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Regulations

TITLE 7—AGRICULTURE

Chapter IX—Food Distribution Administration

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA¹

SUSPENSION OF CERTAIN PROVISIONS OF ORDER REGULATING HANDLING OF MILK

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and the provisions of the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, it is hereby determined that the provisions of such order which classify "new producers" and provide for paying such "new producers" the Class III price for milk are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to producers of milk under such marketing order.

It is, therefore, ordered, That the following provisions of the said order are hereby suspended, effective as of 12:01 a. m., e. w. t., January 1, 1943:

1. In § 965.3 (a) (4) the following proviso:

* * * *Provided,* That if such producer did not regularly sell milk on his own distribution routes or through other persons during a period of 30 days next preceding the effective date hereof for consumption in the marketing area, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first regular delivery of milk and continuing until the end of 2 full calendar months of regular delivery following the first day of the next succeeding calendar month, after which he shall be known as a producer.

2. In § 965.9 (a) the following:

* * * and \$0.50 per hundredweight of milk to each new producer.

3. In § 965.10 (a) (2) the following:

Multiply the hundredweight of milk received from each new producer by the price

¹ 7 F.R. 9503.

for Class III milk: *Provided,* That if such milk was of a weighted average butterfat content other than 4.0 percent, there shall be added or subtracted for each one-tenth of 1 percent of variance in butterfat content above or below 4 percent, an amount equal to 1/40 of such price for Class III milk.

4. The words "or new producers", "from new producers", "and new producers", and all other references to "new producers".

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

[SEAL] **THOMAS J. FLAVIN,**
Assistant to the Secretary of Agriculture.¹

[F. R. Doc. 43-1187; Filed, January 23, 1943; 11:20 a. m.]

Chapter X—Food Production Administration

[Food Production Administrative Order 2]

PART 1200—ADMINISTRATION

PRIORITY, ALLOCATION AND RATIONING

Delegation of certain functions and powers related to priority, allocation and rationing.

Pursuant to the authority heretofore or hereafter conferred upon the Secretary of Agriculture in matters arising under the act of June 28, 1940 (54 Stat. 676), as amended by the act of May 31, 1941 (Pub. Law 89, 77th Cong.), and by Title III of the Second War Powers Act, 1942 (Act of March 27, 1942, Pub. Law 507, 77th Cong.), the following order is prescribed:

§ 1200.2 *Order delegating to certain persons authority to sign and issue subpoenas in rationing matters.* (a) In connection with any investigation or hearing related to the administration or enforcement of the Secretary of Agriculture's priority, allocation or rationing authority administered by the Director of Food Production, or of any regulation

¹ Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

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tion or rationing authority of the Secretary of Agriculture administered by the Director of Food Production or of any regulation or order issued pursuant to such authority, any person employed as an inspector or investigator by, or performing inspection or investigative functions for, the Department of Agriculture is authorized to administer oaths and affirmations for the purpose of procuring or receiving from any person a sworn written statement concerning any matter under or appropriate for investigation.

§ 1200.4 *Effective date.* This Food Production Administrative Order 2 (§ 1200.2 to § 1200.4) shall become effective this 22d day of January 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong.; E.O. 9280, 7 F.R. 10179; E.O. 9125, 7 F.R. 2719; W.P.B. Directive No. 1; Supp. Dir. 1-K; Supp. Dir. 1-P; 7 F.R. 562, 7280, 8856, and Office of Price Administration Administrative Orders 28 and 30, 7 F.R. 7326, 8672, 9368.)

Done at Washington, D. C., this 21st day of January 1943. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 43-1138; Filed, January 22, 1943; 3:52 p. m.]

[Food Production Administrative Order 1]

PART 1200—ADMINISTRATION
DELEGATION OF AUTHORITY TO ISSUE
SUSPENSION ORDERS

Pursuant to the authority conferred upon the Secretary of Agriculture in matters arising under Executive Order No. 9280 (7 F.R. 10179, Dec. 5, 1942) and under the act of June 28, 1940 (54 Stat. 676), as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.), and by Title III of the Second War Powers Act, 1942 (Act of March 27, 1942, Pub. Law 507, 77th Cong.), the following order is prescribed:

§ 1200.1 *Suspension orders.* (a) The Director of Food Production, or in his absence the Acting Director of Food Production, is authorized and directed to exercise the functions, duties, powers, authority and discretion conferred upon the Secretary of Agriculture for the purpose of determining whether suspension orders shall be issued against persons found to have violated any priority, allocation or rationing order, as amended or supplemented, administered by the Director of Food Production and for the purpose of issuing suspension orders against such persons.

(b) Any suspension order issued by the said Director of Food Production, or in his absence by the Acting Director of Food Production, pursuant to this delegation of authority shall have the same force and effect as if issued by the Secretary of Agriculture.

This order shall become effective this 26th day of January 1943.

Done at Washington, D. C., this 23d day of January 1943. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPELBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-1265; Filed January 25, 1943; 11:15 a. m.]

[Amendment 2 to Food Production Order 3¹]

PART 1202—FARM MACHINERY AND
EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

A change is made in the administration of the order.

