

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

1934

VOLUME 8 NUMBER 125

Washington, Friday, June 25, 1943

The President

EXECUTIVE ORDER 9354

DESIGNATING THE CHAIRMAN OF THE SECURITIES AND EXCHANGE COMMISSION AS MEMBER OF THE ECONOMIC STABILIZATION BOARD

By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the act of October 2, 1942 (56 Stat. 765), and as President of the United States and Commander in-Chief of the Army and Navy, the Chairman of the Securities and Exchange Commission is hereby designated as an additional member of the Economic Stabilization Board established by section 2 of Title I of Executive Order 9250 of October 3, 1942,¹ and the said order is amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 23, 1943.

[F. R. Doc. 43-10116; Filed, June 23, 1943; 4:52 p. m.]

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4942]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DOMESTIC DIATHERMY COMPANY

§ 3.6 (a 10) Advertising falsely or misleadingly—Comparative data or merits: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—Safety. In connection with offer, etc., of respondent's "Domestic Short-Wave Diathermy", or other similar device, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any name, to induct, etc., directly or indirectly,

¹ 7 FR. 7871.

purchase in commerce, etc., of respondents' said device, which advertisements represent, directly or by implication, (1) that said device is safe or harmless; (2) that said device, when used by unskilled laymen in the treatment of self-diagnosed conditions, constitutes a competent or effective treatment of or remedy for rheumatism, arthritis, sciatica, neuralgia, lumbago, sinus trouble, neuritis, laryngitis, tonsillitis, bursitis, muscular ailments, common colds, asthma, traumatic injuries, or ailments common to women; (3) that said device constitutes a competent or effective treatment for the alleviation of pains resulting from diseases and ailments of the human body unless specifically limited to conditions which do not involve acute inflammatory processes, glandular structures, or the special senses; (4) that the use of said device will renew youthful vigor, establish body efficiency and resistance to disease, or restore body or spirits; or (5) that the treatment provided by said device is similar to that known as "friendly fever" or that the results of its use are comparable to those obtained through the use of "friendly fever"; or which advertisements fail to reveal clearly and conspicuously that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated, and has prescribed the frequency and rate of application of the treatments, and the user has been adequately instructed by a trained technician in the use of such device; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Domestic Diathermy Company, Docket 4942, June 19, 1943]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D. 1943.

In the Matter of Max E. Heyman and Maude S. Jaret, Individuals, and Trading as Domestic Diathermy Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER:	Page
Securities and Exchange Commission Chairman, designation as member of Economic Stabilization Board.....	8693

REGULATIONS AND NOTICES

BITUMINOUS COAL DIVISION:

Hearings, etc.:	
District Board 2.....	8726
District Board 10.....	8726
Hess Coal Co.....	8725
Minimum price schedules amended:	
District 3.....	8695
District 8.....	8696

CHILDREN'S BUREAU:

Hazardous occupations for employment of minors between 16 and 18, logging....	8694
---	------

COAST GUARD:

Amendments to regulations and approval of equipment..	8722
---	------

FEDERAL TRADE COMMISSION:

Domestic Diathermy Co., cease and desist order.....	8693
---	------

GRAZING SERVICE:

General rules of the range.....	8722
---------------------------------	------

INTERSTATE COMMERCE COMMISSION:

Bituminous coal, car service....	8725
Southern Pacific Co., reicing of potatoes in transit.....	8727

OFFICE OF PRICE ADMINISTRATION:

Adjustments, exceptions, etc.:	
Emery Industries, Inc.....	8711
Eschenbach & Rodgers, Inc....	8711
Solid fuels dealers, Washington area and Alexandria, Va.....	8727
Foods, processed; rationing:	
(RO 13, Am. 39).....	8705
(RO 13, Rev. Supp. 1, Am. 10) ..	8705
Jewel bearings, domestic (Rev. SR 1, Am. 13).....	8710
Lumber:	
Softwood, distribution yard sales (Rev. MPR 215)....	8705
Tidewater red cypress (MPR 412).....	8712
Milk and cream, fluid (SR 14, Am. 189).....	8711

(Continued on next page)



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

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

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

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

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Regional office orders:	
Charcoal, New England areas.....	8727
Fluid milk:	
Connecticut marketing areas.....	8729
Georgia, designated counties.....	8729
Glynn County.....	8730
RECLAMATION BUREAU:	
Colorado River Storage Project, Utah; first form withdrawals (Correction).....	8727
SOLID FUELS ADMINISTRATION FOR WAR:	
Coal, distribution of supply.....	8698
TREASURY DEPARTMENT:	
Blind-made products, purchases.....	8722
Procurement Division:	
Further authority to undertake procurement.....	8722
Supplies to be procured.....	8722
Surplus and seized personal property.....	8722
WAR PRODUCTION BOARD:	
Cocoon oil, babassu oil, etc. (M-60-a, revocation).....	8700
Communications, wire and cable telegraph industry (U-6).....	8702
Copper (M-9-c-4).....	8699
Electrical conduit, metallic tubing and raceways (L-225).....	8700
Stop construction order.....	8731
Suspension orders:	
Connecticut Heat and Fuel Co.....	8698
Hoffman, Michael, Fuel Co., Inc.....	8699
WAR SHIPPING ADMINISTRATION:	
War risk cargo, hull, and crew insurance.....	8723

complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Max E. Heyman and Maude S. Jaret, individuals, jointly or severally, trading as Domestic Diathermy Company or trading under any other name, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' device designated as "Domestic Short-Wave Diathermy," or any other device of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That said device is safe or harmless.

(b) That said device, when used by unskilled laymen in the treatment of self-diagnosed conditions, constitutes a competent or effective treatment of or remedy for rheumatism, arthritis, sciatica, neuralgia, lumbago, sinus trouble, neuritis, laryngitis, tonsillitis, bursitis, muscular ailments, common colds, asthma, traumatic injuries, or ailments common to women.

(c) That said device constitutes a competent or effective treatment for the alleviation of pains resulting from diseases and ailments of the human body unless specifically limited to conditions which do not involve acute inflammatory processes, glandular structures, or the special senses.

(d) That the use of said device will renew youthful vigor, establish body efficiency and resistance to disease, or restore body or spirit.

(e) That the treatment provided by said device is similar to that known as "friendly fever" or that the results of its use are comparable to those obtained through the use of "friendly fever."

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal clearly and conspicuously that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated, and has prescribed the frequency and rate of application of the treatments, and the user has been adequately instructed by a trained technician in the use of such device.

3. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal

Trade Commission Act, of respondents' device, which advertisement contains any representation prohibited in paragraph 1 hereof or which fails to contain the warning set forth in paragraph 2 hereof.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing stating whether they intend to comply with this order, and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after the service upon them of this order, the respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-10131; Filed, June 24, 1943; 11:08 a. m.]

TITLE 29—LABOR

Chapter IV—Children's Bureau

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

LOGGING OCCUPATIONS

Amendment of Hazardous-Occupations Order No. 4.

By virtue of and pursuant to the authority conferred by section 3 (1) of the Fair Labor Standards Act of 1938; notice of a proposed amendment to Hazardous-Occupations Order No. 4 having been given to all interested parties; opportunity having been given to all interested parties to file objections thereto within 15 days from the date of publication of said proposed order in the FEDERAL REGISTER and, upon request, an additional period of ten days to file a memorandum or brief in support of such objections; and no objection having been made to said proposed order,

Now, therefore, it is ordered, That § 422.4 of Part 422 of Chapter IV, Title 29, Code of Federal Regulations (6 F.R. 3148; 7 F.R. 7198) is hereby amended so as to include the following paragraph, to be designated as paragraph (f):

(f) Notwithstanding the provisions of paragraph (a) hereof, during the continuance of the present war and for six months thereafter, unless the effective period of this amendment is terminated prior thereto by order of the Chief of the Children's Bureau, this order shall not apply to the following logging occupations: Repair or maintenance of equipment; work as fire patrolman or watchman; log scaling on trucks when performed away from a landing or log dump; peeling or loading of posts of sizes ordinarily used for fencing; driving of animals; and the construction, repair or maintenance of roads, railroads, flumes or camps: *Provided,* That the provisions of this subsection shall not apply to the felling or bucking of trees, the operation of machinery, the handling or use of explosives, the lifting and placing of ties or rails, and work on trestles.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 24, 1943.

MARTHA M. ELIOT, M. D.,
Acting Chief.

[F. R. Doc. 43-10141; Filed, June 24, 1943; 11:43 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2023]

PART 323—MINIMUM PRICE SCHEDULE,
DISTRICT No. 3

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 3; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code numbers) is amended by adding thereto Supplement R-I, § 323.8 (Special prices—(b) Railroad fuel prices for all movements except via lakes

and § 323.8 (Special prices—(c) Railroad fuel prices for movement via all lakes—all ports) are amended by adding thereto Supplements R-II and R-III and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: June 12, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.																			
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16				
1423	Argo Supply Co. (A. John Goetz).	Argo #3.....	Pittsburgh.....	Granville, W. Va.	Mongh.	52.....	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	
1423	Argo Supply Co. (A. John Goetz).	Argo #3.....	Pittsburgh.....	Granville, W. Va.	Monon.	River...	F	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
452	B. & H. Coal Co. (E. H. Burke). ¹	Clelland #1 ¹ ..	Pittsburgh.....	Everson, W. Va.	B. & O.	61.....	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B	B	B	B	
452	B. & H. Coal Co. (E. H. Burke). ¹	Clelland #1 ¹ ..	Pittsburgh.....	Kingmont, W. Va.	Monon.	River...	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B	B	B	B	
285	B. & H. Coal Co. (E. H. Burke). ¹	Clelland #4 ¹ ..	Pittsburgh.....	Kingmont, W. Va.	B. & O.	50.....	F	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
195	Bakerstown Coal & Coke Co., (H. H. Haynes). ¹	Sigley #2 ¹	M. V. Freeport.	Newburg, W. Va.	B. & O.	70.....	J	J	J	J	J	J	J	J	J	J	J	J	J	J	(†)	(†)	(†)	(†)	(†)	(†)
1424	Clark Coal Co. (John A. Clark, Jr.).	Junior #8.....	Pittsburgh.....	Everson, W. Va.	B. & O.	61.....	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B	B	B	B	
1422	Dalton, Leroy.....	Robert #1.....	Pittsburgh.....	Wendel Mine No. 2, W. Va.	B. & O.	60.....	F	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
585	Fife, Mary N. (Fife Coal Co.).	Fife.....	Pittsburgh.....	Morgantown, W. Va.	Mongh.	52.....	F	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
585	Fife, Mary N. (Fife Coal Co.).	Fife.....	Pittsburgh.....	Granville, W. Va.	Monon.	River...	F	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
780	Reda Coal Company (Arnold Reda).	Reda #2.....	Sewell.....	Bowden, W. Va.	WM.....	33.....	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
1425	Snyder, E. J.....	Snyder.....	Bakerstown.....	Belington, W. Va.	B. & O.	31.....	G	G	G	G	G	G	G	G	G	G	G	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)
1425	Talbert, Russell.....	Talbert.....	H. V. Kltt.....	Bolair, W. Va.	B. & O.	10.....	D	D	D	D	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B
781	Weatherholt, Isaac & Austie.	Cheat Road...	Pittsburgh.....	Morgantown, W. Va.	Mongh.	52.....	F	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
781	Weatherholt, Isaac & Austie.	Cheat Road...	Pittsburgh.....	Granville, W. Va.	Monon.	River...	F	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1407	Vincent Coal Co., Inc. Mine Index No. 491. ²	Marion #3 (s)...	Pittsburgh.....	Clarksburg, W. Va.	B. & G.	60.....	F	F	F	F	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications for these sizes.

¹Indicates change in name.

²Indicates deletion of mine index number, minimum prices and price classifications heretofore established for the coals produced by this mine.

NOTE: For Railroad Fuel Prices add these mine index numbers to the respective groups set forth in § 323.8 (b) and § 323.8 (c) in Minimum Price Schedule No. 1: Group No. 1: 285, 452, 585 (a), 781 (a), 1407, 1422, 1423 (a), 1424; Group No. 3: 195, 1425; Group No. 5: 780; Group No. 6: 1426.

To Note (1) in § 323.8 (b) of the Effective Schedule, add Mine Index Nos. 585, 781 and 1423. These mines shall be priced at 15¢ less than shown for coal consigned to the Erie, P&LE and New York Central Railroads, only.

NOTE: Mine Index Number 452 will take the same prices for RIVER coal for By-Product, Horizontal and Vertical Retort, or Water Gas Use to all destinations on the Monogahela River from Morgantown, West Virginia, upstream to Headwaters of the River, both inclusive, as shown in Docket No. A-1632.

NOTE: For River and Ex-River shipments Mine Index Numbers 452, 585, 781 and 1423 will take the same prices as mines having Index Numbers 42 (a), 54, 100, 106, 113, 119, 121, 127, 130, 132, 1219, 1226 and 1233 as shown in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3, and Docket No. A-1059 with adjustments thereto, with the following exceptions:

(1) When shipments of Classification "D" Coals are made from the above mines the prices on Pages 29, 30 and 31 of Price Schedule No. 1 for District No. 3 must be increased ten cents (10¢) per net ton.

(2) When shipments of Classification "E" Coals are made from the above mines the prices on Pages 29, 30 and 31 of Price Schedule No. 1 for District No. 3 must be increased five cents (5¢) per net ton.

FOR TRUCK SHIPMENTS
 § 323.23 General prices—Supplement T
 [Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2', egg over 2', bottom size	Lump 2', egg 2', bottom size, but over 1 1/2"	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	All nut and pea 2' and under	Run of mine, resultant over 2'	1 1/4" and 2' slack	3/4" slack
					1	2	3	4	5	6	7
Argo Supply Co. (A. John Goetz).	1423	Argo #3.....	Pittsburgh....	Monongalia.	243	238	238	213	213	198	188
B. & H. Coal Co. (E. H. Burke). ¹	452	Clelland #1 ¹ ..	Pittsburgh....	Harrison....	243	238	238	213	213	198	188
B. & H. Coal Co. (E. H. Burke). ¹	285	Clelland #4 ¹ ..	Pittsburgh....	Harrison....	243	238	238	213	213	198	188
Bakerstown Coal & Coke Co., (H. H. Haynes). ¹	195	Sigley #2 ¹	M.V. Freeport	Preston....	245	245	245	220	220	210	200
Clark Coal Co. (John A. Clark, Jr.).	1424	Junior #3.....	Pittsburgh....	Marion....	243	238	238	213	213	198	188
Dalton, Leroy.....	1422	Robert #1.....	Pittsburgh....	Barbour....	243	238	238	213	213	198	188
Snyder, E. J.....	1426	Snyder.....	Bakerstown...	Barbour....	238	233	233	208	208	193	183
Talbert, Russell.....	1425	Talbert.....	H. V. Kitt.....	Webster....	228	223	223	198	198	188	178
Vincent Coal Co., Inc., Mine Index No 491. ²	1407	Marion #3 (s)...	Pittsburgh....	Harrison....	243	238	238	213	213	198	188

¹ Indicates change in name.
² Indicates deletion of mine index number, minimum prices and price classifications heretofore established for the coals produced by this mine.

[F. R. Doc. 43-10072; Filed, June 23, 1943; 10:41 a. m.]

[Docket No. A-1999]
 PART 328—MINIMUM PRICE SCHEDULE,
 DISTRICT NO. 8
 ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8 and other matters.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8, and also requesting changes in shipping points, correction of county locations and subdistrict numbers, deletion and con-

solidation of mine index numbers, and changes in seam designations for certain mines in District No. 8; and

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

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

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

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplements R-I and R-II and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding

thereto Supplements T-I and T-II, which supplements are hereinafter set forth and hereby made a part hereof.

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

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order unless it shall otherwise be ordered, except that the relief herein granted for the Norton No. 11 Mine, Mine Index No. 353, of code member Willits, W. J. & G. C. McCall, Receivers, Norton Coal Company, shall not become final until one-hundred twenty (120) days from the date of this order in accordance with the request of the petitioner, unless it shall otherwise be ordered.

The original petition requests the deletion from the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck and for Truck Shipment of Mine Index No. 5280 of code member Hanson & Son, J. W. and the consolidation of that mine's designation with the Martha Mine, Mine Index No. 319, of that producer. The shipping point for these combined mines is shown in the original petition as "Queen Schoals, West Virginia." Since, in Docket No. A-1948 the shipping point for Mine Index No. 5280 was established as "Queen Schoals (Martha Mine), West Virginia," this shipping point designation has been retained for the consolidated mines, Mine Index No. 319.

No relief is granted herein with respect to the Tilson Nos. 1, 2 and 3 Mines, Mine Index No. 5935, of the Tilson Mining Company, as requested by petitioner, for the reasons set forth in an order severing that portion of Docket No. A-1999 which relates to said mines and designating such portion as Docket No. A-1999, Part II.

Dated: June 14, 1943.

[SEAL] DAN H. WHEELER,
 Director.

FOR TRUCK SHIPMENTS

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

Code member index	Mine	Mine index No.	Seam	Basesizes													
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 3/4" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	3/4" and under slack						
				1	2	3	4	5	6	7	8						
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN FLOYD COUNTY, KY. ¹																	
Evans Elkhorn Coal Company (George E. Evans, Jr.)	Evans No. 1.....	3725	Elkhorn No. 1..	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
LETCHEE COUNTY, KY.																	
Red Oak Coal Company (W. H. Adams)	Red Oak Coal Co.	4139	Elkhorn No. 3..	295	275	240	240	225	230	180	175						
PIRE COUNTY, KY.																	
Elkhorn Mining Company (E. D. Stephenson).	South Elkhorn....	4141	Auxier.....	270	250	225	225	215	215	160	155						
SUBDISTRICT NO. 4—KANAWHA BOONE COUNTY, W. VA.																	
Ridgeview Coal Company.....	Ridgeview.....	407	Cedar Grove & No 2 Gas. ²	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
CLAY COUNTY, W. VA.																	
Hanson & Sons, J. W. Mine Index No. 5280. ³	Martha.....	319	No. 5 Block.....	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
KANAWHA COUNTY, W. VA.																	
Kanawha & New River Barge & Rail Coal Mines, Inc.	Crown Hill No. 5.	4137	Belmont.....	300	290	240	250	225	230	185	180						
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN CLAY COUNTY, KY.																	
Finley & Stewart (Holt Finley) Mine Index Nos. 1594 and 3656. ⁴	Finley & Stewart.	3166	Horse Creek....	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
KNOX COUNTY, KY.																	
Carter, Arthur.....	Moore.....	4124	Blue Gem.....	355	335	255	280	245	275	165	160						
LESLIE COUNTY, KY.																	
Morgan, G. C.....	Morgan No. 2.....	4132	Hazard No. 4..	295	275	240	245	225	230	175	170						
WAYNE COUNTY, KY.																	
Richardson, J. M.....	Sloan No. 3.....	4133	No. 3.....	275	255	235	230	220	225	175	170						
SUBDISTRICT NO. 7—VIRGINIA RUSSELL COUNTY, VA.																	
Denny, J. W.....	J. W. Denny.....	4134	Widow Kennedy..	295	275	240	260	245	230	175	170						
WISE COUNTY, VA.																	
Willits, W. J. & G. C. McCall, Rec'rs. Norton Coal Company.	Norton No. 11.....	352	Blair & Norton ⁴ .	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
SUBDISTRICT NO. 8—WILLIAMSON WAYNE COUNTY, W. VA.																	
Harrison, J. Floyd (Rich Creek Coal Company).	Rich Creek Coal Co.	4114	No. 5 Block.....	265	245	225	230	205	215	165	160						

¹ Indicates correction of county location and subdistrict number from Knott County in Subdistrict No. 3.
² Indicates deletion of mine index numbers, minimum prices and price classifications, heretofore established for the coals produced by these mines.
³ Denotes change in seam designation.
⁴ Indicates previously classified these size groups.

[F. R. Doc. 43-10073; Filed, June 23, 1943; 10:41 a. m.]

Chapter VI—Solid Fuels Administration for War

DISTRIBUTION OF COAL SUPPLY

Pursuant to the provisions contained in § 3247.1 (e) of War Production Board Order No. M-316, in order to assure the most efficient distribution of the supply of coal in the interest of the war and essential civilian production, I hereby direct and order:

1. Section 3247.1 (d) (7) of War Production Board Order No. M-316, as amended by my order dated June 1, 1943, is further amended to read as follows:

(7) Coal loaded in cars at the mine tipple on and after June 21, 1943, in the case of any mine which has not suspended operations or which has resumed operations since June 21, 1943, provided that the billing covering such cars will carry a reference to this amendment as authority that such cars of coal are exempt from the provisions of this order.

2. My order of June 4, 1943, to the extent it suspends the provisions of the aforementioned War Production order is terminated, and War Production Board Order M-316, as amended by my order dated June 1, 1943, and as further hereinabove amended, shall be deemed to be reinstated and effective, with the same force and effect as if its provisions had not been suspended.

This order shall become effective at six o'clock p. m. e. w. t., June 21, 1943.

Issued this 21st day of June 1943.

HAROLD L. ICKES,
Administrator.

[F. R. Doc. 43-10107; Filed, June 23, 1943; 3:21 p. m.]

TITLE 32—NATIONAL DEFENSE

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-336]

CONNECTICUT HEAT AND FUEL COMPANY

Connecticut Heat and Fuel Company, 324 Congress Avenue, New Haven, Connecticut, is a corporation engaged in the sale of fuel oil, coal and heating equipment in New Haven, Connecticut and vicinity. Although Connecticut Heat and Fuel Company was familiar with the provisions of Limitation Order L-79, it sold and delivered eleven 275 gallon fuel oil storage tanks to ultimate consumers in wilful violation of the order. An investigation of deliveries of fuel oil to these ultimate consumers disclosed that

¹ 8 F.R. 5677, 5801, 7412, 7630.

Connecticut Heat and Fuel Company, furthermore, delivered to nine consumers from June 25 to September 28, 1942 quantities of fuel oil which were substantially in excess of the amounts permitted to be delivered by the provisions of Limitation Order L-56, as amended May 13, July 29 and September 15, 1942. The over deliveries were, however, not all made after the sale of the above-mentioned storage tanks. These excess deliveries were made in such careless disregard of the provisions of Limitation Order L-56 as to be deemed wilful violations thereof.

These violations of Limitation Orders L-56 and L-79 have hampered and impeded the operation of the controls established by the War Production Board over the distribution of critical materials. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.336 *Suspension Order No. S-336.* (a) During the period from June 29, 1943 through August 11, 1943, Connecticut Heat and Fuel Company, its successors or assigns, shall not, directly or indirectly, deliver, transfer or sell to any person fuel oil, as defined in Limitation Order L-56, for use in the operation of space and central heating and cooling equipment and water heating equipment located in private dwellings, as defined in Limitation Order L-56.

(b) Nothing contained in this order shall be deemed to relieve Connecticut Heat and Fuel Company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

Issued this 23d day of June 1943.

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

[F. R. Doc. 43-10117; Filed, June 23, 1943;
5:00 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-337]

MICHAEL HOFFMAN FUEL COMPANY, INC.

Michael Hoffman Fuel Company, Inc., 156 East Washington Avenue, Bridgeport, Connecticut, is engaged in the sale of fuel oil, kerosene and coal, with three distributing plants located in Bridgeport, Stamford and Danbury, Connecticut. In the period from August 20, 1942 through August 25, 1942, Michael Hoffman Fuel Company, Inc. delivered to fourteen consumers quantities of fuel oil which were substantially in excess of the amounts permitted to be delivered by the provisions of Limitation Order L-56, as amended July 29, 1942. These excess deliveries were disclosed after a check of twenty-two deliveries made during that period by the Company's Bridgeport plant. Although Michael Hoffman Fuel Company, Inc. was acquainted with the provisions of Limitation Order L-56, as amended July 29, 1942, it admittedly disregarded the terms thereof while substituting its own judgment as to the con-

duct of its business operations. These excess deliveries of fuel oil were made, therefore, in such reckless disregard of the provisions of Limitation Order L-56 as to be deemed wilful violations thereof.

These violations of Limitation Order L-56 have hampered and impeded the operation of the controls established by the War Production Board over the distribution of a critical material, fuel oil. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.337 *Suspension Order No. S-337.* (a) From June 29, 1943 through August 28, 1943, Michael Hoffman Fuel Company, Inc., its successors or assigns, shall not, directly or indirectly, deliver, sell, or transfer to any person fuel oil, as defined in Limitation Order L-56, for use in the operation of space and central heating and cooling equipment and water heating equipment located in single residences, multiple residences or apartment houses, but not including hotels or apartment hotels.

(b) Nothing contained in this order shall be deemed to relieve Michael Hoffman Fuel Company, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

Issued this 23d day of June 1943.

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

[F. R. Doc. 43-10118; Filed, June 23, 1943;
4:59 p. m.]

PART 933—COPPER

[Supplementary Order M-9-c-4 as Amended
June 24, 1943]

Section 933.15 *Supplementary Conservation Order M-9-c-4* is hereby amended so as to read as follows:

§ 933.15 *Supplementary Conservation Order M-9-c-4.*—(a) *Definitions.* For the purposes of this order:

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy metal. It shall include alloy metal produced from scrap.

(3) "Copper or copper base alloy pipe or tubing" means any pipe, tube or tubing into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight).

(4) "Copper or copper base alloy fittings" means any fittings (other than valves, ferrules or solder nipples) for plumbing or heating use or for a cooling tower or water tower, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight).

(5) "Copper or copper base alloy plumbing fixture fittings and trim" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight):

Bath supplies, less flanges.
Closet floor flanges.
Rigid traps (including bath traps)—but only of cast brass.
Shower arms, less flanges.
Shower curtain rods.
Shower curtain rod flanges—but only of cast brass.
Shower heads—but only if cast or forged.
Waste arms, continuous.
Waste tees, continuous.

