv) No steel or rubber liner plates shall be used in steel chutes or steel spouts.

(v) Steel linings for wood chutes or wood spouts shall not exceed No. 10 U. S. gage in thickness.

(vi) No copper bearing sheets or plates shall be used.

(vii) Steel troughing belt carriers and steel return belt idler rolls shall not exceed 5 inches nominal diameter on idlers up to 42 inches; and shall not exceed 6 inches on idlers 42 inches and over; provided that this limitation shall not apply to parts used for repair or replacement purposes.

(c) *Mechanical power transmission equipment.* The materials listed below are restricted or prohibited in the construction of mechanical power transmission equipment as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Anti-friction bearings.* (i) Anti-friction bearings shall not be used in hangers, pillow blocks, loose pulleys, and clutch pulleys for line shafting except for the following purposes, as certified by the purchaser:

(A) The reduction or elimination of fire hazards resulting from the combustible nature of the material being processed.

(B) Reduction or elimination of waste due to spoilage.

(C) Reduction of starting or running loads where the use of anti-friction bearings will correct an overload pertaining to the primary source of power.

(D) The repair or replacement of bearings for line shafting: *Provided, however,* That no anti-friction bearings shall be used for repair or replacement purposes for line shafting not previously equipped with such bearings.

The above mentioned certification by the purchaser shall be included in or shall accompany the purchase order, shall be signed by a duly authorized official of the purchaser, and shall be in the following form:

"The undersigned hereby certifies that the anti-friction bearings covered by order ------ (here give ---------- order number or other pertinent description) are for the following purposes as permitted by the provisions of Item (c) (1) of List A to Order L-193:

---------- (here fill in the purposes for which the ---------- bearings will be used)

---------- Company
By ----------"

Such certification shall be deemed a representation to the War Production Board as well as to the supplier to whom the order is tendered.

(ii) No alloy steel or alloy iron shall be used in bearing housings.

(2) *Bearings.* No alloy steel or alloy iron shall be used in base, cap or liner castings for sleeve bearings; or in bearing hangers, base plates, floor stands, or wall brackets for line shafting.

(3) *Chains.* (i) No alloy steel or alloy iron shall be used in cast sprocket chains.

(ii) No alloy steel shall be used in semi-finished or finished roller chain, bushed drive chain, or silent chain except in those parts thereof which the manufacturer made of alloy steel prior to January 21, 1943.

(4) No alloy steel or alloy iron shall be used in chain sprocket wheels.

(5) *Shafting appliances.* No alloy steel or alloy iron shall be used in the construction of shafting appliances in rigid couplings, collars, or pulleys and sheaves.

(6) *Gears.* No alloy steel or alloy iron shall be used in cast teeth or molded teeth gears and pinions or in gear housings.

(d) *Rust proofing.* No metallic plating or coating shall be used in the rust proofing of conveyor machinery or mechanical power transmission equipment, except that galvanizing may be used to prevent contamination of food or in the case of anchor bolts set in concrete and subject to corrosive chemical action.

[F. R. Doc. 43-7342; Filed, May 10, 1943; 11:47 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Limitation Order L-211, Schedule 3 as Amended May 10, 1943]

BARBED WIRE, WIRE FENCE, WIRE NETTING AND WIRE FLOORING

§ 3102.4 *Schedule 3 to Limitation Order L-211*—(a) *Restrictions on barbed wire.* (1) No person shall produce, fabricate or deliver barbed wire except two point barbed wire of 14 gauge strands and 16 gauge barbs, or two or four point barbed wire of 12½ gauge strands and 14 gauge barbs, the spacing of the barbs in each style to be not less than four inches.

(2) No person shall supply barbed wire except on 80 rod spools.

(b) *Restrictions on wire fence, wire netting and wire flooring.* No person shall produce, fabricate or deliver woven or welded wire fence, wire netting or wire flooring, except in the styles, specifications and in the length of rolls set forth in List 1 attached hereto.

(c) *Restrictions on use of copper.* No person shall add any copper to steel to be used in the production of wire for fabrication of barbed wire, woven or

welded wire fence, wire netting or wire flooring.

(d) *Restrictions on galvanizing.* No person shall apply any zinc coating to barbed wire, or woven or welded wire fence in excess of the weights specified in Weight A, Table IV, Federal Specification QQ–W–461, issued June 16, 1941, except that half gauges shall take the weight classification of the next heavier gauge specified.

(e) *Acceptance of delivery.* No person shall accept delivery of material which he knows or has reason to believe was produced, fabricated or delivered in violation of the provisions of paragraphs (a), (b), (c), or (d).

(f) *General exceptions.* The provisions of paragraphs (a), (b), (c), (d), and (e) shall not apply to material:

(1) The production, fabrication, delivery or acceptance of which is specifically permitted by the War Production Board, or

(2) Which has been produced or fabricated before November 12, 1942, or which before such date has been processed in such manner and to such extent that processing to conform to such provisions would be impracticable, or

(3) To be purchased by or for the account of any of the following, to the extent that such material is called for by the specifications applicable to the contract, subcontract, or purchase order:

(i) The Army or Navy of the United States, the United States Maritime Commission, and the War Shipping Administration;

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(iii) The government of any country listed above, or any other country, including those in the Western Hemisphere, where the contract or purchase order is placed by any agency of the United States Government, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(g) *Exception to restriction on length of rolls.* The restrictions as to length of rolls contained in paragraphs (a) and (b) shall not be applicable to deliveries on preference ratings assigned by the Board of Economic Warfare, deliveries on Lend-Lease orders, or to deliveries by any person to the ultimate consumer.

(h) *Records.* Each producer or fabricator owning or possessing material excepted by the provisions of paragraph (f) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 10th day of May 1943.

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

LIST I

NOTE: List I was amended in its entirety May 10, 1943.

WIRE FENCE—10 ROD ROLLS ONLY

Styles[1]	Inches between stays	Filler wire gauge	Top-bottom wire gauge
1948	6	14½	11
1948	6	15½	12½
2048	6	15½	12½
2148	6	15½	12½

WIRE FENCE 20-ROD ROLLS ONLY

726	6	11	9
726	6	14½	11
726	6	12½	10
832	6	14½	11
1047	6	11	9
635	12	11	9
635	12	12½	10
832	12	12½	10
939	12	12½	10
1035	12	14½	11
1047	12	11	9

WIRE NETTING—150 FOOT ROLLS ONLY

Height	Mesh	Wire gauge
12"	1"	20
48"	2"	20
60"	2"	20

WIRE FLOORING—100 FEET ROLLS ONLY

36"	1" x 2"	14

[1] The classification of styles of woven or welded wire fence is designated by numbers in accordance with recognized trade practice. The last two digits of such numbers refer to the height of the fence and the first digit (or two digits) refer to the number of horizontal bars or line wires. For example: Style 1948 means a fence having 19 line wires and a height of 48 inches.

[F. R. Doc. 43–7341; Filed, May 10, 1943; 11:47 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 6 of CMP Regulation 1]

The following official interpretation is hereby issued with respect to § 3175.1 *CMP Regulation 1* as amended February 27, 1943.

X places an order in November of 1942 with Y for a Class A product to be delivered in May 1943. Y in filing his application under PRP included the steel pipe required to fill the order. The pipe, a controlled material, must be ordered, under CMP Regulation No. 1, thirty days prior to the month of delivery. In February of 1943 X inquires of Y how much pipe will have to be shipped to him subsequent to April 1 in order to fill his order and is advised by Y that Y has sufficient pipe in inventory, or promised for shipment, to fill the order. As a consequence, X in applying for an allotment of controlled materials for his project does not include requirements for the production of the A product and makes no allotment to Y. In April Y advises X that Y intends to fill orders for Class A products which can be fabricated out of pipe in his hands where such orders are accompanied by allotments, in preference to X's order. The Class A product was included in X's application on Form PD–200 and X was authorized to acquire it at the time of the issuance of his authorization to begin construction. Inasmuch as the Class A product is required for the authorized construction, X has applied the preference rating assigned in connection with the issuance of the PD–200 and the related allotment number as an up-rating device, to delivery of the product. The allotment number was issued at the time he applied for an allotment of other controlled materials required for completion of the project.

Under the above circumstances, Y is required to fill X's order since the order has the same status as an order for a Class A product with respect to which an allotment was made. Paragraph (p) (2) of CMP Regulation No. 1 provides as follows:

(2) No person who has accepted an allotment and an authorized production schedule for a Class A product shall thereafter accept any delivery order (except an order rated AAA) for any Class A, Class B or other product manufactured by him, regardless of the accompanying preference rating or allotment number or symbol, unless he expects that, subject to unexpected contingencies, he can fill the order without interfering with the fulfillment of such previously accepted authorized production schedules.

Under paragraph (n) (2) the delivery date specified on X's order constitutes the authorization of a production schedule. Since the only reason that X did not make an allotment was because Y advised him that no allotment was necessary, the order should be treated as though an allotment had actually been made.

The above problem suggests two fundamental questions, the answers to which are of general interest:

(1) May an order be placed for a Class A product without making an allotment and may such order bear an allotment number, as well as a preference rating, even though no allotment is made?

Under paragraph (g) (4) of CMP Regulation No. 1 a customer who has received his allotment must (except with respect to small orders and purchases from distributors) accompany every delivery order for a Class A product with an allotment "in the amount required" by his supplier to fill the order "taking such person's inventory into account." If the supplier has a sufficient inventory of controlled material to fill the order, no allotment need or should be made. If an order for a Class A product is placed under such circumstances, the applicable allotment number may be applied to the order for the purpose of up-rating the order as provided in CMP Regulation No. 3.

(2) If such an order has been accepted and promised for delivery at a specified time, may an order subsequently received with the same rating accompanied by an allotment number and an allotment be accepted and filled in preference to the first order?

A manufacturer is prohibited under paragraph (p) (1) of CMP Regulation No. 1 from accepting "an allotment for the manufacture of a Class A product, regardless of the accompanying preference rating, if he does not expect to be able to fulfill the related authorized production schedule, subject to unexpected contingencies, etc." In addition, under paragraph (p) (2) quoted above, an order for a Class A product cannot be displaced by an order subsequently received regardless of whether the second order bears a higher preference rating (unless it is a rating of AAA)

or is accompanied with a tender of an allotment.

Issued this 10th day of May 1943.

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

[F. R. Doc. 43-7338; Filed, May 10, 1943; 11:46 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 2 of CMP Reg. 5A]

The following official interpretation is hereby issued with respect to § 3175.5a of CMP Regulation No. 5A:

An association or corporation, operated not for profit, organized for the purpose of fighting and controlling forest fires, and which, through its employees, is actually engaged in the activity of fighting and preventing forest fires, may use the rating assigned by CMP Regulation 5A to the activity of "fire protection" to obtain maintenance, repair and operating supplies required for such activity, but excluding all items on List A of said regulation.

Issued this 10th day of May 1943.

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

[F. R. Doc. 43-7336; Filed, May 10, 1943; 11:46 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

[RPS 6,[1] Amendment 8]

IRON AND STEEL PRODUCTS

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

Revised Price Schedule 6 is amended in the following respects:

1. Section 1306.1a is added to read as follows:

§ 1306.1a *Maximum charges for conversion or processing operations.* On and after May 13, 1943, regardless of the terms of any contract or other commitment, the maximum charge which may be made by any producer for converting or processing in any manner an iron or steel product, which was not produced by such producer and which is owned by a person other than the producer, shall be that set forth in Appendix F hereof.

2. Section 1306.2 is amended to read as follows:

§ 1306.2 *Less than maximum prices or charges.* Lower prices and charges than those set forth in this regulation may be charged, demanded, paid or offered.

3. Section 1306.5 (c) is hereby revoked.

4. Section 1306.10 (c) is amended to read as follows:

(c) The maximum prices for export sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration. A summary of the provisions of said Second Revised Maximum Export Price Regulation particularly applicable to this schedule is set forth in Appendix G hereof.

5. Section 1306.10 (d) is hereby revoked.

6. Section 1306.10 (e) is hereby revoked.

7. Paragraphs (f), (g), (h), (i), and (j) of § 1306.10 are hereby re-lettered (d), (e), (f), (g), and (h) respectively.

8. Section 1306.15 is added to read as follows:

§ 1306.15 *Appendix F: Maximum charges for conversion or processing operations.* The maximum charge which may be made by any producer for converting or processing in any manner an iron or steel product which was not produced by such producer and which is owned by a person other than the producer shall be determined in the manner hereinafter set forth in this section.

(a) When the converted or processed iron or steel product is to be sold by the owner at a price not in excess of the applicable maximum ceiling price established by Revised Price Schedule No. 6 or by Revised Price Schedule No. 49, there shall be no maximum charge applicable to the conversion or processing operation.

(b) When the aggregate charges for any conversion or processing or group of conversion or processing operations on any quantity of steel, shipped at one time to the producer's plant by the owner, do not exceed $500, there shall be no maximum charge applicable to such transaction.

(c) When a conversion or processing operation consists of an operation such as annealing, machine straightening, pickling, etc., for which there are standard published extras, the maximum charge shall be the applicable published extra for such operation plus a handling charge of not to exceed $5.00 per net ton.

(d) If for any reason the maximum charges as established by paragraph (c) are clearly not applicable to a particular conversion or processing operation, the converter or processor shall file charges with the Office of Price Administration for such conversion or processing operation and the Office of Price Administration reserves the right to disapprove such charges. After a filing has been made in accordance with this paragraph, subsequent similar conversion or processing operations may be made for the same charges without the necessity of refiling. A filing under this paragraph must specifically state the details of the operation performed, including size before and after conversion, complete specification and quantity involved.

(e) All maximum charges for conversion or processing operations set forth in this Appendix F are exclusive of transportation costs incidental to the conversion or processing operation.

9. Section 1306.16 is added to read as follows:

§ 1306.16 *Appendix G: Summary of provisions of the Maximum Export Price Regulation particularly applicable to Revised Price Schedule 6* (a). The maximum export prices of products sold under a contract of sale entered into on or after April 2, 1943, shall be either:

(1) The aggregate of: (i) the domestic or export base price of the product at the governing or emergency basing point, plus applicable domestic and export extras, as provided in this schedule, and plus inland transportation charges (at export rates where applicable) from such governing or emergency basing point (whichever is applicable) to the port of exit: Provided, however, that if an emergency basing point is used the transportation charges shall in no case exceed the actual transportation charges from the producing mill to the port of exit; and

(ii) Expenses incident to exportation and incurred or to be incurred by the exporter such as demurrage, storage, transfer to the export carrier, ocean or other export freight, marine and war risk insurance, and consular fees; or

(2) The aggregate of: (i) the export base price of the product quoted by the United States Steel Export Company f. a. s. the port of exit on April 16, 1941, plus applicable export extras, as provided in this schedule (see Appendix D for such export base prices for principal ports); and

(ii) Expenses incident to exportation and incurred or to be incurred by the exporter for demurrage, storage, and transfer to the export carrier, in excess of the amounts of such charges which were normally included in the price under (2) (i) above; and

(iii) Other expenses incident to exportation and incurred or to be incurred by the exporter such as ocean freight, marine and war risk insurance, and consular fees; or

(3) Where a product has no basing point base price, the maximum price established by (2) above, or the aggregate of: (i) the export price, including applicable extras, which was or would have been charged for the product by the producer on April 16, 1941, plus inland transportation charges (at export rates where applicable) from the producing mill to the port of exit (except that portion of those charges which was or would have been included in such price); and

(ii) Expenses incident to exportation and incurred or to be incurred by the exporter in excess of the amounts, if any, of such expenses which were normally included in the price under (3) (i) above. *Provided,* That on a sale to a procurement agency buying for the account of the Office of Lend-Lease Administration, the maximum price shall be the maximum domestic price established by this schedule, except that (*a*) where there are no published or filed domestic extras, export extras shall apply; (*b*) inland transportation charges shall be computed at export rates where applicable, otherwise at domestic rates; and (*c*) where there is no established domestic

---

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

[1] 7 F.R. 1215, 2132, 2153, 2299, 2997, 3115, 3941, 4780, 7240, 8948.

ceiling price for the product, the maximum price shall be determined in accordance with the provisions of (2) or (3) above.

This amendment shall become effective May 13, 1943.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7235; Filed, May 7, 1943; 12:08 p. m.]

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

[MPR 220,[1] Amendment 8]

CERTAIN RUBBER COMMODITIES

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

Maximum Price Regulation 220 is amended in the following respects:

1. Section 1315.1552 (a) (1) is amended to read as follows:

(1) No person shall sell or deliver any rubber commodity at a price higher than the maximum price established by this regulation for a sale by him of that commodity; and

2. Section 1315.1552 (a) (2) is amended by amending the first sentence thereof preceding the colon to read as follows: "No person in the course of trade or business shall buy or receive any such commodity at a price higher than the maximum price permitted by this regulation:"

3. Section 1315.1558a is added to read as follows:

§ 1315.1558a *Maximum wholesale and retail prices for certain sanitary treated items*—(a) *Applicability of this section.* This section is applicable to wholesale and retail sales of baby bibs, baby pants, crib sheets, diaper and utility bags, diaper covers, lap pads, mattress covers and coveralls, nursery seat rings, pillow cases and place mats.

(b) *Maximum wholesale prices.* The maximum price for sales at wholesale of any of the commodities listed in the preceding paragraph (paragraph (a)) delivered after May 12, 1943 is the maximum price, for the particular type of sale, furnished the wholesaler by the manufacturer. This maximum price must be furnished by the manufacturer in accordance with provisions of § 1315.1559a of this regulation. If the manufacturer has not notified the wholesaler of the maximum price, the wholesaler shall not deliver the commodity until he has obtained the maximum price from the manufacturer.

(c) *Maximum retail prices.* The maximum price for a sale at retail of any of the commodities listed in paragraph (a) of this section delivered after May 12, 1943 is the price for the particular type of sale, furnished the retailer by the person from whom he purchased the commodity. This maximum price must be furnished by that person in accordance with the provisions of § 1315.1559a of this regulation. If the retailer has not been notified of the maximum retail price, he may not sell the commodity until he has obtained the maximum retail price from the person who sold it to him.

4. Section 1315.1559 is amended to read as follows:

§ 1315.1559 *Terms and conditions of sale.* (a) Except for such changes as result from the application of the pricing methods contained in §§ 1315.1556 or 1315.1557, no seller shall change the allowances, discounts or other price differentials which he had in effect during March 1942, for the same or similar types of commodities unless such change results in a lower net price.

(b) No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs involved in the delivery of rubber commodities than the seller required purchasers of the same class to pay on deliveries of the same or similar types of commodities during March, 1942.

5. Section 1315.1559a is added to read as follows:

§ 1315.1559a *Notification of maximum wholesale and retail prices of certain sanitary treated items.*—(a) *Applicability of this section.* This section requires notification by manufacturers of the maximum wholesale and retail prices of baby bibs, baby pants, crib sheets, diaper and utility bags, diaper covers, lap pads, mattress covers and coveralls, nursery seat rings, pillow cases and place mats. It also requires notification by wholesalers of the maximum retail prices of the same commodities.

(b) *Notification by manufacturers*—(a) (1) *Notification.* Before or at the time of the first delivery of any of the commodities listed in the preceding paragraph (paragraph (a)) to a wholesaler or a retailer after May 12, 1943, the manufacturer shall notify the purchaser of the maximum retail price of that commodity. This notification shall include the brand and the description of the commodity and the maximum retail price applicable thereto. If the commodity is sold to a wholesaler the notification shall also include the maximum wholesale price of the commodity. The manufacturer may not notify any person of the maximum wholesale or retail price of any commodity which he must price under §§ 1315.1556 or 1315.1557 of this regulation, until either the price reported under those sections by the manufacturer has been approved in writing by the Office of Price Administration, or fifteen days have elapsed after the mailing of the report.

(2) *Method by which the manufacturer calculates the maximum wholesale price for notification to wholesalers.* The manufacturer shall calculate the maximum wholesale price by multiplying his maximum price for the sale of the commodity to the wholesaler by the following percentages:

For sales East of the Rocky Mountains 125 percent.

For sales West of the Rocky Mountains where the amount of the freight is included in the manufacturer's price 125 percent.

For sales West of the Rocky Mountains where the amount of the freight is not included in the manufacturer's price 130 percent.

(3) *Method by which the manufacturer calculates the maximum retail price for notification to purchasers.* The manufacturer shall calculate the maximum retail price as follows: The manufacturer shall first calculate the base price. If the purchaser is a wholesaler, the base price is the maximum wholesale price the manufacturer has calculated in accordance with the provisions of the preceding subparagraph (subparagraph (2)). If the purchaser is a retailer, the base price is the manufacturer's maximum price to that class of retailers to whom the manufacturer sold the largest volume of the commodity during the calendar year 1942. If the manufacturer did not sell the commodity to retailers during the calendar year 1942, the base price where the commodity is sold directly to a retailer is the manufacturer's maximum price to that class of retailers to whom he expects to sell the largest volume of the commodity. The manufacturer shall then calculate the maximum retail price as follows:

(i) Except for sales by mail by mail order houses, the maximum retail price of those commodities whose base price is between $1.25 and $7.20 per dozen shall be determined as follows:

If the base price per dozen is between—	The maximum retail price for each, for all sales east of the Rocky Mountains and for sales west of the Rocky Mountains of items purchased from wholesalers shall be	The maximum retail price for each, for sales west of the Rocky Mountains of items purchased direct from manufacturers shall be
1.25 and 1.60	.20	.25
1.61 and 1.95	.25	.29
1.96 and 2.30	.29	.35
2.31 and 2.65	.35	.39
2.66 and 3.00	.39	.45
3.01 and 3.40	.45	.50
3.41 and 3.80	.50	.55
3.81 and 4.10	.55	.59
4.11 and 4.45	.59	.65
4.46 and 4.80	.65	.69
4.81 and 5.20	.69	.75
5.21 and 5.55	.75	.79
5.56 and 5.90	.79	.85
5.91 and 6.25	.85	.89
6.26 and 6.85	.89	1.00
6.86 and 7.20	1.00	1.05

(ii) The maximum retail price for all sales by mail order houses by mail and all other retail sales of commodities whose base price is below $1.25 per dozen and above $7.20 per dozen shall be determined by multiplying the base price by the following percentages:

	Percent
Sales by mail by mail order houses	160
Retail sales of items purchased direct from manufacturers:	
Sales east of Rocky Mountains	166⅔
Sales west of Rocky Mountains	175
Retail sales of items purchased from wholesalers	166⅔

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

[1] 7 F.R. 8282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4130, 3942.

(c) *Notification by wholesalers.* Before or at the time of the first delivery after May 12, 1943, of any commodity listed in paragraph (a) of this section by a wholesaler to a retailer, the wholesaler shall notify the retailer of the maximum retail price of that commodity. This notification shall include the brand and the description of the commodity and the maximum retail price applicable thereto. The wholesaler will be furnished this maximum retail price by the manufacturer in accordance with the provisions of paragraph (b) of this section (§ 1315.1559a). If the manufacturer has not notified the wholesaler of the maximum retail price, the wholesaler shall not deliver the commodity until he has obtained the maximum retail price from the manufacturer.

(d) *Records of notifications of maximum prices.* (1) Every manufacturer and wholesaler shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect exact copies of all notifications given to wholesalers and retailers pursuant to the provisions of this section.