The administration of the farm machinery and equipment rationing program established by Rationing Order C [7 F.R. 9647, 9795, 9796; 8 F.R. 945] and the powers conferred upon the Secretary of Agriculture by Executive Order 9280 [7 F.R. 10179], insofar as it applies to rationing of farm machinery and equipment, and by the Office of Price Administration Administrative Orders 28 [7 F.R. 7326, 8672] and 30 [7 F.R. 9368] are hereby delegated to the Director of Food Production or, in his absence, to the Acting Director of Food Production. The Director of Food Production or, in his absence, the Acting Director of Food Production shall be assisted in the administration of the farm machinery and equipment rationing program by the State boards, the county farm rationing committees and by such employees of the Department of Agriculture as he may designate. Wherever the words "Special War Board Assistant" are included in Rationing Order C or in any amendments, announcements, or supplements thereto there are hereby substituted for such words the words "Director of Food Production or, in his absence, the Acting Director of Food Production".

§ 1202.243 *Effective dates of amendments.* * * *

(b) This Amendment No. 2 (change in the administration of the order) to Food Production Order 3 shall become effective this 26th day of January 1943.

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

[SEAL] PAUL H. APPELBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-1266; Filed, January 25, 1943; 11:15 a. m.]

[Food Production Order 4]

PART 1205—APPEALS

GENERAL RATIONING APPEAL PROCEDURE

Pursuant to the authority heretofore or hereafter vested in the Secretary of Agriculture under Public Law 671, 76th Congress, as amended by Public Laws 89 and 507, 77th Congress; *It is hereby ordered, That:*

§ 1205.1 *General rationing appeal procedure.* Any person seeking relief from a rationing order now or hereafter

¹ Formerly Rationing Order C.

or order issued pursuant to that authority and administered by the Director of Food Production, the persons listed in this paragraph (a) are each authorized to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books or records or any other documentary or physical evidence, or both.

Campbell, Howard V.
Carson, Leonard O.
Dechant, Harry P.
Dimon, Phillip W.
Doyle, James A.
Farrell, William F.
Fike, Linus R.
Folkerth, Justin H.
Koontz, Clarence J.
Murphy, Casper M.
Paul, Spurgeon E.
Price, Harold L.
Sachs, Sidney S.
Sherbondy, Donald J.
Smith, Todd
Strange, Robert Wright
Sussman, Gilbert
Tyler, Robert B.
Zimowski, Joseph B.

(b) The authority conferred by paragraph (a) of this Food Production Administrative Order 2 upon the persons set forth in said paragraph (a) shall be exercised in conformity with the provisions of subparagraph (4) of paragraph (a) of section 2 of the act of June 28, 1940 (54 Stat. 676), as amended by the act of May 31, 1941 (Pub. Law 89, 77th Cong.), and by Title III of the Second War Powers Act, 1942 (act of March 27, 1942, Pub. Law 507, 77th Cong.).

§ 1200.3 *Order delegating to certain persons authority to procure sworn written statements.* In the administration or enforcement of the priority, alloca-

administered by the Director of Food Production may, if he seeks relief of a type not provided for in the rationing order appealed from, file with the Director of Food Production, Washington, D. C., a written statement of the relief which he seeks and the reasons why he believes that he is entitled to such relief. The Director of Food Production or, in his absence, the Acting Director of Food Production, may grant such relief; *Provided*, That it does not defeat or impair the effectiveness of the rationing program of the Secretary of Agriculture; *And provided further*, That the granting of similar relief to all persons in like circumstances would not hinder the rationing program. The decision of the Director of Food Production or, in his absence, the Acting Director of Food Production, shall be in writing and shall be final.

This Food Production Order 4 shall become effective this 26th day of January 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-K, Supp. Dir. 1-P, 7 F.R. 562, 7280, 8856; O.P.A. Administrative Orders 28 and 30, 7 F.R. 7326, 8672, 9368)

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

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-1287; Filed, January 25, 1943;
11:18 a. m.]

Chapter XI—Food Distribution Administration

[Food Distribution Order 11]

PART 1401—DAIRY PRODUCTS

MILK MARKETING ECONOMIES

Pursuant to the authority vested in me by Executive Order No. 9280, issued December 5, 1942, and to assure an adequate supply and efficient distribution of milk and milk products, to meet war and civilian needs, *It is hereby ordered, as follows:*

§ 1401.21 *Milk and cream*—(a) *Definitions*. For the purposes of this order:

(1) "Handler" means any person who engages in the sale, distribution, or transportation of milk or cream.

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

(3) "Milk" means fresh milk, skim milk, buttermilk, or flavored milk drinks.

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

(b) *Restrictions on disposition of milk and certain milk products*. (1) No handler may use containers of less than 1 quart in size for the sale or disposition of milk, except for the sale or disposition of milk to and by hotels, restaurants, or other establishments where milk is resold for consumption on the

premises of such hotels, restaurants, or establishments.

(2) No handler shall purchase or otherwise acquire bottled milk or cream from more than two handlers during any calendar month, except in instances where each delivery received by such handler at the delivery point is in excess of 300 quarts.

(3) No handler shall load upon delivery vehicles bottled milk or cream for which the handler has not received prior orders.

(4) No handler shall accept the return of milk or cream previously delivered or otherwise disposed of to a hotel, store, restaurant, or similar establishment.