(6) "Copper or copper base alloy building material" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight):

Access panels.
Anchors and dowels.
Cornices.
Drip pans.
Fences and gates.
Flashings and flashing valley lining.
Gravel stops and snow guards.
Grilles, grids and gratings.
Gutters, leaders, downspouts, sheet metal expansion joints and accessories thereto.
Lightning rods, cables and accessories.
Louvers and marquees.
Mouldings and trim.
Nails, screws, nuts, bolts, rivets, washers and expansion shields (except when these items have been placed in packages with builders finished hardware items, such as locks and hinges, for the purpose of attaching or installing the hardware).
Ornamental metal work.
Partitions.
Railings.
Reglets.
Radiators, shields and covers.
Roof, roofing and other roofing items.
Sheet, roll, strip and rod for building construction.
Stair treads, nosing and edgings.
Store fronts.
Strip for laying linoleum.
Terrazzo strip.
Termite shields.
Thresholds and saddles.
Tie rods.
Weatherstripping and insulation.
Window frames and sills.
Ventilators and skylights.
Vents.

NOTE: For copper and copper base alloy screening, see Conservation Order M-9-c (§ 933.4).

(7) "To install in or connect to a structure or system" means to attach or build material to or into a building or other structure or to or into a cooling tower or water tower, water supply or water distribution system or installation, and to install plumbing fixture fittings and trim in place; but does not mean to attach or build material to or into a machine such as a heater, refrigerator or other device (except a cooling tower or water tower) which itself has been or may be attached to or built into the

structure or to or into an industrial processing system.

(b) *Restrictions on installation.* Notwithstanding any contract or agreement to the contrary or the receipt of any CMP allotment or preference rating, no person shall install in or connect to a structure or system (as such operations are defined in paragraph (a) (7) of this order) any copper or copper base alloy pipe, tubing, fittings, plumbing fixture fittings and trim or building material, except that:

(1) Copper or copper base alloy pipe, tubing, plumbing fixture fittings and trim or building material, in the possession on June 23, 1943 of the person owning a structure or system, may be used, when necessary, to replace in that structure or system like items of copper or copper base alloy if the aggregate weight of the items installed or connected to make a particular repair does not exceed 25 pounds; and

(2) Copper or copper base alloy fittings may be used for purposes of repair and maintenance, if at least one end of the fitting is connected to copper or copper base alloy pipe or tubing installed prior to July 22, 1942; and copper or copper base alloy fittings may be connected to a water supply or distribution system if the fittings are to be used both underground and outside of a building; and

(3) Copper or copper base alloy pipe, tubing, fittings, plumbing fixture fittings and trim or building material purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Coast Guard or the Panama Canal may be installed in or connected to a structure or system: *Provided, however,* That nothing in this order shall supersede any applicable instructions to any officers of the foregoing, including without limitation the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War and the Secretary of the Navy or the List of Prohibited Items for Construction Work dated April 1, 1942, issued by the Army and Navy Munitions Board, as amended from time to time; and

(4) Copper or copper base alloy pipe, tubing, fittings, plumbing fixture fittings and trim or building material may be installed in or connected to a structure or system, upon the written authorization given under this order of the War Production Board, authorizing the specific installation. Applications for such authorization may be made by letter setting forth the reasons why the person applying believes such material should be installed in or connected to a structure or system.

(c) *Restrictions on delivery.* Notwithstanding any contract or agreement to the contrary or the receipt of any CMP allotment or preference rating, no person shall deliver, sell or otherwise dispose of any copper or copper base alloy pipe, tubing, fittings, plumbing fixture fittings and trim or building material for the purpose of installing them in or connecting them to a structure or sys-

tem (as such operations are defined in paragraph (a) (7) of this order) otherwise than as permitted by paragraphs (b) (2), (3) and (4) of this order; and no person shall accept delivery or a transfer of such pipe, tubing, fittings, plumbing fixture fittings and trim or building material or purchase such pipe, tubing, fittings, plumbing fixture fittings and trim or building material unless the person making the delivery, sale or other disposition was permitted to do so. The foregoing shall not prevent:

(1) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, a brass mill or a person regularly engaged in the business of selling copper or copper base alloy scrap; or

(2) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Act as amended (except Defense Plant Corporation) or any person acting as agent for any such corporation (except Defense Plant Corporation); or

(3) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, any person of any copper or copper base alloy pipe, tubing, fittings, plumbing fixture fittings and trim or building material upon the written authorization of the War Production Board given under this order authorizing the specific delivery, sale or disposal. Applications for authorization may be made by the person seeking to make delivery, sale or disposal, by letter setting forth the reasons why the person believes such material should be delivered, sold or otherwise disposed of.

(d) *Communications to the War Production Board.* All requests for authorizations and communications referring to this order, shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington, D. C., Ref.: M-9-c-4.

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

Issued this 24th day of June 1943.

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

[F. R. Doc. 43-10135; Filed, June 24, 1943;
11:41 a. m.]

PART 1037—COCOANUT OIL, BABASSAU OIL,
PALM KERNEL OIL AND OTHER HIGH LAU-
RIC ACID OILS

[Revocation of Supplementary Order M-60-a]

The subject matter thereof having
been reissued with certain amendments

by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 46: 1

Section 1037.2, *Supplementary Order M-60-a* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-60-a.

Issued this 24th day of June 1943.

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

[F. R. Doc. 43-10136; Filed, June 24, 1943;
11:41 a. m.]

PART 3131—ELECTRICAL CONDUIT, ELEC-
TRICAL METALLIC TUBING AND RACEWAYS
[Limitation Order L-225, as Amended June
24, 1943]

Section 3131.1 *Limitation Order L-225* is hereby amended to read as follows:

§ 3131.1 *Limitation Order L-225—(a) Definition.* For the purposes of this order:

(1) "Rigid electrical conduit" means rigid steel or iron pipe (whether or not galvanized, sherardized, enameled, or treated with other protective coating) designed to protect insulated electric wire, cables or conductors for the transmission of electricity, such pipe being manufactured in iron pipe sizes 1/4" to 6" inclusive. Rigid electrical conduit shall include, but is not limited to conduit commonly known as "heavy wall conduit".

(2) "Electrical metallic tubing" means steel tubing (whether or not galvanized, sherardized, enameled or treated with other protective coating) designed to protect insulated electric wires, cables, or conductors for the transmission of electricity and manufactured in trade sizes 3/8" to 2" inclusive, from the following gauges of steel:

Trade size:	BW gauge
3/8"	19
1/2"	19
3/4"	18
1"	17
1 1/4"	16
1 1/2"	16
2"	16

Electrical metallic tubing shall include, but is not limited to steel tubing commonly known as "thin wall conduit".

(3) "Flexible metal conduit" or "flexible metal tubing" means helically wound flexible steel tubing manufactured in trade sizes 1/8" to 3" inclusive, designed to protect insulated electric wires, cables or conductors for the transmission of electricity.

(4) "Raceways" means any ferrous metal enclosure or channel, designed expressly for the protection and/or the holding of electrical wires and cables, including but not limited to, surface metal raceways, under floor metal raceways, cellular metal floor raceways, metal wireways, metal wiring troughs and metal under plaster extension raceways. Raceways shall not include busways, rigid electrical conduit, flexible

metal conduit, flexible metal tubing, electrical metallic tubing or wiring channel or raceways which are a part of any fluorescent lighting fixture.

(5) "Manufacturer" means any person who makes, constructs or assembles rigid electrical conduit, electrical metallic tubing, flexible metallic tubing, flexible metallic conduit or raceways.

(6) "Used" means having been installed or put in service.

(7) "Distributor" means any person regularly engaged in the business of buying electrical supplies from a manufacturer for the purpose of resale.

(8) "Electrician" means any person other than a distributor who is engaged in installing, maintaining or repairing electrical systems.

(9) "Put in process" means the first change by a manufacturer in the form of material from that form in which the material was received by him.

(10) "Industrial lighting fixture" means a lighting fixture designed and constructed to provide general or localized illumination for an area of manufacturing, processing, storage or transportation, including, but not limited to, a machine shop, laboratory, warehouse, power plant, yard platform, dock, pier, passageway, arsenal, camp or cantonment.

(11) "Hazardous location" means premises, locations, rooms or portions thereof in which:

(Class I) highly flammable gases, flammable volatile liquids, mixtures or other highly flammable substances are manufactured or used or are stored in other than original containers; or

(Class II) combustible dust or flyings are likely to be present in quantities sufficient to produce an explosive or combustible mixture; or

(Class III) it is impracticable to prevent such combustible dust from collecting on or in motors, lamps or other electrical devices in such quantities as may prevent normal radiation and cause overheating of such motors, lamps or devices; or

(Class IV) easily ignitable fibres or materials producing combustible flyings are handled, manufactured, stored or used.

(b) *Restrictions on manufacture and installation of rigid electrical conduit.*

(1) No person shall in the manufacture of rigid electrical conduit, during any calendar quarter, put in process any metal in excess of one-tenth ($\frac{1}{10}$) of the total weight of metal put in process in the manufacture of rigid electrical conduit by him during the calendar year 1941.

(2) No person shall install rigid electrical conduit in a size greater than the minimum size permitted for such installation by the 1940 edition of the National Electrical Code.

(3) No person shall install rigid electrical conduit sizes $\frac{1}{4}$ " to 2" inclusive, except:

(i) When the installation is in a Class I, II, III or IV hazardous location and the 1940 edition of the National Electrical Code establishes the use of such rigid electrical conduit as a minimum acceptable standard of wiring; or

(ii) To suspend an industrial lighting fixture weighing 4 pounds or more.

(4) No person shall install rigid electrical conduit sizes $2\frac{1}{2}$ " to 6" inclusive, except when

(i) The installation is such that the electric wires or cables require for safety purposes protection from mechanical injury; or

(ii) The installation is made in wet locations as defined in Article 100 of the 1940 edition of the National Electrical Code; or

(iii) The installation is made in a Class I, II, III or IV hazardous location and the 1940 edition of the National Electrical Code establishes the use of such rigid electrical conduit as a minimum acceptable standard of wiring; or

(iv) Electric wires or cables are required, because of the construction of a building or structure, to be enclosed within concrete or masonry.

(c) *Restrictions on manufacture and installation of electrical metallic tubing.*

(1) On and after the 1st day of July 1943, no person shall in the manufacture of any electrical metallic tubing during any calendar month put in process any metal in excess of one-sixteenth ($\frac{1}{16}$) of the total weight of metal put in process in the manufacture of electrical metallic tubing by him during the calendar year 1941.

(2) No person shall install electrical metallic tubing in a size greater than the minimum size permitted for such installation by the 1940 edition of the National Electrical Code.

(3) No person shall install any electrical metallic tubing, except:

(i) To enclose electric wire or cable which requires, for safety purposes, protection from mechanical injury; or

(ii) To enclose electric wire or cable required, because of the construction of a building or structure, to be enclosed within concrete or masonry; or

(iii) To enclose electric wire or cable located in elevator hoistways and used for elevator power, control and signal purposes; or

(iv) To enclose electric wire or cable located in wet locations as defined in Article 100 of the 1940 edition of the National Electrical Code; or

(v) To suspend an industrial lighting fixture weighing four or more pounds.

(d) *Restrictions on manufacture and installation of flexible metal conduit or flexible metal tubing.*

(1) On and after the 1st day of July, 1943, no person shall in the manufacture of flexible metal conduit or flexible metal tubing during any calendar month put in process any metal in excess of one twenty-fourth ($\frac{1}{24}$) of the total weight of metal put in process in the manufacture of flexible metal conduit or tubing by him during the calendar year 1941.

(2) No person shall install flexible metal conduit or flexible metal tubing in a size greater than the minimum size permitted for such installation by the 1940 edition of the National Electrical Code.

(3) No person shall install any flexible metal conduit or flexible metal tubing, except to provide a flexible enclosure for:

(i) Electric wire or cable which is a component part of a machine; or

(ii) Electric wire or cable extending less than twelve (12) feet from rigid electrical conduit, electrical metallic tubing or raceways to electric motors, current consuming devices or electric control equipment.

(e) *Restrictions on manufacture and installation of raceways.* (1) No person shall, in the manufacture of any raceway, during any calendar quarter, put in process any metal in excess one-eighth ($\frac{1}{8}$) of the total weight of metal put in process in the manufacture of metal raceways by him during the calendar year 1941.

(2) No person shall install raceways in a size greater than the minimum size permitted for such installation by the 1940 edition of the National Electrical Code.

(3) On and after the 9th day of July 1943, no person shall install any raceway except to enclose electric wire or cable:

(i) Which requires for safety purposes protection from mechanical injury; or

(ii) Which is required, because of the construction of a building or structure, to be enclosed within concrete or masonry.

(f) *Restrictions on sale by a manufacturer or distributor.* No manufacturer or distributor shall sell or deliver any rigid electrical conduit, electrical metallic tubing, flexible metallic tubing, flexible metallic conduit or raceways, except that:

(i) A distributor or manufacturer may sell or deliver such conduit, tubing or raceways pursuant to an order or contract bearing a preference rating of A-1-j, or better; or

(ii) A manufacturer may sell or deliver such conduit, tubing or raceways to another manufacturer; or

(iii) A distributor may sell or deliver such conduit, tubing or raceways to another distributor.

(g) *Specific exemptions.* The installation of any rigid electrical conduit or any electrical metallic tubing or any flexible metal conduit or flexible metal tubing or any raceway shall not be prohibited in any way by the provisions of this order provided such tubing, conduit or raceway:

(1) Has been used; or

(2) Is or will be incorporated into

(i) Aircraft, armament, radio, radar, ships, tanks, vehicles, weapons, protective alarm systems or locomotives; or

(ii) Any equipment designed and constructed to be used in combat; or

(3) On or before December 16, 1942

(i) Was in the possession of an electrician; or

(ii) Had been delivered or was in transit to the site of installation; or

(4) Is to enclose electrical conductors located adjacent to telephone equipment or other apparatus when the metallic shielding of such electrical conductors is required to insure the proper operation of the telephone equipment or other apparatus.

(h) *Extension of ratings for certain conduit and tubing.* Notwithstanding

the provisions of any priority regulation, any person having a rated order for rigid electrical conduit may extend such rating for an equal amount in linear feet of electrical metallic tubing of the same size, and any distributor having a rated order for electrical metallic tubing may extend such rating for an equal amount in linear feet of rigid electrical conduit of the same size.

(i) *Filing of monthly reports of deliveries and inventory of rigid electrical conduit and electrical metallic tubing.* On or before the fifteenth day of July, 1943, and on or before the fifteenth day of each succeeding calendar month thereafter, every manufacturer of rigid electrical conduit and electrical metallic tubing shall file with War Production Board, Building Materials Division, Washington, D. C., Reference L-225, a report on Form WPB-2474 (or Form PD-827) containing the information required thereon for the preceding month.

(j) *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 subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *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 delivery of, or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD-500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(m) *Applicability of other orders.* Insofar as any construction work is subject to the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War, and the Secretary of the Navy, or to the "List of Prohibited Items for Construction Work" dated June 29, 1942, issued by the Army and Navy Munitions Board, and insofar as any other order issued by the War Production Board or to be issued by it hereafter limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such directive, list, or order shall govern unless otherwise specified therein.

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

(o) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington, D. C. Ref: L-225.

Issued this 24th day of June 1943.

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

[F. R. Doc. 43-10137; Filed, June 24, 1943;
11:41 a. m.]

Subchapter C—Director, Office of War Utilities

PART 4501—COMMUNICATIONS

[Utilities Order U-6]

GENERAL CONSERVATION ORDER FOR WIRE
AND CABLE TELEGRAPH INDUSTRY

§ 4501.21 *Utilities Order U-6—(a) Definitions.* For the purposes of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States and any political, corporate, administrative or other division or agency thereof to the extent engaged within, to or from the United States, its territories or possessions in rendering wire and/or cable telegraph service or related communication service, either private or public in character, which involves the transmission and reception of coded impulse signals in numerical variety not less than twenty-six.

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

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

(4) Without regard to whether or not the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(iii) Neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design.

(5) "Telegraph equipment" means any device used in transmitting and/or

receiving record communications over wire telegraph, cable telegraph or related communication channels, including, but not limited to, repeaters, switchboards, sounders, keys, tape and page printing telegraph equipment, reperforators, and selecting devices. Printing telegraph equipment includes equipment known as teletypewriter, teleprinter, facsimile, telemeter, and ticker.

(6) "Telegraph station" means any installation of telegraph equipment, excluding that employed by any operator's central office or branch office employees in the operation, servicing or maintenance of a public communications system or in the servicing or maintenance of a private communications system.

(7) "Tie line service" means a service using printing telegraph equipment installed as a telegraph station and electrically connected to an operator's central or branch office and used exclusively for the transmission and reception of telegrams.

(8) "Teletypewriter exchange service" means a service using printing telegraph equipment installed as a telegraph station and electrically connected to an operator's central office switchboard so that connections may be established between such station and any other such stations.

(9) "Telemeter service" means a service using printing telegraph equipment installed as a telegraph station and electrically connected to similar equipment in some other designated telegraph station, sharing a channel in common with other such combinations, but with the respective combinations not being in communication with each other.

(10) "Private line service" means a service using telegraph equipment installed as a telegraph station and connected for regularly recurring contract periods of service by telegraph channels to other such station or stations and includes auxiliary printing telegraph machines.

(11) "Morse service" means telegraph service which is accomplished by manual transmission of coded impulses recognizable aurally or visually as letter, numeral, or punctuation symbols.

(12) "Spare or standby equipment" means equipment, at a telegraph station, not ordinarily operated and which is retained solely for protective purposes, that is, for substitution in place of regular working equipment when such working equipment fails.

(13) "Drop and block wires" means the portion of a circuit (whether aerial or underground) extending from the inside wire (usually at the station protector or connecting block), or from the station equipment when no inside wire is involved, to the point of connection with the general overhead or underground system. This includes such circuit, carried by means of wire or small cables, extending to the cable terminal in cases

where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system, and also includes brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the installation of drop and block wires; and the pipes or other protective covering for underground service connections.

(14) "Station wiring installations" means the wires (or small cables) from the station apparatus to the point near the entrance to the building where the drop or block wire or cable terminates, or to the junction boxes where the house cable or other cable terminates; the wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems; the wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building, and the clamps, cleats, connecting blocks, ground wire, ground rods, nails, station protectors, screws, and other material used in the installation of station apparatus and inside wires. The cables referred to above are the small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station apparatus. Inside wires (or small cables), installed specifically to serve as trunk, battery, or generator circuits from a private branch exchange to the point of connection with the permanent house or outside cable or wires, shall be considered as a part of the station installation. The term "station wiring installations" does not include the telegraph equipment or other telegraph station apparatus.

(b) *General conservation.* (1) All operators shall conserve scarce and critical materials by the employment of all practical methods, such as:

(i) The use of such types of equipment and facilities as will reduce the use of such materials to a practical minimum and meet necessary service requirements;

(ii) The substitution of less scarce materials when such substitution can be made without serious loss of efficiency;

(iii) The reuse of existing telegraph equipment and facilities;

(iv) The substitution of other types of printing telegraph machines to the extent necessary to secure equipment needed to meet minimum needs for service of the kind included in paragraph (c) (1) in so far as the minimum service needs of the persons affected permit.

(2) All operators shall, with respect to spare or standby printing telegraph equipment for telegraph stations, discontinue any further installation, and remove present installations of such equipment by September 22, 1943, unless either:

(i) It is required to protect printing telegraph service of the kind included in paragraph (c) (1) (i) where the

dollar value of all such spare or standby telegraph equipment in a single telegraph station is not in excess of 20% of the dollar value of working printing telegraph equipment so protected; or

(ii) It is required to protect printing telegraph service of the kind included in paragraph (c) (1) (i) where the installed working equipment without spare equipment would be required for average monthly use in excess of 500,000 words per machine provided, however, that not more than one spare machine is installed or retained in a single telegraph station under this provision (b) (2) (ii), or

(iii) The installation or retention is specifically authorized by the War Production Board upon application by the operator.

(c) *Limitations on additions and installations.* (1) All operators shall limit additions of telegraph central office equipment and telegraph line plant (exclusive of drop and block wires) to such as are essential to the maintenance or protection of existing service, except that additions may be made to the extent necessary, either:

(i) To meet the known or fairly anticipated demands for service essential to persons engaged in direct defense or charged with responsibility for public health, welfare or security including, but not limited to, those in the service categories shown in Schedule A attached; where their employment in direct defense or their responsibilities for public health, welfare or security require such service for the proper discharge of such duties; or

(ii) To provide for the installation of terminal facilities to meet the known or fairly anticipated intercity, interexchange or interoffice traffic requirements of the operator.

(2) All operators shall limit further installation of printing telegraph equipment at telegraph stations, except where concurrently:

(i) The printing telegraph equipment (exclusive of tape type printing telegraph machines for tie line service, facsimile or ticker printing telegraph machines where such types of machines are now in the hands of operators) is required to meet the known or fairly anticipated demands for service of the kind included in paragraph (c) (1) (i); and

(ii) The user represents in writing that such equipment is required for at least the average monthly minimum use specified in paragraphs (e), (f), (g) or (h); and

(iii) The user represents in writing that suitable records of the monthly use will be made and retained for not less than two years, to be held available for the inspection of the duly authorized representatives of the War Production Board: *Provided, however,* That the installation is subject to disconnection and removal at the direction of the War Production Board in the event that it determines that the average monthly use does not meet the minimum specified

and that such action is in the public interest.

(3) Notwithstanding the provisions of paragraphs (c) (2), (e), (f), (g) and (h) a move of a telegraph station may be made for the same person within the same city or exchange.

(d) *Restrictions on replacements.*

(1) All operators shall limit the replacement of telegraph equipment and facilities (except station wiring installations) to the essential requirements of maintenance, repair or protection of existing service, except:

(i) Where necessary to provide a permanent installation in lieu of one temporarily made to meet an exigency;

(ii) A substitution of telegraph station equipment necessitated either by decreased service demands or by the provisions of paragraph (b) (1) (iv);

(iii) A substitution of printing telegraph station equipment necessary to effect a change in the type of service or equipment provided the completed installation is not otherwise prohibited by this order.

(2) All operators shall limit the replacement of Morse equipment by printing telegraph equipment to service of the kind included in paragraph (c) (1)

(i) where it is not reasonably practicable to obtain suitable operating personnel: *Provided, further,* That only manually operated printing telegraph equipment shall be installed. Specifically exempted from this limitation are facilities of the type described in paragraph (c) (1) (ii).

(e) *Restrictions on tie line service.* (1) In addition to the limitations contained in paragraph (c) (2), no operator shall make a further telegraph station installation of printing telegraph equipment for tie line service, unless:

(i) For the first installation of either facsimile or tape type printing telegraph equipment, it is represented to the operator that such equipment is required to handle an average minimum of 50 messages per month (total sent and received).

(ii) For a first installation of page printing telegraph equipment in the case of manual keyboard sending and receiving types, it is represented to the operator that such equipment is required to handle an average minimum of 100 messages per month (total sent and received) and, in the case of automatic sending and receiving types, it is represented to the operator that such equipment is required to handle an average minimum of 500 originating messages per month.

(iii) For an additional installation which will result in two or more printing telegraph machines being available to one person on the same premises, it is represented to the operator that a combined average of at least 500 messages per month (total sent and received) per machine were handled prior to the installation of such additional machine.

(f) *Restrictions on telemeter service.* (1) In addition to the limitations contained in paragraph (c) (2), no operator shall make a further telegraph

station installation of printing telegraph equipment for teletypewriter service unless:

(i) In the case of tape type printing telegraph equipment, it is represented to the operator that this equipment is required to handle an average minimum of 10,000 words per month (total sent and received) per sub-channel.

(ii) In the case of page type printing telegraph equipment and reperforators, it is represented to the operator that the equipment is required for average monthly minimum use per sub-channel, as follows:

Type:	Average monthly minimum use
Manual page----	20,000 words (total sent and received).
Automatic page..	100,000 originating words.
Reperforator....	50,000 relaying words.

(c) *Restrictions on teletypewriter exchange service.* (1) In addition to the limitations contained in paragraph (c) (2), no operator shall make a first telegraph station installation of printing telegraph equipment for teletypewriter exchange service, unless it is represented to the operator that the equipment is required for average monthly minimum use as follows:

Type:	Average monthly minimum use
Manual (tape or page).	\$50 billed message revenue or 50 connections (total inward and outward).
Automatic page.....	\$500 billed message revenue or 300 originating connections.
Reperforator.....	75,000 relaying words.

(2) No operator shall make an installation which will result in two or more printing telegraph machines (other than reperforators), being available to one person on the same premises for teletypewriter exchange service, unless it is represented to the operator that the average minimum use of the completed installation will be at least equal to the minimum monthly requirements specified in paragraph (g) (1) for one of the machines plus \$500 billed message revenue or 500 connections (total inward and outward) for each of the others.

(h) *Restrictions on private line service.* (1) No operator shall make a further installation of private line service which will parallel existing private line service for the same person on the same premises unless it is represented to the operator that the additional capacity necessary to meet the person's requirements is not practicable by the use of either duplex service or by an increase in the speed of existing installations.

(2) In addition to the limitations contained in paragraph (c) (2) no operator shall make a further telegraph station installation of printing telegraph equipment for private line service, unless it is represented to the operator that the equipment is required for average

monthly minimum use per machine as follows:

Type:	Average monthly minimum use
Manual (tape or page).	150,000 words (total sent and received).
Automatic page.....	150,000 originating words.
Reperforator.....	75,000 relaying words.

(i) *Nonapplicability to certain replacements and additions.* The terms of this order shall not prohibit:

(1) Replacements and/or additions authorized by the issuance of:

(i) A preference rating certificate pursuant to an application for priorities assistance on Forms WPB-617 (PD-200) or WPB-2774 (UF-30).

(ii) An order of the War Production Board specifically authorizing such replacement and/or addition.

(iii) Approval of an application on Forms WPB-2774 (UF-30) or PD-685.

(2) The completion of projects in accordance with the provisions of General Conservation Order L-50 as amended September 7, 1942, or Utilities Order U-2 issued March 25, 1943, the physical installation of which project was started on or before the date of issue of this order.