(2) Every retailer and wholesaler must preserve all notifications of maximum prices received by him. These notifications shall be kept for inspection by any person during ordinary business hours.

6. Section 1315.1561a is added to read as follows:

§ 1315.1561a *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.*[1] The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling rubber commodities at wholesale or retail. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (o) and 1499.20 (p), respectively, of the General Maximum Price Regulation.

7. Section 1315.1568 (i) (9) is added to read as follows:

(9) Lap pads.

8. Section 1315.1568 (i) (10) is added to read as follows:

(10) Pillow cases.

9. Section 1315.1568 (i) (11) is added to read as follows:

(11) Place mats.

This amendment shall become effective May 13, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7230; Filed, May 7, 1943; 12:07 p. m.]

[1] 6 F.R. 3996, 3849, 4347, 4436, 4724, 4848, 4978.

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[RPS 60,[1] Amendment 7]

DIRECT-CONSUMPTION SUGAR

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.*

Section 1334.61 is amended to read as follows:

§ 1334.61 *Provision with respect to direct-consumption sugar to be purchased or sold by Defense Supplies Corporation, Commodity Credit Corporation, or the designees of either of them.* (a) The maximum prices established by § 1334.51 shall be applicable for purchases and sales of direct-consumption sugar by Defense Supplies Corporation, Commodity Credit Corporation, the designee or designees of either of them or other United States governmental agency duly authorized to perform functions in connection with sugar exercised by either of them except: (1) In case of purchases by any of the above specified where such maximum prices are below the sellers cost for such sugars, application may be made and the Administrator may grant maximum prices for the sale and purchase thereof in excess of the maximum prices set out in said section. (2) In cases where the seller was not subject to the provisions of § 1334.51 prior to March 31, 1942, the differentials for grades and packages, and the cartage rates of his nearest freightwise primary distributor shall be used. (3) Application may be made and approval granted by the Administrator for sales by any of the above specified parties and the purchase from any of them at maximum prices in excess of the maximum prices established by said section, and (4) The above specified parties may enter into valid contracts providing for payment of a price to be adjusted not to exceed the maximum price established by the Office of Price Administration effective at the time of shipment.

(b) All maximum prices with conditions and rights of designation established for purchases and sales of the Defense Supplies Corporation are hereby established for the Commodity Credit Corporation and shall henceforth apply to other United States governmental agencies duly authorized to perform functions in connection with sugar exercised by either of them.

This amendment shall be effective as of December 15, 1942.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7236; Filed, May 7, 1943; 12:08 p. m.]

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

[1] 7 F.R. 1320, 1836, 2132, 2510, 5664, 6787, 8928, 8948, 8949.

PART 1340—FUEL

[RPS 88,[1] Amendment 95]

PETROLEUM AND PETROLEUM PRODUCTS

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

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.157 (b) is amended to read as set forth below:

(b) "Petroleum products" means:

Liquefied petroleum gases.
All grades of gasoline, including natural gasoline and blending naphthas; also special hydrocarbon fractions utilized in the manufacture of gasoline or the components thereof.
Industrial naphthas and solvents derived from petroleum.
Petroleum fractions when sold as anti-freeze preparations.
Tractor distillates and similar distillate type motor fuels other than gasoline.
Kerosene, including range oil or stove oil.
Distillate burning, heating or fuel oils.
Diesel fuel oils.
Lubricating oils, including motor, aviation and stock oils (neutrals, bright stocks, steam refined stock and other stock oils) and all greases and industrial lubricating oils except core oils and core washing oils.
Mineral oil polymers.
Petroleum sulphonates.
Residual burning, heating or fuel oils.

2. A new paragraph (f) is added to § 1340.159.

(f) *Industrial naphthas, solvents, mineral oil polymers and petroleum sulphonates*—(1) *Pricing methods.* Notwithstanding the provisions of paragraph (b) above, maximum prices of industrial naphthas, solvents, mineral oil polymers and petroleum sulphonates except when sold as anti-freeze preparations and except naphthas used for blending with gasoline, shall be either the maximum prices of the seller established prior to May 13, 1943 in accordance with the provisions of the General Maximum Price Regulation or a price determined as follows: The maximum price of a seller of these products shall be the highest price charged during March 1942 (as defined in paragraph (y) of § 1340.157) for such naphtha, solvent, mineral oil polymer or petroleum sulphonate; *Provided, however,* That if no price was charged during March 1942 within the meaning of said paragraph (y) of § 1340.157, the maximum price shall be determined under § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

(2) *Base period for Puerto Rico and Virgin Islands.* The provisions of this paragraph (f) shall be applicable to the territories of Puerto Rico and the Virgin Islands except that the base period shall be the period from April 10, 1942, to May 10, 1942, inclusive, instead of the month of March 1942, the base period prescribed in this paragraph (f). In applying this paragraph (f) to the territories of Puerto Rico and the Virgin Islands the period from April 10, 1942, to May 10, 1942, shall be substituted for the month of March,

[1] 8 F.R. 3718, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4918, 4840.

1942 wherever the latter appears in this paragraph (f).

(3) *Transportation costs.* No seller of such products shall require any purchaser and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of any of these products than the seller required purchasers of the same class to pay during March 1942 on deliveries of the same products during March 1942. Where prices are calculated under § 1340.159 (b) (7) no seller shall require any purchaser and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of such products than the seller required purchasers of the same class to pay during March 1942 on deliveries of such products.

This amendment shall become effective May 13, 1943.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7234; Filed, May 7, 1943; 12:08 p. m.]

PART 1361—FARM EQUIPMENT

[MPR 246,[1] Amendment 4]

MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

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.*

Section 1361.57 is amended to read as follows:

§ 1361.57 *Maximum prices: Items sold by wholesale distributors; special cases—*(a) *Applicability of this section.* Notwithstanding any other provisions of this regulation, the maximum price for the sale by a wholesale distributor of an item of farm equipment shall be determined in accordance with the provisions of this section in the following cases:

(1) Where the wholesale distributor had no price in effect on March 31, 1942, for the item of farm equipment.

(2) Where the manufacturer's maximum price for the item of farm equipment has been determined in accordance with § 1361.53 of this regulation.

(3) Where the price the wholesale distributor had in effect on March 31, 1942, for the item of farm equipment was based on a manufacturer's price which was lower than the price the manufacturer had in effect on March 31, 1942.

(4) Where after March 31, 1942, the price to the wholesale distributor of the item of farm equipment was increased in accordance with the provisions of this regulation.

(b) *Limit beyond which a maximum price determined in accordance with this section may not go.* The wholesale distributor's maximum price determined in accordance with this section shall not exceed 80% of the manufacturer's suggested retail price plus the actual cost of freight to him and applicable handling, transfer and other extra charges in effect on March 31, 1942. These handling, transfer and all other extra charges shall not exceed 2% of the manufacturer's suggested retail price.

(c) *No price in effect on March 31, 1942.* Except as limited by paragraph (b), the maximum price for a sale by a wholesale distributor of any item of farm equipment for which he had no price in effect on March 31, 1942, shall be determined as follows: The wholesale distributor shall apply to the net invoice cost of the item the percentage mark-up he realized upon the last sale of the item to a purchaser of the same class prior to March 31, 1942. If the wholesale distributor did not sell the item during the year 1942, the maximum price shall be determined by applying to the net invoice cost of the item the weighted average percentage the wholesale distributor realized during the month of March, 1942, for sales of items of farm equipment of the same general class to purchasers of the same class.

(d) *Manufacturer's maximum price determined under § 1361.53.* Except as limited by paragraph (b), the maximum price for a sale by a wholesale distributor of any item of farm equipment for which the manufacturer's maximum price has been determined according to § 1361.53 of this regulation shall be determined as follows: The wholesale distributor shall first divide the manufacturer's new maximum price to the distributor (as determined in accordance with § 1361.53) by the price the manufacturer had in effect to the distributor for the item of farm equipment on March 31, 1942. The wholesale distributor shall then determine his maximum price by multiplying the price he had in effect on March 31, 1942, for a sale of the item of farm equipment to a purchaser of the same class by this percentage.

(e) *Wholesale distributor's price based on lower manufacturer's price.* (1) Except as limited by paragraph (b), the maximum price for the sale by a wholesale distributor of any item of farm equipment for which he had a price in effect on March 31, 1942, which was based on a manufacturer's price which was lower than the price the manufacturer had in effect on that date shall be determined as follows: The wholesale distributor shall first divide the price the manufacturer had in effect to him on March 31, 1942, by the manufacturer's price upon which his price was based. The wholesale distributor shall then multiply the price he had in effect to a purchaser of the same class on March 31, 1942, by this percentage.

(2) On or before June 1, 1943, every wholesale distributor shall file a report with the Office of Price Administration in Washington, D. C., for each item of farm equipment for which his maximum price has been determined in accordance with subparagraph (1) of this paragraph. This report shall contain the following information:

(i) A description of the item.

(ii) The maximum price or prices determined in accordance with subparagraph (1) and the class of purchasers to which each price applies.

(iii) The wholesale distributor's price or prices in effect on March 31, 1942, and the date such price or prices became effective.

(iv) The price the manufacturer had in effect to the wholesale distributor on March 31, 1942, and the date such price became effective.

(v) The price to the wholesale distributor upon which his March 31, 1942, price was based and the period during which such price was effective.

(f) *Price increased to wholesale distributor after March 31, 1942.* (1) The maximum price for the sale by a wholesale distributor of any item of farm equipment whose price to him has been increased in accordance with this regulation after March 31, 1942, shall be determined as follows: The wholesale distributor shall multiply the price he had in effect on March 31, 1942, for the sale of the item of farm equipment to a purchaser of the same class by a certain percentage. This percentage shall be determined by dividing the present price in effect to him by the price in effect to him on March 31, 1942. No adjustment may be made under this subparagraph until the Office of Price Administration approves such adjustment in writing.

(2) A wholesale distributor who desires to increase his price for any item of farm equipment in accordance with subparagraph (1) shall file a report with the Office of Price Administration in Washington, D. C. This report shall contain the following information:

(i) The reasons for the adjustment.

(ii) A complete description of the item.

(iii) The source or sources of supply.

(iv) The maximum price of the item to each class of purchasers.

(v) The old cost of the item.

(vi) The new cost of the item.

(vii) The proposed new price to each class of purchasers.

This amendment shall become effective May 13, 1943.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7233; Filed, May 7, 1943; 12:07 p. m.]

---

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

[1] 7 F.R. 8587, 9039, 8948; 8 F.R. 236, 544.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amendment 62]

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.*

Ration Order No. 11 is amended in the following respects:

1. The headnote to § 1394.5554 is amended to read as follows:

§ 1394.5554 *Same: Heat and hot water in nonresidential premises; but water only in residential premises other than a private dwelling.*

2. Section 1394.5554 (a) is amended by inserting between the phrase "used for residential purposes" and the phrase "may apply for" the phrase "or hot water only to residential premises other than a private dwelling."

This amendment shall become effective on May 13, 1943.

(Pub. Law. 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7224; Filed, May 7, 1943; 12:06 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[2] Amendment 15]

SHOES

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

Ration Order 17 is amended in the following respects:

1. In section 1.7 the words "or special shoe stamps" are added following the word "certificates" wherever that word appears in the section.

2. Section 1.7 (a) is amended by deleting the last sentence (in parentheses) and substituting instead the following:

If special shoe stamps are issued, the district office will write on them the date of issue and the words "no book,".

3. Section 1.7 (d) is amended by deleting the last sentence and substituting instead the following:

However, if a resident of a charitable or correctional institution leaves the institution it may give him the shoes he has been wearing to take with him.

This amendment shall become effective May 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7228; Filed, May 7, 1943; 12:07 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amendment 16]

SHOES

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

Ration Order 17 is amended in the following respect:

1. Section 2.3 (c) is added to read as follows:

(c) Where an inventory filed by an establishment is found to be erroneous, the establishment shall promptly file with the district office a corrected inventory on OPA Form R–1701 together with a copy of the original inventory. If rationed shoes were omitted from the original inventory, the district office shall issue to the establishment a certificate for the difference between the shoe purchase allowance received and the amount to which it was entitled. If the number of pairs of shoes in the corrected inventory is less than that in the original inventory, the establishment shall surrender to the district office ration currency in an amount equal to the difference between the shoe purchase allowance it received and the amount to which it was entitled.

This amendment shall become effective May 10, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7229; Filed, May 7, 1943; 12:06 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[2] Amendment 26]

PROCESSED FOODS

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

Ration Order 13 is amended in the following respect:

The last sentence of section 9.4 (g) (3) is amended to read as follows:

Beginning March 1, 1943, he must keep a record of the dollar volume or the point value of his transfers of processed foods to consumers by mail.

This amendment shall become effective May 13, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7225; Filed, May 7, 1943; 12:06 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amendment 19]

MEAT, FATS, FISH AND CHEESES

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

Ration Order 16 is amended in the following respects:

1. Section 5.2 (a), section 5.2 (b), and section 5.3 are each amended by substituting "May 24, 1943" for "May 14, 1943".

2. Section 9.2 (c) is amended by adding the following sentence:

Any retailer who has opened a ration bank account to which he is not entitled under this section, as amended, must close out that account on or before July 3, 1943.

This amendment shall become effective May 13, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1–M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7226; Filed, May 7, 1943; 12:06 p. m.]

PART 1412—SOLVENTS

[MPR 37,[2] Amendment 4]

BUTYL ALCOHOL

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.*

---

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

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9478, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2730, 2887, 2942, 2993, 3106, 3521, 3628, 3734, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678.

[2] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3949, 4716, 5567, 5589, 5678, 5679.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3949, 4716, 5567, 5589, 5678, 5679.

[2] 8 F.R. 1840, 2288, 2677, 2681, 2684, 2043, 3179, 3949, 4342, 4525, 4784, 4726, 4921, 5318, 5342, 5480, 5568.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679.

[2] 7 F.R. 6657, 7001, 7910, 8941, 8943.

Maximum Price Regulation No. 37 is amended in the following respects:

1. Section 1412.116 (a) (1) is amended to read as follows:

(4) *Maximum prices per pound, delivered, in Eastern territory.*

NORMAL FERMENTATION BUTYL ALCOHOL

	Produced in Indiana and Illinois	Produced elsewhere in the United States	
		Until June 30, 1943	After June 30, 1943
Tank cars	$0.1425	$0.166	$0.19
Drums, carload lots	.1525	.176	.20
Drums, l. c. l. lots	.1575	.181	.205

NORMAL FERMENTATION BUTYL ACETATE

	Produced in Indiana and Illinois	Produced elsewhere in the United States	
		Until June 30, 1943	After June 30, 1943
Tank cars	$0.1475	$0.162	$0.1825
Drums, carload lots	.1575	.172	.1925
Drums, l. c. l. lots	.1625	.177	.1975

2. Section 1412.116 (a) (5) (i) is amended to read as follows:

(i) *Sales from plants in the territories and possessions.* Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, maximum prices for normal fermentation butyl alcohol and normal fermentation butyl acetate produced in plants in the territories or possessions of the United States shall be the applicable maximum prices established in subparagraph (1) for sales in eastern territory by producers located in Indiana and Illinois, less ½ cent per pound f. o. b. plant.

This amendment shall become effective May 7, 1943.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7237; Filed, May 7, 1943; 12:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amendment 53]

ADJUSTMENT OF MAXIMUM PRICES IN CASES OF SPECIAL DEALS

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

The following undesignated paragraph is added to § 1499.4b:

No seller shall make an adjustment of his maximum price under this section after May 31, 1943.

This amendment shall become effective May 13, 1943.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7223; Filed, May 7, 1943; 12:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 443 Under § 1499.3 (b) of GMPR[1]]

MAXIMUM PRICES FOR CERTAIN MIXED METAL PRODUCTS

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1681 *Maximum prices for certain mixed metal products that cannot be priced under § 1499.2 of the General Maximum Price Regulation*—(a) *Commodities subject to this Order No. 443.* The provisions of this Order No. 443 apply to any alloy or mixture of lead, tin, antimony, copper, silver, bismuth, arsenic, or cadmium falling within any one of the following seventeen classes of products:

(1) *Silver solder;* that is, any tin base, lead base, or tin-lead base solder containing silver in an amount not greater than 6%, in the following shape or form:

(i) Pig (Class 1).

(ii) Bar and small ingot or cake (Class 2).

(2) *Solder, other than silver solder;* that is any tin base, lead base, or tin-lead base solder not containing silver, in the following shape or form:

(i) Pig (Class 3).

(ii) Bar and small ingot or cake (Class 4).

(3) *Babbitts, other than branded babbitts.* (i) Lead base; that is, containing less than 80% tin.

(*a*) Pig (Class 5).

(*b*) Ingot (Class 6).

(*c*) Cake (Class 7).

(*d*) Linked ingots (Class 8).

(ii) Tin base, that is, containing at least 80% tin and not more than .35% lead.

(*a*) Pig (Class 9).

(*b*) Ingot (Class 10).

(*c*) Cake (Class 11).

(*d*) Linked ingots (Class 12).

(4) *Terne metal* (Class 13).

(5) *Electrotype metal* (Class 14).

(6) *Type metal, other than electrotype.* (i) Pig (Class 15).

(ii) Ingot (Class 16).

(iii) Linked ingots (Class 17).

(b) *Maximum prices for commodities listed in paragraph* (a). (1) Whenever a manufacturer of a commodity listed in paragraph (a) is unable to determine his maximum price for that commodity in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, he shall compute his maximum price by adding to the current "cost of metals" contained in the commodity the amount by which his maximum price for his most comparable product on a sale in the same quantity classification and to the same class of purchasers exceeds the March, 1942, "cost of metals" contained therein except that in computing the March, 1942, "cost of metals" in the case of silver solders 9.634¢ per fine troy ounce shall be added to the March, 1942, cost of contained silver.

(2) Whenever a manufacturer is unable to determine his maximum price for any commodity listed in paragraph (a) in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation or of paragraph (b) (1) of this Order No. 443, he shall determine the net price at which he expects to sell his commodity and shall then file such net price with the Office of Price Administration for approval of his maximum price. Such proposed selling price shall be filed with the Non-Ferrous Metals Branch, Office of Price Administration, Second and D Streets SW., Washington, D. C., within 15 days after the first sale or delivery on or after May 7, 1943.

When filing such a price the manufacturer shall set forth, in addition to the net price, his list price and all discounts, allowances, and differentials for all classes of buyers, any additional costs which he expects to add to the net price, a description and identification of the commodity, a statement of facts differentiating such commodity from the other commodities sold by the manufacturer, a statement showing how the proposed price was determined, and a statement of the reasons why his maximum price for this commodity cannot be determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation or paragraph (b) (1) of this Order No. 443.

During the 15 days preceding the filing of such a price with the Office of Price Administration and pending action by the Price Administrator on the price submitted for approval, any manufacturer who has complied with the filing provisions of this paragraph (b) (2) may sell, deliver, exchange, or offer to sell, deliver or exchange, and any person may buy, offer to buy or receive from such manufacturer, any such commodity at the price submitted for approval. In the absence of notice to the contrary from the Office of Price Administration within thirty days after a manufacturer files such a selling price with the Office of Price Administration, the price filed shall stand approved and shall be the maximum price applicable to that sale and to his subsequent sales of that commodity. If, however, the Price Administrator determines that the price submitted is in excess of prevailing March, 1942, maximum prices, he may disapprove the price submitted. In such case he shall inform the manufacturer of his disapproval and at the same time shall specify the maximum price at

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

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848.

which the manufacturer may price his commodity, which maximum price shall not be below the level of prevailing March, 1942, maximum prices. Any payment on a delivery made after May 7, 1943, in excess of the price so established may be required to be refunded to the buyer within 15 days after the date of the written instrument informing the manufacturer of such disapproval and revision of the price submitted. Notice of approval or disapproval and revision may be given to the manufacturer by letter in the name of the Price Executive of the Non-Ferrous Metals Branch of the Office of Price Administration. At the request of the manufacturer, however, if made within thirty days from the date of such notice of disapproval and revision, the notice of disapproval and the revised price will be incorporated in an order.

(c) *Packaging costs.* In those cases in which it has been customary to make additional charges for special packaging, the practice may be continued, but in no such instance shall an amount greater than the cost of such special packaging be added to the maximum price as determined above.

(d) *Definitions.* When used in this Order No. 443, the term

(1) "Comparable product" means a product that is in the same class as the product to be priced and that involves relationships between elements of cost sufficiently similar that the pricing method employed for such product may reasonably be applied to the product to be priced. For example, a manufacturer plans to sell a bar solder composed of 85% lead and 15% tin. Neither he nor his competitors sold, or offered this product or a similar product (as defined in § 1499.2 of the General Maximum Price Regulation) for sale during March 1942. In March 1942, however, he did manufacture a bar solder composed of 70% tin and 30% lead. Assuming that the change in composition does not substantially affect manufacturing costs (as distinguished from metal costs), the 70–30 solder sold in March is a comparable product to the 85–15 solder he now plans to sell.

In determining which of several comparable products is the "most" comparable, the manufacturer shall use that one of the comparable products which has a cost of metals most nearly equal to the cost of metals of the product to be priced. Thus, if in March 1942, the manufacturer sold 90% lead and 10% tin, 60% lead and 40% tin, and 60% tin and 40% lead bar solders, his 90% lead and 10% tin bar solder would be the "most comparable product of the same class" to the proposed 85% lead and 15% tin bar solder.

(2) "Cost of metals" means the sum of the amounts determined by multiplying the percentages of the contained metals, on the basis of the actual composition of the alloy, by the respective replacement cost of each such metal. In making this computation (a) all metals shall be considered to be primary metals and (b) the cost of impurities shall be calculated at the cost of the cheapest alloying metal.

(3) "Product of the same class" means a product with the same characteristics as one of the 17 classifications of products set forth in paragraph (a). For example, a bar solder is not of the same class of products as a pig solder, nor is a bar silver solder of the same class of products as any other bar solder.

(4) "Replacement cost" means the maximum price of any metal delivered at the manufacturer's plant in the quantity customarily purchased by him.

This Order No. 443 (§ 1499.1681) shall become effective May 7, 1943.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7227; Filed, May 7, 1943; 12:07 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 367 [1], Amendment 2]

HORSEMEAT

A statement of the considerations involved in the issuance of this Amendment No. 2 to Maximum Price Regulation No. 367, Horsemeat, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 367, as amended, is further amended in the following respects:

1. Section 6 is amended to read as follows:

SEC. 6 *Maximum prices.* (a) The maximum selling prices for horsemeat by a slaughterer or independent wholesaler, f. o. b. the seller's shipping point or by a retailer at his place of business, shall be the applicable base price specified in paragraph (b) of this section 6 plus the additions, if any, provided by paragraph (c) of this section 6.

(b) The base prices established for the sale of horsemeat are as follows:

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

[1] 8 F.R. 4918, 5341.

[All prices except where otherwise specified are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly.]