(5) Each handler shall require:

(i) A deposit of not less than 1 cent for each glass container of 4 quarts or less in size used in the sale or disposition of milk or cream for consumption off the premises of the handler; and

(ii) A deposit of not less than 25 cents for each case or can used in the sale or disposition of milk or cream and retained in the possession of the receiver of such milk or cream.

(6) No handler shall deliver milk or cream to any person after notice by the Director that such person is in violation of any of the provisions hereof.

(c) *Exemptions*. (1) The provisions of § 1401.21 (b) (1) and (5) shall not be applicable to any handler with respect to the milk or cream disposed of by the handler to the armed forces of the United Nations.

(2) For a period of 90 days after the effective date hereof, the provisions of § 1401.21 (b) (2) shall not be applicable in the area consisting of the City of New York and the counties of Nassau, Suffolk, Westchester, and Rockland in the State of New York; that portion of the county of Fairfield in the State of Connecticut lying south and west of a line projected from Fairfield northwesterly to the nearest point on the New York State line; the counties of Hudson, Bergen, Passaic, Essex, Union, Middlesex, Somerset, and Morris in the State of New Jersey; and that portion of Monmouth and Ocean Counties in the State of New Jersey bordering on the Atlantic Ocean, including the coastal area designated as the north shore resort section and the municipalities of Morgan, Keyport, Red Bank, Long Branch, Asbury Park, Toms River, and points south to Brigantine Inlet which separates the counties of Ocean and Atlantic in the State of New Jersey.

(d) *Records or reports*. Each handler shall maintain such records, for such periods of time, and shall execute and file such reports, or submit such information, as the Director may, from time to time, request or direct.

(e) *Audits and inspection*. Every handler shall permit inspection of his books, records, and accounts by the Director.

(f) *Territorial scope*. Any handler doing business in any of the 48 States or in the District of Columbia is subject to the provisions hereof; but the provisions hereof shall not apply to any handler doing business exclusively in

any territory or possession of the United States.

(g) *Petition for relief from hardships*. Any handler who considers that compliance herewith would work an unreasonable hardship on him may apply in writing to the Director, setting forth in such petition the pertinent facts and the nature of the relief desired. The Director may, upon the basis of such application and other information, take such action as he deems appropriate, and the decision of the Director shall be final.

(h) *Violations*. Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 80), under paragraph 5 of section 301 of title III of the Second War Powers Act, and under any and all other applicable laws.

(i) *Communications*. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the: Director of Food Distribution; United States Department of Agriculture; Washington, D. C., Ref: FD-11.

(j) *Delegation of authority*. The Director is hereby designated to administer the provisions hereof.

(k) *Effective date*. This order shall be effective on February 1, 1943.

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

Issued this 21st day of January 1943.

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

[F. R. Doc. 43-1140; Filed, January 22, 1943;
3:52 p. m.]

TITLE 8—ALIENS AND NATIONALITY Chapter I—Immigration and Naturalization Service

[General Order C-1, Supp. 15]

PART 110—PRIMARY INSPECTION AND DETENTION

PART 168—ADMINISTRATIVE OFFICERS AND DISTRICTS

DISCONTINUANCE OF UNITED STATES IMMIGRATION STATION AT ST. JOHN, NEW BRUNSWICK, CANADA

JANUARY 19, 1943.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458) and § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753), *It is hereby ordered*, That the

United States immigration station located in St. John, New Brunswick, Canada, be discontinued at the close of business on March 10, 1943.

Section 110.2 of the said regulations is amended, effective at the close of business on March 10, 1943, by deleting St. John, New Brunswick, from the list of United States immigration stations located in Canada.

Section 168.21 is amended, effective at the close of business on March 10, 1943, by deleting the words "and St. John" from the description of the territory included within Administrative District No. 1 of the Immigration and Naturalization Service, with headquarters at St. Albans, Vermont.

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-1213; Filed, January 23, 1943;
3:54 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Food Distribution Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

AINSWORTH SALES MARKET, AINSWORTH, NEBRASKA

JANUARY 23, 1943.

Notice under Packers and Stockyards Act.*

Whereas the Ainsworth Sales Market was posted on June 17, 1939, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Ainsworth Sales Market is not being operated as a stockyard within the meaning of that term as defined in said Act;

Now, therefore, notice is hereby given that the Ainsworth Sales Market no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.¹

[F. R. Doc. 43-1186; Filed, January 23, 1943;
11:20 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IX—Transport

PART 94—PRIORITIES FOR AIR TRANSPORTATION

AIR TRANSPORT COMMAND

Paragraphs (f) and (g) of § 94.6 are rescinded and the following substituted therefor:

*Modifies list posted stockyards, 9 CFR 204.1.

¹ Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81, 7 F.R. 2656).

§ 94.6 Air Transport Command.¹

(f) The Air Transport Command, Army Air Forces, is the agency through which the Commanding General, Army Air Forces, fulfills his responsibilities with respect to priorities for air transportation. All applications should be directed to the Air Priorities Division, Air Transport Command, Army Air Forces, Annex No. 1, Washington, D. C., which Division will issue instructions with respect to methods of securing priorities, information necessary to be presented, the use of air priorities, and identification numbers.