(j) *Engineering and planning.* All operators shall engineer all replacements or additions to plant, except in respect to poles, crossarms, insulators and non-metallic conduit, and associated hardware and guys, so as to limit the margins for expected growth of service requirements to a period not in excess of one-half the period for which provision would be normally made, but in no event to exceed a period of three years: *Provided, however,* That the foregoing shall not require the limitation of the margins of such growth to a period less than one year: *And provided further,* That conductors in cables designed or suitable for use with carrier current telegraph systems may be provided (but not equipped) in such numbers that, when fully utilized by present or immediately contemplated carrier current system technique, they will provide margins for expected growth of one-half the normal provision for such growth, even though such provision exceeds a three-year period.

(k) *Reports.* All operators affected by this order shall execute and file with the Office of War Utilities such reports as the Director, Office of War Utilities, shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(l) *Exemption of armed forces.* The provisions of this order shall not prohibit installations, additions or the retention of spare or standby equipment certified to be of military necessity by the Chief Signal Officer of the Army, or the Vice-Chief of Naval Operations, or the Chief Communications Officer of the Coast Guard. For other installations, the Army, Navy and Coast Guard shall be

exempt from the restrictions of paragraphs (c) (2) (iii) and (k).

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing Form WPB-2864 giving all information required by said form.

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

(o) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington, D. C., Ref.: U-6.

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

Issued this 24th day of June 1943.

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

SCHEDULE A

TYPES OF PERSONS ENGAGED IN DIRECT DEFENSE OR CHARGED WITH RESPONSIBILITY FOR PUBLIC HEALTH, WELFARE OR SECURITY WHERE THEIR EMPLOYMENT IN DIRECT DEFENSE OR THEIR RESPONSIBILITIES FOR PUBLIC HEALTH, WELFARE OR SECURITY REQUIRE SERVICE FOR THE PROPER DISCHARGE OF SUCH DUTIES

1. Army, Navy, Marine Corps, Coast Guard, civilian defense.
2. Federal, State, county and municipal government.
3. Official agencies of foreign governments.
4. Public or private organizations directly serving the public safety, health or welfare, such as:
 - (a) Hospitals, clinics, sanatoria and ambulance services; manufacturers or wholesale distributors of drugs, surgical, hospital, medical or dental supplies or equipment; food processing, food storage, wholesale food distribution; the American Red Cross and similar agencies.
 - (b) Common carriers, pipeline companies, all types of public utilities.
 - (c) Press associations, newspapers, radio broadcasting stations.

5. Business concerns furnishing material, equipment or facilities under prime or sub-contracts to the armed services of the United States (and their suppliers); persons rendering special services in connection with construction of defense projects as shall be authorized pursuant to Preference Rating Order P-19-h, such as contractors, engineers, architects, etc.; and labor unions having bona fide collective bargaining agreements with business concerns identified in this Category 5.

[F. R. Doc. 43-10138; Filed, June 24, 1943; 11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,¹ Amdt. 10 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (3) is added to Revised Supplement 1 to Ration Order 13 to read as follows:

(3) Stamps lettered N, P, and Q may be used from July 1 to August 7, 1943, inclusive.

This amendment shall become effective June 29, 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 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10101; Filed, June 23, 1943; 3:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,² Amdt. 39]

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 respects:

1. Section 4.6 (a) is amended to read as follows:

(a) *General.* For each reporting period every wholesaler is entitled to an operating inventory (called a maximum allowable inventory) based on his transfers during the second preceding reporting period. (For example, a wholesaler's maximum allowable inventory for the period from July 4 to July 31, 1943, inclusive, is based on his transfers during the period from May 2 to June 5, 1943, inclusive.) This maximum allowable inventory is stated in terms of points.

2. Section 4.6 (b) is amended to read as follows:

(b) *Amount of maximum allowable inventory.* To get a wholesaler's maximum

allowable inventory for any reporting period, the point value of all processed foods transferred from his wholesale establishments during the second preceding reporting period, is multiplied by a factor which the Office of Price Administration will fix for each reporting period. The result is his maximum allowable inventory for the reporting period in question. Exchanges of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation. The factor for each reporting period will be fixed by the Office of Price Administration in a supplement to this Order.

3. The parenthetical sentence at the end of section 4.6 (c) (2) is revoked.

4. Section 4.6 (e) is revoked.

5. Section 4.8 is amended to read as follows:

Sec. 4.8 *Washington Office may grant working point capital to wholesalers.*

(a) For the purpose of providing a wholesaler with enough points with which to acquire processed foods up to the amount of his maximum allowable inventory when that maximum is raised during the height of the packing season, the Washington Office of the Office of Price Administration may issue points to him in anticipation of such an increase. The number of points to be issued for this purpose will be calculated in the following manner:

(1) The point value of the wholesaler's transfers of processed foods during the reporting period covering April 1 to May 1, 1943, inclusive, is determined;

(2) That figure is multiplied by 7 (a number which it is believed will give each wholesaler a working point capital sufficient to provide the points he will need to acquire processed foods up to the amount of his greatest maximum allowable inventory);

(3) From that figure is deducted the wholesaler's point inventory at the close of business on May 1, 1943, (including the number of points the wholesaler owes the Office of Price Administration on account of his March excess inventory) and the point value of any certificates issued to him by the Office of Price Administration to increase his point inventory since May 1, 1943;

(4) To the resulting figure is added the number of points given up to the Office of Price Administration by such wholesaler since May 1, 1943, on account of his March excess inventory.

This amendment shall become effective June 29, 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 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10100; Filed, June 23, 1943; 3:00 p. m.]

PART 1425—LUMBER DISTRIBUTION

[Rev. MPR 215]

DISTRIBUTION YARD SALES OF SOFTWOOD

Maximum Price Regulation 215 is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. 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.*

§ 1425.1 *Maximum prices for distribution yard sales of softwood.* 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 215 (Distribution Yard Sales of Softwood), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1425.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION 215—
DISTRIBUTION YARD SALES OF SOFTWOOD

CONTENTS

- Sec.
- 1 Distribution yards sales of softwood lumber at higher than maximum prices prohibited.
 - 2 Summary of the regulation.
 - 3 What products are covered.
 - 4 Maximum prices for wholesale and CPA yards.
 - 5 Maximum prices for retail yards: "wholesale-type" sales.
 - 6 Maximum prices for retail yards: All other sales other than "wholesale-type".
 - 7 How to figure inbound transportation.
 - 8 Prices must be evened out.
 - 9 Delivery charges.
 - 10 How to figure additions for working and kiln drying.
 - 11 Sales for export.
 - 12 F. A. S. sales.
 - 13 Special rules for sales by "CPA contract yards".
 - 14 What the invoice must contain.
 - 15 What records must be kept.
 - 16 Prohibited practices.
 - 17 Combination grades.
 - 18 Adjustable pricing.
 - 19 Adding commission to ceiling prohibited.
 - 20 Miscellaneous provisions.
 - 21 Petitions for amendment or adjustment.
 - 22 Enforcement.
 - 23 Licensing.

*Copy; may be obtained from the Office of Price Administration.

¹ 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138.

² 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6048, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7353, 7380, 8276, 7490, 7589, 8357.

Sec.

- 24 Establishing new distribution yards.
 25 Special specifications, workings or extras.
 26 Effect of changes in mill ceilings.
 27 Optional pricing.

SECTION 1. Distribution yard sales of softwood lumber at higher than maximum prices prohibited. (a) On and after June 29, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any softwood lumber out of distribution yard stock at prices higher than the maximum price fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) If cash is paid, the maximum price must be reduced by the seller's August 1941 cash discount. For example, if this discount was 2 percent, and if the maximum price, without cash discount, is \$60, the maximum price when cash is paid is \$58.80. In any case, on specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(c) Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 2. Summary of the regulation. (a) The general plan of this regulation divides lumber yards into two groups: wholesale and retail.

Wholesale distribution yards have one fixed mark-up for all their sales, regardless of quantity or purchaser: \$5 and 10%.

As to retail yards, the plan is to extend specific mark-ups to them for all sales as soon as they can be worked out. So far, the only specific mark-up which applies to all retail yards in the country is the mark-up of \$5 and 10% for "wholesale-type" sales, that is, sales to five large-scale classes of buyers in quantities of 5,000 feet or more. An optional pricing provision permits the application of a similar mark-up to all other sales in the Common grades. Specific mark-ups are established herein for the North Central and North Atlantic areas, as follows: 1,000 ft. or more; "lower bracket" items—\$5 and 30%, "upper bracket" items \$5 and 40%; under 1,000 feet all items—\$5 and 50%. On sales under \$7.50—an additional 10%. Outside of these particular areas, except in the case of wholesale-type sales and sales made under the optional pricing provision, the General Maximum Price Regulation¹ continues to apply.

(b) The provisions of this regulation apply to purchases or sales within continental United States only. The regulation does not apply to territorial possessions.

SEC. 3. What products are covered. This regulation covers sales out of distribution yard stock of any lumber or

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962.

shingles for which "direct-mill" maximum prices are fixed in the following maximum price regulations, as well as any later revisions or amendments:

- Southern Pine Lumber—RMPR 19².
 Douglas Fir and Other West Coast Lumber—RMPR 26³.
 Western Pine and Associated Species of Lumber—MPR 94⁴.
 Red Cedar Shingles—MPR 164⁵.
 Northeastern Softwood Lumber—RMPR 219⁶.
 Northern Softwood Lumber—MPR 222⁷.
 Redwood Lumber—MPA 253⁸.
 Sitka Spruce Lumber—MPR 290⁹.

Every yard affected by this regulation should get copies of the mill regulations covering the species it handles, since this regulation builds upon the prices and definitions in the above "direct-mill" regulations.

SEC. 4. Maximum prices for wholesale and CPA yards—(a) Definitions of wholesale and CPA yards. A wholesale distribution yard means any distribution yard which, during either of the calendar years 1940 or 1941 sold 50% or more of its dollar volume of softwood lumber to other distribution yards, wholesale or retail. The markups in this section also apply to all "CPA contract yards". "CPA contract yards" are distribution yards operating under a "letter of intent" or other form of agreement with the Central Procuring Agency, under which the yard maintains a stockpile of lumber at the instruction of that Agency for distribution and sale pursuant to its directions or consent.

(b) **Mark-up.** The maximum price for all sales out of the stock of wholesale or CPA distribution yards is the sum of the following:

- (1) F. o. b. mill maximum price, in the mill regulation for the particular species; plus
- (2) Inbound transportation charges to the distribution yard, figured under the rules in section 7; plus
- (3) \$5.00 "handling charge" (or 30¢ per square for shingles, and 60¢ per M pieces for lath) plus
- (4) 10% of the total of (1), (2) and (3) above.

SEC. 5. Maximum prices for retail yards: "wholesale-type" sales—(a) Definitions of retail yard. A retail distribution yard means any distribution yard which during both the calendar years 1940 and 1941 sold more than 50% of its dollar volume of softwood lumber to persons other than distribution yards, wholesale or retail.

² 8 F.R. 5535, 6544, 6619.

³ 8 F.R. 7570.

⁴ 7 F.R. 10848; 8 F.R. 859, 1138, 4118, 7352, 8009.

⁵ 7 F.R. 4541, 8384; 8 F.R. 2876, 2992, 4514.

⁶ 8 F.R. 4948, 6620.

⁷ 7 F.R. 7436, 8937; 8 F.R. 3847, 5817.

⁸ 7 F.R. 9230, 10848; 8 F.R. 1189, 4186, 4720, 7197, 1169.

⁹ 8 F.R. 19, 2270.

(b) **Meaning of "wholesale-type" sale.** A "wholesale-type" sale is a sale of 5,000 ft. B. M. or more made to one of the following classes of buyers: "to" means directly to the person named; "for" means to contractors who will use the lumber to fulfill a contract with the person named.)

- (1) To or for the United States Government or its agencies;
- (2) To, but not for, State Governments (including the District of Columbia) or their political subdivisions; or agencies of any of these;
- (3) To an industrial user for use in the fabrication, packaging or shipping of its products;
- (4) To, but not for, a railroad;
- (5) To or for a shipbuilder, dock-builder, dam builder, or bridge builder.

(c) **Mark-up.** The maximum price on "wholesale-type" sales out of retail distribution yard stock, for all retail yards, shall be the sum of the following:

- (1) F. o. b. mill maximum price, in the mill regulation for the particular species; plus
- (2) Inbound transportation charges to the distribution yard, figured under the rules in section 7; plus
- (3) \$5.00 "handling charge" (or 30¢ per square for shingles, and 60¢ per M pieces for lath) plus
- (4) 10% of the total of (1), (2) and (3) above.

SEC. 6. Maximum prices for retail yards: All other sales (other than "wholesale-type").—(a) General. All sales out of retail yard stock other than the "wholesale-type" and the "optional pricing type" (where the optional pricing provision has been adopted) are subject to the General Maximum Price Regulation, except in the North Central and North Atlantic Areas.

(b) **Area definitions.** (1) The North Atlantic Area consists of Maine, New Hampshire, Connecticut, Rhode Island, Vermont and Massachusetts, New York, New Jersey, Eastern Pennsylvania (east of the western border of the counties of Juniata, Perry, Cumberland, Adams, Tioga, Lycoming, Union and Snyder), Maryland, Delaware, District of Columbia, the City of Alexandria and Fairfax and Arlington Counties of Virginia.

(2) The North Central Area consists of Western Pennsylvania (from the western border of the following counties: Juniata, Perry, Adams, Cumberland, Tioga, Lycoming, Union, and Snyder), West Virginia, Indiana, Ohio, Michigan (lower peninsula only) and Illinois.

(c) **Mark-ups for North Atlantic and North Central Areas.** The maximum price for sales out of retail yard stock in the North Atlantic and North Central Areas, other than "wholesale-type sales" is the sum of the following:

- (1) F. o. b. mill maximum price, in the mill regulation for the particular species; plus

(2) Inbound transportation charges to the distribution yard figured under the rules in section 7; plus

(3) \$5.00 "handling charge" (or 30¢ per square for shingles, and 60¢ per M pieces for lath) plus

(4) The following percentage mark-ups, to be applied to the sum of (1) (2) and (3) above.

(i) Quantities of over 1,000 ft. B. M.

"Lower bracket" items, 30%.
"Upper bracket" items, 40%.

(ii) Quantities of 1,000 ft. B. M., or less:

All items, 50%. If sale of softwood lumber and/or shingles totals less than \$7.50 add, 10% of total.

(d) *Meaning of "lower and upper bracket" items.* (1) "Lower bracket" items include the following grades and sizes:

(i) *Grades:* #1 Common & lower in the following species:

Southern Pine (long-leaf and shortleaf)	Redwood
Douglas Fir	Eastern Spruce
West Coast Hemlock	Aspen
Sitka Spruce	Eastern Hemlock
White Fir (W. C. L. A. Rules)	

#2 Common & lower in the following species:

Jack Pine	Lodgepole Pine
Engelman Spruce	Larch

#3 Common & lower in the following species:

Ponderosa Pine	Idaho Pine
Norway Pine	Sugar Pine
Eastern and Northern White Pine (Pinus Strobus)	
Ottawa Valley White Pine	

NOTE: "Lower bracket" items include all special specifications applicable to the grades listed, such as dense or medium grain, or stress grades, and also any items of flooring, ceiling and similar patterns in the grades listed.

(ii) *Sizes:* all thicknesses of boards and strips; all widths in boards and Dimension 12" and under in nominal width; all 3" and 4" timbers 10" and under in nominal width; all 5" and 6" timbers 8" and under in nominal width; and all lengths in the above up to and including 24'; also all shingles and lath.

(2) "Upper bracket" items include all grades higher, sizes larger and lengths longer than those listed as "lower bracket" items.

(e) *Delivery included.* The mark-ups for sales (other than "wholesale-type") in the North Atlantic and North Central areas include delivery within a radius of 25 miles. For deliveries more than 25 miles an addition of 10¢ per M'BM may be made for each mile beyond the first 25, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required; but it is a violation of this regulation for a yard unreasonably to refuse to make delivery when requested to do

so, or unreasonably to insist that the buyer pick up the lumber at the yard.

SEC. 7. *How to figure inbound transportation.*—(a) *Basing points.* In adding inbound transportation charges as provided in sections 4, 5, and 6, each seller shall calculate incoming transportation charges from the basing point shown below to points of delivery in each state on the basis of carload rates applicable to each species of softwood lumber. For example, if a distribution yard located in Chicago, Illinois, buys short leaf yellow pine from a mill in Goldsboro, N. C., it applies the rate from the basing point to be used for the State of Illinois, in this instance, Hattiesburg, Miss., to the point of delivery, in this instance, Chicago. As indicated, this applies regardless of the actual point of origin of the shipment.

(1) Douglas fir and other West Coast lumber—MPR 26: Portland, Oregon (except that in the State of Washington, use Seattle, Washington).

(2) Idaho white pine—MPR 94: Spokane, Washington.

(3) Ponderosa pine, Sugar pine, and secondary species—MPR 94: Klamath Falls, Oregon (except: in Texas, Arizona, and New Mexico use Susanville, California; and for Ponderosa pine and secondary species, in Idaho, Montana, Iowa, North Dakota, South Dakota, Washington and Wyoming, use Spokane, Washington).

(4) Red Cedar shingles—MPR 164: Seattle, Washington.

(5) Northeastern softwoods—MPR 219:
(i) Eastern spruce (domestic and Canadian), Jack pine, Norway pine, and White cedar shingles: (use American prices and weights). Vanceboro, Maine (except for Norway pine produced in Ottawa Valley, use Niagara Falls, New York, as basing point and Canadian prices and weights).

(ii) White pine (use American prices and weights). Norway, Maine (except: for White pine produced in Ottawa Valley, use Niagara Falls, New York, and Canadian prices and weights).

(iii) Eastern hemlock (use prices established for Pennsylvania and New York). Williamsport, Pennsylvania (except: in the New England states, use Norway, Maine, as basing point and prices for hemlock produced in New England).

(6) Northern softwoods—MPR 222: Wausau, Wisconsin (except: for Jack pine, use Mizpah, Minnesota as basing point; for imported Western White spruce use Baudette, Minnesota as basing point for lumber shipped from mills in Saskatchewan and Manitoba; and Spokane, Washington for lumber shipped from mills in British Columbia and Alberta).

(7) Redwood—MPR 253:
Western Area: Eureka, California.
Eastern Area: Direct-mill maximum prices are not f. o. b. mill but are delivered on a 57¢ rate. Therefore, for inbound transportation add only the excess of the actual rate from Eureka, California to the seller's yard over the 57¢ rate. If the rate is less than 57¢ deduct the resulting difference in transportation charges from the Eastern area prices in MPR 253.

(8) Shortleaf southern pine—MPR 19:
Montgomery, Ala.: Alabama.
Alexandria, La.: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota,

Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

Macon, Ga.: Connecticut, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont.

Goldsboro, N. C.: Delaware, District of Columbia, Maryland, North Carolina, Virginia, West Virginia.

Valdosta, Ga.: Florida.

Hattiesburg, Miss.: Illinois, Indiana, Kentucky, Michigan, Mississippi, Wisconsin.

Sumter, S. C.: South Carolina.

(9) Longleaf Southern pine—MPR 19:
Alexandria, La.: Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming.

Fort Myers, Fla.: Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia.

(10) Sitka spruce—MPR 290: Portland, Oregon (except that in the State of Washington, use Seattle, Washington).

(b) *Minimum rate.* If the distribution yard is located at the basing point, or within a radius of 10 miles from it, a rate of 10¢ per CWT may be used to figure inbound transportation charges.

(c) *Evening to nearest quarter.* In the use of inbound transportation charges as provided above, the parties must adopt the practice of charging a sum equivalent to the one-quarter of a dollar per thousand feet nearest such transportation charges.

(d) *Estimated weights.* Yards must use estimated average weights where provided for by any applicable price regulation.

SEC. 8. *Prices must be evened out.* In all sales under this regulation, the final prices must be evened out to the nearest 25¢ per M'BM on all sales involving a quantity of over 1,000 board feet: (or 5 cents per square for shingles and 5 cents per M pieces for lath). Where the quantity is 1,000 feet BM or less, the price may be quoted per board or lineal foot, in which event it must be evened out to the nearest quarter of a cent per foot.

SEC. 9. *Delivery charges.*—(a) *Delivery charge permitted.* If the buyer requests delivery, the following delivery charges may be added to the maximum price for all sales except as provided for in section 6 (e) above.

(1) *Private truck.* When delivery is by truck owned or controlled by the seller, the amount added for delivery may not be more than the actual cost to the seller of delivery by truck. This "actual cost" may not be higher than the overall average trucking cost for a similar delivery arrived at as of the 12-month period ending December 31, 1942.

(2) *Common or contract carrier.* When delivery is by common or contract carrier, i. e. truckmen, only the actual amount paid to the carrier may be added. However, the permitted estimated

weights for rail shipment in the appropriate direct-mill regulation may be used, where given, in the event of delivery by rail.

(b) *Billing separately.* Any amount added for delivery must be separately shown on the invoice, bill of sale, or other billing.

SEC. 10. How to figure additions for working and kiln drying—(a) Basic workings. (1) The following additions per 1000 feet board measure may be made to the maximum prices when the following workings are required to be performed by a distribution yard and are

actually performed by it. These charges are to apply to the total quantity involved in one order where the milling does not involve a change in the machine set-up. These are to be added after the percent of mark-up has been applied; that is, no percentage mark-up may be applied to the amount of the working charge.

MAXIMUM MILLING CHARGES

	4/4, 5/4, 6/4		2"		3" & 4"		5' x 5" to 8" x 8"		6' x 10' & Larger		Permitted minimum charges
	On all sales where mark-up is \$5.00 & 10%	All other sales	On all sales where mark-up is \$5.00 & 10%	All other sales	On all sales where mark-up is \$5.00 & 10%	All other sales	On all sales where mark-up is \$5.00 & 10%	All other sales	On all sales where mark-up is \$5.00 & 10%	All other sales	
S18, S23.....	\$3.00	\$5.25	\$2.50	\$4.50	\$2.50	\$4.50	\$3.00	\$5.25	\$4.00	\$7.00	\$1.50
S38, S48.....	3.00	5.25	2.50	4.50	2.50	4.50	3.00	5.25	4.00	7.00	1.50
D & M, Shiplap, Grooved, Beveled Sleepers.....	3.50	6.25	3.00	5.25	3.00	5.25	6.00	10.50	6.00	10.50	1.75
Drop Siding & Ceiling.....	3.50	6.25	3.00	5.25	3.00	5.25	3.00	5.25	3.00	5.25	1.75
Outgauging & Special Patterns.....	7.50	13.25	7.50	13.25	7.50	13.25	7.50	13.25	7.50	13.25	3.75
Crosscutting.....	1.00	1.75	1.00	1.75	1.00	1.75	2.00	3.50	2.00	3.50	.50
Ripping.....	1.50	2.75	1.50	2.75	1.50	2.75	2.00	3.50	2.00	3.50	.75
Resawing.....	2.00	3.50	2.00	3.50	2.00	3.50	2.00	3.50	3.00	5.25	1.00

(2) The amounts in the last column represent the permitted minimum charges. Therefore, where the total charge figured on an MBM basis is less than the amount shown in this column the seller may use the permitted minimum charge.

(3) The cross-cutting addition may only be made as many times as are necessary to produce the desired length from the shortest standard multiple of that length in the size and grade required. In no case may the final cost, including the charge for cross-cutting and waste, exceed the most economical final cost of producing the required length.

(4) The ripping and resawing charges may be added and the price of the original size ripped or resawn may be used in figuring the f. o. b. mill maximum price only where:

(i) A standard size is remanufactured into a nonstandard size, or

(ii) The final size to which the original size is reduced by ripping or resawing is larger than the size of boards (this covers all items under 2" in nominal thickness) and dimension (this covers all items 2" in nominal thickness in (i) the width of 12" or less and (ii) 24' or less in length).

(5) The total charge for ripping and resawing may not include an addition for more than a total of three rips or resaws or any combination of the two per piece.

(b) *Kiln-drying.* For kiln-drying, done at the yard, an addition of double the addition permitted by the applicable direct-mill regulation may be made.

(c) *Custom milling or kiln drying.* Where the required working or kiln drying cannot be performed by the distribution yard making the sale because it does not have the necessary facilities, the yard may add to the maximum prices the actual cost of having the working or drying performed at a custom establishment, instead of the charges permitted in paragraphs (a) (1) and (b) above. However, paragraphs (a) (3), (4), and (5) apply. If the distribution yard has the facilities to perform the required workings or drying or if it performed similar operations at any time before

the effective date of this regulation, it may add to the maximum prices only the permitted working or kiln-drying charges set forth in paragraph (a) (i) and (b) above. In adding the working or drying charges permitted by this regulation, the distribution yard may not make any extra charge for the hauling or trucking that may be required in getting the stock to or from the custom establishment.

(d) *Invoicing.* When any of the above charges for workings or kiln-drying at the yard or at a custom establishment are made, the invoice, bill of sale or other billing must clearly state that the working or kiln-drying was done at the distribution yard or at the custom establishment, whichever the case may be, and the amount must be separately shown. If the work was done at a custom establishment, a copy of its bill setting forth the actual charge to the distribution yard for the operation must be attached to the yard's invoice to the purchaser.

SEC. 11. Sales for export. The maximum price at which a person may export any lumber shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation¹⁰ issued by the Office of Price Administration.

SEC. 12. F. A. S. sales. No flat mark-up or addition is permitted for f. a. s. sales (i. e. sales of lumber to be shipped outside of territorial United States) where the lumber is shipped out of a distribution yard. In making these sales only such actual expenses as are not incurred in domestic shipments may be added to the maximum price. Such charges must be separately shown in the invoice.

SEC. 13. Special rules for sales by "CPA contract yards"—(a) *Special rule on ripping and resawing by "CPA contract yards" in emergencies.* (1) If an emergency arises in which the Central Procuring Agency is unable to obtain needed board and dimension for a particular job except through ripping and resawing

of timber by a "CPA contract yard", the yard may use the f. o. b. mill maximum price for the original size to be ripped or resawn, and make the additions for ripping and resawing provided in the table in Section 10 even though the final size is a standard size of board or dimension. These, however, shall be limited to a total charge for not more than three cuts, either rippings or resawing or any combination of the two.