	Inspected		Non-inspected	
	Zone 1 (note 1) and Zone 3 (note 3)	Zone 2 (note 2)	Zone 1 (note 1) and Zone 3 (note 3)	Zone 2 (note 2)
Slaughterer & Independent Wholesaler				
(1) Carcass, side, or any portion or cut derived therefrom	8.75	7.50	6.75	5.50
(2) Boneless horsemeat	12.75	11.25	10.00	8.50
(3) Ground horsemeat (bone-in)	10.75	9.50	8.75	7.50
(4) Ground horsemeat (boneless)	13.25	11.75	10.50	9.00
(5) Ground horsemeat sealed in 1 lb containers	5.50 per case of 36 jars.	5.00 per case of 36 jars.		
(6) Canned horsemeat products:				
(i) One pound can containing not less than 80% ground horsemeat.	6.00 per case of 48 cans.	5.50 per case of 48 cans.		
(ii) One pound can containing not less than 40% ground horsemeat.	3.75 per case of 48 cans.	3.50 per case of 48 cans.		
(iii) Seven pound can containing not less than 80% ground horsemeat.	5.50 per case of 6 cans.	5.00 per case of 6 cans.		
(iv) Seven pound can containing not less than 40% ground horsemeat.	3.50 per case of 6 cans.	3.25 per case of 6 cans.		
Retailer				
(1) Carcass, side or any portion or cut derived therefrom	16.00	14.00	12.00	10.00
(2) Boneless horsemeat	20.00	18.00	16.00	14.00
(3) Ground horsemeat bone-in	17.00	15.00	13.00	11.00
(4) Ground horsemeat boneless	21.00	19.00	17.00	15.00

NOTE 1. Zone 1 includes the states of Washington, Oregon, California and Nevada.
NOTE 2. Zone 2 includes the states not enumerated in Zone 1 and 3.
NOTE 3. Zone 3 includes the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia West Virginia, North Carolina, South Carolina, Georgia and Florida.

(c) The following amounts may be added to the applicable base price specified in paragraph (b) of this section 6:

(i) *Independent wholesalers.* On the sale of horsemeat by an independent wholesaler, he may add $1.00 per hundredweight plus the actual costs incurred by him in transporting the horsemeat from the point of slaughter to the place of business of the independent wholesaler, *Provided*, That the transportation cost so incurred shall not exceed the low-

est common carrier carload rate, but in no event to exceed $1.50 per hundredweight.

(ii) *Independent wholesaler.* Where an independent wholesaler sells and delivers horsemeat, and the expense of such delivery is borne by the independent wholesaler, he may add 25 cents per hundredweight to the price specified in paragraph (b) of this section 6.

(iii) *Slaughterer.* Where a slaughterer sells and delivers horsemeat and the expense of such delivery is borne by the slaughterer he may add 25 cents per hundredweight to the price specified in paragraph (b) of this section 6.

(d) The prices contained in paragraph (b) of this section 6 include allowances for freezing, wrapping and packing for domestic shipment. The provisions of Supplementary Order No. 34 "Packing Expenses On Sales to War Procurement Agencies," shall be applicable on sales for export.

2. Section 7 (a) is amended to read as follows:

(a) After May 7, 1943 each slaughterer or independent wholesaler shall give to the buyer simultaneously with the sale and/or delivery of horsemeat, a receipt or invoice showing the name and address of the seller, the date of purchase, the total weight and base price of each type of horsemeat as specified in paragraph (b) of section 6, the additions, if any, separately itemized, and the total amount received.

3. Sections 13 (a) (5) and 13 (a) (6) are amended to read as follows:

(5) "Ground horsemeat (boneless)" means boneless horsemeat which has been ground and to which other ingredients, not in excess of 8% of the total weight has been added.

(6) "Sale at retail" means a sale of horsemeat that is to be consumed without being resold, except that a sale of horsemeat by a slaughterer or independent wholesaler to any person who buys for animal consumption in a total weight volume exceeding 100 pounds per day shall not be construed to be a sale at retail.

4. Sections 13 (a) (7), 13 (a) (8) and 13 (a) (9) are added to read as follows:

(7) "Independent wholesaler" means a seller of horsemeat who does not own, control, or have any interest in a slaughtering plant or slaughtering facilities and who is not owned or controlled by any person who owns or controls any such slaughtering plant or facilities.

(8) "Inspected horsemeat" means horsemeat which has been subjected to ante-mortem and post-mortem inspection by the United States Department of Agriculture or by any State Department of Agriculture inspection service substantially equivalent to USDA inspection and which bears an inspection stamp from such inspection agency. Any person who has county, municipal or other local inspection service substantially equivalent to USDA inspection may petition the Office of Price Administration for permission to sell at the prices prescribed for inspected horsemeat.

(9) "Non-inspected horsemeat" means any horsemeat which does not qualify as inspected horsemeat.

This Amendment No. 2 shall become effective on May 7, 1943 except that it shall become effective on May 15, 1943 with respect to sales of non-inspected horsemeat.

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

Issued this 7th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7241; Filed, May 7, 1943; 3:58 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Revocation of Gasoline Rationing Emergency Order 2]

VIRGIN ISLANDS

It is hereby declared that in the judgment of the Director, that the supply of gasoline in the Virgin Islands is now sufficient to permit operation of Ration Order No. 8, the gasoline rationing regulations for the Virgin Islands, and that the protection of health, property, and the maintenance of other necessary services for the well-being of the population will not be impaired, if general distribution of gasoline is permitted under the said order.

Pursuant to the authority vested in the Director by Revised General Order 21, Gasoline Rationing Emergency Order No. 2 is hereby revoked.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive 1, Supp. Dir. 1-J, 7 F.R. 562, 8731)

This order shall become effective May 1st, 1943.

Issued this 30th day of April 1943.

JACOB A. ROBLES,
Territorial Director,
Virgin Islands.

[F. R. Doc. 43-7240; Filed, May 7, 1943; 3:58 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 339,[1] Amendment 3]

WOMEN'S RAYON HOSIERY

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

Maximum Price Regulation 339 is amended in the following respects:

1. Section 1401.101 (a) (1) is amended to read as follows:

(1) This regulation sets ceiling prices for women's rayon hosiery. It applies only to women's completely finished full-length hosiery the leg of which is made in whole or in part of rayon except that it does not apply to hosiery in which the leg is made of rayon in combination with silk, wool, or nylon.

2. Section 1401.101 (a) (2) is amended to read as follows:

(2) The regulation divides purchasers of full-fashioned hosiery into three classes as to the ceiling prices which suppliers of rayon hosiery may charge them: Class I purchasers, Class II purchasers and Class III purchasers. Also retail sellers of full-fashioned hosiery are divided into two classes as to the ceiling prices which they themselves may charge: Class I retail outlets and Class II retail outlets. In § 1401.104 (d) the differences between these classes is explained. It is very important that you find out the class in which you belong because your ceiling prices depend on it. After you find in what class you belong, you find your ceiling prices for full-fashioned hosiery by referring to Table (3). Your prices for circular knit hosiery appear in Table (6). These tables will be found in Appendix C at the end of the regulation.

3. Section 1401.101 (a) (5) is amended to read as follows:

(5) You will note that in the tables of ceiling prices, different ceiling prices are set for Grade "A" and Grade "B" hosiery. This price difference according to grade, goes into effect on different dates for manufacturers, wholesalers and retailers. Also, different ceiling prices are set for "first quality" hosiery and for various constructions of hosiery. Except for certain temporary marking provisions which expire July 15, 1943, all rayon hosiery which is sold or delivered to you by your suppliers must be marked to show its particular construction and whether it is Grade "A" or "B" and whether it is "substandard" (irregular, second or third). By reading Appendix A (Standards of Inspection) you can find the difference between "first quality" and "substandard" hosiery. By reading Appendix B you will find the difference between Grade "A" and Grade "B" hosiery. It is important to note that all ceiling prices for Grade "B" hosiery are automatically cut 25% on and after July 16, 1943. In § 1401.111 you will see the explanation of the technical terms which appear in the tables of ceiling prices.

4. Section 1401.102 is amended by substituting the words "May 15, 1943" for "April 15, 1943" in the first sentence of that section.

5. In § 1491.104 (b) a new subparagraph (3) is added to read as follows:

(3) *Exception for certain affiliated sellers.* Even though an establishment engaged in the business of selling hosiery for resale is so affiliated with the ownership, management or control of a business engaged in sewing, knitting or assembling women's hosiery as to be constituted a "manufacturer" under paragraph (c) (2), a sale by the establish-

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

[1] 8 F.R. 2930, 3215, 4256, 4922.

ment of hosiery not produced by such an affiliated manufacturer will be considered a "sale at wholesale" provided it is made under all of the following conditions:

(i) The establishment is at the time of the sale and was throughout 1940, maintained as a separate establishment and operated so as to qualify it as a "wholesaler" under the provisions of (i) to (v), inclusive, of subparagraph (b) (2).

(ii) The establishment at the time of the sale and throughout 1940 represented itself as a wholesaler, and was generally known as a wholesaler.

(iii) Less than 50% of the total units of women's full-fashioned hosiery delivered to the establishment during 1940 were composed of hosiery produced by affiliated manufacturers and by manufacturers to whom the establishment supplied or furnished yarn for such hosiery.

6. Section 1401.104 (d) (2) (i) is amended to read as follows:

(i) "Class 1 retail women's hosiery outlet" includes every seller at retail who is a Class 1 purchaser with the following exceptions:

(*a*) House-to-house sellers, and

(*b*) Retail sellers affiliated with a manufacturer or wholesaler as described in paragraph (e) (1) (ii), Provided they conform to all of the following conditions:

(*1*) The retail seller's business was operated as a separate retail selling establishment on January 31, 1942, and would not be a Class 1 purchaser under the provisions of (e) (1) (iii);

(*2*) No affiliated manufacturer or wholesaler delivered more than 10% of his total annual shipments by dollar volume of women's full-length hosiery in 1940 or 1941 to the retail seller; and

(*3*) After May 31, 1943, the retail seller did not have delivered to him by any affiliated manufacturer or wholesaler (*i*) in any one month, more than 10% of any affiliated manufacturer's or wholesaler's total shipments of rayon hosiery for that month or (*ii*) in any six consecutive months, more than 5% of any affiliated manufacturer's total shipments of rayon hosiery for that six months period. Retail sellers who meet all the conditions of this paragraph (*b*) become Class 2 retail women's hosiery outlets.

7. In § 1401.104 a new paragraph (h) is added to read as follows:

(h) *Temporary maximum price provisions.* Maximum prices set forth in § 1401.116, Appendix C, for Grade "A" hosiery shall apply to sales of both Grade "A" and Grade "B" hosiery at wholesale and retail during the following periods:

(1) From May 15 to June 15, 1943, inclusive, for sales at wholesale, and

(2) From May 15 to July 15, 1943, inclusive, for sales at retail.

The prices set forth in Appendix C for Grade "B" hosiery shall become effective for sales of Grade "B" hosiery on the following dates:

For sales by manufacturers, May 15, 1943.
For sales at wholesale, June 16, 1943; and
For sales at retail, July 16, 1943.

8. Section 1401.107 (a) is amended by substituting the words "May 15, 1943" for "April 15, 1943" in the text of that paragraph.

9. Section 1401.107 (b) is amended to read as follows:

(b) *By marking.* On and after May 15, 1943, no person shall sell, deliver or offer for sale rayon hosiery unless there is attached to the hosiery or its container, in accordance with the methods set forth herein, a transfer, marking or label which clearly and truthfully states identifying information as to the construction and price of the hosiery as follows:

(1) *Temporary provisions for sales at wholesale and retail*—(i) *Sales at wholesale.* From May 15 to June 15, 1943, inclusive, rayon hosiery sold, delivered or offered for sale by sellers at wholesale must be marked either in or on each pair of hosiery or on each box containing 12 pairs or less of hosiery with the grade and with either the gauge or the needle count of the hosiery. The methods of marking provided in paragraph (b) (2) may be used or the hosiery may be marked by the use of a printed insert at least 2 inches by 2 inches which must be in at least one stocking of each pair at the time of delivery to the purchaser or the marker must be firmly attached to each box containing 12 pairs or less of hosiery.

(ii) *Sales at retail.* From May 15, 1943 to July 15, 1943, inclusive, each pair of rayon hosiery sold, delivered or offered for sale by a seller at retail must be marked either in or on each pair of hosiery or on each package containing not more than 1 pair of hosiery, with the gauge (or needle count) and the ceiling price of the hosiery. The methods of marking provided in paragraph (b) (2) may be used or the hosiery may be marked by the use of a printed insert at least 2 inches by 2 inches which must be in each pair of hosiery at the time of delivery to the purchaser or the marker must be firmly attached to the hosiery package.

(2) *General provisions* — (i) *When these provisions become effective for each kind of sale.* The provisions of this subparagraph become effective: for sales by manufacturers, on May 15, 1943; for sales at wholesale, on June 16, 1943; and for sales at retail, on July 16, 1943.

(ii) *Information required.* No person may sell, deliver or offer for sale rayon hosiery unless there is firmly affixed to each pair of hosiery a marking which clearly and truthfully states identifying information as to the construction and price of the hosiery as follows:

(*a*) The word "ceiling" accompanied by the maximum price at retail under this regulation; (if the hosiery is circular knit and sold to a wholesaler the letter "W" must precede the maximum price);

(*b*) The name, trade-mark registered in the United States Patent Office, or the Office of Price Administration registration number of the person who first sells the hosiery in a completely finished state; (such sellers can secure registration numbers by writing to the Office of Price Administration, Washington, D. C.);

(*c*) The words "Grade A" on all Grade A hosiery and the words "Grade B" on all Grade B hosiery followed by the gauge or needle count of the hosiery;

(*d*) The word "proportioned" on all proportioned hosiery (proportioned hosiery is defined in § 1401.115 (b) (13));

(*e*) The word "misses" on all misses' hosiery;

(*f*) The words "out-size" on all out-size hosiery;

(*g*) The words "extra-long" on all hosiery more than 34'' long;

(*h*) The correct size of the foot in accordance with Commercial Standard CS 46–40 "Hosiery lengths and sizes"; and

(*i*) The word "irregulars" on all irregulars; the word "seconds" on all seconds; and the word "thirds" on all thirds. This marking of sub-standard hosiery must be placed on each stocking of the pair.

(iii) *Methods of marking.* The hosiery must be marked with a transfer, label, ticket, marker or other device which is firmly affixed to at least one stocking of each pair of hosiery at the time it is delivered to the purchaser. However, inserts may be used by manufacturers until July 15, and by other sellers until August 15, 1943.

(iv) *Description of marking.* The information required by subdivision (ii) (*a*) and (c) above, must be marked on the welt within an outlined space or block having dimensions no less than ¾ inch by 1½ inches. No other printing or lettering is permitted within the space or block except the name, brand or registration number of the manufacturer. Two examples are set forth below:

Ceiling 92¢ Grade A–45 gauge	Ceiling–W–35¢ Grade A–260 ndls.

Any of the other information required by this paragraph may be placed on the welt provided it does not confuse or obscure the information contained in the space or block or it may be placed upon the foot of the stocking. Where inserts are permitted temporarily, all information may be placed on the insert.

(v) *Which retail price must be marked on hosiery*—(*a*) *Circular knit hosiery.* (*1*) Hosiery delivered by a manufacturer to a seller at retail must be marked with the appropriate retail ceiling price provided in Table 6 (i).

(*2*) Hosiery delivered to a wholesaler and hosiery delivered by a wholesaler to a seller at retail must be marked with the appropriate retail ceiling price provided in Table 6 (ii).

(*b*) *Full-fashioned hosiery.* Hosiery which a manufacturer or wholesaler delivers to, or knows is intended for ultimate delivery to a Class 1 retail women's hosiery outlet must be marked with the appropriate retail ceiling price provided in Table 3 (i); otherwise, it must be

marked with the appropriate retail ceiling price provided in Table 3 (ii).

(c) *Correcting ceiling prices.* If a seller receives hosiery which has been previously marked incorrectly or marked with a retail ceiling price which is not appropriate, he must correctly re-mark the hosiery by the use of a transfer, marking or label firmly attached to the welt of the hosiery.

10. Section 1401.108 (b) is amended to read as follows:

(b) *Disclosure of class of purchaser.* Within 10 days after receiving a written request, every person who buys or offers to buy rayon hosiery must truthfully inform the seller in writing of the class of purchaser to which the buyer belongs. If the class of purchaser to which a buyer belongs changes after the effective date of this regulation, he must notify all persons from whom he buys of the change of his class within 5 days after such change takes place and before ordering or purchasing any additional rayon hosiery.

11. Section 1401.111 (a) is amended to read as follows:

(a) "Rayon hosiery" means any women's completely finished full-length hosiery the leg of which is made in whole or in part of rayon, except hosiery in which the leg is made of rayon in combination with silk, wool or nylon. The term includes misses' hosiery.

12. Section 1401.111 (f) (2) is amended to read as follows:

(2) "15" and 16" out-size hosiery" is hosiery which is

(i) Knit on a full 15" or 16" needle bar, respectively (with a tolerance of 4 needles); and

(ii) Is boarded on out-size forms in accordance with accepted trade practice.

13. Section 1401.111 (g) is amended to read as follows:

(g) "Combination yarn" is plied yarn in which filament rayon is twisted with other fibers.

14. Section 1401.115 is amended to read as follows:

§ 1401.115 *Appendix B: Minimum requirements for Grade A rayon hosiery—*(a) *Scope.* The specifications apply to all completely finished, continuous filament, rayon hosiery the leg of which is knitted in plain stitch. The specifications do not apply to hosiery the leg of which is made of combination or spun rayon yarns, nor to non-run, mesh, or cut-and-sewn rayon hosiery. The specifications are minimum, in the sense that, unless the hosiery meets every one of the requirements of these specifications, it is classed as Grade B.

(b) *General requirements—*(1) *Welt and afterwelt—*(i) *Length of welt.* The minimum length of the welt shall be 3½ inches for full fashioned hosiery and 4 inches for seamless hosiery.

(ii) *Length of afterwelt.* (*a*) In circular knit hosiery no afterwelt is required.

(*b*) In full fashioned hosiery, the minimum length of the afterwelt shall be 1½ inches, but no afterwelt is required if the leg yarn is 100 denier or heavier.

(iii) *Stitch and design.* No fancy lace bands, Jacquard designs or mesh designs may be used in the welt or afterwelt. Rows of picot stitches in the welt or afterwelt must be at least three-fourths of an inch apart except when used in the uppermost half inch of the welt.

(iv) *Use of yarn.* The yarn used in the afterwelt must be of the same weight, or heavier than the yarn used in the welt.

(v) *Overlap.* There shall be an overlap of at least two courses at the bottom of the afterwelt of full fashioned hosiery in which the leg yarn is 75 denier or finer.

(vi) *Special constructions.* Variations from these welt and afterwelt requirements will be considered Grade A if the War Production Board permits their manufacture.

(2) *Heel and high heel.* In full fashioned hosiery the heel and high heel shall be no more than 5 inches long and no shorter than 4 inches measured from the lowest point of the heel to the uppermost part of the high heel.

(3) *Narrowings: In the flare and calf.* In full fashioned hosiery the total number of narrowings in the flare and calf shall be no greater than the number of narrowings set forth in the table below for each gauge. The narrowings specified in this table are on the basis of 14 inch heads. If a larger head is used additional narrowings may be employed, proportionately, in the ratio of one narrowing for each additional four needles used on the knitting head.

	Maximum number of total narrowings in flare and calf on each side
39 gauge	40
42 gauge	42
45 gauge	44
48 gauge	46
51 gauge	50
54 and over	optional

(4) *Yarn twist—*(i) *Leg yarns.* The minimum twists which are required in the leg yarns of hosiery are the total number of turns per inch set forth below for each denier and construction respectively.

Denier	Full fashioned (turns required)	Circular knit (turns required)
150 (and higher)	8 turns per inch	Producer's twist.
125	10 turns per inch	10.
100	20 turns per inch	15.
75	25 turns per inch	20.
50	30 turns per inch	

(ii) *Welt yarns.* The minimum twists required in welt yarns shall be the number of turns per inch set forth below for each denier and construction respectively.

Denier	Full fashioned (turns required).	Circular knit (turns required)
150 (and higher)	8 turns per inch	Producer's twist.
125	10 turns per inch	Producer's twist.
100	10 turns per inch	10.
75	15 turns per inch	15.

(iii) *Resultant twist.* The twist referred to herein is the resultant number of turns per inch in one direction, and does not refer to the applied or inserted twist. The twist of plied yarn must be the twist required for the equivalent singles yarn.

(5) *Cotton reinforcements—*(i) *Full fashioned hosiery.* Cotton reinforcing is required in the toe section of all full fashioned hosiery. It shall extend at least two inches from the tip of the toe. The total weight equivalent of the reinforced toe section shall be not less than the sum of the leg yarn denier and the cotton count specified in Table I. The toe, sole or heel may be made entirely of cotton.

(ii) *Circular knit hosiery.* Cotton shall be used in the heel and toe sections of all circular knit hosiery. The selection of heel and toe yarns is optional with manufacturer provided the total weight employed is no less than the counts specified in Table II. The cotton toe section shall extend at least two inches from the tip of the toe.

(6) *Use of rayon yarns—*(i) *Yarns below 50 denier.* Rayon yarns below 50 denier may be used only if plied and twisted to a total denier of 50 denier or higher. The denier of plied and twisted yarn is deemed to be equal to the sum of deniers of the component yarns.

(ii) *Use of 65 denier cuprammonium.* Sixty-five denier cuprammonium yarn shall be considered equivalent to 75 denier and may be employed as an alternate wherever 75 denier is specified.

(iii) *Denier numbers.* Denier numbers other than 65 denier cuprammonium, which fall between specified deniers are for the purpose of these specifications, deemed to be the equivalent of the next lower or finer specified denier.

(7) *Length requirements—*(i) *Full fashioned hosiery.* The standard length on which the course requirements are based is 29 inches; hosiery finishing more than 29 inches in length will also be considered Grade A. However, the minimum permissible length shall be 27½ inches, but a stocking of this length must be made with the full number of courses.

(ii) *Circular knit hosiery.* The standard length, on which the course requirements are based is 30 inches; hosiery finishing more than 30 inches in length will also be considered Grade A. However, the minimum permissible length shall be 28½ inches, but a stocking of this length must be made with the full number of courses.

(8) *Compliance with marking requirements.* To be constituted Grade A, hosiery must be accurately and completely marked in accordance with the provisions of this regulation.

(9) *Maximum fineness of yarns permitted—*(i) *In full fashioned hosiery.* No finer yarns may be used than the deniers of rayon or counts of cotton yarn (for each specified gauge) set forth in Table No. I for the welt, leg, heel and sole reinforcing and toe reinforcing yarns respectively.

(ii) *In circular knit hosiery.* No finer yarns may be used than the deniers of rayon or counts of cotton yarn (for each specified needle count) set forth in Table

No. II for welt, leg, heel and toe respectively.

(10) *Courses*—(i) *Minimum total courses required.* The minimum total courses required for hosiery is the number of courses in leg and welt for each specified gauge respectively set forth in Table I for full fashioned hosiery, and for each needle count respectively set forth in Table II for circular knit hosiery.

(ii) *How courses are calculated.* The minimum total courses specified are based on the following reference points:

(*a*) *Full fashioned hosiery.* The minimum number of courses is to be counted in conventional or legger-footer construction, from the first course in the welt to the loose course in the heel; in single unit rack-back constructions, from the first course in the welt to the course in the heel on which the widest course in the rack-back falls.

(*b*) *Circular knit hosiery.* In circular knit hosiery courses are counted from the first course in the welt to the end of the high splicing where the reciprocating motion is started for the heel.