(g) Priority ratings or subsequent changes thereof issued by the Air Priorities Division, Air Transport Command, Army Air Forces, will be final and conclusive. However, the shipper will be advised in the event a shipment is delayed due to a change in priority rating so that other means of transportation may be provided. (Chap. 418, sec. 1, 39 Stat. 645; 10 U.S.C. 1361) [Sec. IV, Cir. 20, W.D., January 13, 1943]

[SEAL]

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

[F. R. Doc. 43-1137; Filed, January 22, 1943;
3:14 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4837]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GEORGE & THOMAS CONE COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., of ice cream cones, or other merchandise, (1) selling, etc., ice cream cones or other merchandise so packed and assembled that sales of such cones or other merchandise are to be made or, due to the manner in which such cones or other merchandise is packed and assembled at the time it is sold by the respondent, may be made by means of a game of chance, gift enterprise or lottery scheme; (2) selling, etc., ice cream cones or other merchandise together with coupons so designed or printed that the use of said coupons in the sale or distribution of said cones or other merchandise constitutes the operation of a game of chance, gift enterprise or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, George & Thomas Cone Company, Docket 4837, January 13, 1943]

In the Matter of Albert George, Trading as George and Thomas Cone Company

At a regular session of the Federal Trade Commission, held at its office in

17 F.R. 10359.

the City of Washington, D. C., on the 13th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Albert George, trading as George and Thomas Cone Company or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of ice cream cones or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing ice cream cones or other merchandise so packed and assembled that sales of such cones or other merchandise are to be made or, due to the manner in which such cones or other merchandise is packed and assembled at the time it is sold by the respondent, may be made by means of a game of chance, gift enterprise or lottery scheme;

(2) Selling or distributing ice cream cones or other merchandise together with coupons so designed or printed that the use of said coupons in the sale or distribution of said cones or other merchandise constitutes the operation of a game of chance, gift enterprise or lottery scheme;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1177; Filed, January 23, 1943;
10:54 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owner's Loan Corporation

[Bulletin 156]

PART 403—PROPERTY MANAGEMENT DIVISION

MISCELLANEOUS AMENDMENTS

Correction

The second paragraph of § 403.10-16 appearing on page 833 of the issue for Tuesday, January 19, 1943, should read as follows:

"The Regional Counsel shall advise the Regional Manager generally of the title evidence, instruments and insurance, tax, and other information which the Property Management Division shall assemble in order to enable the Legal Department to close sales in each jurisdiction within the Region."

The undesignated paragraph of § 403.11-41 appearing on page 836 should read:

"In cases where it is impracticable for the broker to obtain a receipted bill, the Official in Charge of Management is authorized to waive the necessity of obtaining such receipted bill upon certification by the broker, preferably on the bill or letterhead of the broker, that it was impracticable to obtain a receipted bill and stating the reasons therefor, and upon satisfactory evidence that payment, in fact, has been made."

TITLE 30—MINERAL RESOURCES Chapter III—Bituminous Coal Division

[Docket No. A-1622]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Notice correcting error in reproductions of supplement to order in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

It appears that the reproductions of a schedule designated as Supplement T, § 321.24 (*General prices*), attached to and made a part of an order entered in the above-entitled matter on October 17, 1942, 7 F. R. 8922, erroneously show the coals produced by Zacherl Coal Co. at the Zeitler #15 Mine, Mine Index No. 3739, as being mined from the "A" Seam in Subdistrict 1 of District No. 1, whereas the original of said Supplement T shows said coals as being mined from the "A" Seam in said subdistrict and district.

Notice is hereby given that "A" is the proper seam designation rather than the designation "A" in said reproductions.

Dated: January 21, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1183; Filed, January 23, 1943;
11:04 a. m.]

TITLE 32—NATIONAL DEFENSE Chapter VI—Selective Service System

[No. 155]

APPOINTMENT BY DIRECTOR

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 29, entitled "Appointment by Director,"¹ effective immediately upon the filing hereof with the Division of the Federal Register.

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

LEWIS B. HERSHEY,
Director.

DECEMBER 4, 1942.

[F. R. Doc. 43-1199; Filed, January 23, 1943;
1:15 p. m.]

[No. 156]

SPECIAL EXAMINATION OF REJECTEES WITH CARDIOVASCULAR DEFECTS

ORDER PRESCRIBING FORM

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

Addition of a new form designated as DSS Form 1003, entitled "Special Examination of Rejectees with Cardiovascular Defects,"¹ effective immediately upon the filing hereof with the Division of the Federal Register.

¹ Form filed as part of the original document.

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

LEWIS B. HERSHEY,
Director.

JANUARY 4, 1943.

[F. R. Doc. 43-1200; Filed, January 23, 1943;
1:15 p. m.]

[No. 167]

ORDER TO REPORT FOR FINAL-TYPE PHYSICAL EXAMINATION

ORDER PRESCRIBING FORM

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

Addition of a new form designated as DSS Form 48A, entitled "Order to Report for Final-type Physical Examination,"¹ effective immediately upon the filing hereof with the Division of the Federal Register.

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

LEWIS B. HERSHEY,
Director.

JANUARY 4, 1943.

[F. R. Doc. 43-1201; Filed, January 23, 1943;
1:15 p. m.]

[No. 158]

ORDER FOR TRANSFERRED MAN TO REPORT FOR INDUCTION

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War

Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 156, entitled "Order for Transferred Man to Report for Induction,"¹ effective immediately upon the filing hereof with the Division of the Federal Register.

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

LEWIS B. HERSHEY,
Director.