(2) A proper showing shall be made by the yard in these cases, which shall consist of proofs establishing that the board and dimension sold was actually derived by remanufacturing heavier lumber at the yard, a listing of the original sizes from which the board and dimension has been derived, and copies of invoices covering the transaction. These proofs must be submitted to the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days after the transaction has been completed.

(b) *Special rule on lumber in transit.* A sale by a "CPA contract yard" may be considered a sale out of distribution yard stock even if the sale was made while the lumber was in transit to the yard. Of course, if the lumber was not actually put through the yard, as for example, where lumber sold in transit is merely rerouted to the purchaser, or reloaded and delivered, the direct-mill regulation applies.

SEC. 14. What the invoice must contain. All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not; i. e., grade, quantity, size, condition of dressing, pattern, species, and any other extra or specification which affects the maximum prices. The amount added for each specification or extra does not have to be separately shown except in those cases where the provision permitting the addition expressly requires it.

SEC. 15. What records must be kept. All distribution yards must keep records which will show a complete description of the items of lumber sold (i. e. grade,

¹⁰ 8 F.R. 4132, 5987, 7662.

condition of dressing, quantity, etc.) the name and address of the buyer, date of the sale and price for a period of two years. They must keep similar records of all purchases. Failure to comply with this provision shall constitute a violation of this regulation. Persons violating are subject to all penalties, actions and proceedings provided for by the Emergency Price Control Act of 1942 including a fine of not more than \$5,000 or imprisonment for not more than two years, or both.

SEC. 16. Prohibited practices—(a) General. Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were in August 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit. For purposes of this paragraph, no discount over 2 percent is considered a cash discount.

(2) Selling as specified lengths a shipment of lumber which is substantially equivalent to standard or random lengths.

(3) Grading as a special grade lumber which can be graded as a standard grade; or wrongly grading or invoicing lumber in any other way.

(4) Refusing to sell on an f. o. b. yard basis, and insisting on selling on a delivered basis, except in the case of sales whose price includes free delivery; or refusing to make delivery within the free delivery zone, unless it has not been the practice of the seller to make delivery in the particular circumstances.

(5) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(6) Breaking up an order which would normally be a single order into a series of smaller orders in order to evade the maximum price limitations in this regulation.

(7) Delivering or charging for a quantity under 1,000 ft. B. M. where 1,000 ft. or more was ordered for the purpose of getting the higher mark-up permitted for quantities less than 1,000 ft.

(8) Failing to invoice properly and in accordance with requirements of this regulation.

SEC. 17. Combination grades. Lumber sold on combination grades may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 2 Common and better is the maximum price fixed for No. 2 Common lumber. But it is permissible to quote a grade with specified percentages of higher grades: *Provided*, That when the lumber

is shipped, lumber of each grade is tallied on a board foot basis and invoiced separately at prices not in excess of ceiling prices for the respective grades.

SEC. 18. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 19. Adding commission to ceiling prohibited. It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling, or locating lumber, or for any related service (such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the lumber in connection with which the service is performed.

SEC. 20. Miscellaneous provisions—(a) Distribution yard. Each of the specific mill ceiling regulations listed in section 3 above defines what is meant by a "distribution yard" for the purposes of that regulation. These definitions still apply, and establishments must determine their status for the sale of a particular species by examination of the mill regulation. The definitions of "mill", "concentration yard", and "distribution yard" as now contained in most mill regulations are quite uniform. A description of the distribution yard operation is as follows: "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

NOTE: This is given merely as a general guide and must be supplemented in the sale of any particular species by the specific requirements of the mill ceiling regulation covering that species.

(b) *Sale out of distribution yard stock.* A sale out of distribution yard stock means a sale made for shipment out of lumber which was a regular part of yard stock at the time the sale was made.

(c) *Applicable basing points.* The term "applicable basing points" as used in this regulation means points of origin to be used based on rates set forth in the tariffs of railroad carriers in determining incoming transportation charges.

(d) *Transportation tax.* In computing the "inbound transportation" charge as provided in this regulation, distribution yards are permitted to figure the 3 percent transportation tax on freight as though it were a 3 percent increase in the carrier's charges.

(e) *Changed freight rates.* Although the Interstate Commerce Commission has repealed as of May 15, 1943, the 6 percent increase in freight rates granted in February, 1942, distribution yards in calculating "inbound transportation" as provided in this regulation are permitted until July 1, 1943, to use the higher rates which were in effect on May 10, 1943. After July 1, 1943, however, the actual rates prevailing at time of sale must be used.

(f) *Quantities.* Quantity is in every instance to be determined by the total amount ordered without regard to the number of kinds or species or grades of lumber included. Furthermore, the amount delivered at a particular time does not determine the quantity. The test is the total amount involved in the transaction. For example, if buyer and seller at the time the sale is negotiated know that the quantity to be bought for a particular job will run to 20,000 feet the sale is one for 20,000 feet even though it may be split into five orders of 4,000 each or requisitioned in quantities of 4,000 feet, and this is true regardless of whether five different deliveries in loads of 4,000 feet each are made on different days. In determining the size of a sale of shingles or lath, a conversion ratio of 10,000 shingles to 1,000 board feet of lumber and 6,000 lath to 1,000 board feet of lumber shall be used.

(g) *Invoices.* Where the invoice does not specify the grade shipped or delivered, the price of the lowest grade in the shipment shall apply to the whole order.

SEC. 21. Petitions for amendment or applications for adjustment—(a) Government contracts. (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States". The term also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices contained in this regulation impede or threaten to impede production of lumber of the species covered by this regulation essential to the war program, may file an application for adjustment in accordance with Procedural

Regulation No. 6¹¹ issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petition for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1¹² issued by the Office of Price Administration.

SEC. 22. Enforcement. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits, for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to War procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

SEC. 23. Licensing. All sellers under this regulation are licensed by Supplementary Order 18¹³. This order, in brief, provides that a license is necessary to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

SEC. 24. Establishing new distribution yards. In order to prevent violations of this regulation, by unnecessary routing of lumber through distribution yards, the Office of Price Administration will not recognize any distribution yard set up after December 31, 1942 (or the date set in the section on this subject in the applicable mill regulation, if different), unless the person establishing such yard writes to the Office of Price Administration, Lumber Branch, Washington, D. C. and offers proof that such yard satisfies the requirements of the definition "distribution yard" and that the purpose is not to get around the mill regulations or to get the benefit of the mark-ups provided for herein by means of unnecessary distribution yard business. Until approval is received, the proposed new yard cannot consider itself licensed by the Office of Price Administration, or consider itself a distribution yard for the purpose of this or of any other regu-

lation issued by the Office of Price Administration.

SEC. 25. Special specifications, workings or extras. For special workings, specifications, services or extras not specifically priced under any provision of this regulation, the seller should apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for instructions. In the application the seller must set forth the amount customarily charged (not to exceed the maximum price fixed by the regulation previously controlling such as the General Maximum Price Regulation), for the special working, specifications, service or extra, or in the absence of a customary charge, the amount which in his opinion represents a fair and reasonable charge, together with a statement of how it was arrived at. Instructions will be furnished by letter or telegram. After writing for instructions the seller may quote and deliver at the requested price, but must not accept final payment until the instructions have been received. In the event that they are not received within 30 days after application has been made, the price for which approval is requested shall be deemed to have been approved and may be used by the seller. Instructions issued pursuant to this paragraph apply only to the particular seller who has applied for them.

SEC. 26. Effect of changes in mill ceilings. (a) All changes in the f. o. b. mill ceiling prices (on which the prices established herein are built) apply to all sales made under this regulation as of their effective date. For example, if the ceiling price of No. 2 Common 1 x 6—16' short-leaf yellow pine, which is priced at \$34 per M. B. M. under RMPR 19, should be reduced to \$32 per M. B. M., effective July 1, 1943, in establishing the maximum price under this regulation for that item after July 1, 1943, the reduced price i. e. \$32 per M. B. M. shall be used in building up the distribution yard maximum ceiling price regardless of whether or not the seller had stocks on hand at the time which had been purchased at the higher price. The same rule applies to ceiling increases.

(b) Where an amendment to, or a revision of, a mill schedule deletes a specific price for an item theretofore priced, a distribution yard having stocks of the item in inventory or actually in transit on the effective date of the amendment or revision shall have 45 days from the effective date thereof within which to sell these stocks on the basis of ceiling prices in effect before the deletion. Thereafter, it may not use the additions previously established in computing its selling price.

(c) Where a producer establishes a specific price for an item under a special pricing provision of a mill schedule, any distribution yard selling that item may use the price so established in figuring its selling price under this regulation, provided it first obtains from the producer written assurances that an authorization has been issued to him, and provided further, that the distribution yard files a copy of its purchase invoice with the Lumber Branch of the Office of Price Administration, Washington, D. C.

SEC. 27. Optional pricing. This section deals with sales not included in sections 4, 5 and 6, (and therefore now governed by the General Maximum Price Regulation) of softwood lumber in grades of No. 1 Common and lower, and shingles where the sale is under 5,000 feet B. M., or to a buyer not included in section 5 above, where the sale exceeds 5,000 feet B. M. A distribution yard may, at its option, adopt as its maximum price for all such sales (this option relates to all or none) the price set forth in section 5 (c) above (i. e. the \$5 and 10% mark-up). Before any sales may be made under this provision, the yard must first notify the Lumber Branch of the Office of Price Administration, Washington, D. C., of the election. This optional pricing may be made with respect to softwood lumber in grades of No. 1 Common or lower as above stated, or with respect to sales of wood shingles alone, or with respect to both, and may not otherwise be used.

NOTE: This provision no longer applies to those states and areas for which specific pricing has been established in section 6 above.

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.

Effective Date

This regulation shall become effective June 29, 1943, except that:

(a) If this regulation lowers any maximum price below that fixed in any earlier regulation, contracts that were in existence before the date of issuance of this revised regulation at lawful prices may be completed according to their terms, if delivery is made on or before August 1, 1943.

(b) The mere fact that this revised regulation increases some maximum prices does not of itself allow any seller to apply the higher prices to existing uncompleted contracts without the consent of the buyer. The regulation permits the making of certain adjustable pricing agreements to cover such situations. Apart from that, increasing prices in existing uncompleted contracts to the level of increased maximum prices in the regulation is purely a matter of agreement between buyer and seller.

Issued this 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10102; Filed, June 23, 1943; 3:01 p. m.]

PART 1499—COMMODITIES AND SERVICES [Rev. SR 1¹ to GMPR, Amdt. 13]

DOMESTIC JEWEL BEARINGS

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 Supplementary Regulation 1 is amended in the following respects:

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

¹ 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668.

¹¹ 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

¹² 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

¹³ 7 F.R. 7240, 11007.

1. Section 4.6 (j) is added to read as follows:

(j) Domestically manufactured jewel bearings, which are used in timekeeping instruments, sold to the Defense Supplies Corporation. See section 5.2 for sales by or for the account of Defense Supplies Corporation.

2. Section 5.2 (h) is added to read as follows:

(h) Domestically manufactured jewel bearings, which are used in timekeeping instruments, sold by or for the account of the Defense Supplies Corporation. See section 4.2 for sales to Defense Sales Corporation.

This amendment shall become effective June 29, 1943.

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

Issued this 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10105; Filed, June 23, 1943; 3:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14 to GMFR, Amdt. 189]

FLUID MILK AND CREAM

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.*

Supplementary Regulation 14 to the General Maximum Price Regulation is amended in the following respects:

1. In § 1499.73 (a) (1) (vii) the fourth undesignated paragraph which begins with the words "A formula is", is amended by adding at the end the following:

Specific prices for Certified milk and milk with 4.5% or more B. F. have been provided in Zone VII—Virginia.

2. Section 1499.73 (a) (1) (vii) (a) (4) (vii) is amended by deleting from the list contained therein the following:

Accomac	Norfolk
Elizabeth City	North Hampton
Gloucester	Princess Anne
James City	Warwick
Mathews	York

3. Section 1499.73 (a) (1) (vi) (a) (4) (ix) is added as follows:

(ix) Zone VII—Virginia. Zone VII shall include the following counties, together with all cities, towns, and municipalities located within the geographical boundaries of such counties:

Accomac	Norfolk
Elizabeth City	North Hampton
Gloucester	Princess Anne
James City	Warwick
Mathews	York

The maximum prices for approved fluid milk sold and delivered in glass and paper containers in Zone VII—Virginia—by any person at wholesale or retail shall be:

STANDARD MILK (3.5%–4.5% B. F.)

	Quart		Pint		Half-pint	
	Glass	Paper	Glass	Paper	Glass	Paper
Wholesale.....	Cents 16	Cents 17	Cents 10	Cents 11	Cents 6	Cents 7
Retail out-of-store.....	18	19	-----	-----	-----	-----
Retail home-delivered.....	18	19	-----	-----	-----	-----

CERTIFIED MILK OR MILK WITH 4.5% OR MORE B. F.

Wholesale.....	18	-----	10½	-----	6½	-----
Retail out-of-store.....	20	-----	-----	-----	-----	-----
Retail home-delivered.....	20	-----	-----	-----	-----	-----

Except: That no seller may establish an adjusted retail price under this pricing method which exceeds the maximum retail price as determined under § 1499.2 General provisions of the General Maximum Price Regulation by more than 2¢ per quart.

Example: A retailer having an established glass container price of 15¢ per quart may put into effect an adjusted maximum retail price under this pricing method of not more than 17¢.

Except: That the seller's adjusted wholesale price under this pricing method, for sales in quart container sizes to a particular purchaser, shall be 2¢ a quart less than the adjusted retail price of that particular purchaser, as determined under the pricing method provided herein.

Example: The wholesale price for glass quart container sizes shall be 15¢ a quart to retailers whose adjusted retail price is 17¢ a quart as determined under the pricing method provided herein.

½ quart container sizes: The seller shall adjust his maximum wholesale price for ½ quart container sizes, as determined under § 1499.2 General provisions of the General Maximum Price Regulation by an amount proportionate to the increase or decrease in his ceiling price for quart container sizes as a result of the foregoing listed maximum prices.

Retail sales of approved fluid milk by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises: The seller may use his established maximum price under the General Maximum Price Regulation, or he can determine his adjusted maximum price by adding to the wholesale price as paid by him, three cents per pint, two and one-half cents per one-third quart, and two cents per half-pint.

Retail sales of approved fluid milk by peddlers in industrial plants not in connection with eating establishments: Retail sales of approved fluid milk in industrial plants and yards, mills and factories by sellers, peddlers and other vendors who do not operate eating establishments shall be:

Pint		Half-pint	
Glass	Paper	Glass	Paper
Cents 13	Cents 14	Cents 8	Cents 9

Retail sales other than, (A) out-of-store sales, (B) home-deliveries, (C) retail sales by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises, and (D) retail sales by peddlers in industrial plants not in connection with eating establishments: The maximum prices for retail sales, other than out-of-store sales, home-deliver-

ies, retail sales by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises, and retail sales by peddlers in industrial plants not in connection with eating establishments, shall equal the listed wholesale prices, subject to any applicable discounts or allowances.

This amendment shall become effective June 29, 1943.

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

Issued this 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10106; Filed, June 23, 1943; 3:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 63 Under SR 15 to GMFR]

ESCHENBACH AND RODGERS, INC.

Order No. 63 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3273.

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

§ 1499.1363 *Adjustment of maximum prices for contract carrier services by Eschenbach & Rodgers, Inc., of 208 Monroe Avenue, Scranton, Pennsylvania.*

(a) Eschenbach & Rodgers, Inc., a corporation with principal offices at 208 Monroe Avenue, Scranton, Pennsylvania, may sell and deliver contract carrier services to the Swayze Folding Box Company, Canton, Pennsylvania, at prices not to exceed 25¢ per cwt. for shipments of paper and paper boxes from Canton, Pennsylvania, to New York, New York, to Jersey City, Helmetta and North Bergen, New Jersey, and at prices not to exceed 26¢ per cwt. for shipments of paper, paperboard, cardboard, paperstock and materials used in the manufacture of paper and paperboard boxes from Ridgefield, New Jersey, to Canton, Pennsylvania.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 63 (§ 1499.1363) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 63 (§ 1499.1363) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 63 (§ 1499.1363) shall become effective June 24, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10104; Filed, June 23, 1943; 3:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 28 Under § 1499.29 of GMFR]

EMERY INDUSTRIES, INC.

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

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

18 F. R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 4978, 6047, 6962.

§ 1499.428 *Denying adjustment to Emery Industries, Inc., Cincinnati, Ohio.* The petition of Emery Industries, Inc., 4300 Carew Tower, Cincinnati, Ohio, Docket No. GF3-3282 for an adjustment of the maximum prices established by the General Maximum Price Regulation for sales of candles is denied.

This order shall become effective June 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10103; Filed, June 23, 1943;
3:00 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 412]

TIDEWATER RED CYPRESS LUMBER

In the judgment of the Price Administrator it is necessary and proper to establish specific maximum prices for the sale of Tidewater red cypress lumber. The Price Administrator has ascertained and given due consideration to the prices of Tidewater red cypress lumber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

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

§ 1381.101 *Maximum prices for Tidewater red cypress lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 412, (Tidewater Red Cypress Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1381.101 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 412—TIDEWATER RED CYPRESS LUMBER

CONTENTS

ARTICLE I—SCOPE OF THE REGULATION

Sec.

1. Prices higher than ceiling prohibited.
2. What transactions are covered.
3. What products are covered.
4. What persons are covered.
5. Registration.

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

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

Sec.

6. Basic prices and cash discount.
7. Addition for direct-mill retail sale.
8. Transportation charges.
9. Sales for export.
10. F. a. s. sales.

ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES

11. What the invoice must contain.
12. Special rule on averaging out.
13. What records must be kept.
14. Prohibited practices.
15. Adjustable pricing.
16. Special pricing rules.

ARTICLE IV—MISCELLANEOUS

17. Petitions for adjustment or amendment.
18. Enforcement.
19. Licensing.
20. Grades.
21. Grades, services, or extras not listed.
22. Addition for mixed-car or mixed-truck shipments.
23. Addition for pool car shipments.
24. Producers in the state of Louisiana.

ARTICLE V—TIDEWATER RED CYPRESS

ARTICLE VI—WEIGHTS

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after June 29, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of business, any Tidewater red cypress lumber for direct-mill shipment at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 2. *What transactions are covered.* (a) This regulation covers, under the name of "sales for direct-mill shipment" all sales of Tidewater red cypress lumber, no matter who the seller is, and regardless of the quantity involved, except sales of Tidewater red cypress lumber which was part of the regular stock of a distribution yard at the time the sale was made.

(b) *How to tell a mill from a distribution yard.* The term "mill" as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishment are described below: the first, (1), a typical sawmill or planing mill; the second, (2), a typical concentration yard; and the third (3), a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill; and one which resembles (3) more than it does (1) or (2) is considered a distribution yard.

(1) A typical sawmill or planing mill is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells Tidewater red cypress lumber;

(2) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock Tidewater red cypress lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills

and sells chiefly for rail and/or full truck-load shipment, and which has been located at its particular site to be near the lumber producing area;

(3) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber, and which has been located at its particular site in order to be near a lumber consuming area.

(c) *New yards or changed status.* In order to prevent violation of this regulation by unnecessary routing through yards, the Office of Price Administration will not recognize distribution yards, either new or resulting from a change in operations, set up after June 28, 1943, unless the yard writes to the Lumber Branch of the Office of Price Administration, Washington, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of either this regulation or of any other regulation issued by the Office of Price Administration.

(d) "CPA contract yards". "CPA yards" as defined in Maximum Price Regulation 215¹ are considered distribution yards, regardless of the above requirements.

SEC. 3. *What products are covered.* This regulation covers all items of Tidewater red cypress lumber, whether the item is specifically named in the price tables or not, (except switch ties and cross ties, which are subject to Revised Maximum Price Regulation 216²—Railroad Ties). This means the cypress grown in the deep swamps of the coastal plains of the Southeastern states and along the north of Mexico adjacent to tidewater and is known as the species of *Taxodium distichum*.

SEC. 4. *What persons are covered.* Any person who makes the kind of sale or purchase described above, for himself or others, is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group, their legal successors and representatives, the United States or any government or any of their political subdivisions or any agency of any of the foregoing.

SEC. 5. *Registration.* (a) All producers of Tidewater red cypress are required to register with the Lumber Branch of the Office of Price Administration, Washington, D. C., by filing a written notification that they produce and sell this species. The notification must be filed in writing within 60 days after the effective date of this regulation and must specify the annual Tidewater red cypress production of the registrant for the calendar years 1940, 1941, and 1942.

¹8 F.R. 3789, 5565, 6446.

(b) All cypress mills or producers which do not register as required above will be deemed to produce only cypress other than Tidewater red and will be required to sell under and pursuant to the regulation covering the other types of cypress (i. e. yellow, white, etc.) when that regulation is issued by the Office of Price Administration. Until such time, sales of cypress other than Tidewater red continue to be governed by the General Maximum Price Regulation.³

(c) In any event, all producers of cypress (other than those in Florida) whose mills are located more than 75 miles from the nearest coast point on the Gulf of Mexico or the Atlantic Ocean will be deemed to be producers of other than Tidewater Red Cypress. However, any producer so located may register as a producer of Tidewater Red Cypress as provided in paragraph (a) above, upon the condition that he also furnishes letters from three buyers stating that they had purchased true Tidewater Red Cypress from such producer at some time during 1940, 1941, or 1942. Every producer qualifying under this paragraph will be assigned a specific number which must appear on all invoices covering shipments designated as Tidewater Red Cypress.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 6. Basic prices and cash discount.

(a) *Basic prices.* The maximum f. o. b. mill prices for Tidewater Red Cypress lumber are set forth in Article V.

(b) *Cash.* If cash is paid the maximum price must be reduced by the seller's August 1941 cash discount. For example, if this discount was 2%, and if the maximum price without cash discount is \$60.00, the maximum price when cash is paid is \$58.80. In any case, on specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(c) *Sales of certain items of rough lumber.* In all sales of all items of Tidewater Red Cypress lumber in rough form where shipment originates at a mill which has no planing mill or which customarily sells the Tidewater Red Cypress lumber produced by it in rough form, the maximum prices set forth in the price tables contained in Article 5 of this regulation shall include delivery within a radius of 25 miles when made to any purchaser for resale, subject to the following considerations:

(1) This rule shall not apply to carload shipment by rail.

(2) Where delivery over 25 miles is made by the sawmill, the maximum prices set forth in the tables shall be reduced by \$2.50 per MBM before applying the transportation addition provided in Section 7.

(3) Where the purchaser himself makes the pick-up at the sawmill the maximum prices established in the price tables shall be reduced \$2.50 per MBM.

SEC. 7. *Addition for direct-mill retail sale.* An addition of \$3.50 per thousand

board feet may be made on a sale of less than 18,000 ft. BM (or less than carload if by rail), to any buyer who does not purchase for resale, where the shipment originates at a mill and the seller:

(a) Delivers the lumber to the job site if required by the buyer at such time and in such manner as the buyer specifies;

(b) Gives the buyer the privilege of exchanging the lumber and returning unused material; and

(c) Is able to make good any shortage promptly from stocks kept on hand for this purpose.

The size of the sale is determined by the total quantity involved in the transaction without regard to whether it is broken up into smaller orders or deliveries.

SEC. 8. *Transportation charges—(a) Rail charges.* (1) Only two methods of selling are recognized by this regulation. Any other method is prohibited, as a device to evade the ceiling by manipulation of freight.

The two permitted methods are: on a delivered basis using the estimated weights in Article VI, or an f. o. b. mill basis with actual freight (figured, of course, on actual weights) to be paid by the purchaser.

The two methods may not be combined in a single transaction; that is, a seller may not sell on a basis which gives him the benefit of favorable estimated weights but requires the use of actual weights on items where estimated weights would be unfavorable to him. Note that sales described as "ceiling delivered", or as f. o. b. mill with freight paid or included to a given destination, are to be treated as sales on a delivered basis. In such cases, the given estimated weights must be used.

(2) The estimated green weights may be used only when green lumber is actually specified and shipped.

(3) The transportation charge, when estimated weights are used, must be evened out to the nearest quarter-dollar per 1000 feet board measure (or nearest 5 cents per 1000 pieces of plastering lath or 4000 inches of shingles).

(b) *Common or contract carrier (other than rail).* Where transportation is by common or contract carrier (other than rail) the only rule is that actual cost of transportation may be added to f. o. b. mill ceiling.

(c) *Private truck.* When shipment is by truck owned or controlled by the seller, the amount added for transportation may not be more than the "actual cost" to the seller of delivery by truck. The "actual cost" may not be higher than the over-all average trucking charge for a similar delivery, arrived at as of the six-month period ending June 30, 1942. In any event, the amount added may not be more than the rail carload rate for the most similar haul as applied to the quantity of lumber actually shipped. However, if this railroad charge is less than \$1.50 per MBM, and if the actual cost of delivery is more than \$1.50 per MBM, a transportation charge of \$1.50 per MBM may be made.

(d) *Trucking to rail or water shipping point.* When a truck haul precedes a rail or water shipment, as when

a mill located away from a railhead hauls lumber by truck to the railroad, or a mill located away from a water shipping point hauls lumber by truck to the shipping point, no addition may be made for the truck haul.

(e) *Truck delivery after rail haul.* When truck delivery to yard or job site follows a rail haul, and is specified in the order, the actual cost of truck delivery may be added. This may include the actual cost of handling and reloading involved in transfer from rail cars to trucks.

(f) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in paragraphs (b) and (c) of this section.

SEC. 9. *Sales for export.* The maximum price at which a person may export any Tidewater red cypress lumber shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation⁴ issued by the Office of Price Administration.