(11) *Table I: Yarn fineness and minimum course requirements for full fashioned hosiery*—(i) *Maximum fineness of yarns permitted:*

Gauge	Leg yarn denier	Welt		Heel and sole reinforcing yarn (denier)	Toe reinforcing yarn (cotton count)
		Rayon denier	Cotton count		
39	150	150	70/2 ply	100	90/2 ply
42	100	125	80/2 ply	100	90/2 ply
45	75	100	100/2 ply	100	100/2 ply
48	75	100	100/2 ply	100	100/2 ply
51	50	100	120/2 ply	75	120/2 ply
54 and higher	50	75	140/2 ply	Optional	140/2 ply

NOTES: (a) Cotton of any count may be used in place of rayon yarn where rayon is specified for heel and sole reinforcing. (b) The numbers specified in this table represent the maximum spinning fineness permissible. In each instance, yarn of higher denier or lower cotton count may be employed. Cotton yarns are specified as two-ply; in the event that singles yarn is employed, it must be no lighter than the singles equivalent of the two-ply yarn specified. (c) Denier of plied and twisted yarn equals the sum of the deniers plied.

(ii) *Minimum total courses.*

Gauge	*Minimum total courses required for specified deniers knit in conventional "legger-footer" construction*
39 (All deniers)	1190
42 (a) 150 denier (and higher)	1240
(b) 100 & 125 denier	1340
45 (a) 150 denier (and higher)	1340
(b) 100 & 125 denier	1400
(c) 75 denier	1450
48 (a) 100 & 125 denier	1400
(b) 75 denier	1450
51 (a) 100 & 125 denier	1450
(b) 75 denier	1500
(c) 50 denier	1600
54 and higher	
(a) 75 denier	1650
(b) 50 denier	1700

NOTES: (a) In single unit rack-back construction the total minimum number of courses may be no more than 40 courses less than the minimum for conventional constructions shown in the above table. (b) If cotton welt is used a tolerance not to exceed 40 courses is permitted.

(12) *Table II: Yarn fineness and minimum course requirements for circular knit hosiery*—(i) *Maximum fineness of yarns permitted:*

Needle count	Lag yarn denier	Welt		Heel and toe yarn
		Rayon denier	Cotton count	
220 and 240	150	150	50/2	40/2
260	150	150	60/2	50/2
280	150	150	70/2	60/2
300	100	150	80/2	70/2
320	75	100	100/2	80/2
340	75	100	120/2	100/2
360–380	75	100	120/2	120/2
400	75	100	140/2	140/2

NOTES: (a) The numbers specified in this table represent the maximum spinning fineness permissible. In each instance, yarn of higher denier or lower cotton count may be employed. Cotton yarns are specified as two-ply; in the event that singles yarn is employed, it must be no lighter in weight than the singles equivalent of the two-ply specified. (b) Denier of plied and twisted yarn equals the sum of the deniers plied.

(ii) *Minimum total courses.*

Needle count:	*Minimum total courses required*
220 and 240	900
260	960
280	1008
300	1104
320: (a) (100 denier)	1152
(b) (75 denier)	1200
340: (a) (100 denier)	1200
(b) (75 denier)	1260
360–380:	
(a) (75 denier)	1320
400: (75 denier)	1392

NOTE: If cotton welt is used a tolerance not to exceed 48 courses is permitted.

(13) *Proportioned hosiery.* Proportioned hosiery is a line of full-fashioned hosiery made up of a normal or standard model and at least two variations in knitted width and length and marketed under the name of "proportioned" hosiery, or a kindred name indicating special fit. The normal model must meet all of the minimum specifications. The variations from the normal model will be considered Grade A, if:

(i) The manufacturer of the hosiery is permitted to produce it by the War Production Board;

(ii) The manufacturer of the hosiery furnishes to the Office of Price Administration, Washington, D. C., complete specifications and details of all such proportioned hosiery within two weeks of the effective date of this amendment, and thereafter a description of any changes in these specifications within five days after they are made; and

(iii) The hosiery meets all the requirements for Grade A hosiery, except those pertaining to length, number of courses, narrowings and use of the full needle bar.

(14) *Misses' hosiery.* Misses' hosiery must meet all of the specifications set forth herein with the following exceptions:

(i) The minimum length of the welt shall be 2½ inches;

(ii) The standard lengths of misses' hosiery are

for sizes 7 and 7½–27 inches, 8 and 8½–28 inches, 9 and 9½–29 inches.

However, the minimum permissible lengths shall be no shorter than 1 inch less than the above:

(iii) The course requirements may be reduced proportionately; and

(iv) The hosiery must be boarded on misses' hosiery forms.

This amendment shall become effective May 15, 1943.

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

Issued this 7th day of May, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7242; Filed, May 7, 1943; 3:58 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 312,[1] Amendment 2]

MAPLE SYRUP AND MAPLE SUGAR

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

Maximum Price Regulation No. 312 is amended in the following respects:

1. The word "grocery" in the first sentence in subparagraph (3) of § 1351.1614 (a) is deleted.

2. A new subparagraph (9) is added to § 1351.1614 (a) to read as follows:

(9) "Loading point" means the central collection point (including but not limited to railroad stations, warehouses, storehouses, and creameries) in the producing area to which maple syrup is picked up by the buyer or at which point the syrup is loaded for shipment to the buyer.

3. The phrase "f. o. b. point of production" in subparagraph (1) of § 1351.1615 (a) is amended to read "f. o. b. loading point".

4. The phrase "f. o. b. point of production" in subparagraph (1) of § 1351.1615 (b) is amended to read "f. o. b. loading point".

This amendment shall become effective May 14, 1943.

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

Issued this 8th day of May, 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-7257; Filed, May 8, 1943; 10:07 a. m.]

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

[1] 8 F.R. 1266, 2032, 4841.

PART 1352—FLOOR COVERINGS

[RPS 57, Amendment 3]

COLEMAN CHENILLES, INC.

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

Revised Price Schedule No. 57 is amended in the following respect:

Section 1352.1 (a) (5) is added to read as follows:

§ 1352.1 *Maximum prices for wool floor coverings.* * * *

(a) * * *

(5) In the case of Coleman Chenilles, Inc., New York, New York, the maximum price for the sale of:

(i) Super-Stephencraft, Commander, shall be $7.30 cut-order and $6.35 full-roll, terms 5%, 10 days, f. o. b. mill.

(ii) Coledale, Admiral shall be $10.50 cut-order and $9.45 full-roll, terms 5%, 10 days, f. o. b. mill.

(iii) Coleburne, President shall be $11.95 cut-order and $10.75 full-roll, terms 5%, 10 days f. o. b. mill.

This amendment shall become effective the 14th day of May 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7260; Filed, May 8, 1943; 10:08 a. m.]

PART 1415—PROTECTIVE COATINGS

[Rev. MPR 180]

COLOR PIGMENTS

Maximum Price Regulation No. 180 is redesignated Revised Maximum Price Regulation No. 180 and is revised and amended to read as set forth herein:

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.*

§ 1415.1 *Maximum prices for color pigments.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 180 (Color Pigments), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: §1415.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION 180—COLOR PIGMENTS

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.

ARTICLE II—TERMS OF SALE

ARTICLE III—MISCELLANEOUS

Article I—Prohibition and Scope of Regulation

SECTION 1 *Prohibition against dealing in color pigments at prices above the maximum.* On and after May 14, 1943, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver color pigments, and no person shall buy or receive color pigments, in the course of trade or business in amounts of more than one pound at prices higher than the maximum prices set forth in Appendix A (section 11) and Appendix B (section 12); and no such 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 color pigments to a purchaser if prior to May 14, 1943 such color pigments had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

If, upon the purchase of color pigments, the buyer obtains from the seller a written statement that to the best of his knowledge the price does not exceed the maximum price fixed by this regulation, and if the buyer has no reason to doubt the truth of the statement, the buyer shall be deemed to have complied with this section.

SEC. 2 *Less than maximum prices.* Lower prices than those set forth in Appendix A and Appendix B (sections 11 and 12) may be charged, demanded, paid or offered.

SEC. 3 *To what color pigments, transactions, and persons this regulation applies and the relation to other regulations—(a) Applicability of General Maximum Price Regulation.*[1] The provisions of this Revised Maximum Price Regulation No. 180 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 180 shall be applicable to the forty-eight States of the United States and the District of Columbia but shall not be applicable to the territories and possessions of the United States.

(c) *Export sales.* The maximum price at which a person may export color pigments shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

(d) *Import sales.* The provisions of this Revised Maximum Price Regulation No. 180 do not apply to any color pigments imported into the continental United States.

Article II—Terms of Sale

SEC. 4 *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of color pigments. But the price may be made adjustable to the maximum price in effect at the time of delivery. In an appropriate situation where a petition for amendment or for determination of a maximum price requires extended consideration, the 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.

SEC. 5 *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this regulation as an out-right over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changing credit practices or cash discounts from what they were in March 1942, and the like.

Article III—Miscellaneous

SEC. 6 *Petitions for amendment.* Persons seeking any modification of this Revised Maximum Price Regulation No. 180 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration.

SEC. 7 *Records and reports.* Every person making purchases or sales of color pigments for which maximum prices are established by this Revised Maximum Price Regulation No. 180, on or after May 14, 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 the seller, the price paid or received, and the quantity in pounds or tons purchased or sold. The manufacturers of color pigments shall keep complete records of the methods of computing maximum prices pursuant to Appendix B for such period of time.

Such person 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 the above paragraph of this section as the

---

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

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530; 8 F.R. 4132.

[3] 7 F.R. 8961, 8 F.R. 3313, 3533.

Office of Price Administration may from time to time require.

SEC. 8 *Federal and State sales taxes.* (a) There may be added to the maximum prices established by this regulation the amount of any tax upon the sale or delivery of a color pigment imposed by a statute of the United States or statute or ordinance of a State or subdivision thereof if, but only if,

(1) The statute or ordinance requires or permits the seller to state the tax separately from the purchase price, and

(2) The tax is separately stated and collected by the seller.

SEC. 9 *Enforcement.* Persons violating any provisions of this Revised Maximum Price Regulation No. 180 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.

SEC. 10 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 180 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 any of the foregoing.

(2) "Color pigment" shall mean any organic or inorganic pigment or mixtures thereof, and includes such pigments or mixtures thereof in pulp or flushed form, except that white, mineral earth, synthetic iron oxide, or carbonaceous black pigments shall not be considered color pigments within this definition.

(3) "Purchaser of the same class" refers to the practice adopted by the seller of setting different prices for commodities or services for sales to different purchasers, or kinds of purchasers (for example, manufacturer, distributor, government agency, large consumer, medium consumer, small consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale. Customary differentials in discounts on price list goods shall be among the criteria which establish differences among classes of purchasers.

(4) "Closest competitor" shall mean a producer of color pigments who is selling the same or similar color pigments, is closely competitive in the sale of such color pigments, and is located nearest to the seller.

(5) "Dry color" shall mean a color pigment in dry form.

(6) "Toner or pigment dyes" shall mean color pigments containing little or no extender or substratum.

(7) "Lake" shall mean a color pigment formed by precipitating a soluble dye or mixture of dyes on inert extenders or substrata.

SEC. 11 *Appendix A: Maximum prices for certain color pigments.* (a) The maximum price for a sale of more than one pound of any of the following dry colors shall be the highest price at which any such dry color was sold to a purchaser of the same class during the period from October 1, 1941 to January 15, 1942 or the price set forth in subparagraphs (1), (2), or (3) hereof, whichever is lower.

(1) Maximum prices in Zone (a) in barrels, delivered.

	Per pound
Blues and violets:	
C. P. iron blues (soda)	$0.36
C. P. iron blues (potash)	.42
Fugitive peacock blue (color strength 100)	.52
Violet toner—molybdic	1.25
Violet toner—tungstic	2.10
Permanent peacock blue toner green shade tungstic	4.00
Permanent peacock blue toner green shade molybdic	3.50
Victoria blue toner tungstic	3.30
Victoria blue toner molybdic	3.15
Phthalocyanine blue (full strength)	3.75
Phthalocyanine blue (80% of Conc.)	3.30
Phthalocyanine blue (green shade)	4.70
Dry alkali blue	1.75
Greens:	
C. P. chrome greens:	
Blue content up to 5%	.23
Blue content of 6–10%	.24
Blue content of 11–15%	.25
Blue content of 16–20%	.25½
Blue content of 21–25%	.26
Blue content of 26–30%	.26½
Blue content of 31–35%	.27½
Blue content of 36–40%	.29
Blue content of 41–45%	.30½
Blue content of 46–50%	.33
Malachite green toner tungstic	2.60
Brilliant green toner tungstic	3.00
Malachite green—thioflavine toner:	
Tungstic	3.50
Molybdic	3.00
Brilliant green—thioflavine toner:	
Tungstic	3.75
Molybdic	3.25
Phthalocyanine green toner	5.00
Yellows and oranges:	
C. P. chrome yellows and oranges	.16
Molybdate oranges	.31
Zinc chromate yellow	.17½
Hansa yellow, all grades except extreme green	1.37
Benzidrine yellow toners	1.35
Tartrazine lakes (C. S. 100)	.52
Ortho nitroaniline orange toner	.80
Dinitroaniline orange toner	1.05
Persian orange lake	.45
Reds and Maroons:	
Para toners	.70
Chlorinated para toners	.85
Toluidine toners	1.05
Lithol toners	.60
Red for lake C toners	.90
Lithol rubine toners	1.10
Pigment scarlet lake	.85
Phloxine toner	1.35
B. O. N. maroon toners	1.25
M. N. P. T. maroon toners	3.25
Alphanaphthylamine maroon toner	.80
Rhomadine toners (tungstic)	4.15
Acid scarlet lake (C. S. 100)	.35

ZONE (a): Consists of that area east of the eastern boundary of the states of Minnesota, Iowa, and Missouri, and north of the northern boundary of Tennessee and North Carolina, also including the area adjacent to and served by the cities of Duluth, St. Paul, and Minneapolis, Minnesota; Davenport, Iowa; and St. Louis, Missouri.

(2) Maximum prices in Zones (b), (c), (d), (e) and (f), in barrels, delivered.

ZONE (b): Maximum prices for the areas given below are those shown in (1) plus ½ cent per pound. Zone (b) consists of that area including the states of Ala., Fla., Ga., La., Miss., N. C., S. C., Tenn., and Tex. (Except the cities of Dallas, Shreveport, Ft. Worth, San Antonio, and El Paso) and area adjacent to and served from the cities of Des Moines and Cedar Rapids, Iowa; Omaha and Lincoln, Neb.; St. Joseph and Kansas City, Missouri.

ZONE (c): Maximum prices for the areas given below are those shown in (1) plus 1¼ cents per pound. Zone (c) consists of that area adjacent to and served from the cities of Dallas, Shreveport, Ft. Worth, and San Antonio, Texas.

ZONE (d): Maximum prices for the areas given below are those shown in (1) plus 1 6/10 cents per pound. Zone (d) consists of that area including Oreg., Wash., and Calif.

ZONE (e): Maximum prices for the areas given below are those shown in (1) plus 2 cents per pound. Zone (e) consists of that area adjacent to and served from the city of El Paso, Texas.

ZONE (f): Maximum prices for any area not given in (a), (b), (c), (d) or (e) are the maximum prices shown in (1) except that they are f. o. b. Chicago.

(3) For deliveries in quantities of less than one barrel, maximum prices shall be those shown in (1) and (2) of this paragraph with the following differentials added:

	Cents per pound
100 lb. to one barrel	2
25 lb. to 100 lb	3
More than 1 lb. to 25 lb	5

(b) The maximum price for a sale of more than one pound of ultramarine blue shall be the highest price at which any such color pigment was sold to a purchaser of the same class during the period from October 1, 1941, to January 15, 1942, or the price set forth in subparagraphs (1) and (2) below, whichever is lower.

(1) Maximum prices for the Standard Ultramarine Company of Huntington, West Virginia shall be the prices appearing on the price list filed by it with the Office of Price Administration in Washington, D. C., on the nineteenth day of March 1943, entitled, "The Standard Ultramarine Company Ultramarine Blue Price List—Effective October 15, 1941." Copies of such price list may be obtained at the Office of Price Administration, Washington, D. C.

(2) Maximum prices for the Calco Chemical Division, American Cyanamid Company of Bound Brook, New Jersey shall be the prices appearing on the price list, filed by it with the Office of Price Administration in Washington, D. C., on the sixteenth day of January 1943, entitled, "Bulletin No. 1930—Ultramarine Price List." Copies of such price list may be obtained at the Office of Price Administration, Washington, D. C.

(c) *Containers.* The maximum prices established by this Regulation shall not be increased by any charges for containers except that container differentials may be added in accordance with paragraph (a) (3) hereof. Sellers may, however, require the return of containers. When sales are made in containers which are to be returned, the seller may require a reasonable deposit for the return of such containers, but the deposit must be

refunded to the buyer upon return of the containers in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller shall in all cases be borne by the seller. If the seller permits the buyer to furnish his own containers, the transportation costs with respect to sending the empty containers to the seller shall in all cases be borne by the seller.

SEC. 12 *Appendix B: Pricing methods for color pigments not Specified in Appendix A (section 11).* Maximum prices for color pigments not specified in Appendix A, including, but not limited to, pulp, reduced and flushed colors, shall be established as follows:

(a) *First method of determining maximum prices.* The maximum price for a sale of more than one pound of any such color pigment shall be the highest price at which the seller delivered such color pigment to a purchaser of the same class during the period from October 1, 1941, to January 15, 1942, or the price listed for such color pigment on the seller's price list in effect during such period, whichever is lower. If no sale of such color pigment was made within the above period then the maximum price shall be the price appearing on such price list.

Any seller determining his maximum price pursuant to this paragraph (a) shall file with the Office of Price Administration in Washington, D. C., before or at the time of sale, a copy of his price list in effect during the period from October 1, 1941, to January 15, 1942.

(b) *Method of determining maximum prices for color pigments for which maximum prices cannot be determined pursuant to paragraph (a) of this section.* The maximum price for a sale of more than one pound of any color pigment which cannot be priced under paragraph (a) shall be the maximum price under this Regulation of the most comparable color pigment adjusted by adding thereto or subtracting therefrom the difference between the direct material cost of the product being priced and the direct material cost of the most comparable color pigment.

As used herein "most comparable color pigment" means a mixture composed of the same basic color pigments as the product to be priced but containing a different proportion of such color pigments.

Direct material cost shall be calculated by multiplying the quantity of each color pigment used, in a pound of mixture, by the maximum price established for such color pigment in Appendix A (Section 11).

(c) *Third method of determining maximum prices.* The maximum price for the sale of more than one pound of any color pigment which cannot be priced under paragraphs (a) and (b) shall be the price for such color pigment appearing on the published price list of the seller's closest competitor in effect during the period from October 1, 1941 to January 15, 1942. Any seller determining a maximum price for a color pigment under this paragraph shall report to the Office of Price Administration in Washington, D. C. the name of such competitive producer and the price upon which such seller's maximum price is based.

(d) *How to make application for maximum prices if the above pricing methods fail.* If the maximum price for any color pigment cannot be determined under paragraphs (a), (b), and (c), the seller, within five days after a purchaser agrees to buy such color pigment, or at any time prior thereto, shall report to the Office of Price Administration in Washington, D. C. the maximum price as computed by him. The report shall contain the following information: (1) reasons why the color pigment cannot be priced under paragraphs (a), (b) and (c); (2) detailed cost of all raw materials; (3) direct and indirect labor costs; (4) factory overhead or burden; (5) administrative and sales expenses and current, not to exceed customary, profit margin of comparable product; and (6) the reported maximum price, which is the sum of (2), (3), (4) and (5).

The manufacturer may not accept payment for the commodity until fifteen days have elapsed after the mailing of the report. Within this fifteen day period the maximum price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such maximum price shall be subject to adjustment (not to apply retroactively) at any time by the Office of Price Administration.

This regulation shall become effective May 14, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7261; Filed, May 8, 1943; 10:04 a. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amendment 1 to Rev. SR 1]

CATTLE WARTS

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.*

Sec. 2.12 (m) is added to read as follows:

(m) Cattle warts.

This amendment shall become effective May 14, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7258; Filed, May 8, 1943; 10:07 a. m.]

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

[1] 8 F.R. 3096, 3849, 4341, 4486, 4724, 4848, 4978.

PART 1499—COMMODITIES AND SERVICES

[Order 301 Under § 1499.3 (b) of GMPR, Amendment 1]

DOW CHEMICAL COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That the prices set forth in subparagraphs (1) and (2) of § 1499.1737 (a) be amended to read as follows:

§ 1499.1737 *Approval of maximum prices for sales of certain products manufactured by the Dow Chemical Company.* (a) The maximum prices for sales by the Dow Chemical Company, Midland, Michigan, of the following products manufactured by that company shall be the prices set forth below:

(1) *Dow corning fluid.*

$6.80 per lb. for quantities of 100 lbs. or more.
$7.00 per lb. for 11–99 lbs.
$7.25 per lb. for 1–10 lbs.

(2) *Dow corning #4 compound.*

$7.50 per lb. for quantities of 100 lbs. or more.
$7.70 per lb. for 11–99 lbs.
$7.95 per lb. for 1–10 lbs.

This amendment shall become effective May 8, and shall operate retroactively from February 25, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7259; Filed, May 8, 1943; 10:07 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 445 Under § 1499.3 (b) of GMPR]

CARDOX CORPORATION

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

§ 1499.1683 *Approval of maximum price for potassium perchlorate for sale by the Cardox Corporation.* (a) The Cardox Corporation, a corporation having its principal place of business in Chicago, Illinois, may sell and deliver potassium perchlorate produced in its Claremore, Oklahoma, Plant, at prices no higher than 15 cents per pound, f. o. b. Claremore, Oklahoma.

(b) The maximum prices established in this order shall include all charges for containers.

(c) This order No. 445 may be amended by the Price Administrator at any time.

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

(e) This order No. 445 (§ 1499.1683) shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7249; Filed, May 8, 1943; 10:05 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 446 Under § 1499.3 (b) of GMPR]

DR. SWETTS' ROOT BEER CO., INC. AND CORN PRODUCTS REFINING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order Nos. 9250 and 9328, § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1684 *Authorization for Dr. Swetts' Root Beer Co., Inc. and Corn Products Refining Company on sales of bottle crowns.* (a) Dr. Swetts' Root Beer Co., Inc. and Corn Products Refining Company may sell and deliver to bottlers of Dr. Swetts' Root Beer bottle crowns fabricated by them from scrap metal at prices not in excess of 25 cents per gross f. o. b. shipping point and said bottlers may buy and receive bottle crowns as above.

(b) This Order No. 446 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 446 (§ 1499.1684) shall become effective May 10, 1943.

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7250; Filed, May 8, 1943; 10:07 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 447 Under § 1499.3 (b) of the GMPR]

CURTIS, STEPHENS & EMBRY COMPANY

The Curtis, Stephens & Embry Company, Reading, Pennsylvania, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of maximum prices for two new shoes with wooden soles. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1685 *Approval of maximum prices for sale by Curtis, Stephens & Embry Company of Reading, Pennsylvania, of a Bal Style Oxford and a Moccasin Stitched Vamp Oxford with wooden soles in Misses and Growing Girls sizes.* (a) On and after May 10, 1943, the maximum price at which Curtis, Stephens and Embry Company, Reading, Pennsylvania, may sell, deliver and offer for sale its new wooden sole shoes shall be as follows:

Description	Size	Maximum price
Miss Irene	12½ to 3	$3.20
Miss Irene	3½ to 9	3.75
Miss Joli	12½ to 3	3.30
Miss Joli	3½ to 9	3.50
Miss Jany	12½ to 3	3.29
Miss Jany	3½ to 9	3.63

(b) The maximum prices authorized by this Order No. 447 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum prices authorized by paragraph (a) of this Order No. 447 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 447 may be amended or revoked by the Office of Price Administration.