JANUARY 15, 1943.

[F. R. Doc. 43-1202; Filed, January 23, 1943; 1:15 p. m.]

[No. 159]

APPLICATION FOR VOLUNTARY INDUCTION
ORDER PRESCRIBING FORM

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

Revision of DSS Form 165, entitled "Application for Voluntary Induction,"¹ effective immediately upon the filing hereof with the Division of the Federal Register.

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

LEWIS B. HERSHEY,
Director.

JANUARY 15, 1943.

[F. R. Doc. 43-1203; Filed, January 23, 1943; 1:16 p. m.]

[No. 160]

ORDER TO REPORT FOR INDUCTION
ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940

¹ Form filed as part of the individual document.

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

Revision of DSS Form 150, entitled "Order to Report for Induction,"¹ effective immediately upon the filing hereof with the Division of the Federal Register.

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

LEWIS B. HERSHEY,
Director.

JANUARY 15, 1943.

[F. R. Doc. 43-1204; Filed, January 23, 1943; 1:16 p. m.]

TERRITORY OF HAWAII

INDUCTION OF NAVAL EMPLOYEES INTO U. S. NAVAL FORCES

Under and by virtue of the authority vested in me by § 603.1, Selective Service Regulations, and notwithstanding any other orders, directives, rules, or regulations, I hereby direct the Territorial Director of Hawaii to take the necessary steps in order to permit men between the ages of 18 and 38 who are registered with local boards outside the Territory of

| | |
|----------------------------------------------------------------------------------|------------------------------------------------|
| 63. Wool manufactures..... | 3642.00 thru 3666.01. |
| 129. Agricultural machinery and implements..... | 7800.00 thru 7870.00 and 7879.00 thru 7899.98. |
| 130. Motor trucks, busses and chassis (new)..... | 7901.01 thru 7904.68. |
| 131. Passenger cars and chassis (new)..... | 7907.00 thru 7910.00. |
| 132. Automotive parts and accessories..... | 7913.00 thru 7927.00. |
| 133. Automobile service equipment..... | 7934.00 thru 7936.00. |
| 134. Parachutes and parts..... | 7945.05 thru 7945.98. |
| 135. Aircraft engine parts and accessories..... | 7947.05 and 7947.98. |
| 136. Aircraft instruments and parts..... | 7948.01 thru 7948.98. |
| 137. Internal combustion marine engines and parts..... | 7957.00, 7959.00 and 7159.00. |
| 138. Railway cars and parts..... | 7960.00 thru 7969.00. |
| 139. Coal-tar products, except commodities requiring a Certificate of Necessity. | 8005.00 thru 8069.98. |

[Amendment 118]

PART 804—INDIVIDUAL LICENSES
APPLICATIONS TO EXPORT CERTAIN
COMMODITIES

Correction

Paragraph (b) of the document appearing on page 957 of the issue for Thurs-

Hawaii and who are now or have until recently been employed either by the United States Navy or by persons performing work under contract for the United States Navy to volunteer for induction and be inducted into the naval forces of the United States through a convenient local board in the Territory of Hawaii.

The Territorial Director of Hawaii shall arrange for the completion of Form 165, Form 151, and Form 221 covering each registrant inducted under the provisions of this order and shall forward such completed forms to the registrant's local board through the proper State Director of Selective Service.

LEWIS B. HERSHEY,
Director.

JANUARY 23, 1943.

[F. R. Doc. 43-1212; Filed, January 23, 1943; 3:39 p. m.]

Chapter VII—Board of Economic Warfare

Subchapter B—Export Control
[Amendment 117]

PART 804—INDIVIDUAL LICENSES

APPLICATIONS FOR LICENSES

Correction

The numbered groups Nos. 63 and 129 through 139 appearing on pages 956 and 957 of the issue for Thursday, January 21, 1943, should read as follows:

day, January 21, 1943, should read as follows:

(b) *Diamonds, tools and jewelry containing diamonds.* In the space provided in the prescribed application form for the description of the diamonds desired to be exported the following provisions relating to such description shall be observed:

Chapter IX—War Production Board
Subchapter B—Director General for Operations
PART 938—SYNTHETIC RUBBER

[General Preference Order M-13, Amendment 2]

Section 938.1 *General Preference Order M-13* [7 F.R. 70] is amended by amending paragraph (h) to read as follows:

(h) Any action which, under the terms of this order, is to be taken by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(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 22d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1160; Filed, January 22, 1943; 4:54 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Amendment 2 to Supplementary Order M-15-b, as Amended Dec. 28, 1942]

Section 940.3 *Supplementary Order M-15-b*¹ is amended by inserting immediately after paragraph (c) (25) thereof the following new paragraph (c) (26):

(26) Any action which, under the terms of this order or of any of the schedules attached to this order, is to be taken by the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(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 22d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1161; Filed, January 22, 1943; 4:54 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Amendment 1 to Supplementary Order M-15-b-1, as Amended Dec. 28, 1942]

Section 940.5 *Supplementary Order M-15-b-1*² is amended by inserting immediately after paragraph (c) thereof the following new paragraph (d):

(d) Any action which, under the terms of this order or of any of the lists attached to this order, is to be taken by the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(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 22d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1162; Filed, January 22, 1943; 4:54 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-e, Amendment 1]

Section 940.7 *Supplementary Order M-15-e* [7 F.R. 4167] is amended by amending paragraph (i) to read as follows:

(i) Any action which, under the terms of this order, is to be taken by the Director of Industry Operations or the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(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 22d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1163; Filed, January 22, 1943; 4:54 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-f, Amendment 1]

Section 940.8 *Supplementary Order M-15-f* [7 F.R. 5938] is amended by inserting immediately after paragraph (e) thereof the following new paragraph (f):

(f) Any action which, under the terms of this order, is to be taken by the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(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 22d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1164; Filed, January 22, 1943; 4:54 p. m.]