SEC. 10. *F. a. s. sales.* On all f. a. s. sales of lumber to be shipped outside of territorial United States one addition of \$3.50 per MBM may be made. This addition may be made only if the seller at the request of the buyer, bears the expense of so many of the following services as are actually to be performed: marking, bundling, assembling, switching, unloading, tallying, painting the ends, dock insurance and other services required for the proper dispatch of offshore cargo. In other words, if the buyer actually bears the expense of any of these services because of the seller's failure to perform such service or services, the addition may not be made. However, if the buyer's requirements do not include or permit unloading and any dock services which may be incidental thereto, but all other required services are performed, the addition shall be reduced to \$2.25.

ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES

SEC. 11. *What the invoice must contain—(a) F. o. b. mill price.*

All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum f. o. b. mill prices must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Charges for transportation.* In all delivered sales, the invoice must contain the:

(1) Point of origin of shipment;

(2) Destination;

(3) Rail rate, if estimated weights are used; otherwise the actual amount added for transportation;

(4) The words "Direct-mill shipment".

(c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul, or for trucking to railhead, must be separately shown on the invoice.

(d) *Direct-mill retail sale.* If the "direct-mill retail sale" mark-up is per-

³ 7 F.R. 10782; 8 F.R. 434, 7268.

⁴ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4948, 4978, 6047, 6262.

⁴ 8 F.R. 4132, 5987, 7662.

missible and is added, this must be separately indicated in the invoice.

SEC. 12. *Special rule on averaging out*—(a) *Different grades, classes or sizes.* Different grades, classes or sizes of lumber may be sold and invoiced at an average price if all of the following conditions are observed:

(1) The footage of each item must be shown separately, and a piece tally must be furnished for each shipment.

(2) The average price for the lumber actually shipped must not be higher than it would have been if all the individual grades, classes and sizes shipped had been sold separately at the individual ceiling price.

(3) If the order is shipped in more than a single carload, truckload, or boat shipment the following invoicing and charging practices must also be followed:

(i) The invoice must show that it is part of a larger order and identify the order. It must also show the individual ceiling prices for the various items of lumber actually contained in each shipment, and the average selling price agreed upon.

(ii) The charges which may be made and collected on account for each shipment must not exceed the average price agreed upon or the total of the ceiling prices for the items in the particular shipment, whichever is the lower. Thus, if an average price was quoted on widths from 4" to 12", and if a car of all 4" was shipped, only the 4" price can be charged and collected on that car. But if a car of all 12" widths was shipped, only the average price quoted could be charged on that car.

(iii) Upon completion of the order the seller must render a final invoice showing the quantity of each shipment or delivery, the freight charge for each if sold on a delivered basis, the amount received on account, the total amount due on the order at the agreed prices, and a reconciliation of the total amount so computed with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

(b) *Different freight rates.* When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more mills to a single destination on varying freight rates, the seller may average-out the transportation charges. For example, if a wholesaler bids \$63.00 per MBM on a single order of a hundred thousand feet of lumber, the ceiling price being \$60.00 per MBM and the estimated freight \$3.00, he can ship half of it on a rate resulting in a \$2.00 freight charge and half on a rate resulting in a \$4.00 freight charge.

(1) Where this practice is adopted, the seller must observe all of the following conditions:

(i) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(ii) The transportation charges which may be made and collected for each shipment or delivery, on account, must not exceed the average transportation

charge figured on the entire order or the actual transportation charge for the particular shipment based upon the permitted estimated weights, whichever is the lower.

(iii) Upon completion of the order the seller must render a final invoice showing the individual f. o. b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. In the event that the sale was made at an average price for different grades, classes or sizes of lumber as well as an averaging-out of transportation charges, the provisions of (a) above shall also be observed. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

SEC. 13. *What records must be kept.* All sellers of Tidewater Red Cypress lumber must keep records which will show a complete description of the items of lumber sold (i. e. grade, condition of dressing, quantity, etc.) the name and address of the buyer, the date of the sale and price, for a period of two years. Buyers must keep similar records, including the name and address of the seller. Failure to comply with this provision shall constitute a violation of this regulation. Persons violating are subject to all penalties, actions and proceedings provided for by the Emergency Price Control Act of 1942, as amended, including a fine of not more than \$5,000 or imprisonment for not more than two years, or both.

SEC. 14. *Prohibited practices.* (a) 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 outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited.

(1) Selling yellow, white or other types of cypress as Tidewater Red.

(2) Getting the effect of a higher price by changing credit or cash discount practices from what they were in August 1941. This includes decreasing credit periods or making greater charges for extension of credit.

(3) Refusing, without good reason, to ship except in specified or restricted random lengths, or in mixed cars, or under other circumstances which bring the seller an extra return.

(4) Selling as specified lengths or widths, a specific lot or shipment of lumber which is substantially equivalent to random lengths or widths, or reselling intact as specified lengths or widths a specific lot or shipment bought by the seller as standard or random lengths or widths, unless specifically permitted in the price tables. This prohibition shall not apply to shipments or deliveries

which have been sorted out as to widths and lengths and then resold.

(5) Grading as a special grade lumber which can be graded as a standard grade; or wrongly or falsely grading or invoicing lumber.

(6) Making additions for special specifications, services, or other extras which are not specifically permitted.

(7) Refusing to sell on an f. o. b. mill basis and insisting on selling on a delivered basis.

(8) Failing to invoice properly and in accordance with the requirements of this regulation.

(9) Unnecessarily routing lumber through a distribution yard.

(10) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(11) Making additions for kiln-drying, anti-stain treatment or other services, treatments or specifications unless they are expressly ordered by the buyer and specified in the buyer's order or seller's acknowledgment.

(12) Getting a higher price by charging the buyer for ripping or resawing, or charging on the basis of an original size larger than the item actually delivered: (for example, charging the price of 4 x 4 ripped to 2 x 4 on a sale and delivery of 2 x 4's) except where the items ordered and delivered are non-standard sizes not specifically priced in the tables. This prohibition has no application where the buyer specified the larger size to be ripped or resawn into items of smaller size and the resulting items are priced higher in the tables than the original size.

(13) Making the buyer take something he does not want in order to get what he does want; for example, making a buyer who orders No. 2 Common take all the upper grades that develop.

(14) Breaking up an order or apportioning deliveries in order to get the \$3.50 direct-mill retail sale addition.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating lumber, or for any related service (such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the lumber in connection with which the service is performed.

(d) *Combination grades.* Lumber sold on combination grades may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 2 Common and better is the maximum price fixed for No. 2 Common lumber. But it is permissible to quote a grade with specified percentages of higher grades: *Provided*, That when the lumber is shipped, lumber of each grade is tallied on a board foot basis and invoiced separately at

prices not in excess of ceiling prices for the respective grades.

SEC. 15. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 16. Special pricing rules. (a) Where the invoice does not specify the grade shipped or delivered, the price of the lowest grade in the shipment shall apply to the whole order.

(b) None of the additions contained in the footnotes to the tables in Article V may be added to the prices of the various items set forth in the tables unless the order expressly requires the working, grade, condition, size, or length for which the additions are permitted.

ARTICLE IV—MISCELLANEOUS

SEC. 17. Petitions for adjustment or amendment—(a) Government contracts.

(1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" which also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices contained in this regulation impede or threaten to impede production of Tidewater red cypress lumber essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6^a issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the

buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1^a issued by the Office of Price Administration.

SEC. 18. Enforcement. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to War procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

SEC. 19. Licensing. All sellers under this regulation, except mills, are licensed by Supplementary Order 18.⁷ This order in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for a license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

SEC. 20. Grades. The grades and terms in this regulation are based on the 1941 standard specifications for grades of Tidewater red cypress lumber issued by the Southern Cypress Manufacturers Association.

SEC. 21. Grades, services, or extras not listed. (a) If a seller wishes to sell a grade which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

- (1) The requested price;
- (2) A complete description of the item to be priced; and
- (3) The price differential between it and the most comparable item in the price tables, between January 1 and

August 1, 1942, from the seller's own records, or if that is impossible, from the experience of the trade. If no established price differential existed, a detailed analysis of comparative value should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

SEC. 22. Addition for mixed-car or mixed-truck shipments. An addition of \$1 per thousand feet board measure may be made to the prices set forth in the tables in Article V (except Table 3) for mixed-car or mixed-truck shipments. A mixed-car or mixed-truck shipment consists of 15 or more items. For this purpose, an item consists of all pieces in the shipment of the same width, length, thickness, grade and pattern except that random lengths shall constitute one item. The state of dressing such as rough or dressed, or condition of dryness such as green or dry, shall not be considered as constituting a separate item. The addition provided for herein may be added only where different items are separately loaded in the car or truck.

SEC. 23. Addition for pool car shipments. A pool car means a shipment in a single freight car to more than one purchaser. In such case, the seller may make an additional charge of \$1 per thousand feet board measure where shipment is to 2 or 3 purchasers and \$2 per thousand feet board measure where shipment is to 4 or more. Each invoice must show this charge separately.

SEC. 24. Producers in the state of Louisiana. Producers of Tidewater red cypress located in the state of Louisiana may make the following additions to the maximum prices contained in the tables in Article V hereof.

(a) Add \$1.50 per M. B. M., all items, in Tables 1, 2, 3, 4, 5, 6, 7, 8, and 9, except 5/16" Ceiling and Partition, 1/2" Bevel Siding and 1/2" Panel Stock.

(b) Add \$.75 per M. B. M. for 5/16" Ceiling and Partition, 1/2" Bevel Siding and 1/2" Panel Stock, Tables 6, 7, and 8.

(c) Add \$.15 per 1,000 Pickets, Table 10.

(d) Add \$.30 per 1,000 pieces, Lath and Shingles, Tables 11 and 17.

(e) Reduce discount .01%, Mouldings, Window and Door Frames, Tables 12 and 13.

(f) Add \$.10 per 1,000 lineal feet Batts, Table 14.

(g) Add \$.01 per 100 lineal feet, Grounds, Table 15.

(h) Add \$.25 per 1,000 pieces, Plant Stakes and Car Strips, Table 16.

ARTICLE V—TIDEWATER RED CYPRESS

The maximum prices for Tidewater red cypress lumber, f. o. b. mill, per one thousand feet board measure, shall be as follows:

^a7 F.R. 8961; 8 F.R. 3313, 3533, 6173.
17 F.R. 7240, 11007.

^a7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

TABLE 1—FACTORY GRADES
ROUGH

Size	Grade boat stock standard lengths 8' and longer	Grade tank standard lengths 8' and longer	Grade F. A. S. standard lengths 8' and longer	Grade selects standard lengths 8' and longer	Grade No. 1 shop standard lengths 6' and longer	Grade box standard lengths 4' to 20'
4/4" R. W.	\$93.00		\$81.00	\$73.75	\$56.25	\$33.00
4/4 x 4 and 6"	93.00		81.00	73.75	56.25	32.00
4/4 x 8"	95.00		83.00	75.75	58.25	32.00
4/4 x 5 and 10"	98.00		86.00	78.75	63.25	33.00
4/4 x 12"	114.00		102.00	96.75	68.25	36.25
4/4 x 14"	117.00		108.00	100.75		
4/4 x 16"	127.00		118.00	110.75		
4/4 x 18"	139.00		130.00	122.75		
4/4 x 13 to 19" R. W.	130.00		120.00	112.75		
4/4 x 20"	152.00		142.00	134.75		
4/4 x over 20"	162.00		152.00	144.75		
4/4 x 6" and wider R. W.	95.00		83.00	75.75	58.25	
4/4 x 8" and wider R. W.	98.00		86.00	78.75		
4/4 x 10" and wider R. W.	108.00		96.00	88.75		
5/4" R. W.	105.00		93.00	85.75	69.25	36.00
5/4 x 4 and 6"	105.00		93.00	85.75	69.25	35.00
5/4 x 8"	107.00		95.00	87.75	71.25	35.00
5/4 x 5 and 10"	110.00		98.00	90.75	76.25	36.00
5/4 x 12"	126.00		114.00	108.75	81.25	39.25
5/4 x 14"	129.00		120.00	112.75		
5/4 x 16"	139.00		130.00	122.75		
5/4 x 18"	151.00		142.00	134.75		
5/4 x 13 to 19" R. W.	142.00		132.00	124.75		
5/4 x 20"	164.00		154.00	146.75		
5/4 x over 20"	174.00		164.00	156.75		
5/4 x 6" and wider R. W.	107.00		95.00	87.75	71.25	
5/4 x 8" and wider R. W.	110.00		98.00	90.75		
5/4 x 10" and wider R. W.	120.00		108.00	100.75		
6/4" R. W.	114.75		101.25	85.75	76.50	35.75
6/4 x 4 and 6"	114.75		101.25	85.75	76.50	34.75
6/4 x 8"	116.75		103.25	87.75	78.50	34.75
6/4 x 5 and 10"	119.75		106.25	90.75	83.50	35.75
6/4 x 12"	135.75		122.25	108.75	88.50	39.00
6/4 x 14"	138.75		128.25	112.75		
6/4 x 16"	148.75		138.25	122.75		
6/4 x 18"	160.75		150.25	134.75		
6/4 x 13" to 19" R. W.	151.75		140.25	124.75		
6/4 x 20"	173.75		162.25	146.75		
6/4 x over 20"	183.75		172.25	156.75		
6/4 x 6" and wider R. W.	116.75		103.25	87.75	78.50	
6/4 x 8" and wider R. W.	119.75		106.25	90.75		
6/4 x 10" and wider R. W.	129.75		116.25	100.75		
8/4" R. W.		\$129.00	120.25	96.00	87.25	35.75
8/4 x 4 and 6"		129.00	120.25	96.00	87.25	34.75
8/4 x 8"		131.00	122.25	98.00	89.25	34.75
8/4 x 5 and 10"		134.00	125.25	101.00	94.25	35.75
8/4 x 12"		150.00	141.25	119.00	99.25	39.00
8/4 x 14"		153.00	147.25	123.00		
8/4 x 16"		163.00	157.25	133.00		
8/4 x 18"		175.00	169.25	145.00		
8/4 x 13 to 19" R. W.		166.00	159.25	135.00		
8/4 x 20"		188.00	181.25	157.00		
8/4 x over 20"		198.00	191.25	167.00		
8/4 x 6" and wider R. W.		131.00	122.25	98.00	89.25	
8/4 x 8" and wider R. W.		134.00	125.25	101.00		
8/4 x 10" and wider R. W.		144.00	135.25	111.00		
10/4 and 12/4" R. W.		152.25	133.75	107.00	98.50	
10/4 and 12/4 x 4 and 6"		152.25	133.75	107.00	96.50	
10/4 and 12/4 x 8"		154.25	135.75	109.00	98.50	
10/4 and 12/4 x 5 and 10"		157.25	138.75	112.00	103.50	
10/4 and 12/4 x 12"		173.25	154.65	130.00	108.50	
10/4 and 12/4 x 14"		176.25	160.75	134.00		
10/4 and 12/4 x 16"		186.25	170.75	144.00		
10/4 and 12/4 x 18"		198.25	182.75	156.00		
10/4 and 12/4 x 13 to 19" R. W.		189.25	172.75	146.00		
10/4 and 12/4 x 20"		211.25	194.75	168.00		
10/4 and 12/4 over 20"		221.25	204.75	178.00		
10/4 and 12/4 x 6" and wider R. W.		154.25	135.75	109.00	98.50	
10/4 and 12/4 x 8" and wider R. W.		157.25	138.75	112.00		
10/4 and 12/4 x 10" and wider R. W.		167.25	148.75	122.00		
16/4" R. W.		158.25	137.25	115.00	103.50	
16/4 x 4 and 6"		158.25	137.25	115.00	103.50	
16/4 x 8"		160.25	139.25	117.00	105.50	
16/4 x 5 and 10"		163.25	142.25	120.00	110.50	
16/4 x 12"		179.25	158.25	138.00	115.50	
16/4 x 14"		182.25	164.25	142.00		
16/4 x 16"		192.25	174.25	152.00		
16/4 x 18"		204.25	186.25	164.00		
16/4 x 13 to 19" R. W.		195.25	176.25	154.00		
16/4 x 20"		217.25	198.25	176.00		
16/4 x over 20" R. W.		227.25	208.25	186.00		
16/4 x 6" and wider R. W.		160.25	139.25	117.00	105.50	
16/4 x 8" and wider R. W.		163.25	142.25	120.00		
16/4 x 10" and wider R. W.		173.25	152.25	130.00		

Additions and deductions per 1,000 feet board measure: (See section 16 (b).)

- For working:
1. S1S, S2S (except Box), add \$5.00. For Box, add \$3.00.
 2. S3S, S4S (except Box), add \$6.00. For Box, add \$4.00.
 3. Shiplap, S2S&M, Grooved Roofing, Casings, Base, Jambs, Sill Stock, Casket Moulding or any other pattern stock (except Moulding), graded after working, add \$7.50 to S4S prices, all grades (except Box). For Box, add \$5.00 to S4S prices. For stock graded before working and shipped Machine run, charge the S4S price. For lots of less than 1,000 feet, board measure, any pattern (except Moulding), add a flat \$5.00 Machine set up charge.

For grade:

4. No. 2 Tank or Boat Stock, 4/4 and 5/4, deduct \$9.00 from Boat Stock; 6/4, deduct \$10.00 from Boat Stock; 8/4, deduct \$5.00 from Tank; 10/4, 12/4 and 16/4, deduct \$15.00 from Tank. (Consists of pieces degraded because of defects not admissible in Tank or Boat Stock. Shall be all Heartwood and the face side shall be free from defects not admitted in F. A. S.)
5. Heart Face Selects, add to Selects, \$5.00 for 4/4 and 5/4; \$14.00 for 6/4; \$23.00 for 8/4, 10/4, 12/4 and 16/4.
6. No. 2 Shop, all thicknesses, deduct \$10.00 from No. 1 Shop prices.

For size:

7. Non-standard odd or fractional widths, not elsewhere priced, add \$1.00 and compute footage on next even wider width.
8. Extra standard thickness or width, other than American Lumber Standards, add \$1.50 when stock is dressed clean. No addition may be made for extra standard thickness or width hit or miss dressing.
- For length:
9. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add \$1.50. No addition is permitted for customary double end trimming.
10. For any average length, charge the specified length prices for the lengths shipped.

11. Specified lengths, add to standard length prices:

	8'	10'	12'	14'	16'	18'	20'
4/4, 5/4, 6/4, 8/4, all grades (except box).....	\$2.00	\$2.00	\$2.00	\$2.00	\$5.00	\$7.50	\$10.00
10/4, 12/4, 16/4 tank, F. A. S.....	2.00	10.00	10.00	2.00	5.00	10.00	10.00
10/4, 12/4, 16/4 Selects, No. 1 Shop.....	2.00	10.00	10.00	2.00	5.00	7.50	10.00
Box, all thicknesses.....		2.00	2.00	2.00	3.00	3.00	5.00

Box, 4' and 6', all thicknesses, charge the standard length prices.

12. 21' to 24', add \$6.00 to the 20' price for each lineal foot over 20'.

13. 25' to 28', add \$9.00 to 24' price for each lineal foot over 24'.

14. 29' and longer, add \$12.00 to 28' price for each lineal foot over 28'.

15. Any length, 6' or shorter, cut to a specified exact length, all grades (except No. 1 shop and box) charge the standard length price and add \$1.50 for each necessary cross

cut, but the total charge may not exceed \$6.00 and must be based on the nearest standard multiple length. No additional charge may be made for precision cutting. If length breaks on even one half foot, compute footage on actual length, otherwise compute on six inch breaks on the next break above. This footnote covers lengths under 6' in No. 1 shop and under 4' in box.

16. Odd or fractional lengths over 6', all grades except box, count and price as next longer even length. For box the footnote covers lengths over 4'.

17. For elimination of any one length from a standard length shipment, add \$2.00 to the standard length price. For elimination of two or more lengths, charge the specified length prices for the lengths shipped. These charges may not be made when 18' or 20' are excluded, either at request of buyer or through inability of seller to supply.

(For other working, condition, grade and handling additions and deductions, see Table 18.)

TABLE 2—FINISH AND COMMON YARD GRADES

SIS OR S2S

Size	Grade A finish stand- ard lengths 8' to 20'	Grade C selects stand- ard lengths 8' to 20'	Grade D finish stand- ard lengths 8' to 20'	Grade No. 1 common standard lengths 8' to 20'	Grade No. 2 common standard lengths 6' to 20'	Grade No. 3 common standard lengths 6' to 20'	Grade No. 4 common standard lengths 6' to 20'	Grade Peck standard lengths 6' to 20'
4/4 x 4 to 12" R. W.....	\$91.00	\$81.75	\$77.50	\$73.00	\$47.75	\$39.25	\$36.00	\$34.25
4/4 x 4 and 6".....	87.00	77.75	73.50	67.00	44.75	39.25	35.50	34.25
4/4 x 8".....	89.00	79.75	75.50	69.00	44.75	39.25	35.50	34.25
4/4 x 5 and 10".....	92.00	82.75	78.50	71.00	48.75	40.25	36.50	35.25
4/4 x 12".....	108.00	101.75	98.50	87.00	54.75	44.25	40.25	38.25
4/4 x 14".....	110.00							
4/4 x 16".....	120.00							
4/4 x 18".....	132.00							
4/4 x 13 to 19" R. W.....	122.00							
4/4 x 20".....	144.00							
4/4 x over 20".....	154.00							
5/4 x 4 to 12" R. W.....	103.00	93.75	89.50	83.00	52.75	42.25	39.00	36.25
5/4 x 4 and 6".....	99.00	89.75	85.50	77.00	49.75	42.25	38.50	36.25
5/4 x 8".....	101.00	91.75	87.50	79.00	49.75	42.25	38.50	36.25
5/4 x 5 and 10".....	104.00	94.75	90.50	81.00	53.75	43.25	39.50	37.25
5/4 x 12".....	120.00	113.75	110.50	97.00	59.75	47.25	43.25	40.25
5/4 x 14".....	122.00							
5/4 x 16".....	132.00							
5/4 x 18".....	144.00							
5/4 x 13 to 19" R. W.....	134.00							
5/4 x 20".....	156.00							
5/4 x over 20".....	166.00							
6/4 x 4 to 12" R. W.....	105.50	93.75	89.50	83.00	52.75	42.25	39.00	36.25
6/4 x 4 and 6".....	101.50	89.75	85.50	77.00	49.75	42.25	38.50	36.25
6/4 x 8".....	103.50	91.75	87.50	79.00	49.75	42.25	38.50	36.25
6/4 x 5 and 10".....	106.50	94.75	90.50	81.00	53.75	43.25	39.50	37.25
6/4 x 12".....	122.50	113.75	110.50	97.00	59.75	47.25	43.25	40.25
6/4 x 14".....	132.50							
6/4 x 16".....	142.50							
6/4 x 18".....	154.50							
6/4 x 13 to 19" R. W.....	144.50							
6/4 x 20".....	166.50							
6/4 x over 20".....	176.50							
8/4 x 4 to 12" R. W.....	124.50	105.25	96.00	85.50	52.75	42.25	39.00	37.00
8/4 x 4 and 6".....	120.50	101.25	92.00	79.50	49.75	42.25	39.50	37.00
8/4 x 8".....	122.50	103.25	94.00	81.50	49.75	42.25	38.50	37.00
8/4 x 5 and 10".....	125.50	106.25	97.00	83.50	53.75	43.25	39.50	37.00
8/4 x 12".....	141.50	125.25	117.00	99.50	59.75	47.25	43.25	38.75
8/4 x 14".....	146.50							
8/4 x 16".....	156.50							
8/4 x 18".....	168.50							
8/4 x 13 to 15" R. W.....	153.50							
8/4 x 20".....	180.50							
8/4 x over 20".....	190.50							

Additions and deductions per 1,000 feet board measure. (See section 16 (b)):

For working:

1. Rough, Grades A, C Selects, D, and No. 1 Common, deduct \$5.00; No. 2, No. 3, No. 4 Common and Peck, deduct \$3.00.

2. S3S, S4S, all grades, add \$1.00.

3. Shiplap, S2S&M, Grooved Roofing, Casing, Base, Jambs, Sill Stock, Casket Moulding or any other pattern stock (except moulding), graded after working, add \$7.50 to S4S prices for No. 1 Common and grades above; add \$5.00 to S4S prices for No. 2 Common and grades below. For stock graded before working and shipped machine run, charge the S4S price. For lots of less than 1,000 feet, Board Measure, any pattern (except moulding), add a flat \$5.00 machine set up charge.

4. Cleat Stock, in grade equal to No. 1 Common and/or better, counted on Leaver Measurement, 1 x 6" and under in width, under 8' in length, bundled, \$67.50 per MBM. For 5/4 and 6/4, add \$10.00 per MBM.

For grade:

5. Clear Heart, 4/4 and 5/4, add \$10.00 to A Finish; 6/4, charge Boat Stock prices; 8/4, charge Tank prices.

6. B Finish, all thicknesses, add \$2.00 to C Selects.

7. C Finish, all thicknesses, deduct \$1.00 from C Selects.

8. All Heartwood, No. 1 and No. 2 Common, add \$10.00; No. 3 and No. 4 Common, add \$5.00 to grade item price.

9. 85% Heartwood, No. 1 and No. 2 Common, add \$5.00; No. 3 and No. 4 Common, add \$3.00 to grade item price.

10. No. 2 Peck, or Peck droppings, deduct \$11.00 from Peck for 4/4, 5/4 and 6/4.

11. Dunnage, 4/4, 5/4, 6/4 and 8/4, R. W. & L. \$12.00 per MBM.

For size:

12. Non-standard odd or fractional widths, not listed, add \$1.00 and compute footage on next even wider width.

13. Extra Standard thickness and/or width, other than American Lumber Standards, add \$1.50 when stock is dressed clean. No additions may be made for Extra Standard thickness or width hit or miss dressing.

14. For any width wider than 12", all thicknesses, C Selects and grades below, charge the 12" price.

- 15. 10/4 and 12/4 No. 1 and No. 2 Common, add \$6.50 to the 8/4 price.
- 16. 16/4 No. 1 and No. 2 Common, add \$10.50 to the 8/4 price.