(e) This Order No. 447 shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7251; Filed, May 8, 1943; 10:09 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 448 Under § 1499.3 (b) of GMPR]

MARTIN-TICKELIS SHOE COMPANY, INC.

The Martin-Tickelis Shoe Company, Inc. of Newburyport, Massachusetts, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of maximum prices for four new shoes with wooden soles. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1686 *Approval of maximum prices for sale by Martin-Tickelis Shoe Company, Inc. of Newburyport, Massachusetts, of four new shoes with wooden soles.* (a) On and after May 10, 1943 the maximum price at which Martin-Tickelis Shoe Company, Inc., Newburyport, Massachusetts, may sell, deliver and offer for sale its new wooden sole shoes shall be as follows:

Stock No.	Description	Maximum price
941	White kid suede, open toe and heel pump with white racer tip and fox	$2.07
950	White kid suede, open toe and heel, bal oxford	2.07
9691	White kid suede, open toe and open heel pump	2.15
9693	White kid suede, open toe and open heel pump	2.15

(b) The maximum prices authorized by this Order No. 448 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) The maximum prices authorized by paragraph (a) of this Order No. 448 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 448 may be amended or revoked by the Office of Price Administration.

(e) This Order No. 448 shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7252; Filed, May 8, 1943; 10:08 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 449 Under § 1499.3 (b) of GMPR]

CALTEX SPORTSWEAR COMPANY, LTD.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1687 *Maximum prices for the sale of certain knitted fabrics manufactured by Caltex Sportswear Company, Ltd.* (a) Caltex Sportswear Company, Ltd., 2126 Beverly Boulevard, Los Angeles, California, herein called the applicant, may sell and deliver and any person may buy from it knitted fabrics of the following description at prices not in excess of those set forth below:

Quality number:	*Maximum price per yard*
740	$2.03
750	2.12
855	3.05

(b) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March 1942.

(c) All requests of the applicant not granted herein are denied.

(d) This Order No. 449 may be revoked or amended at any time by the Office of Price Administration.

(e) This Order No. 449 shall become effective May 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7253; Filed, May 8, 1943; 10:08 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 450 Under § 1499.3 (b) of GMPR]

E. ROSEN COMPANY

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

§ 1499.1688 *Authorization of maximum prices for sales of "Chest O'Pops", a package containing 38 candy pops, manufactured by E. Rosen Company, 292–296 Charles Street, Providence, Rhode Island.* (a) On and after the 10th day of May, 1943, E. Rosen Company of Providence, Rhode Island may sell to the chain and syndicate stores its candy product known as "Chest O'Pops", a package of 38 candy pops having a minimum net weight of 6 ounces, packed 24 packages per carton at the maximum price of $3.70 per carton f. o. b. Providence, Rhode Island.

(b) E. Rosen Company shall allow its purchasers a cash discount of 2%, ten days.

(c) All sellers of "Chest O'Pops" at retail shall establish a price not in excess of 25¢ per package.

(d) E. Rosen Company shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchasers a written notice as follows:

The Office of Price Administration has authorized E. Rosen Company to manufacture and sell to the chain and syndicate stores a new 25¢ retail package of candy pops, known as "Chest O'Pops", packed 24 packages per carton at the maximum price of $3.70 per carton f. o. b. Providence, Rhode Island. Our price is subject to a cash discount of 2%, 10 days. You are authorized to establish a retail price not in excess of 25 cents per package of "Chest O'Pops".

(e) This Order No. 450 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 450 (§ 1499.1688) shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7254; Filed, May 8, 1943; 10:05 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 451 Under § 1499.3 (b) of GMPR]

WILLIAM A. WEBSTER CO.

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

§ 1499.1689 *Authorization of maximum prices for sales of "Dairy Magic", a butter extender, packed in envelopes holding 8 tablets each, 50 envelopes to the display container, for sales by The William A. Webster Co., Memphis, Tennessee, by wholesalers and by retailers.* (a) On and after May 10, 1943, the maximum selling price for "Dairy Magic" for sales by The William A. Webster Co., Memphis, Tennessee, shall be $1.05 per carton of 50 envelopes containing 8 tablets each, subject to a discount of 2% for prompt payment, delivered to purchasers' stations.

(b) Sellers at wholesale are authorized a maximum price of $1.31 per carton of 50 envelopes containing 8 tablets each of "Dairy Magic," delivered to the purchasers' customary receiving points.

(c) Sellers at retail who purchase "Dairy Magic" directly from the manufacturer (The William A. Webster Co.) are authorized a maximum price of 3¢ per envelope of "Dairy Magic." Sellers at retail who purchase "Dairy Magic" from wholesalers are authorized a maximum selling price of 4¢ per envelope of 8 tablets of "Dairy Magic."

(d) The William A. Webster Co. and sellers at wholesale shall apply discounts, allowances, and trade practices to the sales of "Dairy Magic" no less favorable than those customarily applied by them to sales of comparable commodities.

(e) *Notification.* (1) On and after May 10, 1943, The William A. Webster Co. shall supply to each of its purchasers before or at the time of first delivery of "Dairy Magic," a written notification as follows:

Notification From The William A. Webster Co. to its Purchasers

The OPA has authorized us to charge $1.05 per carton of 50 envelopes containing 8 tablets each of "Dairy Magic," delivered to purchasers' stations, less 2% discount for prompt payment. Sellers at wholesale are authorized a maximum price for "Dairy Magic" of $1.31 per carton of 50 envelopes containing 8 tablets each, delivered to the purchasers' customary receiving points.

Sellers at retail who purchase "Dairy Magic" directly from The William A. Webster Co. are authorized a maximum price for "Dairy Magic" of 3¢ per envelope of 8 tablets. Sellers at retail who purchase "Dairy Magic" from wholesalers are authorized a maximum price for "Dairy Magic" of 4¢ per envelope of 8 tablets. A retailer's notification is enclosed in each carton of one dozen packages. OPA requires that you keep this notice for examination.

(2) The William A. Webster Co. shall, for a period of three months from the effective date of this order, place in or on each carton of 50 envelopes of "Dairy Magic" a notification to retailers as follows:

Notification From The William A. Webster Co. to Retailers

OPA has authorized the following maximum selling prices for retail sellers of "Dairy Magic":

	Cents per envelope of 8 tablets
If purchased directly from the William A. Webster Co	3
If purchased from wholesalers	4

OPA requires that you keep this notice for examination.

(f) This Order No. 451 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 451 (§ 1499.1689) shall become effective May 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7255; Filed, May 8, 1943; 10:06 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 452 Under § 1499.3 (b) of GMPR]

WILBUR-SUCHARD CHOCOLATE COMPANY, INC.

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

§ 1499.1690 *Authorization of Maximum Prices for sales of "Expeller Cake Powder" processed by Wilbur-Suchard Chocolate Company, Inc., Lititz, Pennsylvania.* (a) On and after May 10, 1943, the Wilbur-Suchard Chocolate Company, Inc. may sell and deliver its product, trade name "Expeller Cake Powder" at the following maximum delivered prices:

Size container:	*Price per pound*
180 pound barrels	$0.05
100 pound bags	.045

(b) The prices set forth in paragraph (a) are prices before discounts of any kind. The Wilbur-Suchard Chocolate Company, Inc. shall reduce these prices by applying to them all trade allowances, which it customarily applied to similar sales of a comparable product. Such trade allowances, include but are not limited to the discounts given for prompt payment, quantity of sale, and type of purchaser.

(c) This Order No. 452 may be revoked or amended by the Administrator at any time.

(d) This Order No. 452 (§ 1499.1690) shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7256; Filed, May 8, 1943; 10:09 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 238 Under § 1499.18 (b) of GMPR]

SELBY SHOE COMPANY

Order No. 238 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GF3–854.

§ 1499.1838 *Denying application for adjustment and requiring redocketing of protest by the Selby Shoe Company.* On June 29, 1942 Selby Shoe Company, Portsmouth, Ohio, filed a protest against the provisions of the General Maximum Price Regulation, which was issued on April 28, 1942. Since this protest was not in compliance with section 203 (a) of the Emergency Price Control Act of 1942, in that it was not filed within a period of 60 days after the date of issuance of such regulation, it was dismissed by order of July 23, 1942, and redocketed as an application for adjustment under § 1499.18 (b) of the General Maximum Price Regulation.

After due consideration of the application, the Administrator, on November 5, 1942, informed the applicant by letter that the application must be denied for the reasons set forth therein, and that a formal order denying the application

would not be entered unless the applicant made a written request for such an order within 30 days from the date of the letter. In addition, the applicant was advised by that letter that it was necessary that a formal order be entered if it intended to file a protest under Revised Procedural Regulation No. 1. Applicant requested that no formal order be entered, and on February 8, 1943, submitted supplemental information in support of its application. After due consideration of this supplemental information, the Director of the Textile, Leather and Apparel Price Division, on February 24, 1943, informed the applicant by letter that this supplemental information did not warrant a change of the decision denying the application. Thereafter, on April 23, 1943, the applicant filed a protest directed to the letters of the Administrator and the Director of the Textile, Leather and Apparel Price Division, dated November 5, 1942, and February 24, 1943, respectively.

Section 203 (a) of the Emergency Price Control Act of 1942, as amended, provides only for the filing of protests to regulations or orders issued under section 2 of the Act. In order to preserve the applicant's right to obtain review of the denial of its application for adjustment, the Administrator deems it appropriate to treat the protest not only as a protest but also as a request for such a formal order.

Therefore, under the authority vested in the Administrator, and in accordance with the Act and Revised Procedural Regulation No. 1, it is ordered that the application for adjustment, Docket No. GF3-854, be denied and that the applicant's protest of April 23, 1943 be docketed as a protest to this order of denial.

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

Issued and effective this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7247; Filed, May 8, 1943; 10:06 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 239 Under § 1499.18 (b) of GMPR]

PHOENIX CANDY COMPANY

Order No. 239 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GF3-1826.

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

§ 1499.1839 *Adjustment of maximum prices in sales of 1 pound packages of Toffee, a confectionery item, manufactured by Charles A. Cari, trading as Phoenix Candy Co., New York, New York.* (a) That Phoenix Candy Company is hereby authorized to sell its 1 pound package of Toffee to jobbers at the maximum delivered price of $1.80 per dozen.

(b) That all jobbers are hereby authorized to increase their established maximum delivered price of this item to retailers by an amount not in excess of 12 cents per dozen packages: *Provided, however,* That the new maximum delivered price per 1 dozen packages shall not exceed the sum of $2.25.

(c) That all retailers of this item shall maintain prices not in excess of their maximum prices as established under the provisions of the General Maximum Price Regulation.

(d) That Phoenix Candy Company shall mail or otherwise supply to each of its jobbers prior to the first delivery to such jobber a notice as follows:

The Office of Price Administration has authorized us to increase our maximum delivered price on 1 pound packages of Toffee from $1.68 per dozen packages to $1.80 per dozen packages. You are authorized to increase your price to retailers in the amount of 12 cents per 1 dozen packages: *Provided, however,* That your new price shall not exceed the sum of $2.25 per 1 dozen packages.

(e) That Phoenix Candy Company shall place in or attach to the smallest retail packing unit a notice to retailers as follows:

The Office of Price Administration has authorized certain price increases in sales of our 1 pound packages of Toffee. Your jobber is permitted to increase his price by an amount not in excess of 12 cents per dozen packages: *Provided, however,* That his new price shall not exceed the sum of $2.25 per dozen packages. No price increase at the retail level has been granted and you are to maintain prices not in excess of your maximum prices as established under the provisions of the General Maximum Price Regulation for this 1 pound package of Toffee.

(f) That all purchasers and sellers of Phoenix Candy Company's Toffee are permitted to buy and sell at prices not in excess of those permitted by this order.

(g) This Order No. 239 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 239 (§ 1499.1839) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modification of maximum prices established by § 1499.2.

(i) This Order No. 239 (§ 1499.1839) shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7248; Filed, May 8, 1943; 10:07 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 23 Under § 1499.29 of GMPR]

LANGE AND CRIST BOX AND LUMBER COMPANY, INC.

Order No. 23 under § 1499.29 of the General Maximum Price Regulation; Docket No. GF3-3085.

On February 6, 1943, Lange and Crist Box and Lumber Company, Inc., of Clarksburg, West Virginia, filed an application for adjustment of maximum prices of wirebound boxes pursuant to § 1499.29 (b) of the General Maximum Price Regulation and Procedural Regulation No. 6. Due consideration has been given the application and for the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under 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:

§ 1499.423 *Adjustment of maximum prices of wirebound boxes sold by the Lange and Crist Box and Lumber Company, Inc.* (a) On and after February 6, 1943, Lange and Crist Box and Lumber Company, Inc., of Clarksburg, West Virginia, may increase by 10 percent its selling price of wirebound boxes based on its present price determining method and subject to government contracts or subcontracts.

(b) The said Lange and Crist Box and Lumber Company, Inc., must refund any collections in excess of the selling price permitted by this Order and made pursuant to § 1300.401 of Procedural Regulation No. 6.

(c) Any and all relief requested by the applicant and not granted herein is specifically denied.

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

The effective date of this order shall be May 10, 1943.

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7246; Filed, May 8, 1943; 10:06 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amendment 10]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

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

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.452 (m) (2) is amended by changing the sentence immediately following the table of prices to read as follows:

On contracts made between April 23, 1943 and May 24, 1943, inclusive, for deliveries up to and including June 14, 1943, the seller may add $1.00 per cwt. to the applicable boning plant price.

2. Section 1364.453 (b) is amended to read as follows:

(b) For all beef carcasses and/or beef wholesale cuts, and/or other meat items subject to this Subpart B delivered in a straight or mixed carload shipment or

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

[1] 8 F.R. 5097, 4786, 4844, 5170, 5478, 5634.

sold as part of a straight or mixed carload sale, the seller shall deduct $0.75 per cwt. from the applicable zone price, except that this provision shall not apply to deliveries made to a war procurement agency during the period April 22, 1943 to May 24, 1943, inclusive.

This amendment shall become effective May 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7299; Filed, May 8, 1943; 3:49 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 7-1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

In the judgment of the Regional Price Administrator of Region VII, the prices of food and beverages sold for immediate consumption in the states of Colorado, Montana, New Mexico, Utah and Wyoming, and all that portion of the State of Idaho lying south of the southern boundary of Idaho County; and all of Harney and Malheur counties in the State of Oregon, and all of Mohave and Coconino counties in the State of Arizona, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Regional Administrator of Region VII, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the Regional Administrator of Region VII gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this Regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (H. R. 7565, 77th Congress, Second Session) and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Regional Price Administrator of Region VII hereby issues this Restaurant Maximum Price Regulation No. 7-1, establishing as maximum prices for food and drink sold for immediate consumption in the states mentioned above the prices prevailing therefor during the seven-day period beginning April 4, 1943 and ending April 10, 1943.

§ 1448.601 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator of Region VII by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50 issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 7-1 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made part hereof, is issued.

AUTHORITY: § 1448.601 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 7-1—MEALS, FOOD ITEMS, AND BEVERAGES

CONTENTS

SECTION 1 *What this regulation does.* This regulation fixes maximum prices for meals or food items, including beverages, when sold by any restaurant, hotel, cafe, boarding-house, bar, delicatessen, soda fountain, catering business or other eating or drinking place whether sold separately or as a part of a meal, and which are not now subject to price control under the General Maximum Price Regulation or any other maximum price regulation heretofore issued by the Price Administrator, at the highest price charged by the seller during the seven-day period beginning with April 4, 1943.

SEC. 2 *Prohibition against sales of meals, food items and beverages.* On and after May 1, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver for a consideration a meal or food item, including beverages, at a price higher than the maximum price permitted by this Restaurant Maximum Price Regulation No. 7-1, and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices may be charged, demanded and received.

SEC. 3 *How you figure ceiling prices for food items and meals you did not sell in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period, as follows:

(a) Choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal which is most similar to the food item or meal you are pricing; and

(b) Figure a price which is "in line" with the price of that most similar food item or meal. A price is "in line" if the customer receives as much value for his money from the one item or meal as from the other, even though the two prices may be different. In comparing values, quality, size of portions, and the margin over food cost are the things that count; or

(c) If you prefer, take as your ceiling price the last price at which you offered the same food item or meal for sale before the seven-day period.

(d) Once your ceiling price for a food item or meal has been fixed, it may not be changed.

SEC. 4 *Classes of food items and meals*—(a) *The classes of food items.*

Breakfast Items

(1) Fruits and fruit juices.
(2) Cereals.
(3) Egg and combination egg dishes served at breakfast.
(4) Breads, rolls, toast, etc., served at breakfast.
(5) Waffles and hot cakes.
(6) Breakfast meats.
(7) All other breakfast dishes.

Other Items

(8) Appetizers and cocktails.
(9) Soups.
(10) Beef.
(11) Pork.
(12) Lamb, mutton.
(13) Veal.
(14) Poultry.
(15) Fish and shellfish.
(16) Miscellaneous and variety meats including liver, kidneys, and made dishes such as stews, casseroles, etc.
(17) Egg and cheese dishes which might be served as a main dish or entree in a meal.
(18) All other dishes which might be served as a main dish or entree in a meal, such as spaghetti, vegetable plate, baked beans, chop suey, etc.
(19) Potatoes.
(20) All other vegetables.
(21) Bread and butter.
(22) Salads (except as served as main course in a meal).
(23) Cakes, cookies, pies, pastries and other baked goods.
(24) Ice cream and all fountain items.
(25) All other deserts including fruits, puddings, cheese, etc.
(26) Hot sandwiches.
(27) Cold sandwiches.
(28) All other food items.

Beverages

(29) Non-alcholoic beverages.
(30) Beer and other malt beverages.
(31) Wines.
(32) Other alcoholic beverages.

(b) *The classes of meals.* The classes of meals are (1) for week days: breakfast, lunch, tea, dinner, supper; (2) for Sundays: breakfast, lunch, tea, dinner and supper.

SEC. 5 *No ceiling price to be higher than the highest price in the base period.*

Under no circumstances are you permitted to charge a higher price for a food item or meal than the highest price at which you offered a food item or meal of the same class during the seven-day period.

Example 1. If you figured an "in line" price for a week-day at $1.25, and your highest price in the week-day dinner class if $1.00, your ceiling price for the new dinner is $1.00.

Example 2. If during the seven-day period your highest price for soup was 15 cents, you may not offer any soup at a price higher than 15 cents.

SEC. 6 *Prohibition against discontinuing meals at certain prices.* You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless:

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day that you select in the seven-day period, as you did on that day.

Example. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, $1.00, $1.10, $1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 7 *Evasion.* The price limitations in this Restaurant Maximum Price Regulation No. 7–1 shall not be evaded in any manner whatsoever, whether by direct or indirect method, including but not limited to the following:

(a) By any contract, scheme or conduct in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to a meal or food item, including beverages, either alone or in conjunction with any other commodity, or by way of any commission, service, charge, discount, premium, perquisite, or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price lines, portions or serving of meals or food items, including beverages.

(b) By reducing the size, quantity, or quality of a meal of any particular class, or any food item, including beverages, from that maintained during the base period beginning with April 4, 1943, except as provided in section 15.

(c) By discontinuing to offer as many different meals or food items, including beverages, on certain days of the week, or during certain hours of a day, at special prices which were below the regular prices charged for such meals or food items, including beverages, on other days of the week or during other hours of a day.

(d) By discontinuing the sale of meal tickets, weekly rates or any other practice whereby patrons were able to buy meals or food items, including beverages, at prices customarily lower than regular prices.

(e) By making a charge where none existed during the base period, or by increasing a charge that did exist during the base period for any service, courtesy or accommodation customarily incident during the base period to the serving or sale of a meal or food item, including beverages.

(f) The following acts or changes, regardless of what may have been the custom and practice during the base period, are hereby expressly permitted and shall not be held or deemed to be evasions or violations of this regulation:

(1) A proprietor may limit his customers to one cup of coffee per meal.

(2) A proprietor may limit his customers to one pat of butter per meal.

(3) A proprietor may reduce the quantity or eliminate altogether ketchup, chili sauce and any other condiment which is rationed.

(4) A proprietor may reduce the amount of sugar served with each cup of coffee or tea to, but not less than, one teaspoonful.

(5) A proprietor must not, however, make any one or more of the curtailments authorized in the foregoing subparagraphs (1), (2), (3), and (4) and furnish such item at an additional charge. For example, if during the base period ketchup was furnished, the furnishing of the same without charge may not be discontinued and then furnished or offered to be furnished in consideration of a charge.

SEC. 8 *Enforcement.* Any person violating any provision of this regulation shall be subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 9 *Records and reports.* (a) Paragraphs (a), (b), (c) and (d) of General Order No. 50, issued by the Price Administrator on April 12, 1943, are by reference incorporated herein and made a part hereof to the same extent and with like operation and effect as though the same were re-written herein.

(b) As to all sales not specifically exempted by other sections of this Restaurant Maximum Price Regulation No. 7–1, every person selling a meal or food item, including beverages, shall keep and make available for examination by the Regional Office of the Office of Price Administration, or any State Office of the Office of Price Administration in this Seventh Region, records of the same kind he has customarily kept relating to prices which he charged for or at which he offered such meal or food item, including beverages, during the seven-day period beginning with April 4, 1943.

(c) Such persons shall submit such reports to the Regional Office of the Office of Price Administration, or to any State Office of the Office of Price Administration within this Seventh Region, and keep such other records as the Regional Office of the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(d) A proprietor shall preserve all his invoices covering purchases of food items, commodities and supplies from and after April 3, 1943, and shall submit the same for examination by any duly authorized representative of the Office of Price Administration during business hours.

SEC. 10 *Statement of maximum prices.* The proprietor of any restaurant, hotel, cafe, boarding-house, bar, delicatessen, soda fountain, catering business or other eating or drinking place where meals or food items, including beverages, and subject to this regulation are sold, who uses or in any manner displays in connection with the conduct of his business a menu, price list, price card or poster stating or in any manner describing a meal or food item, including beverage, which he sells, shall cause to be clearly printed or written thereon the following:

The prices listed hereon are at or below our ceiling prices as established by the Office of Price Administration.

SEC. 11 *Geographical applicability.* This Restaurant Maximum Price Regulation No. 7–1 shall apply throughout all of Region VII of the Office of Price Administration, and more particularly described as follows:

All of the States of Colorado, Montana, New Mexico, Utah and Wyoming, and all that portion of the State of Idaho lying south of the southern boundary of Idaho County; and all of Harney and Malheur counties in the State of Oregon, and all of Mohave and Coconino counties in the State of Arizona.

SEC. 12 *Relation to other maximum price regulations.* The provisions of this Restaurant Maximum Price Regulation No. 7–1 shall not apply to any sale or delivery of a meal or food item, including beverages, for which a maximum price was in effect on April 4, 1943, under the provisions of the General Maximum Price Regulation, or any other price regulation issued by the Office of Price Administration; for example, milk sold in bottles or paper containers, and bottled beer.