PART 1013—CHLORINATED RUBBER
[General Preference Order M-46, Amendment 3]

Section 1013.1 *General Preference Order M-46*¹ is amended by amending paragraph (i) to read as follows:

(i) Any action which, under the terms of this order, is to be taken by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(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 22nd day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1165; Filed, January 22, 1943; 4:54 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Revocation of Schedule I to Limitation Order L-42]

Section 1076.2 *Schedule I to limitation Order L-42* is hereby revoked.

(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 23d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1178; Filed, January 23, 1943; 10:57 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Schedule V-a to Limitation Order L-42 as Amended Jan. 23, 1943]

PLUMBING FIXTURE FITTINGS AND TRIM

§ 1076.9 *Schedule V-a to Limitation Order L-42*—(a) *Definitions*. For the purposes of this schedule:

(1) "Producer" means any person who manufactures, processes, fabricates or assembles fittings or trim.

(2) "Fittings and trim" means plumbing fixture fittings and plumbing fixture trim.

(3) "Copper base alloy" means any alloy which contains 40% or more copper by weight.

(b) *Limitations*. Pursuant to Limitation Order No. L-42 the following limitations are established for the manufacture of fittings and trim:

No copper or copper base alloy may be used in the manufacture of the articles specified below:

(1) Bath tub fillers and nozzles;

¹ 6 F.R. 5534; 7 F.R. 1494, 5981.

¹ 7 F.R. 10951; 8 F.R. 349.

² 7 F.R. 10967; 8 F.R. 83.

- (2) Shower fittings;
- (3) Lavatory compression faucets;
- (4) Lavatory combination faucets;
- (5) Sink compression faucets;
- (6) Combination sink faucets and spout;
- (7) Combination faucets for laundry tubs and spouts;
- (8) Combination faucets for wash sinks;
- (9) Laundry tray faucets;
- (10) Outlet plugs and strainers;
- (11) Tail pieces;
- (12) Flush ells;
- (13) Flush valves for closet tanks.

Provided, however, That copper or copper base alloy may be used for valve seats, valve stems, bonnets, discs and disc screws, or valve trimming units combining these separate parts into one unit, in the articles specified in subparagraphs (1) to (9) inclusive, if it is limited to the minimum amount practicable.

(c) *General exception.* The prohibitions and restrictions contained in this schedule shall not apply to the use of copper or copper base alloy in the manufacture of articles or parts thereof which are being produced:

(1) Under a specific contract or sub-contract for use in chemical plants, research laboratories or hospitals, where and to the extent that the physical and chemical properties make the use of any other material impractical. Such use is not deemed impractical for ordinary plumbing fixtures and trim and the exception covers only those cases where the technical operation of the plant makes the use of other material impractical;

(2) Under a specific contract or sub-contract for use as part of the equipment of vessels other than pleasure craft and of aircraft where corrosive action makes the use of other material impractical.

(d) *Effective date of simplified practices; exceptions.* On and after June 15, 1942, no plumbing fixture fittings or trim which do not conform to the standards established by this schedule shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director General for Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such plumbing fixture fittings or trim as were in his stock in finished form on June 15, 1942.

Until March 15, 1943, the prohibitions of this schedule shall not apply to the use, by any producer, of any copper base alloy parts, except handles, in assembling any of the following items of plumbing fixture fittings and trim, or to the delivery by any producer, or acceptance of delivery by any person from any producer, of any of the following items of plumbing fixture fittings and trim:

- (i) Two valve over rim bath faucet;
- (ii) Two valve bath and shower combination;
- (iii) Double bath faucet;
- (iv) Lavatory compression faucet;

(v) Lavatory combination assembly less pop-up waste;

(vi) Two-valve shower assembly;

(vii) Sink faucet;

(viii) Sink combination swing spout faucet;

provided such parts were in the stock of such producer, or in the stock of any other producer, on June 15, 1942 and provided such items of plumbing fixture fittings and trim are assembled for delivery or delivered on specific contracts or orders placed by or for the account of, or to fulfill a contract with, the Army, Navy, Maritime Commission, War Shipping Administration, or National Housing Agency, or for delivery on orders bearing preference ratings under Preference Rating Orders P-55, P-110, P-19-d or P-19-h. Each producer shall mail, by February 1, 1943, a letter reporting to the Plumbing and Heating Division, War Production Board, Washington, D. C., Ref: L-42, the number of units of each item assembled under the foregoing provision prior to the date of such report and the number of such units to be assembled thereafter.

(e) *Records covering excepted plumbing fixture fittings and trim.* Each producer shall retain in his files records showing his inventory of excepted plumbing fixture fittings and trim (by types) as of June 15, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Relation to Schedule V.* The provisions of this schedule, effective June 15, 1943, shall supersede the provisions of Schedule V to the extent that this schedule prohibits uses which are permitted by Schedule V.