For length:
 17. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add \$1.50. No addition is permitted for customary double end trimming.

- 18. For any average length, charge the specified length prices for the lengths shipped.
- 19. Specified lengths, add to Standard length prices:

	6'	8'	10'	12'	14'	16'	18'	20'
A Finish, all thicknesses.....		\$2.00	\$2.00	\$2.00	\$2.00	\$5.00	\$7.50	\$10.00
C Selects, D, No. 1 Common, all thicknesses.....			2.00	2.00	2.00	5.00	7.50	10.00
No. 2, No. 3, No. 4 Common, all thicknesses.....			2.00	2.00	2.00	3.00	3.00	5.00
Peck, all thicknesses.....	\$2.00	4.00	2.00	4.00	2.00	4.00	3.00	5.00

- 20. 4' Peck, also Random lengths Peck in 4' multiples, add \$4.00 to Standard length prices.
- 21. 21' to 24', add \$6.00 to the 20' price for each lineal foot over 20'.
- 22. 25' to 28', add \$9.00 to the 24' price for each lineal foot over 24'.
- 23. 29' and longer, add \$12.00 to the 28' price for each lineal foot over 28'.
- 24. Any length, 6' or shorter, in No. 1 Common and grades above, and 4' or shorter in No. 2 Common and grades below, except Peck, cut to a specified exact length, charge

the Standard length price, and add \$1.50 per MBM for each necessary cross cut, but the total charge may not exceed \$6.00 and must be based on the nearest standard multiple length. No additional charge may be made for precision cutting. If length breaks on even one half foot, compute footage on actual length, otherwise compute on six inch breaks on the next break above. This footnote covers lengths under 4' in Peck.

25. Odd or fractional lengths over 6' in No. 1 Common and grades above and over 5'

- in No. 2 Common and grades below, count and price as next longer even length.
- 26. For elimination of any one length from a Standard length shipment, add \$2.00 to the Standard length price. For elimination of two or more lengths, charge the specified length prices for the lengths shipped. These charges may not be made when 18' or 20' are excluded, either at request of buyer or through inability of seller to supply.
- (For other working, condition, grade and handling additions and deductions, see Table 18.)

TABLE 3—SPECIAL GOVERNMENT SPECIFICATIONS
 ROUGH—GREEN OR SHIPPING DRY

Grade A and better	10' Lineal average	18' Lineal average	20' Lineal average	22' Lineal average	24' Lineal average	26' Lineal average
1 x 6" and wider—10" average.....	\$148.00	\$155.00	\$159.75	\$173.50	\$189.75	\$209.50
1 x 6" and wider—11", 12" or 13" average.....	156.00	163.00	167.75	181.50	197.75	217.50
1 x 6" and wider—14" and 15" average.....	170.00	177.00	181.75	195.50	211.75	231.50
1 x 8" and wider—12" or 13" average.....	159.50	166.50	171.25	185.00	201.25	221.00
1 x 8" and wider—14" or 15" average.....	173.00	180.00	184.75	198.50	214.75	234.50
1 x 10" and wider—13" average.....	170.50	177.50	182.25	196.00	212.25	232.00
1 x 10" and wider—14" or 15" average.....	181.75	188.75	193.50	207.25	223.50	243.25
1 x 12" and wider—14", 15" or 16" average.....	189.50	196.50	201.25	215.00	231.25	251.00
1 x 12" and wider—17" or 18" average.....	192.75	199.75	204.50	218.25	234.50	254.25
1 x 13" and wider—14", 15" or 16" average.....	189.50	196.50	201.25	215.00	231.25	251.00
1 x 13" and wider—17" or 18" average.....	192.75	199.75	204.50	218.25	234.50	254.25
1 x 13" and wider—19" or 20" average.....	198.50	205.50	210.25	224.00	240.25	260.00

Additions and deductions per 1,000 feet board measure: (See section 16 (b)).

- For working:**
- 1. S1S, S2S, add \$5.00.
 - 2. S3S, S4S, S2S&M, add \$6.00.
- For grade:**
- 3. B Grade, deduct \$5.00.
- For size:**
- 4. 5/4, add \$12.00; 6/4, add \$22.00; 8/4, add \$36.00, all to the 4/4 price.
- For length:**
- 5. When lineal average over 26' is required, add \$12.00 per lineal foot to 26' price.
- (For other working, condition, grade and handling additions and deductions, see Table 18.)

TABLE 4—TIMBERS
 ROUGH—GREEN

Size:	Grade No. 1—85% Heart Standard Lengths 8' to 20'
3 x 3 to 4 x 4".....	\$65.50
3 x 5 to 5 x 5".....	65.50
3 x 6 to 6 x 6".....	63.50
3 x 8 to 6 x 8".....	66.50
7 x 8 to 8 x 8".....	67.50
3 x 10 to 5 x 10".....	72.50
6 x 10 to 10 x 10".....	71.50
3 x 12 to 5 x 12".....	79.50
6 x 12 to 10 x 12".....	77.50
11 x 12 to 12 x 12".....	77.50
8 x 14 to 7 x 14".....	87.50

- Grade No. 1—85% Heart Standard Lengths 8' to 20'**
- Size—Continued.**
- 8 x 14 to 12 x 14"..... \$85.50
 - 13 x 14 to 14 x 14"..... 85.50
 - 3 x 16 to 7 x 16"..... 97.50
 - 8 x 16 to 14 x 16"..... 95.50
 - 15 x 16 to 16 x 16"..... 95.50
 - 3 x 17 to 9 x 18"..... 107.50
 - 10 x 17 to 18 x 18"..... 105.50
 - 3 x 19 to 10 x 20"..... 119.50
 - 11 x 19 to 20 x 20"..... 117.50

Additions and deductions per 1,000 feet board measure (See section 16 (b)):

- For working:**
- 1. S1S, S2S, S3S, S4S, Shiplap, T & G, add \$3.00.
 - 2. Grooved two edges, add \$3.00 to dressed price.
 - 3. Beveling and/or Outgauging, for two edges on one face, add \$4.00; for four edges, or one face and one edge, add \$8.00. (To dressed price in each case.)
 - 4. Tapered Posts or posts resawn diagonally, add \$7.50 to item price.
- For grade:**
- 5. All Heart, add \$7.50.
 - 6. One Heart Face, add \$2.50.
 - 7. Structural Stress, 1000-F or 1100-F, add \$2.50.
 - 8. Structural Stress, 1200-F, 85% Heart, add \$5.00.

- 9. Structural Stress, 1400-F, 85% Heart, add \$10.00.
 - 10. No. 2 Timbers, deduct \$10.00 from No. 1 Timber prices.
 - 11. Heart specifications eliminated, all grades except Peck, deduct \$5.00.
 - 12. Peck Timbers, deduct \$25.00 from No. 1 Timber prices.
- For size:**
- 13. Fractional Widths, add \$3.00 to nearest listed wider width and compute footage on nominal size.
 - 14. Fractional Thickness, add \$3.00 to nearest listed greater thickness and compute footage on nominal size.
- For condition:**
- 15. Anti-stain treatment (any form), 3 x 3 to 10 x 10, add \$1.00; for 3 x 11" and larger, add \$2.00.
- For length:**
- 16. For precision cutting to a specified exact length, with tolerance of not more than 1/2" allowed, add \$1.50. No addition is permitted for customary double and trimming.
 - 17. Specified lengths, 16', add \$5.00; for lengths over 16', add \$1.50 to the 16' price for each lineal foot over 16'.
 - 18. Odd or fractional lengths over 8', shall be counted and priced as the next longer even length.
 - 19. For any average length, charge the specified length price for the lengths shipped.
- (For other working, condition, grade and handling additions and deductions, see Table 18.)

TABLE 5—CAR MATERIAL
DRESSED TO PATTERN

Size and grade	Random lengths 8' to 20'	8' lengths	5' and 10' lengths	12' lengths	14' lengths	16' lengths	9' and 18' lengths	20' lengths
Select (Par. 51 A. A. R. Rules): ¹ 1 x 4 and 1 x 6"	\$80.25	\$80.25	\$82.25	\$82.25	\$82.25	\$85.25	\$87.75	\$90.25
Common (Par. 52 A. A. R. Rules): ¹ 1 x 4 and 1 x 6"	72.75	72.75	74.75	74.75	74.75	77.75	80.25	82.75
Select (Pars. 55-59-62 A. A. R. Rules): ¹ 1 x 4 and 1 x 6"	80.25	80.25	82.25	82.25	82.25	85.25	87.75	90.25
1 x 8"	82.25	82.25	84.25	84.25	84.25	87.25	89.75	92.25
1 x 10"	85.25	85.25	87.25	87.25	87.25	90.25	92.75	95.25
Common (Par. 56 A. A. R. Rules): ¹ 1 x 4 and 1 x 6"	72.75	72.75	74.75	74.75	74.75	77.75	80.25	82.75
1 x 8"	74.75	74.75	76.75	76.75	76.75	79.75	82.25	84.75
1 x 10"	77.25	77.25	79.25	79.25	79.25	82.25	84.75	87.25
Common (Par. 60 A. A. R. Rules): ¹ 1 x 4 and 1 x 6"	72.75	72.75	74.75	74.75	74.75	77.75	80.25	82.75
1 x 8"	74.75	74.75	76.75	76.75	76.75	79.75	82.25	84.75
1 x 10"	77.25	77.25	79.25	79.25	79.25	82.25	84.75	87.25
Select (Par. 53-59-C2 A. A. R. Rules): ¹ 2 x 4"	103.75	103.75	105.75	105.75	105.75	108.75	111.25	113.75
2 x 6"	103.75	103.75	105.75	105.75	105.75	108.75	111.25	113.75
2 x 8"	105.75	105.75	107.75	107.75	107.75	110.75	113.25	115.75
2 x 10"	108.75	108.75	110.75	110.75	110.75	113.75	116.25	118.75
2 x 12"	127.75	127.75	129.75	129.75	129.75	132.75	135.25	137.75
Common (Par. 54-56-0 A. A. R. Rules): ¹ 2 x 4"	94.50	94.50	96.50	96.50	96.50	99.50	102.00	104.50
2 x 6"	94.50	94.50	96.50	96.50	96.50	99.50	102.00	104.50
2 x 8"	96.50	96.50	98.50	98.50	98.50	101.50	104.00	106.50
2 x 10"	99.50	99.50	101.50	101.50	101.50	104.50	107.00	109.50
2 x 12"	119.50	119.50	121.50	121.50	121.50	124.50	127.00	129.50
Select (Par. 57 A. A. R. Rules): ¹ 2 x 6"	103.75	103.75	105.75	105.75	105.75	108.75	111.25	113.75
2 x 8"	105.75	105.75	107.75	107.75	107.75	110.75	113.25	115.75
2 1/4, 2 1/2, 2 3/4, 3 x 6, 3 x 8"	115.50	115.50	117.50	117.50	117.50	120.50	123.00	125.50
Common (Par. 58 A. A. R. Rules): ¹ 2 x 6"	94.50	94.50	96.50	96.50	96.50	99.50	102.00	104.50
2 x 8"	96.50	96.50	98.50	98.50	98.50	101.50	104.00	106.50
2 1/4, 2 1/2, 2 3/4, 3 x 6, 3 x 8"	106.25	106.25	108.25	108.25	108.25	111.25	113.75	116.25

¹ Specifications for car material designated above (A. A. R. Rules) correspond to the specifications issued by the Association of American Railroads as set forth in it pamphlet M-907-33, adopted 1910; revised 1933.

Additions and deductions per 1,000 feet board measure (See section 16 (b)):

For working:

1. Rough, deduct \$6.00.
2. SIS, S2S, deduct \$1.00.

For grade:

3. Heart Face Common, add \$10.00.
4. All Heart, add \$15.00.

5. Grades and specifications other than those contained in A. A. R. rules, the price shall be that of the most comparable A. A. R. grade and specification.

For size:

6. 5/4 and 6/4, add \$12.00 to 4/4 prices.
7. Non standard odd or fractional widths, not elsewhere priced, add \$1.00 and compute footage on next even wider width.

8. Extra Standard thickness or width, other than those covered by A. A. R., add \$1.50 when stock is dressed clean. No addition may be made for extra Standard thickness or width hit or miss dressing.

For length:

9. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add \$1.50. No addition is permitted for customary double end trimming.

For inspection:

10. Final inspection at point of destination rather than at shipping point, add \$5.00. (For other working, condition, grade and handling additions and deductions, see Table 18.)

TABLE 6—FLOORING, CEILING AND PARTITION
AIR DRIED OR KILNDRIED (RUNDLED)

	Grade A, all heart, standard lengths 8' to 20'	Grade C selects, standard lengths 8' to 20'	Grade D, standard lengths 6' and longer	Grade No. 1 common, standard lengths 8' to 20'	Grade No. 2 common, standard lengths 6' and longer
Flooring:					
1 x 3, 4 and 6"	\$97.00	\$78.00	\$75.00		
5/4 x 3, 4 and 6"	109.00	90.00	87.00		
6/4 x 3, 4 and 6"	119.00	100.00			
2 x 3, 4 and 6"		100.00			
Ceiling:					
5/16 x 3, 4 and 6"	49.50	43.50	40.50	\$37.25	\$28.75
3/16 x 3, 4 and 6"	64.25	57.25	55.00	48.25	37.00
1/8 x 3, 4 and 6"	76.00	69.50	66.50	57.50	44.25

Additions and deductions per 1,000 feet board measure: (See section 16 (b)):

For working:

1. Partition, add \$10.00 to comparable item of flooring or ceiling.

For grade:

2. 85% heart, C selects flooring, add \$10.00 to price of C selects flooring, all widths and thicknesses.

For size:

3. Stock worked other than standard width or thickness, add \$2.00 to price of comparable item.

For length:

4. Specified lengths, all grades of flooring, 8', 10', 12', and 14', add \$2.00; 16' add \$5.00; 18', add \$7.50; 20', add \$10.00.

For 6' or shorter, all grades except A All Heart, deduct \$5.00.

5. Specified lengths, all grades of ceiling, 8', 10', 12', and 14', add \$1.00; 16', add \$2.50; 18', add \$3.50; 20', add \$5.00.

For 6' or shorter, all grades except A All Heart, deduct \$3.00.

6. For elimination of any one length from a standard length shipment, add \$2.00 to the standard length price.

For elimination of two or more lengths charge the specified length prices for the lengths shipped. These changes may not be made when 18' or 20' are excluded, either at request of the buyer or through inability of the seller to supply.

(For other working, condition, grade and handling additions and deductions, see Table 18.)

TABLE 7—SIDING
AIRDRIED OR KILNDRIED—(BUNDLED)

Size	Grade A standard lengths 8' and longer	Grade C selects standard lengths 8' and longer	Grade D standard lengths 8' and longer	Grade No. 1 common standard lengths 8' and longer	Grade No. 2 common standard lengths 6' and longer	Grade No. 3 common standard lengths 6' and longer
Bevel siding:						
1/2 x 4".....	\$41.50	\$38.50	\$35.50	\$34.50	\$27.50	\$20.00
1/2 x 5".....	45.75	43.75	41.75	39.75	32.75	23.50
1/2 x 6".....	43.00	40.00	37.00	36.00	29.00	22.00
1/2 x 8".....	45.75	43.75	41.75	39.75	32.75	22.00
Bungalow siding:						
5/16 x 8".....	64.50	60.50	57.50	51.75	41.75	-----
5/16 x 10".....	70.50	66.50	63.50	53.75	50.75	-----
1 1/16 x 8".....	68.25	64.25	61.25	55.50	49.75	-----
1 1/16 x 10".....	74.25	70.25	67.25	57.50	55.75	-----
1 1/16 x 12".....	84.25	80.25	77.25	67.50	65.75	-----
Drop siding, all patterns:						
1 x 6".....	88.00	78.75	74.50	68.00	45.75	40.25
1 x 8".....	90.00	80.75	76.50	70.00	45.75	40.25
1 x 10".....	93.00	83.75	79.50	72.00	49.75	41.25

Additions and deductions per 1,000 feet board measure (See section 16 (b)).

For working:

1. Rabbeting bevel siding or bungalow siding, add \$1.25 to grade item price.
2. Bevel siding or bungalow siding worked to non-standard sizes, add \$5.00 to item price.

For length:

3. 3' to 7' 6" bevel siding or bungalow siding, deduct \$2.00 from standard length price of listed item.

4. Specified lengths, all grades of bevel and bungalow siding, 8', 10', 12' and 14', add \$1.00; 16', add \$2.50; 18', add \$3.50; 20', add \$5.00.

5. Specified lengths, drop siding, use charges listed in Table 2 for the comparable grade.

6. For elimination of any one length from a standard length shipment, add \$1.00 to the standard length price for bevel or bungalow siding, \$2.00 for drop siding. For elimination of two or more lengths, charge the specified length prices for the lengths shipped. These charges may not be made when 18' or 20' are excluded, either at request of the buyer, or through inability of the seller to supply.

(For other working, condition, grade and handling additions and deductions see Table 18.)

TABLE 8—PANEL STOCK
S2S

Grade and widths	1 1/2" finished 5/16" standard lengths 6' and longer	5/8" finished 5/16" standard lengths 6' and longer	3/4" finished 5/16" standard lengths 6' and longer
A grade:			
4' and 6'.....	\$46.00	\$65.00	\$79.00
8".....	47.00	66.50	80.25
5 and 10".....	48.50	67.75	82.75
12".....	55.50	77.75	94.50
14".....	57.50	79.50	102.00
16".....	62.50	85.25	109.50
18".....	69.00	93.00	118.50
20".....	79.00	100.75	127.50
8" to 12" R. W.	50.50	70.25	85.25
13" to 19" R. W.	63.50	86.50	111.00

Additions and deductions per 1,000 feet board measure: (See section 16 (b).)

For working:

1. S3S, S4S, add \$1.00.

For grade:

2. C selects, deduct \$4.00. C selects will not be furnished wider than 12".

For size:

3. Non-standard odd or fractional widths not elsewhere priced, add \$1.00 and compute footage on next even wider width.

For length:

4. Specified lengths, 8', 10', 12', and 14', add \$2.00; 16', add \$5.00; 18', add \$7.50; 20', add \$10.00. All additions shall be to the standard length prices.

5. For elimination of any one length from a standard length shipment, add \$2.00 to the standard length price. For elimination of two or more lengths, charge the specified length prices for the lengths shipped. These charges may not be made when 18' or 20' are excluded, either at request of the buyer or through inability of the seller to supply.

(For other working, condition, grade and handling additions and deductions, see table 18.)

TABLE 9—TURNING SQUARES
ROUGH—GREEN

Size:	B and better standard lengths 8' and longer
4 x 4 to 6 x 6".....	\$145.00
8 x 8".....	150.00
10 x 10".....	160.00
12 x 12".....	170.00

Additions and deductions per 1,000 feet board measure: (See section 16 (b).)

For working:

1. S1S, S2S, add \$5.00.
2. S3S, S4S, add \$6.00.

For size:

3. Fractional widths, not listed, add \$1.00 and compute footage on the next even wider width.

4. Fractional thickness, add \$1.00 and compute footage on the nearest greater listed thickness.

For length:

5. For precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add \$1.50. No addition is permitted for customary double end trimming.

6. Specified lengths, 8', 10', 12', and 14', add \$2.00; 16', add \$5.00; all additions to be to the standard length prices.

7. Lengths over 16', add \$1.50 to the 16' price for each lineal foot over 16'.

8. Odd or fractional lengths over 8', count and price as next longer even length.

9. For elimination of any one length from a standard length shipment, add \$2.00 to the standard length price. For elimination of two or more lengths, charge the specified length prices for the lengths shipped. These charges may not be made when 18' or 20' are excluded, either at request of buyer or through inability of the seller to supply.

(For other working, condition, grade and handling additions and deductions, see table 18.)

TABLE 10—PICKETS
PER 1,000 PIECES—BUNDLED

	Grade No. 1 Gothic	Grade No. 2 Gothic
3/4 x 2 1/2"-3'.....	\$39.30	\$34.30
3/4 x 2 1/2"-3' 6".....	47.15	42.15
3/4 x 2 1/2"-4'.....	54.95	49.95
1 1/16 x 1 1/16"-3'.....	21.85	16.85
1 1/16 x 1 1/16"-3' 6".....	29.00	24.00
1 1/16 x 1 1/16"-4'.....	37.40	32.40
1 1/16 x 1 1/16"-3'.....	35.30	30.30
1 1/16 x 1 1/16"-3' 6".....	46.30	41.30
1 1/16 x 1 1/16"-4'.....	52.40	47.30

TABLE 11—LATH
PER 1,000 PIECES—BUNDLED

Size	Grade No. 1	Grade No. 2
3/8 x 1 1/2"-4'.....	\$6.00	\$5.00
3/8 x 1 1/2"-32".....	3.50	-----
3/8 x 1"-4'.....	3.75	-----

Additions and deductions per 1,000 pieces (See section 16 (b)):

For condition:

1. Green, deduct 25¢
2. Kilndried, add 25¢

For grade:

3. Fench Lath, add \$2.50 to No. 1 prices.

TABLE 12—MOULDINGS

BUNDLED	B and better 6' to 16' or 6' to 20'
Mixed car shipments:	
Patterns listed at under \$3.00.....	30% discount
Patterns listed at \$3.00 or over.....	25% discount
8,000 Series Standard Moulding Book, Fourth Edition 1940.	
For 7,000 Series Moulding Book patterns, reduce list prices 50% before applying discounts.	

Additions and deductions per 1,000 lineal feet (See section 16 (b)):

For working:

1. Sanding flat surfaces one side, shorten discount 3 points.

For grade:

2. Clear all heart, shorten discount 20 points.

For quantity:

3. Lots of 25,000 lineal feet or more of a standard, non-standard or special pattern, lengthen discount 2 points.

4. Lots of less than 1,000 lineal feet of a standard pattern, or less than 3,000 lineal feet of a non-standard or special pattern, shorten discount 5 points and add a flat \$5.00 machine set up charge.

For length:

5. For specified lengths or exclusion of any standard length or lengths, shorten discount 3 points.

6. Cut to length patterns, shorter than standard lengths, shorten discount 2 points.

For handling:

7. Special bundling, shorten discount 3 points.

TABLE 13—WINDOW AND DOOR FRAMES

KNOCKED DOWN—BUNDLED

Discount applicable to Standard Pine Frames Catalog 8A for quantities of 300 or more openings for shipment at one time:

Window Frame "A" Grade-- 60% discount
Door Frame "A" Grade----- 56% discount

Additions and deductions per frame (See section 16 (b)):

For quantity:

1. 100 to 299 openings, shorten discount 5 points.

2. 99 or less openings, shorten discount 10 points.

3. Lots of less than 10 of a size in one order, add \$0.10 net to price of complete frame, or \$0.05 net to head and sill parts, and \$0.05 net to side.

4. For glass or opening sizes not listed, use nearest larger size listed.

TABLE 14—BATTENS

PER 1,000 LINEAL FEET, BUNDLED

No. 1 Common and better
6' and longer

3/8 x 3" S1S.....	\$8.70
3/8 x 3" O. G. or S4S.....	9.35
2" O. G. or S4S.....	12.00
2 1/2" O. G. or S4S.....	14.65

Additions and deductions per 1,000 lineal feet (See section 16 (b)):

For length:

1. For any specified length or lengths, add 50¢ for 3/8 x 3 and \$1.00 for 2" and 2 1/2".

TABLE 17—SHINGLES

PER 1,000 PIECES, BUNDLED, STANDARD 4' COUNT

Size	No. 1 vertical clear heart	Bests	Primes	Economy	Clippers	Star "A" Star
Random widths.....					\$2.90	\$3.25
4 x 16".....		\$5.00	\$4.00			
5 x 16".....		5.50	4.75	\$4.00		
4 x 18".....	\$8.75	7.00	5.30	4.55	4.25	
5 x 18".....	10.00	8.50	5.85	5.45	5.00	

TABLE 18—SPECIAL WORKING, CONDITION, GRADE AND HANDLING, ADDITIONS AND DEDUCTIONS

PER 1,000 FEET BOARD MEASURE

(See section 16 (b))

For working:

1. No charge may be made for dressing to flooring, ceiling or any other pattern for which maximum prices are established in any of the tables of the regulation.

2. Sanding flat surfaces one side (except moulding), add \$3.00.

3. Ripping, add \$1.50 for each cut. Product of grade before ripping to be shipped.

4. Ripped once and each piece S4S, add \$3.50 to S4S price of original item.

5. Resawing stock 6" and narrower, add \$2.00 for each cut; for stock wider than 6", add \$1.50 for each cut, the product of grade before resawing to be shipped.

6. Resawing and each piece S2S or S4S, add \$3.50 to S2S or S4S price.

(For other working, condition, grade and handling additions and deductions see table 18.)

TABLE 15—GROUNDS

BUNDLED—PER 100 LINEAL FEET

3/4 x 7/8" S1S or S2S, string tied..... \$0.36

TABLE 16—PLANT STAKES AND CAR STRIPS

ROUGH—PER 1,000 PIECES, BUNDLED

Size	4' lengths	5' lengths	6' lengths	8' lengths
1/2 and 5/16 x 1".....	\$9.00	\$11.20	\$13.40	\$17.50
1/2 x 1 1/4".....				19.00
1 x 1".....	13.00	16.25	19.50	26.00
1 1/4 x 1 1/4".....	17.50	22.00	26.00	35.00
1 1/2 x 1 1/2".....	30.00	37.50	45.00	60.00

Additions and deductions per 1,000 pieces (See section 16 (b)):

For working:

1. Pointing one or two sides on one end, add \$5.00 per 1,000 pieces.

7. No. 1 Common and lower grades, 4/4 thickness resawn and each piece worked to thin shiplap, rough back, add \$3.50 to S4S price, stock to be shipped machine run.