SEC. 13 *When higher prices may be charged.* Any proprietor who has customarily and in the regular course of his business charged higher prices for meals or food items, including beverages, on holidays, may continue to charge such higher prices on the particular holidays hereinafter specified: *Provided, however,* That no such higher holiday charge shall be in excess of 15% of the regular Sunday price. These holidays shall include New Year's Day, Decoration Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

SEC. 14 *How a new proprietor establishes his prices.* (a) A proprietor who, by purchase or otherwise, succeeds to an established business must take as and for his maximum prices the maximum prices of his predecessor in business.

(b) A proprietor who after the base period opens an eating or drinking establishment subject to this regulation, must determine his ceiling prices in accordance with section 3, hereof.

(c) If a proprietor opens an eating or drinking establishment after the base period and finds that for any reason he is unable to determine in accordance with section 3 hereof his maximum prices for any meal or food item, including beverages, which he proposes to sell, he must at least ten days prior to selling or offering for sale any such meal or food item, including beverages, file with the Local War Price and Rationing Board for the area in which his place of business is located a list of such meals and food items, including beverages, with his proposed maximum prices therefor, and at the expiration of such ten day period and continuously therefrom, unless it shall be otherwise ordered by the Office of Price Administration, he may use such prices as and for his maximum prices until the Regional Administrator or the State Director, if duly authorized to do so, shall of his own motion adjust the same by proper order of adjustment promulgated in regular course.

SEC. 15 *Price must be reduced if quantity or quality is reduced.* If any proprietor, because of a rationing order applicable to him, or for any other reason, reduces the quantity or quality of a meal or food item, including beverages, sold by him, he must reduce his price proportionately and if, in computing any such price reduction a fraction of a cent is involved, he shall reduce his price to the next lowest cent.

SEC. 16 *Petitions for amendment.* Any proprietor may individually or jointly with other proprietors and within sixty days after the effective date of this regulation, petition the Regional Administrator for an amendment hereto. Such petition for amendment shall contain a brief statement of the facts upon which the same is predicated, shall be verified by each petitioner signing the same, and shall be filed with the Regional Office and processed in accordance with Revised Procedural Regulation No. 1.

SEC. 17 *Proprietor operating two or more eating places.* If a proprietor owns or operates two or more eating places subject to this regulation he must, as to each such separate unit or eating place, separately comply with all the terms and provisions of this regulation.

SEC. 18 *Exemptions.* (a) Sales of meals or food items, including beverages, by bona fide clubs which regularly sell only to their members and the guests of members shall be exempt from this regulation: *Provided, however,* That no eating or drinking place shall be deemed to be a club within the meaning of this exemption unless its members pay regular dues of more than a nominal amount, are elected to membership by a governing board, membership committee or other supervisory body, and is otherwise and generally operated as a private club.

(b) No club organized after the effective date of this regulation shall be exempt therefrom unless and until it has filed a request for exemption with the State or District Office of the Office of Price Administration having jurisdiction over it, furnished such information as may be required and has, upon consideration of its request, been given a written statement declaring or certifying that it qualifies as a private club and is, therefore, exempt from this regulation.

(c) Eating and drinking places located on church, temple or synagogue premises, or on the premises of any regularly organized and duly constituted lodge or fraternal order, whether operated regularly or only intermittently, shall be exempt from this regulation.

(d) Railroad dining, club and cafe cars shall be exempt from this regulation.

(e) Hospitals which are eleemosynary, municipal or State institutions are exempt from this regulation.

SEC. 19 *Taxes.* Any proprietor who, during the base period, customarily stated and collected the amount of any sales tax or other like tax separately from the price charged by him for the meal or food item sold, may continue to do so; and any such proprietor may so separately state and collect the amount of any new tax or of any increase in the amount of an existing tax on the sale of food or drink, or on the business of selling food or drink if such tax is measured by the quantity or price of the meal or food item sold.

SEC. 20 *Definitions.* (a) "Person" means individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Base period" means the seven day period beginning with April 4, 1943.

(c) "Highest price charged during the base period" means the highest price which the seller charged for a meal or food item, including beverages, delivered or served by him during the "base period" to a purchaser of the same class, or if the seller made no such sale or delivery during such "base period," his highest offering price for delivery during that period to a purchaser of the same class.

(d) "Purchaser of the same class" refers to the practice followed by the seller in the ninety day period preceding April 4, 1943, in setting different prices for sales on different days or to different purchasers or kinds of purchasers (for example, but not limited to, week-days, Sundays and holidays, families, regular boarders, dinner clubs, lodges or clubs) or under different conditions of sale.

(e) "Proprietor" means a person who owns or operates a restaurant, hotel, boarding-house, cafe, bar, delicatessen, soda fountain, catering business or other eating or drinking place.

(f) "Food item" means an article or portion of food, including beverages, sold or served by an eating or drinking place for consumption in or about the place, or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(g) "Meal" means a combination of food items sold at a single price, such as a five-course dinner, a club breakfast, a blue-plate special.

(h) "Seller" means the "proprietor" as defined by this regulation, or any person acting for him.

(i) "Offering price" means the price appearing on any bill of fare, menu or other price list which was effective at any time during the base period.

(j) "Eating or drinking place" means any place where a "meal" or "food item" is sold, except those places which are expressly exempted by section 18 hereof. Eating and drinking place includes, by way of example but not by way of limitation, places where food or beverages are sold such as movable field kitchens, lunch wagons, hot dog carts, wayside hamburger stands, etc.

SEC. 21 *Right to revoke or amend.* This Restaurant Maximum Price Regulation No. 7–1 may be revoked, amended, modified or revised at any time by the Regional Administrator or the Price Administrator.

SEC. 22 *Effective date.* This Restaurant Maximum Price Regulation No. 7–1 shall become effective as of 12:01 A. M. on May 1, 1943.

Issued this 24th day of April 1943.

ARNOLD E. SCOTT,
Acting Regional Administrator.

[F. R. Doc. 43–7298; Filed, May 8, 1943; 3:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 159[1] Under § 1499.3 (b) of GMPR]

SPECIFIC PHARMACEUTICALS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.-1175 is amended by changing the price "$23.50" to "$38.65".

This amendment shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–7300; Filed, May 8, 1943; 3:49 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

OCEANPORT CREEK, N. J.

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (a) of the special regu-

[1] 7 F.R. 10023.

lations governing the operation of the New York and Long Branch Railroad Company bridge across Oceanport Creek, at Oceanport, New Jersey, is hereby amended to read as follows:

§ 203.216 *Oceanport Creek at Oceanport, N. J.; New York and Long Branch Railroad bridge.* (a) During the hours between 5:00 p. m. and 9:00 a. m., the owner or agency controlling the bridge will not be required to keep a draw tender in constant attendance at the bridge.

(Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special regs. April 28, 1943 (CE 823 (Oceanport Creek—Oceanport, N. J.—Mi 8.17)—SPEKH)]

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

[F. R. Doc. 43-7245; Filed, May 8, 1943; 9:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 122]

PART 95—CAR SERVICE

COAL CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of May, A. D. 1943.

It appearing, That an increased movement of coal from mines on the following railroads: The Chesapeake and Ohio Railway Company, Louisville and Nashville Railroad Company, Norfolk and Western Railway Company, and The Virginian Railway Company has materially reduced the available car supply on those roads; the Commission is of the opinion that an emergency exists requiring immediate action to prevent shortage of railroad equipment; *It is ordered,* That:

§ 95.13 *Coal cars*—(a) *Cars to be returned empty.* The Illinois Central Railroad Company is hereby ordered not to use after being unloaded and to return empty all coal cars (hopper cars and gondola cars having sides not less than 38 inches in height) owned by The Chesapeake and Ohio Railway Company, Louisville and Nashville Railroad Company, Norfolk and Western Railway Company, and The Virginian Railway Company to such home lines either via the direct route or via the service route (route of the loaded haul). The operation of all car service rules, insofar as they conflict with the provisions of this order, is hereby suspended.

(b) *Special and general permits.* The provisions of this order shall be subject to any special or general permit issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1-(10)-(17)).

It is further ordered, That this order shall become effective 12:01 a. m. May 10, 1943, and remain in force until further order of the Commission; that copies of this order and direction shall be served upon the above-named common carriers and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-7303; Filed, May 10, 1943; 10:26 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

E. D. BEDWELL COAL CO., ET AL.

APPLICATION FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address.	*Date application filed*
M. D. Bedwell (E. D. Bedwell Coal Co), Fort Smith, Ark	Apr. 16, 1943
Ecco Materials Co., 228 N. LaSalle St., Chicago, Ill	Apr. 19, 1943
Alice E. Smith Coal and Coke, 224 N. Findley St., Punxsutawney, Pa	Apr. 22, 1943

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the rules and regulations for the registration of distributors, is invited to furnish such information to the Division on or before June 7, 1943. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: May 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-7318; Filed, May 10, 1943; 11:08 a. m.]

[Docket No. B-143]

OLD BEN COAL CORPORATION

ORDER REVOKING CODE MEMBERSHIP

Upon the basis of findings of fact and conclusions of law set forth in an opinion filed simultaneously herewith, wherein it appears that code member wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937, the corresponding section of the Bituminous Coal Code and the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck;

It is ordered, That the code membership of Old Ben Coal Corporation, operating the Old Ben #11 Mine (Mine Index No. 119) in Franklin County, Illinois, is hereby revoked and cancelled.

It is further ordered, That prior to reinstatement of its code membership said Old Ben Coal Corporation shall pay to the United States, as provided in section 5 (c) of the Act, a tax in the amount of $2,513.47.

Dated: May 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-7319; Filed, May 10, 1943; 11:08 a. m.]

[Docket No. B-309]

WILLIAM AND T. A. HOWELLS

ORDER DIRECTING CODE MEMBERS TO CEASE AND DESIST

In the matter of William Howells and T. A. Howells, individually and as copartners doing business under the name and style of William and T. A. Howells, code members, District No. 4.

Upon the basis of findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that code members wilfully violated the orders of the Division Nos. 307 and 309, dated December 11, 1940 and January 14, 1941, respectively, and pursuant to section 4 II (j) and 5 (b) and other provisions of the Bituminous Coal Act of 1937;

It is ordered, That William Howells and T. A. Howells, individually and as copartners doing business under the name and style of William and T. A. Howells operating the Brookwood Mine (Mine Index No. 1400) in Columbiana, Ohio, their agents, representatives, employees, successors or assigns, and any persons acting or claiming to act for or on their behalf, cease and desist from violating the orders of the Division Nos. 307 and 309, dated December 11, 1940, and January 14, 1941, respectively, or from otherwise violating the provisions of the Act, the Bituminous Coal Code and the rules and regulations thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the division may apply to a Circuit Court of Appeals for the enforcement thereof, or take other appropriate action as authorized by the Act.

Dated: May 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-7320; Filed, May 10, 1943; 11:08 a. m.]

[Docket No. 1837-FD]

M. A. HANNA CO. ET AL.

ORDER OF THE DIRECTOR

In the matter of the application of the M. A. Hanna Company and Hanna

Coal Sales Company to secure determinations as provided for by rule 10, section II of the marketing rules and regulations and subsection (b) 8 of § 304.12 of the rules and regulations for registration of distributors.

Upon the basis of the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that application was made by petitioners, The M. A. Hanna Company and Hanna Coal Sales Company, registered distributors, for permission to accept or retain sales agents' commissions and distributors' discounts on coal sold or purchased for resale by petitioners to Empire-Hanna Coal Company, Limited, a registered distributor, pursuant to Rule 10 of section II of the marketing rules and regulations and § 317.19 (c) [1] of the rules and regulations for the registration of distributors.

It is hereby ordered and determined, That the acceptance or retention of sales agents' commissions on coal sold by The M. A. Hanna Company, individually and as successor of Hanna Coal Sales Company, to Empire-Hanna Coal Company, Limited, is not prohibited by Rule 10 of section II of the marketing rules and regulations, by the provisions of the Bituminous Coal Act of 1937, or other rules and regulations thereunder;

It is further ordered and determined, That the acceptance or retention of distributors' discounts on coal purchased by The M. A. Hanna Company, individually and as successor of Hanna Coal Sales Company, for resale to Empire-Hanna Coal Company, Limited, is not prohibited by § 317.19 (c) of the rules and regulations for the registration of distributors, by the provisions of the Act, or other rules and regulations thereunder; and

It is hereby ordered, That the relief prayed for herein is granted in the foregoing respects.[2]

Dated: May 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-7321; Filed, May 10, 1943; 11:08 a. m.]

[Docket No. A-1962]

DISTRICT BOARD 10

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 10 for establishment of price classifications and minimum prices for Mine Index No. 940.

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 the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Fisher Mine, Mine Index No. 940 of Bryan Eddy. Although this petition did not set forth sufficient facts upon which permanent relief may be based, a reasonable showing of necessity appears for the granting of temporary relief in the manner hereinafter set forth.

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;

Now, therefore, *It is ordered,* That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck is amended to include the price classifications and minimum prices set forth in the schedule marked Supplement R annexed hereto and 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 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.

The original petition in this matter requests that no exceptions be allowed with respect to locomotive fuel sold to off-line railroads. Nevertheless, since railroad locomotive fuel Price Exceptions 1-B, 2-B, and 3-A on page 45 of Price Schedule No. 1, in District No. 10, for All Shipments Except Truck are applicable to the coals of all other mines in Price Group 13 of District No. 10 for which minimum prices have been established for all shipments except truck, and since no adequate reason has been advanced for denying the application of these price exceptions to the coals of Mine Index No. 940, the relief granted herein affords this producer the same competitive opportunity available to all other producers similarly situated by making the said price exceptions applicable to the coals of Mine Index No. 940.

The original petition in the matter requests the assignment of Cantrall, Illinois, on the C. & I. M. Railroad, Freight Origin Group No. 43, as the shipping point for Mine Index No. 940. However, mines assigned Freight Origin Group No. 43 on the C. & I. M. Railroad are located south of Springfield, Illinois, and Cantrall, Illinois, is north of Springfield, Illinois. Accordingly, Freight Origin Group No. 63 is assigned to Mine Index No. 940 rather than Freight Origin Group No. 43 as proposed by petitioner.

An order scheduling a hearing for the purpose of adducing facts upon which final relief in this matter may be based will be issued in due course.

Dated: May 5, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-7322; Filed, May 10, 1943; 11:08 a. m.]

[Order No. 354]

DISTRICT BOARDS 2 AND 12

DESIGNATION OF EMPLOYEE MEMBERS

An order amending Order No. 327, as amended, with respect to the designation of the employee members of District Boards No. 2 and No. 12.

The United Mine Workers of America, pursuant to order No. 327 of the Bituminous Coal Division, Department of the Interior, having selected John P. Busarello and J. C. Lewis for appointment as members of District Boards No. 2 and No. 12, respectively, vice P. T. Fagan and Louis Boldrini; *It is ordered:*

1. That paragraph 2 of said Order No. 327 be and the same is hereby amended by substituting, opposite the words "District 2—Western Pennsylvania:" the name of John P. Busarello, 401 Law & Finance Building, Pittsburgh, Pennsylvania, vice P. T. Fagan, 1208 Commonwealth Building, Pittsburgh, Pennsylvania, and opposite the words "District 12—Iowa:" the name of J. C. Lewis, Kirkwood Hotel, Des Moines, Iowa, vice Louis Boldrini, United Mine Workers' Building, Albia, Iowa.

2. That, except as modified by Orders No. 331 and No. 346 and by this order, Order No. 327 shall remain in full force and effect.

Dated: May 7, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-7323; Filed, May 10, 1943; 11:09 a. m.]

[Docket No. A-1692]

DISTRICT BOARD 14

ORDER DENYING RELIEF

In the matter of the petition of District Board No. 14 for the establishment of certain price classifications and minimum prices for coals produced in District No. 14 and sold for use as steamship bunker fuel.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that request was made for the establishment of a special use classification and special minimum f. o. b. mine prices for coals produced in District 14 for shipment to ports on the Gulf of Mexico west of and excluding the Port of New Orleans for steamship bunker fuel use, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That the petition of District Board 14 for the establishment of a special use classification and minimum f. o. b. mine prices equal to the effective minimum prices for railroad locomotive fuel for coals produced in District 14 for shipment to ports on the Gulf of Mexico west of and excluding the Port of New Orleans for steamship bunker fuel use, be and the same hereby is denied.

Dated: May 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-7324; Filed, May 10, 1943; 11:09 a. m.]

---

[1] Formerly numbered § 304.19 (c).

[2] The relief herein granted shall be effective pursuant to Rule 10 of section II of the marketing rules and regulations and § 317.19 (c) of the rules and regulations for the registration of distributors as clarified and amended by the order of the Director in General Docket No. 25, dated March 6, 1943, 8 F.R. 3041.

[Docket No. 1788–FD]

SOUTHERN COAL CO, INC.

ORDER SUSPENDING REGISTERED DISTRIBUTOR

Upon the basis of the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, it appears that respondent wilfully violated Rule 3 of section VI of the marketing rules and regulations, § 304.12 (b) (2) and (5) of the rules and regulations for the registration of distributors, the provisions of the schedule of effective minimum prices for District No. 15 for all shipments except truck, and the terms of respondent's distributor's agreement, and pursuant to section 4 II (h) and other provisions of the Bituminous Coal Act of 1937; and rules and regulations thereunder;

It is ordered, That the registration as distributor, of Southern Coal Company, Inc., a registered distributor, Registration No. 8561, 81 Madison Avenue, Memphis, Tennessee, shall, beginning 15 days from the date hereof, be suspended for a period of 30 days, but that such suspension shall not excuse respondent from all duties and functions imposed upon it by the Act, the Code and the rules, regulations and orders of the Division;

It is further ordered, That at least five days prior to the expiration of such suspension period, respondent shall submit to the Director of the Division an affidavit to the effect that during the period of its suspension, it has neither directly nor indirectly transacted business as a registered distributor nor received nor been promised any discounts which registered distributors are entitled to receive by virtue of registration, as required by § 304.15 of the rules and regulations for the registration of distributors.

It is further ordered, That the period of suspension for thirty (30) days herein directed shall run concurrently with an identical 30-day suspension period which was directed in the case of In the Matter of Southern Coal Company, Inc., Docket No. 1698–FD.

Dated: May 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–7326; Filed, May 10, 1943; 11:34 a. m.]

[Docket No. 1698–FD]

SOUTHERN COAL CO., INC.

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

This proceeding was instituted by the Bituminous Coal Division through a notice of and order for hearing dated July 15, 1941, pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the rules and regulations of distributors, to determine whether respondent Southern Coal Company, Inc., a registered distributor, (Registration No. 8561), of Memphis, Tennessee, violated various provisions of the Act, the marketing rules and regulations, the schedules of effective minimum prices and the agreement by registered distributor.

On March 23, 1942, after due notice and hearing, Charles S. Mitchell, a duly designated examiner of the Division, submitted a report. The examiner found, in accordance with the allegations of the notice, that respondent violated his obligations as a registered distributor in the following respects:

1. In October 1940 and November 1940 respondent, as sales agent for Brookside-Pratt Mining Company sold to T. N. Wright of Selmer, Tennessee, about 20 tons of 5″ x 3″ egg coal at $2.95 per ton f. o. b. the mine whereas the applicable minimum price for such coal was $3.15 per ton f. o. b. the mine.

2. On December 2, 1940, respondent sold to Waldock Packing Company of Sandusky, Ohio, 50.2 tons of coal at $2.10 per ton f. o. b. the mine, whereas the effective minimum price thereof was $2.20 per ton f. o. b. the mine.

3. Between October 11, 1940 and November 12, 1940, respondent, as sales agent for various producers, sold approximately 250 tons of coal to Commercial Fuel Company, of Kansas and Missouri, and allowed it a distributor's discount, though said fuel company was not then a registered distributor.

4. Subsequent to September 30, 1940, respondent while acting as sales agent for Kentucky Glendon Corporation used an analysis in offering to sell 1,000 tons of coal, and sold 208.2 tons thereof, to the Mt. Pleasant Home and Training School, Mt. Pleasant, Michigan, without filing a report of such analysis with the Statistical Bureau and District Board for District 8.

5. Between October 7 and November 27, 1940, respondent made allowances on 12 cars of coal sold to the City Coal Company of Fulton, Kentucky, because of alleged substandard preparation and failed to notify the Statistical Bureau for District 9 of the receipt of the claims for allowances within 24 hours thereof, Respondent also failed, within 10 days after granting such allowances, to file with said District Board and the Statistical Bureau thereof, a verified statement relating to such allowances.

6. Between November 29 and December 24, 1940, respondent as sales agent for two coal mine operators, prepaid freight charges on rail shipments of 8 cars of coal.

7. On December 9, 1940, respondent while acting as a distributor, offered to sell to the State of Tennessee 4 cars of 2″ x ¼″ West Kentucky stoker coal at $1.74 per net ton f. o. b. the mine, whereas the effective minimum price thereof was $1.79 per net ton f. o. b. the mine.

The examiner also concluded in his report that notwithstanding the allegations of the notice, respondent did not violate his obligations as a registered distributor in the following respects:

1. Respondent did not extend beyond December 20, 1940 the time of payment for a car of coal shipped to Commercial Fuel Company on November 12, 1940 without charging or collecting interest.

2. Respondent did not intentionally misrepresent the analysis described in its offer to sell 7 cars of nut coal to the United States Engineers Office, Nashville, Tennessee.

3. Respondent did not violate the marketing rules and regulations in prepaying freight charges on a shipment of one car of coal to the United States Post Office, Station A in Kansas City, Kansas.

The examiner recommended that respondent's registration as a distributor be suspended for a period of 90 days.

On April 29, 1941, respondent filed exceptions to the examiner's report and made application for oral argument. In view of the fact that respondent has fully treated in its brief the various exceptions which it makes to the report, I find that oral argument is unnecessary and the application should be denied.

In its exceptions respondent does not deny that the transactions took place as found by the examiner; indeed, respondent admitted in its answer the transactions set forth in the notice. The contention which respondent asserts in various forms in its exceptions now before me, is that the various violations were committed by inadvertence or mistake. Calling attention to the complex and extensive scope of its operations, respondent suggests that in a large organization some errors are unavoidable. It points out that in most instances as soon as the Division indicated the nature and extent of the violations committed, respondent took steps to repair the damage done. Reasserting its good faith, respondent contends that the violations should not be deemed "willful" within the meaning of the Bituminous Coal Act of 1937.

Substantially the same arguments were considered by the Examiner and rejected in his carefully-reasoned and comprehensive report. While I have considered each of respondent's exceptions in the light of the report and in the light of the entire record, I find no reason to disturb the examiner's conclusions. I am, accordingly, adopting his proposed finding of fact and proposed conclusions of law as the findings of fact and conclusions of law of the Director.

It may be true, as respondent contends, that in a large organization, notwithstanding its comparatively great resources, and generally high standards of efficiency and capacity to secure expert counsel, some errors may occasionally be made. As the United States Circuit Court of Appeals for the Eighth Circuit recently suggested in Binkley Mining Company of Missouri v. Wheeler, —— F. (2d) —— (C. C. A., 8th, decided February 10, 1943) "infractions due to excusable neglect or mere mistake should not be classed as willful." Yet carelessness or indifference to the requirements of the Bituminous Coal Act of 1937 and the rules and regulations issued thereunder can no more be tolerated in a large distributor or code member than in a small

one. A distributor assumes affirmative obligations when he obtains the benefits of registration with the Division and he must be held to a scrupulously high standard of conduct. When errors persist and are repeated to the extent disclosed by this record, they cannot be ignored. Respondent and its employees either acted in plain disregard of their duty to observe the rules and regulations governing the transactions in question or were indifferent to any reasonable standard of careful and accurate operation. See Binkley Mining Company of Missouri v. Wheeler, supra.