(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 23d day of January 1943.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 43-1179; Filed, January 23, 1943; 10:57 a. m.]

PART 3062—CONSERVATION OF NEW AUTOMOTIVE VEHICLES SUBJECT TO RATIONING BY FEDERAL AGENCIES

[Conservation Order M-216-a]

§ 3062.2 *Conservation Order M-216-a—(a) Definitions.* For the purposes of this order:

(1) "Reserve vehicle" means any of the following described vehicles which have not been sold and delivered under the rationing procedures of the War Production Board or the Office of Price Administration, and which are in storage in the possession of or under the

control of producers, distributors, dealers, sales agencies, finance agencies or other persons throughout the United States:

(i) Any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten (10) persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of an earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses and station wagons.

(ii) Any new commercial motor vehicle, including any light, medium or heavy motor truck, truck tractor or trailer, or the chassis therefor (or any chassis on which a bus body is to be mounted), and which was manufactured subsequently to July 31, 1941; was designed to be propelled or drawn by mechanical power for use on or off the highways for transportation of property, or persons; was manufactured otherwise than under specifications of the United States Army or Navy; has not been transferred to any person other than a sales agency for the purpose of resale; including vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, full trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, station wagons, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, and cab pickups, but not including taxicabs and integral type buses.

(2) "Producer" means any person who manufactures or has in the past manufactured any reserve vehicles, including body builders, and who now or hereafter has any such reserve vehicles in his possession or under his control.

(3) "Distributor" means any person other than the manufacturer regularly engaged in the business of selling reserve vehicles to dealers.

(4) "Dealer" means any person regularly engaged in the business of offering reserve vehicles for sale at retail to the public.

(5) "Sales agency" means any distributor or dealer and includes any agency or branch of a producer which sells reserve vehicles.

(6) "Finance agency" means any person regularly engaged in the business of financing or making loans on the security of reserve vehicles, to producers, distributors, dealers or sales agencies, and who now or hereafter has any lien or claim against any such reserve vehicle as security for a loan or other financing arrangement.

(7) "Consumer" means a person who accepts delivery of a reserve vehicle to be put into operation.

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

(b) *Establishment of Standard Delivery Operations applicable to reserve vehicles.* The Standard Delivery Operations to be performed on reserve vehicles

prior to delivery, set forth in Schedule 1 to this order, and made part hereof, are hereby adopted for the proper conditioning of such vehicles before the same are put into operation.

(c) *Restrictions on delivery of reserve vehicles.* On and after February 15, 1943, no producer, distributor, dealer, sales agency, finance agency, or other person having possession of a reserve vehicle may make delivery of the same to a consumer without first performing on such vehicle all of the Standard Delivery Operations set out in Schedule 1 to this order. In no case may any such vehicle be operated under its own power until the Standard Delivery Operations numbered 1 to 13 inclusive have been performed upon it, or towed until Standard Delivery Operations numbered 1 and 2 have been performed on it.

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

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

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

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

(h) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C., Ref.: Order M-216a.

(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 23rd day of January 1943.

ERNEST KANZLER,

Director General for Operations.

SCHEDULE 1—STANDARD DELIVERY OPERATIONS FOR RESERVE VEHICLES

The Standard Delivery Operations set out in this Schedule 1 are established in order that new passenger automobiles and new commercial motor vehicles may be put in proper mechanical condition for operation. All of these Operations must be performed on vehicles prior to delivery.

These Standard Delivery Operations are identical with those established by the Office of Price Administration in Amendment No.

8 to Revised Price Schedule No. 85, entitled "Passenger Automobiles," and in Supplementary Regulation No. 14, as amended.

VEHICLES TO WHICH STANDARD DELIVERY OPERATIONS ARE APPLICABLE

The reserve vehicles to which these Standard Delivery Operations apply are those new passenger automobiles and new commercial motor vehicles which are held for rationing under orders of the War Production Board and the Office of Price Administration. As to new passenger automobiles these are General Conservation Order M-130, effective June 8, 1942, and Office of Price Administration New Passenger Automobile Rationing Regulations, Order No. 2A, effective March 2, 1942, as amended; and as to new commercial motor vehicles, General Conservation Order M-100, effective March 9, 1942, as amended. These reserve vehicles are more particularly defined as follows:

"Reserve vehicles" means any of the following described vehicles which have not been sold and delivered under the rationing procedures of the War Production Board or the Office of Price Administration, and which are in storage in the possession of or under the control of producers, distributors, dealers, sales agencies and finance agencies or other persons throughout the United States:

1. Any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten (10) persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of an earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses and station wagons.

2. Any new commercial motor vehicle, including any light, medium or heavy motor truck, truck tractor or trailer, or the chassis therefor, (or any chassis on which a bus body is to be mounted) and which was manufactured subsequently to July 31, 1941; was designed to be propelled or drawn by mechanical power for use on or off the highways for transportation of property, or persons; was manufactured otherwise than under specifications of the United States Army or Navy; has not been transferred to any person other than a sales agency for the purpose of resale; including vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, full-trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, station wagons, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, and cab pickups, but not including taxicabs and integral type buses.