8. Dadoing, add \$0.05 per cut.

For condition:

9. Green, deduct \$5.00. (Lumber which has not been stacked in yard for air drying shall be considered green.)

10. Anti-stain treatment (any form), add 50¢.

11. Kiln drying charges:

	4/4	5/4	6/4	8/4	10/4	12/4	16/4
Graded before kiln drying.....	\$3.00	\$4.00	\$5.00	\$6.00	\$8.00	\$10.00	\$14.00

For grading after Kiln drying, add \$3.00, all thicknesses, to above Kiln drying charges.

For grade:

12. Vertical or Edge Grain, add \$15.00, all grades and thicknesses.

For handling:

13. Strapping and Crating, add \$7.50 per car.

14. Cleating ends, add \$3.00.

15. Bundling rough or flat dressed items, all widths, add \$2.00. This addition is not permitted for flooring, ceiling, siding, partition, pickets, mouldings, battens, grounds, lath or any other item on which the cost of bundling is included in the listed price.

16. Stenciling, other than Association or grade marking, add \$1.50.

17. Wrapping, add \$5.00.

For inspection:

18. Where official inspection is requested by the buyer and an inspection certificate is required, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the Association to the seller and shown on the certificate.

ARTICLE VI—TABLE OF ESTIMATED WEIGHTS

	Pounds per M			
	Green		Dry	
	Rough	Dressed	Rough	Dressed
1 1/4 and thicker.....	5,000	4,600	3,500	3,200
1 1/4 and 1 1/4.....	5,000	4,400	3,500	2,900
5/4.....	5,000	4,200	3,200	2,600
5/4, 5/4 and 5/4.....	5,000	4,000	3,000	2,400
5/4, rough, resawed.....			2,800	
5/4, rough, resawed twice.....			2,700	
5/4 S2S and resawed.....				2,250
5/4 resawed and S2S.....				2,000
5/4 rough, resawed twice.....			2,800	

ARTICLE VI—TABLE OF ESTIMATED WEIGHTS—continued

	Pounds per M			
	Green		Dry	
	Rough	Dressed	Rough	Dressed
3/4" panel.....				800
1/2" panel.....				1,000
5/8" panel.....				1,400
3/4" panel.....				1,600
Worked flooring, partition, drop siding, shiplap, moulded casing and base.....				2,200
5/8" ceiling.....				1,600
1/2" ceiling.....				1,300
5/8" ceiling.....				1,000
1/2" bevel siding.....				1,000
Bungalow siding, 5/8" x 3 1/2".....				1,100
Bungalow siding, 1 1/4" x 3 1/2".....				1,300
Shingles, all grades, 18".....				300
Shingles, all grades, 18".....				400
Lath, 3/4" x 4".....				550
Lath, 3/2" x 4".....				375
Lath, 3/4" x 4".....				900
Byrkit Sheathing Lath.....				1,500
Sheathing, D & M, Shiplap, S4S, finished 3/4".....				1,850
1 x 1" x 4" Pickets, headed and S4S to 1 1/4" x 1 3/4".....				800
1 1/4 x 1 1/4" x 2" Pickets, headed and S4S to 1 1/4" x 1 1/4".....				600
1 1/4 x 1 1/4" x 3" Pickets, headed and S4S to 1 1/4" x 1 1/4".....				900
1 1/4 x 1 1/4" x 4" Pickets, headed and S4S to 1 1/4" x 1 1/4".....				1,200
1 1/2 x 1 1/2" x 2" Pickets, headed and S4S to 1 1/2" x 1 1/2".....				1,000
1 1/2 x 1 1/2" x 3" Pickets, headed and S4S to 1 1/2" x 1 1/2".....				1,500
1 1/2 x 1 1/2" x 4" Pickets, headed and S4S to 1 1/2" x 1 1/2".....				2,000
1 x 3" x 2" Pickets, headed and S4S to 3/4" x 2 1/2".....				850
1 x 3" x 3" Pickets, headed and S4S to 3/4" x 2 1/2".....				1,275
1 x 3" x 4" Pickets, headed and S4S to 3/4" x 2 1/2".....				1,700
O. G. Battens, 2".....				300
O. G. Battens, 2 1/2".....				350
O. G. Battens, 3".....				400
3/4 x 3" Battens, SIS.....				300
1 1/4 x 1 3/4" x 18" squares (Add 60 lbs. for each 2" over 18") per 1,000 pieces.....				600
1 1/2 x 1 1/2" x 18" squares (Add 95 lbs. for each 2" over 18") per 1,000 pieces.....				850
2 x 2" x 18" squares (Add 165 lbs. for each 2" over 18") per 1,000 pieces.....				1,500
Car Siding and Roofing.....				2,000

Effective date. This regulation shall become effective June 29, 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 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-10115; Filed, June 23, 1943; 4:54 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Procurement Division, Department of the Treasury

PART 3—FURTHER AUTHORITY OF PROCUREMENT DIVISION TO UNDERTAKE PROCUREMENT

NOTE: The following document was filed by the Treasury Department on June 23, 1943: Part 3—Further Authority of Procurement Division to Undertake Procurement, File No. 43-10108.

PART 4—SUPPLIES TO BE PROCURED BY THE PROCUREMENT DIVISION

NOTE: The following document was filed by the Treasury Department on June 23, 1943: Part 4—Supplies to be Procured by the Procurement Division, File No. 43-10109.

PART 33—SURPLUS AND SEIZED PERSONAL PROPERTY

NOTE: The following document was filed by the Treasury Department on June 23, 1943: Part 33—Surplus and Seized Personal Property, File No. 43-10110.

Chapter III—Committee on Purchases of Blind-Made Products, Department of the Treasury

PART 301—PURCHASES OF BLIND-MADE PRODUCTS

NOTE: The following document was filed by the Treasury Department on June 23, 1943: Part 301—Purchases of Blind-Made Products, File No. 43-10111.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter III—Grazing Service

PART 501—THE FEDERAL RANGE CODE

GENERAL RULES OF THE RANGE

Amendment of § 501.10, paragraph (a) (6) of the Federal Range Code under the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976), and the Act of July 14, 1939 (Pub. No. 173, 76th Cong.).

Pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26,

1936 (49 Stat. 1976), and the Act of July 14, 1939 (Pub. No. 173, 76th Cong.), paragraph (a) (6) of § 501.10 of The Federal Range Code, approved on September 23, 1942 (7 F.R. 7685), is amended to read as follows:

(6) Cutting, burning, or removing vegetative cover, brush, woodland growth, or timber for any purpose, except as authorized by law: *Provided*, That permits to carry on controlled burning of vegetative cover or brush may be issued by the Grazing Service in proper cases, such permits to be subject to such conditions as the Grazing Service may see fit to impose, and to all State laws and regulations concerning such burning.

R. H. RUTLEDGE,
Director of Grazing.

Approved: June 22, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-10121; Filed, June 24, 1943; 9:52 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended; 49 Stat. 1544, 54 Stat. 163-167 (46 U.S.C. 375, 391a, 404, 481, 489, 467,

526-526t), and Executive Order 9083, dated February 28, 1943 (7 F.R. 1609), the following amendment to the Inspection and Navigation regulations, and approval of a miscellaneous item of equipment for the better security of life at sea are prescribed.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES: REGULATIONS DURING EMERGENCY

Section 153.6 (p) (2) is amended by the addition of the following sentence:

§ 153.6 *Additional equipment for lifeboats on self-propelled ocean and coastwise vessels.* * * *

(p) *Water containers.* * * *

(2) *New lifeboats.* * * *

Alternate methods of water stowage and distribution may be submitted for consideration by the Commandant.

MISCELLANEOUS ITEM OF EQUIPMENT APPROVED

The following miscellaneous item of equipment for the better security of life at sea is approved:

Life Preserver

CS-3 Adult kapok life preserver (Navy Standard Type with body strap), Approval No. B-189 (Dwg. Nos. CS-403 dated 1 June, 1943, Alt. G, CS-404 dated 1 June, 1943, Alt. G, and Bureau of Ships Ad Interim Specification 23P12 (INT) dated 1 December, 1942), manufactured by Colvin-Slocum Boats, Inc., New York, N. Y.

R. R. WAESCHE,
Commandant.

JUNE 23, 1943.

[F. R. Doc. 43-10120; Filed, June 24, 1943; 9:37 a. m.]

Chapter IV—War Shipping Administration

[General Order 6, Revised,¹ Supp. 1]

PART 305—INSURANCE

WAR RISK CARGO, HULL, AND CREW INSURANCE

Pursuant to the authority contained in the Act approved June 29, 1940 (Pub. Law 677, 76th Cong.), as amended, and Executive Order 9054, February 7, 1942 (7 F.R. 837), General Order 6, revised, is amended and supplemented as follows:

Effective with the date of the publication of this supplement in the FEDERAL REGISTER § 305.2 *Submission of risks* is amended by adding the following paragraph:

(h) That Standard Optional Endorsement No. XVI is to be provided, if such additional coverage is desired.

Section 305.12 *Special rules* is amended by striking out the sentence in paragraph (b) reading "All such requests must be submitted in quadruplicate on standard form set forth in § 305.19" and

¹ 8 F.R. 3423.

inserting in lieu thereof "All such requests must be submitted in quadruplicate on standard form set forth in § 305.20".

Effective with the date of the publication of this supplement in the FEDERAL REGISTER § 305.16 *Form of cargo war risk binder* is amended by the insertion of the following language: "Standard Optional Endorsement No. XVI is desired: Insert ('yes' or 'no') in space □" immediately after the words and phrases reading: "Loss Clause II is desired: Insert ('yes' or 'no') in space □."

Effective with the date of the publication of this supplement in the FEDERAL REGISTER, Clause 12 of the rider as set forth in § 305.21 *Rider to be attached to every facultative policy* is amended to read:

(12) Any shipment of cargo excluded from coverage by application of the warranty of Clause (11) will automatically attach hereunder as of the time of the arrival of the vessel and interest insured at the next intermediate port in good safety warranted the premium has been paid in accordance with rules and regulations and that there is no known or reported loss of or damage to said vessel and interest insured at time of attachment.

Effective July 1, 1943, the Clause designated "1" of the Facultative Policy as set forth in § 305.22 *Form of facultative policy* is amended to read:

1. (a) This insurance is only against the risks of capture, seizure, destruction or damage by men of war, piracy, takings at sea, arrests, restraints and detentions and other warlike operations and acts of kings, princes and peoples in prosecution of hostilities or in the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, including factions engaged in civil war, revolution, rebellion or insurrection, or civil strife arising therefrom, and including the risks of aerial bombardment, floating or stationary mines, and stray or derelict torpedoes, and the consequences of hostilities specified below in subdivision (b) hereof; but excluding claims for delay, deterioration and/or loss of market, and warranted not to abandon (on any ground other than physical damage to ship or cargo) until after condemnation of the property insured. Also warranted not to abandon in case of blockade, and free from any claims for loss or expense in consequence of blockade or of any attempt to evade blockade; but in the event of blockade, to be at liberty to proceed to an open port and there end the voyage.

(b) The consequences of hostilities above mentioned are the following:

(i) Collision caused by failure, in compliance with wartime regulations, of the carrying vessel or any vessel with which she is in collision to show the usual full peacetime navigation or anchorage lights.

(ii) Stranding of the carrying vessel caused by the absence of lights, buoys, or similar peacetime aids to navigation consequent upon wartime regulations.

(iii) Stranding caused by the failure of the carrying vessel to employ a pilot in waters where a pilot would ordinarily be employed in peacetime but in which the employment of a pilot is dispensed with in compliance with military, naval or other governmental orders, or with a view to avoiding imminent enemy attack.

For the purposes of this paragraph (b) any such failure to show lights, absence of lights, buoys, or similar peacetime aids to navigation, or failure to employ a pilot, shall be presumed to be the cause of the collision or

stranding unless the contrary be proved, and stranding shall include sinking consequent upon stranding or contact with any part of the land.

(iv) Collision of the carrying vessel with another vessel in the same convoy or collision with any military or naval vessel, that is to say, a vessel manned by and under the control of military or naval personnel and designed to be employed primarily in armed combat service.

(v) Stranding, collision or contact of the carrying vessel with any external substance (including ice, but excluding water) as a result of deliberately placing the vessel in jeopardy in compliance with military, naval or other government orders in order to avoid imminent enemy attack, or as an act or measure of war taken in the actual process of embarking or disembarking troops or material of war.

(c) The fact that the carrying vessel or any vessel with which she is in collision is carrying troops or military or other supplies, or is proceeding to or from a war base, or is manned or operated by military or naval personnel, shall not alone be sufficient to include in this policy any claim which is not otherwise included under the terms of clause (b) above.

(d) In the event the goods insured hereby are insured against marine risks under a form of policy embodying the "Free of Capture and Seizure" clause customary in the British marine insurance market or the "Free of Capture and Seizure" clause current in the United States prior to July 1, 1943, or a clause similar to either of these, the coverage of this policy shall be deemed to be restricted to the extent that the coverage of such marine insurance policy is greater than if it were subject to the new "Free of Capture and Seizure" clause which has been adopted by the American marine insurance market as of July 1, 1943: *Provided, however*, That if the amount insured by this war risk insurance policy shall exceed the amount insured by said marine insurance policy, the foregoing restriction shall not apply to the amount of such excess.

(e) Paragraph (d) shall not apply to cases where the marine insurance attaches under an open policy which has been endorsed with the aforesaid new "Free of Capture and Seizure" clause, but where through inadvertence a certificate or special policy has been issued embodying the "Free of Capture and Seizure" clause current in the United States prior to July 1, 1943, or embodying a clause of similar effect.

§ 305.23 *Attachment of amended Clause "1" of facultative cargo war risk insurance policy.* Any facultative cargo war risk insurance policy issued by the Division of Wartime Insurance bearing an effective date prior to July 1, 1943, or any binding of such insurance, shall be amended automatically to include Clause "1" of the facultative cargo war risk insurance policy as set forth in amended form in § 305.22 of this supplement, provided the named policy-holder or other interested party notifies War Shipping Administration, Division of Wartime Insurance, within 15 days from the time knowledge first comes to the named policy-holder or other interested party (unless otherwise agreed) that the shipment of goods to which such insurance is applicable was, or is to be, transported by an overseas vessel:

(a) Under an ocean bill of lading dated on and after July 1, 1943, or

(b) If an ocean bill of lading was not issued under an equivalent shipping document dated on and after said date, or

(c) If no ocean bill of lading or equivalent shipping document was issued or the same was undated, that such goods were laden on the overseas vessel on and after said date,

and further provided payment of additional premium, if any is required, is made. The right of recovery of any party at interest shall not be prejudiced by the failure of any other party at interest to report and pay premium nor by any failure to so report by reason of the fact that actual notice of this requirement had not come to said claimant.

§ 305.24 *Standard Optional Endorsement No. XVI.* Effective with the date of the publication of this supplement in the FEDERAL REGISTER, Standard Optional Endorsement No. XVI in the form set forth herein is, at the option of the applicant for insurance, made available for use in connection with the issuance of facultative or special cargo war risk insurance policies:

In consideration of additional premium at the rate of ----- percent, it is understood and agreed that, notwithstanding the terms of Clause 4 of this policy, this policy is extended to attach to the interest insured hereunder while in due course of transit from shore to overseas vessel, or from overseas vessel to shore, in harbors, rivers, bays, canals or other inland waters of the Continental United States (excluding the Great Lakes) and of the territories and possessions of the United States as defined in § 305.120 of General Order 6, revised, to the extent that such shipments would be covered under the terms of this policy but for said Clause 4, for a period of time commencing with the loading of the goods or merchandise on board barges, lighters or other vessels until discharged therefrom or until expiry of fifteen days from the time of such loading, whichever shall first occur. It is understood and agreed, however, that no risk shall attach under this endorsement at port or place of transshipment to another overseas vessel.

Warranted in respect to this additional coverage only that no loss covered by a policy of insurance issued by the War Damage Corporation shall be payable hereunder.

All other terms and conditions remaining unchanged.

The clause designated "(1)" of Part II of the "Warshipopencargo" form of policy as set forth in § 305.118 "Warshipopencargo" policy form is amended, effective with respect to shipments:

- a. Under Ocean Bills of Lading dated on or after July 1, 1943, or,
- b. If Ocean Bills of Lading not issued, under equivalent shipping documents dated on and after said date, or
- c. If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on and after said date

to read as follows:

(1) (a) This insurance is only against the risks of capture, seizure, destruction or damage by men of war, piracy, takings at sea, arrests, restraints and detentions and other warlike operations and acts of kings, princes and peoples in prosecution of hostilities or in the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, including factions engaged in civil war, revolution, rebellion or insurrec-

tion, or civil strife arising therefrom, and including the risks of aerial bombardment, floating or stationary mines, and stray or derelict torpedoes, and the consequences of hostilities specified below in subdivision (b) hereof; but excluding claims for delay, deterioration and/or loss of market, and warranted not to abandon (on any ground other than physical damage to ship or cargo) until after condemnation of the property insured. Also warranted not to abandon in case of blockade, and free from any claims for loss or expense in consequence of blockade or of any attempt to evade blockade; but in the event of blockade, to be at liberty to proceed to an open port and there end the voyage.

(b) The consequences of hostilities above mentioned are the following:

(i) Collision caused by failure, in compliance with wartime regulations, of the carrying vessel or any vessel with which she is in collision to show the usual full peacetime navigation or anchorage lights.

(ii) Stranding of the carrying vessel caused by the absence of lights, buoys, or similar peacetime aids to navigation consequent upon wartime regulations.

(iii) Stranding caused by the failure of the carrying vessel to employ a pilot in waters where a pilot would ordinarily be employed in peacetime but in which the employment of a pilot is dispensed with in compliance with military, naval or other governmental orders, or with a view to avoiding imminent enemy attack.

For the purposes of this paragraph (b) any such failure to show lights, absence of lights, buoys, or similar peacetime aids to navigation, or failure to employ a pilot, shall be presumed to be the cause of the collision or stranding unless the contrary be proved, and stranding shall include sinking consequent upon stranding or contact with any part of the land.

(iv) Collision of the carrying vessel with another vessel in the same convoy or collision with any military or naval vessel, that is to say, a vessel manned by and under the control of military or naval personnel and designed to be employed primarily in armed combat service.

(v) Stranding, collision or contact of the carrying vessel with any external substance (including ice, but excluding water) as a result of deliberately placing the vessel in jeopardy in compliance with military, naval or other governmental orders in order to avoid imminent enemy attack, or as an act of measure of war taken in the actual process of embarking or disembarking troops or material of war.

(c) The fact that the carrying vessel or any vessel with which she is in collision is carrying troops or military or other supplies, or is proceeding to or from a war base, or is manned or operated by military or naval personnel, shall not alone be sufficient to include in this policy any claim which is not otherwise included under the terms of clause (b) above.

(d) In the event the goods insured hereby are insured against marine risks under a form of policy embodying the "Free of Capture and Seizure" clause customary in the British marine insurance market or the "Free of Capture and Seizure" clause current in the United States prior to July 1, 1943, or a clause similar to either of these, the coverage of this policy shall be deemed to be restricted to the extent that the coverage of such marine insurance policy is greater than if it were subject to the new "Free of Capture and Seizure" clause which has been adopted by the American marine insurance market as of July 1, 1943: *Provided, however,* That if the amount insured by this war risk insurance policy shall exceed the amount insured by said marine insurance policy, the foregoing

restriction shall not apply to the amount of such excess.

(e) Paragraph (d) shall not apply to cases where the marine insurance attaches under an open policy which has been endorsed with the aforesaid new "Free of Capture and Seizure" clause, but where through inadvertence a certificate or special policy has been issued embodying the "Free of Capture and Seizure" clause current in the United States prior to July 1, 1943, or embodying a clause of similar effect.

§ 305.134 *Standard Optional Endorsement No. XVI.* The following is the form of Standard Optional Endorsement No. XVI:

In consideration of such additional rate as may be prescribed from time to time by the War Shipping Administration, it is understood and agreed that, notwithstanding the terms of Clause 4 of Part II of the "Warshipopencargo" Policy form, this policy is extended to attach to the interest insured hereunder while in due course of transit from shore to overseas vessel, or from overseas vessel to shore, in harbors, rivers, bays, canals or other inland waters of the Continental United States (excluding the Great Lakes) and of the territories and possessions of the United States as defined in § 305.120 of General Order 6, Revised, to the extent that such shipments would be covered under the terms of this policy but for said Clause 4, for a period of time commencing with the loading of the goods or merchandise on board barges, lighters or other vessels until discharged therefrom or until expiry of fifteen days from the time of such loading, whichever shall first occur. It is understood and agreed, however, that no risk shall attach under this endorsement at port or place of transshipment to another overseas vessel.

Warranted in respect to this additional coverage only, that no loss covered by a policy of insurance issued by the War Damage Corporation shall be payable hereunder.

All other terms and conditions remaining unchanged.

Application for Standard Optional Endorsement No. XVI must be made to the underwriting agent, who may issue such endorsement without prior approval of the War Shipping Administration. When a policy has been endorsed with Standard Optional Endorsement No. XVI additional premium must be paid on every shipment within its scope as per paragraphs (a) (b) and (c) of this section even though events prove the clause was not operative.

With respect to all shipments of goods coming within the scope of the "Warshipopencargo" Policy an assured may elect to have his policy endorsed with Standard Optional Endorsement No. XVI applicable:

(a) On all shipments coming within the scope of the "Warshipopencargo" policy,

(b) On all shipments of a specified commodity coming within the scope of the "Warshipopencargo" Policy,

(c) On all shipments moving between ports and/or places of a specifically defined geographical location.

(1) Notwithstanding the fact that the provisions of § 305.133 shall apply to the manner of drawing the endorsement, whenever any policy-holder applies for Standard Optional Endorsement No. XVI within fifteen days from the date of

the publication of this supplement in the FEDERAL REGISTER, such a policy-holder may specially declare to the underwriting agent any one or more shipments currently at risk under his "Warship-opencargo" Policy and pay premium at the rate in effect at the date when the endorsement otherwise is made effective.

Effective with the date of the publication of this supplement in the FEDERAL REGISTER the form of application, as set forth in § 305.150 Form No. 1; application form for "Warshipopencargo" Policy (revised) is amended by insertion of the following language: "Any loss payable hereunder shall be payable in funds current in the United States to the order of _____" immediately after the sentence reading: "If Standard Optional Endorsement No. I (amended) has been designated, attention is directed to the requirement of additional premium."

Section 305.153 Form No. 4; standard form of increase-decrease rider for bond guaranteeing payment of insurance premiums on "Warshipopencargo" Policy is amended by striking out the word "by" in the third line of the "Rider" and inserting in lieu thereof the word "to".

§ 305.268 Return premiums in respect to hull insurances. The Division of War-time Insurance will not grant a return premium in any case where the same is applied for in connection with a hull insurance unless the amount of return premium is at least equal to 5% of the original premium or \$100.

§ 305.316 Rider to be attached to every crew life war risk individual insurance policy. Every crew life war risk individual insurance policy issued by the War Shipping Administration, Division of War-time Insurance, shall include the following clause:

This insurance is also for loss of life of the insured, directly and proximately resulting from stranding, sinking, or break-up of the vessel, explosion or fire causing loss of, or substantial structural damage to, the vessel, or collision by the vessel or contact with any external substance (including ice, but excluding water), irrespective of whether the same are caused by risks of war or war-like operations, or by marine risks and perils.

§ 305.325 Return premiums in respect to crew insurances. The Division of War-time Insurance will not grant a return premium in any instance of a crew life insurance and/or a crew's effects insurance and/or crew wages and emergency wages insurance unless the total amount of return premium is at least equal to 2½% of the original premium or \$50. This provision will not be applicable to any crew life war risk individual insurance policy.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

JUNE 24, 1943.

[F. R. Doc. 43-10134; Filed, June 24, 1943; 11:11 a. m.]

No. 125—5

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 120-E]

PART 95—CAR SERVICE

BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 120 of April 30, 1943, as amended, and good cause appearing therefor: *It is ordered*, That:

§ 95.11 Bituminous coal, as amended,¹ is hereby suspended, effective immediately, until further order of the Commission.

It is further ordered, That copies of this order shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, upon all State Commissions, 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. 43-10132; Filed, June 24, 1943; 11:14 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1958]

HESS COAL COMPANY

ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Hess Coal Company for change in freight origin group number and shipping point of Mine Index No. 2310, and for the establishment of minimum prices for the mixture of certain coals produced in District No. 1 for rail shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the freight origin group number and shipping point of Mine Index No. 2310; and for the establishment of minimum prices for the mixture of certain coals produced in District No. 1 for rail shipments; and

ture of certain coals produced in District No. 1 for rail shipments; and

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

A petition of intervention having been filed with the Division in the above-entitled matter by District Board No. 1 requesting that the relief requested by the petitioner be granted; and

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the schedule of effective minimum prices for District No. 1 for all shipments except truck is supplemented to include the price classifications, and other matters set forth in the schedule marked Supplement R annexed hereto and made a part hereof.

Notice is hereby given that 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.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 27, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose, shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 22, 1943.

¹ 8 F.R. 5761, 5821, 7403, 8616.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Hess Coal Company, a code member in District No. 1, to change the freight origin group number assigned to the Deabenderfer Mine, Mine Index No. 2310, from 112 to 59, to change the rail shipping point of said mine from Marion Center, Pennsylvania, on the B&O Railroad to Dixonville, Pennsylvania, on the CT&D Railroad, and for the establishment of a minimum price for a mixture of the run of mine coals produced at Mine Index Nos. 2199, 3680, 2310, 1632, 3961, 2582, 3902, 3600 and 3993 when mixed for rail shipments originating at the petitioner's loading ramp at Dixonville, Pennsylvania, on the CT&D Railroad, such minimum price to be equal to that established for the coal contained in the mixture having the highest price classification.

Dated: June 18, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10128; Filed, June 24, 1943;
10:29 a. m.]

[Docket Nos. A-2017, A-2017, Part II]

DISTRICT BOARD 2

MEMORANDUM OPINION AND ORDER FOR
HEARING

In the matter of the petition of District Board No. 2 for the establishment of changes in and additions to shipping points for the coals of certain mines, Docket No. A-2017; in the matter of the petition of District Board No. 2 for the establishment of a change in shipping point for Mine Index No. 2431, Docket No. A-2017, Part II.