Accordingly, I find that respondent's several exceptions to the examiner's report must be overruled. I believe, however, that the character of the violations here disclosed does not justify suspension of respondent for a period of 90 days, as the examiner recommended. I believe that a 30-day suspension of registration will adequately effectuate the purposes of the Act. I have this day entered an order In The Matter of Southern Coal Company, Incorporated, Docket No. 1788–FD suspending the registration of this respondent for other violations, effective 15 days from the date of said order and extending for a period of 30 days. The two suspension orders should operate concurrently.

It is hereby ordered, That the proposed findings of act and the proposed conclusions of law of the examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That respondent's application for oral argument is denied, and its several exceptions to the report of the examiner are overruled.

It is further ordered, That the registration as a distributor of Southern Coal Company, Incorporated, a registered distributor (Registration No. 8561), shall, effective fifteen (15) days from the date hereof, be suspended for a period of thirty (30) days, but such suspension shall not excuse respondent from any duties and functions imposed upon it by the Act, the Code and the rules, regulations and orders of the Division.

It is further ordered, That at least five days prior to the expiration of such suspension period, respondent shall submit to the Director of the Division an affidavit to the effect that during the period of its suspension, it has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discounts which registed distributors are entitled to receive by virtue of registration, as required by § 304.15 of the rules and regulations for the registration of distributors.

It is further ordered, That the period of suspension for thirty (30) days herein directed shall run concurrently with an identical 30-day suspension period which was directed in the case of In the Matter of Southern Coal Company, Inc., Docket No. 1788–FD.

Dated: May 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43–7327; Filed, May 10, 1943; 11:34 a. m.]

DEPARTMENT OF AGRICULTURE.

War Food Administration.

REGIONAL ADMINISTRATORS

ORDER DELEGATING AUTHORITY TO GRANT RELIEF FROM HARDSHIP

Correction

In the first paragraph of the document appearing on page 5934 of the issue for Friday, May 7, 1943, the reference to the section number of Food Distribution Order 27, as amended, should be: "§ 1410.4 (n)".

In the second paragraph the page number references to Food Distribution Order 27, as amended, should be: "(8 F.R. 2785, 4227, 5700)".

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY REGARDING PERMITS

Authority is hereby delegated to Regional Administrators of the Food Distribution Administration, War Food Administration, to suspend, revoke, or otherwise terminate permits required by any food distribution order authorizing the Director of Food Distribution to issue or revoke permits, issued pursuant to Executive Order No. 9280 of December 5, 1942, and Executive Order No. 9322 of March 26, 1943, as amended by Executive Order No. 9334 of April 19, 1943: *Provided,* That the authority delegated herein shall be exercised only pursuant to instructions issued by the Director of Food Distribution.

The authority delegated herein to the said Regional Administrators shall in no way affect any authority vested in the Director of Food Distribution by any such food order.

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

Issued this 8th day of May 1943.

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

[F. R. Doc. 43–7286; Filed, May 8, 1943; 11:33 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 6, 1943, May 11, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Product, Number of Learners, Learning Period, Learner Wage, Learner Occupation, Expiration Date

Bristol Paper Box Company, Incorporated, 1305 West State Street, Bristol, Virginia; Set-up Paper Boxes; 3 learners (T); Stripper, Staying Machine and Topping Machine Operator for a learning period of 240 hours at 35 cents per hour until November 6, 1943.

Miller Underwear Company, 718 Allen Street, Allentown, Pennsylvania; Cotton and rayon underwear; 10 percent of total productive factory force; Machine operating (except cutting) for a learning period of 480 hours, Machine stitching and pressing for a learning period of 320 hours; Winder, dyeing machine, brush machine operator & dryer operator for a learning period of 240 hours at not less than 35 cents an hour until May 11, 1944. (This certificate replaces the one you now have bearing the expiration date of August 10, 1943.)

Signed at New York, N. Y., this 8th day of May 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43–7316; Filed, May 10, 1943; 11:05 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE OF VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3743),

and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrations, September 27, 1940 (5 F.R. 3829).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulation, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

A. Marks & Sons, 700–710 W. Jackson Boulevard, Chicago, Illinois; Coat fronts, waist bands and seam bindings; 5 learners (T); effective May 5, 1943, expiring May 5, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Allied Manufacturing Company, Incorporated, 323 South Main Street, Stillwater, Minnesota; Overalls, overall jackets, one piece suits and pants; 8 learners (T); effective May 5, 1943, expiring May 5, 1944.

Michael Berkowitz Company, Incorporated, Frostburg, Maryland, Men's pajamas; 10 learners (A. T.); effective May 5, 1943, expiring October 12, 1943.

George Brown, 407 E. Pico Boulevard, Los Angeles, California; Women's sportswear, slacks and slack suits; 5 learners (T); effective May 7, 1943, expiring May 7, 1944.

Carwood Manufacturing Company, Winder, Georgia; Trousers, work shirts; 32 learners (A. T.); effective May 6, 1943, expiring August 5, 1943.

Cavalier Garment Corporation, 113 Main Street, Evansville, Indiana; Men's trousers; 10 percent (A. T.); effective May 10, 1943, expiring October 8, 1943.

Co-Ed Frocks, Incorporated, Shelbyville, Illinois; Cotton washable outer clothing; 15 learners (A. T.); effective May 10, 1943, expiring November 10, 1943.

Cornbleet Brothers, 120 Water Street, Henderson, Kentucky; Ladies' wash dresses; 25 learners (A. T.); effective May 6, 1943; expiring November 6, 1943.

Cutler & Cutler, 728 Cherry Street, Philadelphia, Pennsylvania; Children's coats and snow suits; 9 learners (T); effective May 5, 1943, expiring May 5, 1944.

D & D Sewing Company, Delta, Pennsylvania; Infants' and children's wear; 6 learners (T); effective May 8, 1943, expiring May 8, 1944.

D & D Sewing Company, 1560 North George Street, York, Pennsylvania; Infants' and children's wear; 10 percent (T); effective May 8, 1943, expiring May 8, 1944.

Frackville Manufacturing Company, Incorporated, Frackville, Pennsylvania; Night shirts and pajamas; 20 learners (A. T.); effective June 2, 1943, expiring December 2, 1943.

H. W. Gossard Company, Sixth and Market Streets, Logansport, Indiana; Corsets and allied garments; 10 percent (T); effective May 12, 1943, expiring May 12, 1944.

Hercules Trouser Company, Hillsboro, Ohio; Single pants; 20 learners (A. T.); effective May 5, 1943, expiring October 22, 1943.

Home Manufacturing Company, 741 East Eldorado Street, Decatur, Illinois; Women's dresses; 10 percent (T); effective May 6, 1943, expiring May 6, 1944.

Judy Frocks, 1803 Eighth Avenue, Seattle, Washington; Rayon skirts, slacks, shirts; Rayon & wool shirts, skirts and dresses; 4 learners (T); effective May 8, 1943, expiring May 8, 1944.

B. Lavin, 1941 Brooklyn Street, Los Angeles, California; Ladies' sportswear; 5 learners (T); effective May 5, 1943, expiring May 5, 1944.

Liberty Frock Company, Incorporated, 205 E. 22nd Street, Kansas City, Missouri; Women's dresses, suits and jackets; 25 learners (A. T.); effective May 10, 1943, expiring December 17, 1943.

Palmer Shirt Manufacturing Company, 477 Lehigh Avenue, Palmerton, Pennsylvania; Cotton & rayon shirts; 10 percent (T); effective May 5, 1943, expiring May 5, 1944.

Penn Children's Dress Company, 831 Lackawanna Avenue, Mayfield, Pennsylvania; Children's dresses; 8 learners (A. T.); effective May 5, 1943, expiring October 26, 1943.

Phillips-Jones Corporation, Oak & Wetmore Streets, Kane, Pennsylvania; Men's shirts; 10 percent (T); effective May 22, 1943, expiring May 22, 1944.

The Powers Manufacturing Company, 1340 Sycamore Street, Waterloo, Iowa; Jackets, athletic uniforms, horse collars and targets; 5 learners (A. T.); effective May 5, 1943, expiring January 25, 1944.

Irving Reznick, Church and Maple Streets, Salem, Illinois; Cotton dresses, uniforms, sportswear; 150 learners (E); effective May 10, 1943, expiring November 10, 1943.

Rice Stix Factory No. 14, 666 School Street, Hillsboro, Illinois; Women's dresses; 5 learners (A. T.); effective May 10, 1943, expiring March 18, 1944.

S. L. Robinson Company, 119 South 9th Street, Omaha, Nebraska; Cotton uniform clothing; 10 percent (T); effective May 6, 1943, expiring August 5, 1943.

Tropical Garment Manufacturing Corporation, 19th Street and Tenth Avenue, Tampa, Florida; Work pants and semi-dress slacks, work shirts, sport shirts and coveralls; 40 learners (E); effective May 5, 1943, expiring June 21, 1943. (This certificate replaces the certificate issued December 21, 1942 to the Florida Sportswear Corporation.)

Tyson Shirt Company, 620 Corson Street, Norristown, Pennsylvania; Men's cotton shirts; 10 percent (T); effective May 5, 1943, expiring May 5, 1944.

Gloves Industry

Alma Knitting Mills, Incorporated, Gloversville, New York; Knit wool gloves; 5 learners (T); effective May 6, 1943, expiring May 6, 1944.

Gloversville Knitting Company, Congress Street, Schenectady, New York; Knit wool gloves; 5 percent (T); effective May 10, 1943, expiring May 10, 1944.

Good Luck Glove Company, Metropolis, Illinois; Work gloves, 15 percent (A. T.); effective May 19, 1943, expiring November 19, 1943.

Van Raalte Company, Incorporated, Dunkirk, New York; Knit fabric gloves; 75 learners (A. T.); effective May 7, 1943, expiring November 7, 1943.

Hosiery Industry

Albany Manufacturing Company, Incorporated, Slappey Drive, Albany, Georgia; Full-fashioned hosiery; 20 percent (A. T.); effective May 7, 1943, expiring November 7, 1943.

Johnson City Mills, Johnson City, Tennessee; Full-fashioned hosiery; 5 percent (A. T.); effective May 7, 1943, expiring November 5, 1943.

K. W. Knitting Mills, Mohnton, Pennsylvania; Seamless hosiery; 5 learners (T); effective May 6, 1943, expiring May 6, 1944.

Nebel Knitting Company, Incorporated, 101 Worthington Avenue, Charlotte, North Carolina; Seamless and full-fashioned hosiery; 5 percent (T); effective May 8, 1943, expiring May 8, 1944.

Virginia Maid Hosiery Mills, Incorporated, Pulaski, Virginia; Seamless and full-fashioned hosiery; 20 learners (A. T.); effective May 6, 1943, expiring January 25, 1944.

Whisnant Hosiery Mills, Hickory, North Carolina; Seamless hosiery; 15 learners (A. T.); effective May 10, 1943, expiring December 3, 1943.

Knitted Wear Industry

E–Z Mills, Incorporated, Cartersville, Georgia; Knitted underwear; 5 percent (T); effective May 6, 1943, expiring May 6, 1944.

Robinhood & Company, Port Clinton, Pennsylvania; Underwear; 3 learners (T); effective May 19, 1943, expiring May 19, 1944.

Valatie Mills Corporation, Valatie, New York; Cotton stockinette fabric; fleece lined garments; 5 learners (T); effective May 7, 1943, expiring May 7, 1944.

Telephone Industry

Central Iowa Telephone Company, Cedar Rapids, Iowa; to employ learners

as commercial switchboard operators at its Traer, Iowa exchange, Traer, Iowa; effective June 2, 1943, expiring June 2, 1944.

Textile Industry

Altavista Rayon Mills, Altavista, Virginia; Rayon, 3 percent (T); effective May 10, 1943, expiring May 10, 1944.

Blackstone Weaving Company, Blackstone, Virginia; Processing of yarn or thread; 3 learners (A. T.); effective May 10, 1943, expiring December 7, 1943.

Consolidated Textile Company, Incorporated; Lynchburg, Virginia; Cotton sheetings and print cloth; 50 learners (A. T.); effective May 10, 1943, expiring November 10, 1943. (This certificate replaces the one you now have effective August 31, 1942.

Diamond Braiding Mills, Incorporated, 181 East 16th Street, Chicago Heights, Illinois; Shoe laces, cotton and rayon; Parachute cord, Nylon and rayon; 3 percent (T); effective May 22, 1943, expiring May 22, 1944.

National Fabrics Corporation, Buena Vista, Virginia; Thrown and Broad rayon; 8 learners (A. T.); effective May 7, 1943, expiring November 7, 1943.

Plaza Mills, Middleburg, Pennsylvania; Rayon; 3 percent (T); effective May 26, 1943, expiring May 26, 1944.

Superba Mills, Incorporated, Hawkinsville, Georgia; Cotton; 9 learners (A. T.); effective May 7, 1943, expiring November 2, 1943.

Tifton Cotton Mills, Tifton, Georgia; Carded cotton sale yarns; 25 learners (A. T.); effective May 6, 1943, expiring December 7, 1943.

Signed at New York, N. Y., this 8th day of May 1943.

MERLE D. VINCENT,
Authorized Representative, of the Administrator.

[F. R. Doc. 43-7317; Filed, May 10, 1943; 11:05 a. m.]

GIBBS UNDERWEAR COMPANY

NOTICE OF GRANTING EXCEPTION

Notice of granting of exception pursuant to § 516.18 of the Record Keeping Regulations, Part 516.

Pursuant to § 516.18 of the Record Keeping Regulations, Part 516, issued under the Fair Labor Standards Act of 1938, authority is hereby granted to the Gibbs Underwear Company, Philadelphia, Pennsylvania, to discontinue preserving its employees' piece-work tickets for the period of 2 years required by § 516.15 (a) (1) of the record keeping regulations: *Provided*, That these piecework tickets are preserved for not less than 4 weeks and that the weekly totals of piece work performed by each of the employees are entered in the payroll records and the payroll records are preserved for the period required by § 516.14 of the record keeping regulations.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 6th day of May 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-7314; Filed, May 10, 1943; 11:04 a. m.]

RAINWEAR, ROBES, LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF APPAREL INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of amendments of learner regulations applicable to the Rainwear, Robes, and Leather and Sheeplined Garments Divisions of the Apparel Industry.

Whereas following a public hearing and upon findings of fact and recommendations of the Presiding Officer, I issued Administrative Order No. 181, amending the regulations and determinations applicable to the employment of learners in certain industries, including the Women's Apparel Industry, the Single Pants, Shirts, and Allied Garments Industry, and the Sportswear and Other Odd Outerwear Division of the Apparel Industry, to authorize increased learner allowances to individual concerns to meet the needs of abnormal labor turn-over, and to provide that the wage rate for learners in such industries shall be not less than 35 cents per hour; and

Whereas Part 522, §§ 522.160–165 of the regulations applicable to the employment of learners apply to the Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry as well as the Women's Apparel Industry, the Single Pants, Shirts and Allied Garments Industry, and the Sportswear and Other Odd Outerwear Division of the Apparel Industry, except as amended by Administrative Order No. 181.

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before May 25, 1943 why the regulations applicable to the employment of learners in the Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry should not be amended to conform to the following provisions, to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers provided that it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issue of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issue of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

2. The subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents per hour.

3. Authorization to employ a number or percentage of learners for labor turnover in excess of that provided in learner industry regulations, issued pursuant to § 522.4 of the regulations of the Administrator of the Wage and Hour Division and presently in effect, may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency,

and why certificates presently in effect in these industries should not be amended to conform to paragraph 2 above.

All objections, protests or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 165 West 46th Street, New York, New York, and should be filed with the Administrator not later than May 25, 1943.

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

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-7315; Filed, May 10, 1943; 11:04 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4634]

THE WORLD SYNDICATE PUBLISHING COMPANY, ET AL.

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 7th day of May, 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 Andrew B. Duvall, 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 Tuesday, May 25, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), Room 532, Federal Building, Cleveland, Ohio.

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.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-7274; Filed, May 8, 1943; 11:12 a. m.]

[Docket No. 4826]

AMERICAN CIGARETTE AND CIGAR 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 8th day of May, 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 Charles A. Vilas, 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, May 20, 1943, at two o'clock in the afternoon 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. 43-7334; Filed, May 10, 1943; 11:37 a. m.]

[Docket No. 4827]

THE AMERICAN TOBACCO COMPANY

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 8th day of May, 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 Charles A. Vilas, 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, May 20, 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. 43-7335; Filed, May 10, 1943; 11:37 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 44 Under Rev. MPR 122]

HARRY D. SHAW

ORDER DENYING ADJUSTMENT

Order No. 44 under Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers.

Harry D. Shaw, Cedar Springs, Michigan, by Richard C. Annis, his attorney, filed a request for review of the order denying his application for adjustment under § 1340.259 of Revised Maximum Price Regulation No. 122 issued April 6, 1943, by Birkett L. Williams, Cleveland Regional Administrator. Due consideration has been given to the application for adjustment and the objections to the order of denial and an opinion in support of this order has been issued simultaneously herewith.

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 Orders Nos. 9250 and 9328, and in accordance with § 1340.259 of Revised Maximum Price Regulation No. 122,

It is ordered, That the application for adjustment filed by Harry D. Shaw on February 1, 1943 be and the same is hereby denied.

Issued and effective this 7th day of May 1943.

PRENTISS M. BROWN, *Administrator.*

[F. R. Doc. 43-7232; Filed, May 7, 1943; 12:07 p. m.]

[Order 341 Under MPR 188]

GO ELECTRIC COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 341 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Go Electric Company of New York City, New York, may sell and deliver 4,500 portable electric ranges at a price no higher than $24.00 f. o. b. factory.

(b) The distributor may sell and deliver to the F. P. H. A. Project, Kaiserville, Oregon, 4,500 portable electric ranges manufactured by the Go Electric Company, at a price no higher than $26.00 f. o. b. manufacturer's factory.

(c) This Order No. 341 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 341 shall become effective May 8, 1943.

Issued this 7th day of May 1943.

PRENTISS M. BROWN, *Administrator.*

[F. R. Doc. 43-7231; Filed, May 7, 1943; 12:07 p. m.]

[Amendment 1 to Order 4 Under MPR 84]

BUTLER BROS.

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order No. 4 under Maximum Price Regulation No. 39—Woven Decorative Fabrics; Docket No. 3039-20.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, paragraph (a) is amended to read as follows:

(a) On and after May 10, 1943, Butler Bros. of Chicago, Illinois, herein called the petitioner, may sell and deliver and any person may purchase and receive from it the following woven decorative fabrics at prices not in excess of the prices set forth below:

Stock No.	Specifications	Maximum prices	
		For sales in New York, Chicago, St. Louis, and Baltimore outlets (per yard)	For sales, in Minneapolis, Dallas, and San Francisco outlets (per yard)
37-D316	36", 10 ounces, 4 x 4 weave.	33¾¢	34¢
37-D340	50", 14 ounces, 4 x 4 weave.	40¢	40½¢

This amendment shall become effective May 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1943.

PRENTISS M. BROWN, *Administrator.*

[F. R. Doc. 43-7262; Filed, May 8, 1943; 10:09 a. m.]

[Order 36 Under MPR 136]

CAROLINA TRACTOR AND EQUIPMENT COMPANY

AUTHORIZATION OF PRICE PER HOUR FOR MACHINERY SERVICES

Order No. 36 under Maximum Price Regulation No. 136, as amended—Machines and Parts, and Machinery Services; Docket No. 1136-221-P.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1390.25a (b) of Maximum Price Regulation No. 136, as amended,

Maximum Price Regulation No. 134, Revised Procedural Regulation No. 1, and Procedural Regulation No. 6; *It is hereby ordered:*

(a) Carolina Tractor and Equipment Company of Salisbury, North Carolina, is hereby authorized to charge $1.75 per hour for the machinery services it performs in repairing, rebuilding, and maintenance of machines and parts subject to the provisions of Maximum Price Regulation No. 136, as amended.

(b) Carolina Tractor and Equipment Co. is hereby authorized to enter into, offer to enter into and carry out contracts with the United States or any agency thereof or with the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," or any agency of such government, or subcontracts under any such contracts for the repair of construction and road maintenance equipment at the rate of $1.75 per hour.

(c) The issuance of this order shall not in any way affect or relieve the liability of Carolina Tractor and Equipment Company for any violation of any regulation or order issued by the Office of Price Administration.

(d) To the extent that the application filed by Carolina Tractor and Equipment Company has not been granted, the application is denied.

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

This order shall become effective May 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7264; Filed, May 8, 1943; 11:08 a. m.]

[Order 337 Under MPR 188]

NIAGARA SEARCHLIGHT CO.

APPROVAL OF MAXIMUM PRICES

Order No. 337 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) Niagara Searchlight Company, Niagara Falls, New York, may sell and deliver its 6 B electric lantern to industrial users who purchase for their own use at $.85 per unit. The established maximum prices to all other classes of purchasers shall remain in full force and effect.

(b) This Order No. 337 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order No. 337 shall become effective on the 10th day of May, 1943.

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7271; Filed, May 8, 1943; 10:04 a. m.]

[Order 342 Under MPR 188]

HAND TOOLS MANUFACTURERS

ADJUSTMENT OF MAXIMUM PRICES

Order No. 342 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) If a hand tool specified in paragraph (c) below is part of an order amounting to one hundred dollars or more:

(1) The manufacturer may sell, offer to sell, or deliver to the United States Government or an Allied Government at a price no higher than the seller's maximum price determined under Maximum Price Regulation No. 188 for sales to wholesalers, jobbers or distributors who stock the particular item or items of the manufacturer. In the event the manufacturer has no such class of purchaser, then the seller's maximum price shall be no higher than the maximum price determined under Maximum Price Regulation No. 188 for sales to the class of purchasers to whom he customarily sells in the largest volume.

(2) If the manufacturer's maximum price for sales to the United States Government or any Allied Government established under Maximum Price Regulation No. 188 is lower than the maximum price established by subparagraph (1) above, the lower maximum price shall remain his maximum price.

(b) If a hand tool specified in paragraph (c) below is part of an order amounting to less than one hundred dollars, the manufacturer may add 33⅓% to the maximum price for larger orders established by paragraph (a) above.

(c) This order applies to the following lines of hand tools:

Forged axes, including:
- Single and double bit men's chopping axes.
- Boys' axes.
- House axes.
- Firemen's axes.
- Pulaski axes.
- Intrenching and belt axes.

Forged light hammers (weighing less than four pounds).
Forged adzes and hatchets.
Heavy forged hand tools, including:
- Picks.
- Mattocks.
- Sledges.
- Wedges.

Wood and cold chisels.
Screw drivers.
Auger bits and braces.
Wrenches.
Pliers and nippers.
Hand shovels, including:
- Shovels.
- Spades.
- Scoops.
- Telegraph spoons.

Farm and garden tools commonly known as steel goods, including:
- Rakes.
- Forks.
- Hoes.
- Hand cultivators.