The original petition in the above-entitled matter filed with the Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requests among other matters, the establishment of a change in shipping point for the coals of the Dixie Mine, Mine Index No. 2431, of Isaac L. VanVoorhis in District No. 2 from Dilliner, Pennsylvania, in District No. 2 to West VanVoorhis, West Virginia, in District No. 3. It appears, however, that no final determination should be made at this time with respect to the relief requested for the coals of this mine, for the reason that insufficient facts have been presented upon which to base a final determination. In view of the foregoing, it is deemed advisable at this time to grant only temporarily the request of petitioner in so far as it relates to Mine Index No. 2431;

Now, therefore, it is ordered, That the portion of Docket No. A-2017 relating to the Dixie Mine, Mine Index No. 2431, of Isaac L. VanVoorhis be, and it hereby is,

severed from the remainder of that docket and designated as Docket No. A-2017, Part II.

It is further ordered, That pending further order, temporary relief is granted as follows: Commencing forthwith the schedule of effective minimum prices for District No. 2 for all shipments except truck is supplemented to include price classifications, minimum prices and other matters set forth in the schedule marked Supplement R annexed hereto and made a part hereof.

It is further ordered, That a hearing in Docket No. A-2017, Part II, under the applicable provisions of the Act and the rules of the Division be held on July 29, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street Northwest, Washington, D. C. On such day the Chief of the Records Section, in Room 502, will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in this matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any persons desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 24, 1943.

All persons are hereby notified that the hearing in Docket No. A-2017, Part II, and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 2 that West VanVoorhis, West Virginia, on the Monongahela Railway be established in lieu of Dilliner, Pennsylvania, on the Monongahela Railway, as the shipping point for the coals produced at the Dixie Mine, Mine Index No. 2431, of Isaac L. VanVoorhis for shipments by rail.

Notice is hereby given that applications to stay, terminate or modify the

temporary relief granted herein may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: June 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10130; Filed, June 24, 1943;
10:29 a. m.]

[Docket No. A-2025]

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 Nos. 937 and 1127.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Cantrall Mine, Mine Index No. 937 of Cantrall Coal Company and Lemon & McKelvey Coal Company Mine, Mine Index No. 1127 of Lemon & McKelvey Coal Company, in District No. 10, for all shipments except truck.

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;

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 supplemented 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 Minimum Price Schedule No. 1 for District No. 10 for all shipments except truck are applicable to the coals of all other mines in Price Group No. 13; and since Price Exceptions 1-D, 2-C, 3-B, and 51 in the said

minimum price schedule and Price Exception 61, established by the order of the Director in Docket No. A-125 are applicable to the coals of all other mines in Freight Origin Group No. 24, shipping point Sparta, Illinois, on the M-I Railroad in Price Group No. 20, in 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 Price Exceptions 1-B, 2-B and 3-A to the coals of Mine Index No. 937 and Price Exceptions 1-D, 2-C, 3-B, 51 and 61 to the coals of Mine Index No. 1127, the relief granted herein affords these producers the same competitive opportunity available to all other producers similarly situated by making Price Exceptions 1-B, 2-B and 3-A applicable to the coals of Mine Index No. 937 and Price Exceptions 1-D, 2-C, 3-B, 51 and 61 applicable to the coals of Mine Index No. 1127.

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: June 14, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-10129; Filed, June 24, 1943;
10:29 a. m.]

Bureau of Reclamation.

COLORADO RIVER STORAGE PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWALS

Correction

In the three documents appearing on pages 8555 and 8556 of the issue for Tuesday, June 22, 1943, the dates appearing under the signature of Michael W. Straus, First Assistant Secretary, were omitted. The dates should read, respectively: June 11, 1943; June 11, 1943, and June 12, 1943.

INTERSTATE COMMERCE COMMISSION.

[Special Permit 19 Under Service Order 123]

SOUTHERN PACIFIC CO.

ICEING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Southern Pacific Company to re-ice once in transit after the first or initial icing 32 cars of potatoes consigned overseas now in Oakland, California, Hold Yards for movement to San Francisco.

The waybills shall show reference to this special permit.

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

public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 22d day of June, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-10133; Filed, June 24, 1943;
11:14 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 47 Under Rev. MPR 122, Amdt. 1]

MAXIMUM PRICES FOR SOLID FUELS IN THE WASHINGTON AREA AND ALEXANDRIA, VIRGINIA

Amendment No. 1 to Order No. 47 under Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers.

For the reasons set forth in the opinion issued herewith it is ordered that Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. In the table of prices in paragraph (e), the heading reading, "Direct delivery sales to consumers" is amended to read, "Sales to consumers not made at a yard".

2. An undesignated paragraph is added to paragraph (g) to read as follows:

(g) Sales of more or less than specified tonnages. * * *

For a sale of coal of the size and kinds specified herein in bags of more or less than 15 pounds each, the price shall be adjusted to the nearest half-cent in proportion to the weight sold.

3. The second undesignated paragraph of paragraph (p) (4) is deleted.

This Amendment No. 1 shall become effective June 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[R. F. Doc. 43-10114; Filed, June 23, 1943;
4:51 p. m.]

Regional Office Orders.

[Region I Order G-23]

CHARCOAL IN CERTAIN NEW ENGLAND AREAS

Order No. G-23 Under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, It is hereby ordered:

(a) Maximum prices of specified sellers. The maximum prices established by

§ 1499.2 of the General Maximum Price Regulation for industrial and commercial sales of charcoal by the persons hereinafter described are hereby modified, so that the maximum prices for such sales shall be as follows:

(1) *State of Connecticut, Forestry Department, Hartford, Connecticut.* Sales by the Forestry Department of the State of Connecticut of hardwood charcoal produced by it at its Meshomasic, Cockaponsett and Pauchaug kilns located in Voluntown, Portland and Haddam, Connecticut, and equal in quality to the hardwood charcoal produced and sold by it during the month of March, 1942:

Thirty-six cents (36¢) per bushel of twenty (20) pounds.

Thirty-six dollars (\$36.00) per net ton.

f. o. b. buyer's conveyance at seller's kiln. No additional charge shall be made for bagging in buyer's bags, and if bags are furnished by seller they shall be invoiced separately at no more than the maximum price applicable to a sale of the bags furnished, unfilled. Terms of sale may be net cash, but no additional charge shall be made for the extension of credit.

(2) *Ralph A. Tucker, North Scituate, Rhode Island.* Sales by Ralph A. Tucker of hardwood charcoal produced by him and equal in quality to the hardwood charcoal produced and sold by him during the month of March, 1942, and sales by Ralph A. Tucker of hardwood charcoal purchased by him from the Forestry Department of the State of Connecticut:

Forty-eight and one-half cents (48½¢) per bushel of twenty (20) pounds.

Forty-eight and 50/100 dollars (\$48.50) per net ton.

bagged in bags furnished by him and delivered to the purchaser. Terms of sale may be net cash, but no additional charge shall be made for the extension of credit.

(3) *Quinebaug Forestry Company, Sturbridge, Massachusetts and Union, Connecticut.* Sales by Quinebaug Forestry Company of charcoal produced by it at its kilns in Union, Connecticut:

(i) Hardwood charcoal equal in quality to the hardwood charcoal produced and sold by it during the month of March, 1942:

Thirty-seven and one-half cents (37½¢) per bushel of twenty (20) pounds.

Thirty-seven and 50/100 dollars (\$37.50) per net ton.

f. o. b. buyer's conveyance at seller's kiln. No additional charge shall be made for bagging in buyer's bags, and if bags are furnished by seller they shall be invoiced separately at no more than the maximum price applicable to a sale of the bags furnished, unfilled.

(ii) Charcoal made from mixed hard and soft woods (Minimum specifications, 23% hardwood, 30% hurricane pine and 47% slabs) and bagged in paper bags:

Eleven cents (11¢) per Connecticut bag of 570 cubic inches.

Sixteen cents (16¢) per Massachusetts bag of one-half (½) bushel.

f. o. b. buyer's conveyance at seller's kiln. For delivery to points within fifty (50) miles (by use of the shortest normally available route) of seller's kiln an addi-

tional charge of one cent (1¢) per bag may be made; for delivery to more distant points, a further charge of one cent (1¢) per bag for each additional twenty-five (25) miles or fraction thereof (in each case to be measured on the basis of the shortest normally available route) may be made.

(iii) Terms of sale may be net cash, but no additional charge shall be made for the extension of credit.

(4) *Howard Charcoal Company, Montague, Massachusetts.* Sales by Ethan Howard, doing business as Howard Charcoal Company, of charcoal produced by him and equal in quality to the charcoal produced and sold by him during March, 1942, when bagged in bags supplied by Howard:

Quantity	F. o. b. kiln	Delivered within 35 miles	Delivered beyond 35 miles
1/4 Bushel.....	\$0.17	\$0.18	\$0.18 1/2
Bushel.....	.34	.36	.37
Net Ton.....	34.00	36.00	37.00

The term "f. o. b. kiln" shall mean f. o. b. buyer's conveyance at seller's kiln. The prices for "Delivered within 35 miles" shall apply to all sales on a delivered basis when delivery is made to points which are no more than 35 miles from seller's kiln by use of the shortest normally available route, and shall apply to all deliveries to the cities of Springfield and West Springfield, Massachusetts. The prices for "Delivered beyond 35 miles" shall, except as otherwise specified, apply to all sales on a delivered basis when delivery is made to points which are more than 35 miles from seller's kiln by use of the shortest normally available route.

When bags are supplied by the purchaser, Howard shall bag the charcoal, and the maximum price shall be the price appearing in the foregoing table of prices for the particular type of sale, less the following amounts:

Quantity:	Deduction
1/2 Bushel.....	\$0.01
Bushel.....	.02
Net ton.....	2.00

Terms of sale may be net cash, but no additional charge shall be made for the extension of credit.

(b) *Delivered sales when f. o. b. price established.* Any person for whom a maximum f. o. b. price is established by paragraph (a) hereof and for whom no maximum delivered price is established may sell on a delivered basis at a price not in excess of the applicable maximum price f. o. b. buyer's conveyance at seller's kiln plus the actual amount paid to the carrier, if delivery is made by common or contract carrier, or, if delivery is by a vehicle owned or controlled by the seller, an amount not to exceed the lowest available commercial carrier rate for an identical shipment: *Provided*, That the invoice or other document delivered to the purchaser shall show the point of origin of the shipment, the destination and the amount added for delivery charges.

(c) *Maximum prices of other resellers.*

(1) The maximum price for an industrial or commercial sale of charcoal by any person who (i) purchases charcoal for resale from one of the persons for whom maximum prices are established in paragraph (a) hereof, (ii) delivered or offered to deliver charcoal purchased from such supplier during March, 1942, and (iii) for whose industrial or commercial resale no maximum price is established in paragraphs (a) and (b) hereof, shall be the highest price charged by him during March, 1942, to a purchaser of the same class plus the difference between his supplier's current maximum price and the highest price paid by the seller to such supplier during March, 1942, or, if no purchases were made by him during March, 1942, from such supplier, the last calendar month prior thereto during which such purchases were made by him: *Provided, however*, That this provision shall not apply to or be used by any person unless he made a purchase from such supplier during the period January 1-March 31, 1942. If purchases are now made by such reseller on a different basis (for example, f. o. b. kiln instead of delivered) an appropriate adjustment shall be made before the amount of the increase permitted by this paragraph is computed.

(2) The maximum price for an industrial or commercial sale of charcoal by any person (i) who purchases charcoal for resale from one of the persons for whom maximum prices are established in paragraph (a) hereof, (ii) for whose industrial or commercial resale no maximum price is established in paragraphs (a) and (b) hereof, and (iii) who is unable to determine his maximum price under subparagraph (1) of this paragraph (c), shall be the maximum price of his most closely competitive seller.

(3) Any person (i) who purchases charcoal for resale from one of the persons for whom maximum prices are established in paragraph (a) hereof, (ii) for whose industrial or commercial sale no maximum price is established in paragraph (a) and (b) hereof, and (iii) who is unable to determine his maximum price for an industrial or commercial sale under subparagraph (1) or (2) of this paragraph (c), shall apply to the Regional Office for Region I for the determination of his maximum price.

(d) *Meaning of "industrial and commercial sales"; certification required.*

(1) The terms "industrial and commercial sales" and "industrial or commercial sale (or resale)" shall, whenever used in this order, mean sales to industrial or commercial users (for example, a tobacco grower or a foundry) for their own use or sales to an intermediate distributor for resale to industrial or commercial users for their own use.

(2) The prices established by this order may be charged on a sale by a producer to an intermediate distributor only if the producer receives a written statement from the buyer (which the producer shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect) that the charcoal

purchased will be sold only to industrial or commercial users for their own use.

(3) No increase granted by this order shall apply to any sale other than an industrial or commercial sale as defined in subparagraph (1) of this paragraph (d). Maximum prices for all other sales continue to be governed by the General Maximum Price Regulation.

(e) *Posting.* (1) Each person for whom maximum prices are established by paragraph (a) or by paragraphs (a) and (b) hereof shall post those portions of said paragraphs which are applicable to sales made by him at the place or places in each establishment from which charcoal is offered for sale by him, in a manner plainly visible to the purchasing public.

(2) Each person for whom maximum prices are established by subparagraphs (1) and (2) of paragraph (c) hereof shall post his maximum prices at the place or places in each establishment from which charcoal is offered for sale by him, in a manner plainly visible to and understandable by the purchasing public.

(3) All persons subject to this order shall keep a copy of this order, and of the opinion issued simultaneously herewith, available for examination by any person during ordinary business hours.

(f) *Invoices.* Every person subject to this order shall give to each purchaser an invoice or similar document showing the date of the sale or delivery, the name and address of the seller, the quantity of charcoal sold and the price charged. Said document shall contain a separate statement of any items which are required to be separately stated by the terms of this order.

(g) *Informational requirements.* Every person subject to this order who sells charcoal to a purchaser for resale shall, at the time of the first such sale on or after the effective date hereof to each such purchaser for resale, deliver to the purchaser a copy of this order.

(h) *Lower prices permitted.* Lower prices than those established hereby may be charged, offered or paid.

(i) *Definitions.* (1) The definition of the term "highest price charged during March, 1942" set forth in § 1499.2 of the General Maximum Price Regulation shall apply to that term when used in this order.

(2) 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.

(j) *Amendment.* (1) Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Regional Office for Region I. No appeal from a denial in whole or in part of such petition by the Regional Administrator of Region I may be made to the Price Administrator.

(2) This order may be revoked, amended or corrected at any time.

This order shall become effective April 20, 1943.

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

[Region IV Order G-25]

FLUID MILK IN DESIGNATED GEORGIA COUNTIES

Order No. G-25 under § 1499.18 (c) of the General Maximum Price Regulation; adjustment of approved fluid milk prices for Colquitt, Decatur and Dougherty Counties, Georgia; Docket No. IV-18 (c)-115.

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of approved fluid milk both at wholesale and at retail is threatened in Colquitt, Decatur and Dougherty Counties, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of the war; that the threatened shortage in Colquitt, Decatur and Dougherty Counties, Georgia, will be eliminated by adjusting the maximum price of sellers of fluid milk in Colquitt, Decatur and Dougherty Counties, Georgia, to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage or a need for increase in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered:*

(a) *Adjusted maximum prices for approved fluid milk.* On and after June 1, 1943, the maximum price for approved fluid milk sold and delivered by any person within the boundaries of Colquitt, Decatur and Dougherty Counties, Georgia, at wholesale or retail in glass containers of one quart or less shall be the price set out either in subparagraph (1) or subparagraph (2), whichever is lower:

(1) The maximum prices established by the seller under the General Maximum Price Regulation, if such seller has prior to March 6, 1942, established such maximum price, or

(2) The following:

	Wholesale	Retail
	Cents	Cents
Quarts.....	15	17
Pints.....	8	9
Half-pints.....	4½	5½

Provided, That the maximum price for retail sales, other than out-of-store sales, home-delivered sales and sales to the Army or Navy, shall equal the listed wholesale price subject to any applicable discounts or allowances.

(b) *Exempt sales.* (1) The provisions of this order shall not apply to butter-milk, chocolate milk, or other flavored milks. Such sales remain subject in all respects to the provisions of the General Maximum Price Regulation.

(2) The maximum prices fixed by this order are not applicable to sales and deliveries to the Army or Navy under a contract entered into prior to March 6, 1943, during the term thereof.

(3) The provisions of this order shall not be applicable to retail sales of approved fluid milk by a hotel, restaurant, soda fountain, bar, cafe, or other similar eating establishment. Such sales remain subject in all respects to the provisions of the General Maximum Price Regulation.

(c) *Applicability of General Maximum Price Regulation and other supplementary or adjustment orders of the Office of Price Administration.* (1) Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation together with all amendments, supplementary regulations and orders which have been heretofore or may be hereafter issued. Specifically, but not by way of limitation, unless the context of this order otherwise requires, the provisions of subdivision (vii) of § 1499.73 (Amendment 124 to Supplementary Regulation 14 to the General Maximum Price Regulation) shall be applicable and shall be considered a part of this order, including those subdivisions governing sales to the Army or Navy and sales of premium milk.

(d) *Calculations.* (1) On single sales at retail wherein the adjusted maximum price results in a fraction of a cent, the seller may adjust the price upward to the full cent if the fraction is ½¢ or more, and shall decrease the price to the lowest even cent if the fraction is less than ½¢. On sales of more than one unit, where the unit price is expressed in a fraction of a cent, the exact price established by the applicable subdivision shall be multiplied by the number of units. If the computation results in a fraction of a cent, the total shall be adjusted up or down to the nearest full cent, and, in such adjustment, a half-cent may be adjusted upward to the nearest full cent. Home-deliveries shall be considered multiple unit sales unless separate collections are made for single units delivered.

(e) *Definitions.* (1) "Colquitt, Decatur and Dougherty Counties" shall mean the area included within the established boundaries of such counties.

(2) "Approved fluid milk" means fluid cows' milk, raw or pasteurized, at least satisfying the minimum butterfat content and sanitary and health requirements for fluid milk sold for human consumption in the particular area wherein it is delivered, including standards set by purchasing officers for sales to the Army or Navy.

(3) "Sales to the Army or Navy" means sales to the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores ashore, officers' messes, and stores operated as Army canteens, post exchanges or ships' activities.

(4) "Atlanta Regional Area" means the territory lying within the geographic boundaries of the following States: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

(5) "Premium Milk" means certified milk, homogenized milk whose Vitamin D content has been artificially increased,

Issued this 16th day of April 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-10096; Filed, June 23, 1943; 12:20 p. m.]

[Region I Order G-24]

FLUID MILK IN CERTAIN CONNECTICUT AREAS

Order No. G-24 under § 1499.18 (c), as amended, of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280—Prices for Specific Food Products.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and by § 1351.807 of Maximum Price Regulation No. 280, *It is hereby ordered:*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and by § 1351.803 of Maximum Price Regulation No. 280 for fluid milk sold and delivered in Marketing Areas Numbers I and II in the State of Connecticut are modified, so that any person in those areas may reduce the butterfat content of fluid milk sold by him so that it shall have a butterfat content of not more than ¾ of 1% by weight less than the butterfat content of fluid milk sold by him during the base periods of the General Maximum Price Regulation or Maximum Price Regulation No. 280, respectively, without reducing the maximum prices established for sales by him of milk of a butterfat content the same as that sold by him during the respective base periods of the General Maximum Price Regulation and Maximum Price Regulation No. 280; *Provided, however,* That such reduction in butterfat content shall not result in fluid milk having a butterfat content of less than 3.6% by weight.

(1) Connecticut Marketing Areas Nos. I and II shall mean those areas in the State of Connecticut, as defined in Price Orders Nos. I, II and III, as amended, issued September 22, 1941, by the Milk Administrator of the State of Connecticut.

(2) Unless the context otherwise requires, the definitions set forth in the regulation which is applicable to any sale of any fluid milk under this order shall apply to the terms used herein with reference to such sale.

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

This order shall become effective April 24, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 23d day of April 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43-10097; Filed, June 23, 1943; 12:20 p. m.]

and any other approved fluid milk for which the particular seller customarily charged a premium during January, 1943, in excess of such seller's established maximum price for his standard approved fluid milk, or any other such milk as may be classified as premium milk by any order issued by the Atlanta Regional Office of the Office of Price Administration pursuant to an application duly filed in accordance with the provisions of this order.

(6) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

(f) *Requirements of notification.* (1) Every person making sales and deliveries of approved fluid milk pursuant to this order shall post a copy of this order at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective on the 1st day of June, 1943.

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

Issued this 1st day of June 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-10098; Filed, June 23, 1943; 12:20 p. m.]

[Region IV Order G-26]

FLUID MILK IN GLYNN COUNTY, GEORGIA

Order No. G-26 under § 1499.18 (c) of the General Maximum Price Regulation; adjustment of approved fluid milk prices for Glynn County, Georgia; Docket No. IV-18 (c)-118.

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of approved fluid milk both at wholesale and at retail is threatened in Glynn County, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of the war; that the threatened shortage in Glynn County, Georgia, will be eliminated by adjusting the maximum price of sellers of fluid milk in Glynn County, Georgia, to the extent permitted by this Order; and that such adjustment will not create or tend to create a shortage or a need for increase in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered:*

(a) *Adjusted maximum prices for approved fluid milk.* On and after June 15, 1943, the maximum price for approved fluid milk sold and delivered by any per-

son within the boundaries of Glynn County, Georgia, at wholesale or retail in glass or paper containers of one quart or less shall be as follows:

	Wholesale		Retail	
	Glass	Paper	Glass	Paper
Quarts.....	15	16	17	18
Pints.....	8	9	9	10
Half-Pints.....	4½	5½	5½	6½

Provided, That the maximum price for retail sales, other than out-of-store sales, home-delivered sales and sales to the Army or Navy, shall equal the listed wholesale price subject to any applicable discounts or allowances.

(b) *Exempt sales.* (1) The provisions of this order shall not apply to butter-milk, chocolate milk, or other flavored milks. Such sales remain subject in all respects to the provisions of the General Maximum Price Regulation.

(2) The maximum prices fixed by this order are not applicable to sales and deliveries to the Army or Navy under a contract entered into prior to March 6, 1943, during the term thereof.

(3) The provisions of this order shall not be applicable to retail sales of approved fluid milk by a hotel, restaurant, soda fountain, bar, cafe, or other similar eating establishment. Such sales remain subject in all respects to the provisions of the General Maximum Price Regulation.

(c) *Applicability of General Maximum Price Regulation and other supplementary or adjustment orders of the Office of Price Administration.* (1) Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation together with all amendments, supplementary regulations and orders which have been heretofore or may be hereafter issued. Specifically, but not by way of limitation, unless the context of this order otherwise requires, the provisions of subdivision (vii) of § 1499.73 (Amendment 124 to Supplementary Regulation 14 to the General Maximum Price Regulation) shall be applicable and shall be considered a part of this order, including those subdivisions governing sales to the Army or Navy and sales of Premium Milk, except that the "maximum wholesale price" wherever used with reference to sales to the Army or Navy shall refer to the wholesale price fixed by this order as now written or as it may be hereafter amended.

(d) *Calculations.* (1) On single sales at retail wherein the adjusted maximum price results in a fraction of a cent, the seller may adjust the price upward to the full cent if the fraction is ½¢ or more, and shall decrease the price to the lowest even cent if the fraction is less than ½¢. On sales of more than one unit, where the unit price is expressed in a fraction of a cent, the exact price established by the applicable subdivision shall be multiplied

by the number of units. If the computation results in a fraction of a cent, the total shall be adjusted up or down to the nearest full cent, and, in such adjustment, a half-cent may be adjusted upward to the nearest full cent. Home deliveries shall be considered multiple unit sales unless separate collections are made for single units delivered.

(e) *Definitions.* (1) "Glynn County" shall mean the area included within the established boundaries of such county.

(2) "Approved fluid milk" means fluid cows' milk, raw or pasteurized, at least satisfying the minimum butterfat content and sanitary and health requirements for fluid milk sold for human consumption in the particular area wherein it is delivered, including standards set by purchasing officers for sales to the Army or Navy.

(3) "Sales to the Army or Navy" means sales to the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores ashore, officers' messes, and stores operated as Army canteens, post exchanges or ships' activities.

(4) "Atlanta Regional Area" means the territory lying within the geographic boundaries of the following States: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

(5) "Premium Milk" means certified milk, homogenized milk whose Vitamin D content has been artificially increased, and any other approved fluid milk for which the particular seller customarily charged a premium during January, 1943, in excess of such seller's established maximum price for his standard approved fluid milk, or any other such milk as may be classified as premium milk by any order issued by the Atlanta Regional Office of the Office of Price Administration pursuant to an application duly filed in accordance with the provisions of this order.

(6) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

(f) *Requirements of notification.* (1) Every person making sales and deliveries of approved fluid milk pursuant to this order shall post a copy of this order at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective on the 15th day of June 1943.

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

Issued this 10th day of June 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-10099; Filed, June 23, 1943; 12:21 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with certain high octane gasoline facilities construction projects to which urgency numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency rating No.	Builder's serial No.	Name and address of builder	Location of project
17(w)	34525	Sinclair Refining Co., New York, N. Y.	Kansas City, Kans.
17(y)	35991	Sinclair Refining Co., New York, N. Y.	Parco, Wyo.
24	6038	The Texas Oil Co., New York, N. Y.	Port Arthur, Tex.
	8672		
	18128		
25	5017	The Texas Oil Co., New York, N. Y.	Lockport, Ill.
	6039		
32	2202	Sinclair Refining Co., New York, N. Y.	Houston, Tex.
	7400		
39	2084	Atlantle Refining Co., Philadelphia, Pa.	Philadelphia, Pa.
55	5333	Phillips Petroleum, Bartlesville, Okla.	Kansas City, Kans.
69	12338	Tidewater Associated Oil Co., San Francisco, Calif.	Avon, Calif.

Issued this 24th day of June 1943.

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

[F. R. Doc. 43-10140; Filed, June 24, 1943; 11:41 a. m.]