Chain and chain products, including:
- Welded and weldless chain.
- Sling chains.
- Hoist chains.
- Rafting chains.
- Log chains.
- Wagon chains.
- Chain shackles.
- Grab hooks.
- Links.
- Harness chains.

Manually operated saws, including:
- Cross-cut and rip hand saws.
- Mitre saws.
- Cabinet and back saws.
- Compass saws.
- Keyhole saws.
- Nests of saws.
- Pruning saws.
- Butcher and kitchen saws.
- Buck and pulpwood saws.
- One man and two man saws.
- Ice saws.
- Extra blades.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.163 of Maximum Price Regulation No. 188 shall apply to all terms used herein.

This order shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7267; Filed, May 8, 1943; 10:06 a. m.]

[Order 343 Under MPR 188]

ORKIL INCORPORATED

APPROVAL OF MAXIMUM PRICES

Order No. 343 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is ordered:*

(a) Orkil Incorporated of Hartford, Connecticut, may sell and deliver the Adirondack chair described in its letter to the Office of Price Administration,

Washington, D. C., dated March 2, 1943, at a price f. o. b. Hartford, Connecticut, no higher than $4.70. These prices are subject to the company's customary discounts, allowances and other price differentials in effect during March 1942.

(b) This Order No. 343 may be revoked or amended by the Price Administrator at any time.

This Order No. 343 shall become effective on the 10th day of May 1943.

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7265; Filed, May 8, 1943; 10:08 a. m.]

[Order 344 Under MPR 188]

HORSMAN DOLLS, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 344, under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is ordered:*

(a) Horsman Dolls, Inc., Grant and Elm Streets, Trenton, New Jersey, may sell and deliver its new line of dolls at prices no higher than those set forth below, subject to discounts, allowances and terms no less favorable than those customarily granted by it, f. o. b. Trenton, New Jersey.

Number	To Butler Bros.	To other jobbers	To retailers
421	$9.00	$9.75	$10.80
4211	8.00	8.60	9.60
4215	12.00	13.00	15.00
4216	12.00	13.00	15.00
4217	9.50	10.25	11.50
441	9.50	9.80	11.20
442	9.50	9.80	11.20
4411	8.50	8.75	10.20
4412	8.50	8.75	10.20
4414	16.00	16.50	18.20
4415	14.50	15.00	16.50
4416	15.25	16.00	18.00
4417	14.50	14.75	16.50
4419	10.10	10.20	12.50
4421	15.25	16.00	18.00
4422	15.25	16.00	18.00
4423	12.50	13.00	15.00
462	14.50	15.00	16.50
465	17.50	18.00	20.50
4612	15.75	17.20	19.20
4613	18.00	18.50	21.00
4615	18.50	19.50	22.50
4616	18.50	19.50	22.50
4617	18.50	19.50	22.50
4618	20.75	21.75	24.00
481	17.00	18.00	19.80
482	19.25	21.00	22.50
4811	21.75	22.50	25.20
4812	21.75	22.50	25.20
4813	24.50	25.50	28.80
4817	22.50	24.00	27.00
4818	18.50	19.50	22.50
4819	21.75	22.50	25.20
501	20.00	21.00	24.00
503	22.50	24.00	27.00
504	26.50	27.50	31.50
505	30.00	31.00	36.00
510	24.75	27.50	30.00
5012	21.75	22.80	26.50
527	29.00	30.00	34.50
528	25.50	27.50	31.50
8211	32.50	34.50	39.00
8213	31.00	31.50	39.00
5251	$23.00	$24.50	$27.00
547	42.00	45.00	48.00
4740	17.50	18.00	20.50
4742	20.50	21.50	24.00
4743	20.50	21.50	24.00
4940	21.75	22.50	25.20
4942	25.50	26.50	30.00
4943	25.50	26.50	30.00
5140	24.50	25.50	28.80
5142	28.50	30.00	34.50
5143	28.50	30.00	34.50
5340	30.00	31.50	36.00
5342	33.00	36.00	39.00
5343	33.00	36.00	39.00
5344	36.00	39.00	42.00
8005	22.00	22.50	25.20
8006	26.50	27.50	31.50
8007	30.00	31.50	36.00

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This order shall become effective on the 10th day of May, 1943.

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7268; Filed, May 8, 1943; 10:06 a. m.]

[Order 345 Under MPR 188]

SIMPSON INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 345 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is ordered:*

(a) Simpson Industries, Inc., Seattle, Washington, may sell and deliver its thirty-two new unpainted furniture items at prices no higher than those set forth below, subject to discounts, allowances and terms no less favorable than those customarily granted by it.

Article	To wholesalers		To retailers		To consumers
	CL	LCL	CL	LCL	LCL
Table #300	$2.93	$3.22	$3.45	$4.14	$5.18
Table #301	2.93	3.03	3.23	3.87	4.84
Table #302	2.96	3.26	3.47	4.11	5.05
Table #304	4.19	4.60	4.93	5.92	7.40
Stool #224	.74	.81	.89	1.06	1.33
Stool #218	.60	.66	.70	.83	1.04
Stool #230	.87	.96	1.03	1.23	1.54
Book Case #601	.77	.85	.91	1.10	1.37
Book Case #602	1.36	1.50	1.60	1.68	2.10
Bunk Bed #63B	3.55	3.91	4.18	5.03	6.28
Bunk Bed #63BA	2.84	3.12	3.35	3.98	5.00
Table #305	5.30	5.83	6.36	7.59	9.49
Chair #202	.81	.89	.95	1.14	1.42
Chair #200	.78	.86	.92	1.11	1.39
Chair #201	.78	.86	.92	1.11	1.39
Chair #203	.80	.88	.94	1.13	1.41
Chair #204	.80	.88	.94	1.13	1.41
Chair #205	$0.80	$0.88	$0.94	$1.13	$1.41
Chair #206	.87	.95	1.02	1.23	1.53
Chair #207	1.07	1.18	1.31	1.56	1.96
High Chair #222	1.49	1.64	1.76	2.09	2.64
High Chair #220	1.49	1.64	1.76	2.09	2.64
Chest #514-3	2.57	2.69	2.88	3.22	4.02
Chest #518-3	2.84	3.08	3.31	3.98	4.97
Chest #514-4	3.11	3.27	3.39	4.06	5.08
Chest #518-4	3.52	3.87	4.02	4.82	6.03
Chest #524-4	4.25	4.57	4.87	5.84	7.30
Chest #524-5	5.23	5.73	6.25	6.69	8.39
Chest #530-4	4.88	5.26	5.62	6.75	8.43
Chest #530-5	6.19	6.68	7.12	7.59	9.49
Chest #530-6	7.33	8.03	8.65	9.32	11.64
Table #306	2.96	3.26	3.47	4.11	5.05

All prices set forth herein are for sales by the manufacturer and are f. o. b. seller's factory.

(b) This Order No. 345 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 345 shall become effective on the 10th day of May 1943.

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7272; Filed, May 8, 1943; 10:04 a. m.]

[Order 1 Under MPR 196]

LOCUST PIN COMPANY, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 1 under § 1384.65 of Maximum Price Regulation No. 196—Turned or Shaped Wood Products.

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

(a) The Locust Pin Company, Inc., Front Royal, Virginia, may sell and deliver wood insulator pins, brackets and pole steps to the United States or any agency thereof or to the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" or to any agencies of any such Government, or to any contractor or subcontractor under contract with any of the foregoing, and any such government, agency, contractor or subcontractor may buy from said Locust Pin Company, Inc., wood insulator pins, brackets and pole steps at prices f. o. b. Front Royal, Virginia, no higher than those hereinafter set forth:

	Weights per M	Price per M
Locust pins	*Pounds*	
1½ x 9"	440	$26.40
1¼ x 8" Western Electric or A. T. & T. rejects	300	15.00
1¼ x 8" standard or mill-run	300	19.20
1¼ x 9"	350	21.60
1¼ x 9" trans	350	22.80
1½ x 12 x 1" or 1⅜"	600	51.60
1¾ x 12 x 1" or 1⅜"	700	72.00
1¼ x 11½" duplex pins	450	42.00
1½ x 12½" duplex pins	520	54.00

	Weights per M	Price per M
Oak pins	*Pounds*	
1¼ x 8" painted	300	$11.40
1¼ x 8" plain	300	10.80
1½ x 9" painted	440	16.80
1½ x 9" plain	440	16.20
Oak brackets		
1½ x 2 x 10" painted	550	16.20
1½ x 2 x 10" plain	550	15.60
1½ x 2 x 12" painted	600	18.00
1½ x 2 x 12" plain	600	17.40
2 x 2¼ x 12" painted	900	21.60
2 x 2¼ x 12" plain	900	21.00
2 x 2¼ x 12" plain W. U	950	22.20
2 x 2¼ x 12" heavy W. U	1,100	27.60
Oak pole steps		
1¼ x 2¼ x 7"	650	14.40
1¼ x 2¼ x 7"	750	16.80

Add 5% to above prices for less than 500.

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices authorized herein.

(c) In computing the maximum prices of wood insulator pins, brackets, and pole steps, in special specifications, under the formula provided in § 1384.55 of Maximum Price Regulation 196, in the case of sales to the type of purchaser mentioned in paragraph (a) above, applicant may apply labor rates at the increased rate determined by the War Labor Board by order dated March 11, 1943.

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

This order shall become effective May 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7270; Filed, May 8, 1943; 10:04 a. m.]

[Order 7 Under MPR 327]

COLORADO FELDSPAR COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 7 under Maximum Price Regulation No. 327—Certain Nonmetallic Minerals.

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

(a) The Colorado Feldspar Company, Canon City, Colorado, may sell or deliver, and any person may buy or receive from The Colorado Feldspar Company, its glassmaker grades of ground feldspar at prices not in excess of $7.00 a ton, f. o. b. Canon City, Colorado.

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

(c) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 7 shall become effective May 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7841)

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7269; Filed, May 8, 1943; 10:05 a. m.]

[Amendment 1 to Order 9 Under RPS 28]

MIDWEST SOLVENTS COMPANY

ORDER GRANTING ADJUSTMENT

Amendment No. 1 to Order No. 9 under Revised Price Schedule No. 28—Ethyl Alcohol; Docket No. 3028-14.

For the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered,* That the maximum price set forth in paragraph (a) be amended to read as follows:

$.59 per gallon, f. o. b. plant

This amendment shall become effective May 8, and shall operate retroactively from April 1, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7263; Filed, May 8, 1943; 10:08 a. m.]

[Order 35 Under RPS 57]

THOMAS L. LEEDOM CO.

APPROVAL OF MAXIMUM PRICE

Order No. 35 under Revised Price Schedule No. 57—Wool Floor Coverings.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

(a) Thomas L. Leedom Company may sell, offer to sell, deliver, or transfer the new fabric designated as Woolrae at prices no higher than those set forth below:

Woolrae at $2.59 per ¾ yard f. o. b. Mill Roll subject to discounts, allowances, and rebates no less favorable than those in effect as to Thomas L. Leedom Company's Gem under § 1352.1 of Revised Price Schedule No. 57. Other sizes and zone maximum prices of Woolrae shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the ¾ yard f. o. b. mill and the other sizes and zone maximum prices of Gem.

(b) This Order No. 35 may be revoked or amended by the Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in §1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

This order shall become effective on the 10th day of May 1943.

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7273; Filed, May 8, 1943; 10:04 a. m.]

[Order 3 Under 2d Rev. Max. Export Price Reg.]

INGERSOLL-RAND CO.

ORDER GRANTING PETITION FOR RELIEF

Order No. 3 under the 2d Revised Maximum Export Price Regulation; Docket No. ME3-44.

The opinion accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register, and in accordance with section 12 of the 2d Revised Maximum Export Price Regulation: *It is hereby ordered:*

(a) The Ingersoll-Rand Company is authorized to invoice directly to the Argentine Government oil fields in Argentina, certain oil well drilling equipment at a markup not exceeding 12 per cent above its maximum domestic price for the equipment and at a markup not exceeding 25 per cent above its maximum domestic price for any spare parts.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 3 shall become effective May 10, 1943.

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

Issued this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7266; Filed, May 8, 1943; 10:08 a. m.]

[General Order 51, Amendment 1]

REGIONAL OFFICES

AUTHORIZATION TO FIX COMMUNITY (DOLLARS-AND-CENTS) CEILING PRICES

General Order No. 51 is amended in the following respects:

1. Subparagraph (1) of paragraph (a) is amended to read as follows:

(a) *Authority to fix community (dollars-and-cents) ceiling prices for food items*—(1) *Sales at retail.* Any regional office of the Office of Price Administration, and such other offices as may be authorized by the appropriate regional office, may, for sales at retail of any food item in any area or locality within its jurisdiction, fix community (dollars-and-cents) ceiling prices or other dollars-and-cents ceiling prices for particular classes of sellers. No seller, except a "retail route seller", may charge more than the community ceiling prices. Retail route sellers may continue to charge their present ceiling prices. The community ceiling prices shall be the only ceiling prices for such food items for

"Class 1 retail stores". All other sellers must continue to charge no more than any lower ceiling prices established by any other applicable price regulations, unless the order specifically fixes a different ceiling price for these sellers.

2. Paragraph (b) is revoked.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued and effective this 8th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7297; Filed, May 8, 1943; 3:49 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-320]

CENTURY SHARES TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of May A. D., 1943.

Century Shares Trust, a registered open-end diversified management company, having filed an application under the provisions of Section 10 (f) of the Investment Company Act of 1940 for an order permitting it to purchase as a shareholder pursuant to rights its aliquot portion of shares of a proposed offering by New York Trust Company of the bank's common stock to its stockholders at a price of $75 per share in the ratio of one additional share for each 5 shares held, such offering being underwritten in part by Harriman Ripley & Co., Incorporated of which company a trustee and an officer of the applicant are affiliated persons;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on May 10, 1943 at 11:00 o'clock in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.; and

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-7238; Filed, May 7, 1943; 2:39 p. m.]

[File Nos. 70-249 and 70-697]

BIRMINGHAM GAS COMPANY

MEMORANDUM FINDINGS AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of May, A. D., 1943.

By order dated March 13, 1941 (File No. 70-249), this Commission granted an amended application of Birmingham Gas Company and permitted its amended declaration to become effective, regarding the issuance and sale on April 1, 1941, of $5,850,000 principal amount of its First Mortgage Bonds, 3⅞% Series due 1971. Said amended application and declaration contained a restriction and condition providing, in part, that from the date of issuance of said bonds, Birmingham Gas Company would not, so long as the ratio of its outstanding funded debt to the amount of its net property should exceed 50%, declare or pay any dividend on its common stock (other than dividends payable solely in shares of such stock) without first obtaining the consent of this Commission to such dividend declaration and payment. The bonds were issued and are now outstanding.

On April 1, 1943, Birmingham Gas Company filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, and to said restriction and condition, proposing to declare and pay out of earned surplus a dividend of 60¢ per share on the issued and outstanding shares of common stock of the company, such dividend aggregating $136,529. Amendments thereto were filed on April 10, 1943, April 22, 1943, and April 30, 1943. Notice of said filing has been duly given in the manner prescribed by Rule U-23, and the Commission has not received a request for a hearing with respect to said declaration within the period prescribed in said notice, or otherwise.

The following pertinent facts appear from the declaration as amended, or in the Commission's files:

At March 31, 1943, Birmingham Gas Company had earned surplus of $1,072,683, of which $643,855 had been earned since December 31, 1940, and was available for dividends under the indenture pursuant to which said First Mortgage Bonds were issued. During the two years ended March 31, 1943, Birmingham Gas Company had net income for common stock and surplus, after preferred dividends, aggregating $582,141. At March 31, 1943, the current and accrued assets of the company amounted to $1,140,483, including $639,667 in cash. Total current and accrued liabilities (excluding customers' deposits) amounted to $533,961.

At March 31, 1943, the ratio of outstanding funded debt of Birmingham Gas Company to the amount of its net property was 61.0%. At December 31, 1940, on a pro forma basis (reflecting issuance of the bonds presently outstanding) the ratio had been 65.82%.

During the two years following issuance of the presently outstanding bonds, the Birmingham company has paid no dividends. The dividend now proposed to be declared and paid amounts to less than 25% of its net income available for common stock and surplus for the two-year period. The Alabama Public Service Commission, which has certain statutory jurisdiction over payment of dividends on the common stock of utilities engaged in intrastate business in Alabama, has determined that payment of the dividend proposed can be reasonably made without impairment of the ability of the Birmingham company to perform its duty to render reasonable and adequate service at reasonable rates.

In view of the above facts, we find that declaration and payment of the proposed dividend may be approved consistently with protection of the financial integrity and working capital of the Birmingham company, and without materially interfering with the improvement of debt ratios contemplated in the original dividend restriction. However, since there is room for substantial further improvement, we have not released jurisdiction over declaration and payment of common stock dividends by the Birmingham company, and our order herein is not to be construed as indicating our approval or disapproval of future dividends on its common stock at the rate now proposed, or at any rate. In order that holders of its common stock shall be fully advised in this respect, the Birmingham company has agreed, as a condition to be imposed by the Commission in connection with the amended declaration, that it will enclose a copy of our findings and order herein with each dividend check mailed to its common stockholders in payment of the proposed dividend.

It is therefore ordered, pursuant to said Rule U-23 and the applicable provisions of said Act, subject, however, to the terms and conditions prescribed in Rule U-24, and subject further to the condition that a copy of these memorandum findings and order be enclosed with each dividend check mailed to the common stockholders of Birmingham Gas Company in payment of the proposed dividend, that said declaration, as amended, be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-7239; Filed, May 7, 1943; 2:39 p. m.]

[File No. 70-710]

THE MIDDLE WEST CORPORATION AND THE KANSAS POWER AND LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of May, 1943.

Notice is hereby given that joint declarations and applications (or both) have been filed with this Commission

pursuant to sections 9, 10, 11, and 12 of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, by The Middle West Corporation, a registered holding company, and The Kansas Power and Light Company, a public utility company and a subsidiary of North American Light & Power Company and The North American Company, also registered holding companies. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Middle West Corporation proposes to sell, and The Kansas Power and Light Company proposes to acquire, all the outstanding shares of common stock, consisting of 59,500 shares without par value, of The Kansas Electric Power Company, a public utility subsidiary of The Middle West Corporation, for the sum of $2,500,000 in cash in accordance with the terms of an agreement dated March 26, 1943.

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

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on May 26, 1943 at 10:00 o'clock a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Notice is hereby given of said hearing to the above named declarants and applicants and to all interested parties, said notices to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

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

1. Whether the consideration to be paid by The Kansas Power and Light Company for the securities to be acquired from The Middle West Corporation is reasonable and wether such acquisition is in the public interest and in the interest of investors and consumers.

2. Whether the consideration to be paid bears a fair relation to the sums invested in or the earning capacity of the utility assets underlying the securities to be acquired.

3. Whether the proposed acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system and whether it meets the requirements of the other applicable provisions of section 10 of the Act.

4. Whether the proposed sale is necessary to effectuate the provisions of subsection (b) of section 11 of the Act and is fair and equitable and whether it meets the requirements of section 12 (d) of the Act.

5. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers, with particular attention to all accounting entries in connection with the proposed transactions, to possible inflationary items in the property and other accounts, and to the adequacy of the depreciation reserves.

6. Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or the rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-7304; Filed, May 10, 1943; 10:33 a. m.]

WAR PRODUCTION BOARD.

AIRPORT DEVELOPMENT PROJECT, ARTESIA, N. MEX.

CANCELLATION OF REVOCATION ORDER

Builder: United States Department of Commerce, Washington, D. C.

Project: Airport Development Project, Artesia, New Mexico.

The revocation of preference rating issued on January 4, 1943, is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued May 8, 1943.

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

[F. R. Doc. 43-7288; Filed, May 8, 1943; 3:37 p. m.]

AIRPORT DEVELOPMENT PROJECT, WILLCOX, ARIZ.

CANCELLATION OF REVOCATION ORDER

Builder: U. S. Department of Commerce, Washington, D. C.

Project: Airport Development Project, Willcox, Arizona.

The revocation of preference rating issued on January 15, 1943, is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued May 8, 1943.

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

[F. R. Doc. 43-7289; Filed, May 8, 1943; 3:37 p. m.]

AIRPORT DEVELOPMENT PROJECT, BRADFORD-KANE, PA.

CANCELLATION OF REVOCATION ORDER

Builder: U. S. Dept. of Commerce, Civil Aeronautics Authority, Washington, D. C.

Project: Airport Development Project, Bradford-Kane, Pennsylvania.

The revocation of preference rating issued on January 15, 1943, is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued May 8, 1943.

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

[F. R. Doc. 43-7290; Filed, May 8, 1943; 3:37 p. m.]

AIRPORT DEVELOPMENT PROJECT, NATCHEZ, MISS.

CANCELLATION OF REVOCATION ORDER

Builder: United States Department of Commerce, Washington, D. C.

Project: Airport Development Project, Natchez, Mississippi.

The revocation of preference rating issued on January 15, 1943, is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued May 8, 1943.

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

[F. R. Doc. 43-7291; Filed, May 8, 1943; 3:37 p. m.]

AIRPORT DEVELOPMENT PROJECT, MASON CITY, IOWA

CANCELLATION OF REVOCATION ORDER

Builder: United States Department of Commerce, Washington, D. C.

Project: Airport Development Project, Mason City, Iowa.

The revocation of preference rating issued on January 15, 1943, is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued May 8, 1943.

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

[F. R. Doc. 43-7292; Filed, May 8, 1943; 3:37 p. m.]

AIRPORT DEVELOPMENT PROJECT, CUSHING, OKLA.

CANCELLATION OF REVOCATION ORDER

Builder: United States Department of Commerce, Washington, D. C.

Project: Airport Development Project, Cushing, Oklahoma.

The revocation of preference rating issued on January 15, 1943, is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued May 8, 1943.

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

[F. R. Doc. 43-7293; Filed, May 8, 1943; 3:37 p. m.]

AIRPORT DEVELOPMENT PROJECT, NOGALES, ARIZ.

CANCELLATION OF REVOCATION ORDER

Builder: United States Department of Commerce, Washington, D. C.

Project: Airport Development Project, Nogales, Arizona.

The revocation of preference rating issued on January 15, 1943, is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued May 8, 1943.

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

[F. R. Doc. 43-7294; Filed, May 8, 1943; 3:37 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued May 8, 1943.

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

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
-19-c.....	232-E	South Dakota St. Hwy. Comm., Pierre, S. Dak.	Shannon Co. S. D., FAP 455A (1)....	5-1-43

[F. R. Doc. 43-7295; Filed, May 8, 1943; 3:37 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued May 8, 1943.

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

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-h.....	86639	Commissioners, District of Columbia, Room 427 Dist. Bldg., Washington, D. C.	D. C. Fire Alarm, Headquarters Bldg., McMillan Park, Washington, D. C.	4-28-43
P-19-h.....	79215	Pure Oil Co., Chicago, Ill.....	Lamard Twp., Wayne Co., Mt. Erie, Ill.	4-28-43
P-19-c.....	12455-c	Tennessee Dept. of Hwys. & Pub. Wks., Nashville, Tenn.	Betwn. Tullahoma & Shelbyville, Tenn., S. R. No. 16, AW-FAP 274-B (1).	5-1-43

[F. R. Doc. 43-7296; Filed, May 8, 1943; 3:38 p. m.]