GENERAL INSTRUCTIONS

1. Under no circumstances should a reserve vehicle be operated, under its own power, until the Standard Delivery Operations numbered 1-13 inclusive have been performed upon it.

2. Under no circumstances should a reserve vehicle be towed until Standard Delivery Operations numbered 1 and 2 have been performed upon it.

STANDARD DELIVERY OPERATIONS

Item No. 1. *Tires.* a. If tires are unmounted, inspect the rims and remove all rust. Mount tires and inflate them to tire manufacturer's recommended pressure.

b. If tires are mounted, inflate them to tire manufacturer's recommended pressure.

Item No. 2. *Brake system and front wheel lubricant.* a. Remove all wheels and drums and thoroughly clean rust from all braking surfaces. Also examine anchor pins to make sure their bearings are free so that springs return shoes to released position. *Do not work brake pedal with brake drums off.*

b. Repack front wheel bearings with new lubricant if necessary. Replace wheels. Tighten hub bolts and secure hub covers.

c. Check hydraulic master cylinder fluid level, adding approved fluid if necessary. See that filler cap vent is open.

d. Inspect brake system for leaks and repair any defects.

e. Work brake pedal several times to make sure system is operating. Jack up each wheel (if blocks were removed) and apply brakes. Check to see that they operate and then release fully so wheel can turn freely with no drag.

f. Check brake pedal-floor clearance and adjust if necessary.

g. With respect to conditioning vacuum booster, electric, and compressed air brake equipment, follow equipment manufacturer's recommendations.

Note. Remove outside body and window coverings. Protect upholstery while conditioning vehicle. If another location is required for remaining work, vehicle must not be run under its own power until ready for preliminary road test.

Item No. 3. *Fuel system.* a. Replace gasoline tank drain plug.

b. Clean fuel pump sediment bowl and filter screen and reinstall.

c. Check all fuel connections, including carburetor flange nuts or cap screws.

d. Put gasoline in tank, adding 1/2 pint of SAE-10 engine oil to each 5 gallons of gasoline. Replace filler cap, making sure vent is free.

e. Check accelerator, throttle and choke linkages, idle and wide open positions.

f. Remove seal from air cleaner; and add oil if necessary.

Item No. 4. *Ignition system.* a. Clean and adjust spark plugs. Leave them out so cylinders can be lubricated later.

b. Check distributor, adjust points, clean rotor and contact points.

c. Lubricate cam and rocker bearing surface.

d. Clean wire connections and push wires firmly into their sockets in distributor and coil.

Item No. 5. *Valve compartment.* a. Remove cover and remove oil soaked rags if any.

b. Spray valve mechanism with suitable light oil. Leave cover off for observation of valve action later.

Item No. 6. *Seals.* a. Remove seal from tail pipe opening.

b. Remove seals from oil filler tube, crankcase breather tube, and any other opening. Clean and replace covers.

Item No. 7. *Clutch.* a. Remove block used to keep clutch disengaged and make sure there is correct amount of free pedal movement at top of travel.

Item No. 8. *Preparing engine for service.* a. Tighten all cooling system heater hose and defroster connections, replacing any defective hose. If cooling system was stored full, add sufficient coolant to make up for evaporation. If cooling system was stored empty, close drain cocks and replace drain plugs. Fill with clean water and check for leaks.

b. Drain oil from crankcase, drop oil pan, thoroughly clean pan, inside of crankcase and pump screen, replace pan using new gasket. Fill crankcase with flushing oil.

c. Pour 2 ounces of SAE-10 engine oil into each spark plug hole. Reinstall spark plugs, using new gaskets, if necessary.

d. Lubricate generator, starter, and water pump.

e. Clean battery carrier, repainting if necessary. Install securely a fully charged battery (spec. grav. of 1.280 or above at 60 degrees F.; water level 1/4" to 3/8" above plates). Clean cables and connections, tighten, and coat terminals with vaseline or approved corrosion preventive. Test battery hookup by

turning on headlights (ammeter should show discharge).

f. With ignition switch off and clutch disengaged crank engine for 30 seconds with starter in order to exercise reciprocating parts and bearings. While cranking engine, listen carefully for indications of trouble. Remedy any trouble (such as engine failing to turn over or starter motor being stuck) before proceeding further.

g. Start engine (clutch disengaged) and run at idle speed for five minutes.

h. Turn off engine. Drain flushing oil immediately from crankcase.

1. If engine oil filter is sealed type, replace it with a new one. If it is replaceable element type, clean out filter chamber and install new element.

j. Fill crankcase to correct level with engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate. Start engine and run at idle speed.

Item No. 9. *While Engine is Running*, check the following items for proper operation, making all necessary adjustments and repairs:

a. All instruments (oil, gas, temperature, and ammeter).

b. Windshield wipers, with blades installed.

c. Horn.

d. Every switch position of every light on vehicle.

e. Heater, climatizer, defroster.

f. Cigar lighter, radio, clock and other accessories.

g. Automatic top on convertibles.

h. Charging rate, and voltage and current regulator.

i. Manifold heater valve.

j. Inspect all water hose connections, and oil lines for leakage.

k. Check and if necessary adjust valve tappets according to vehicle manufacturer's recommendations.

l. Automatic choke control.

m. Set engine idle speed according to manufacturer's instructions.

Item No. 10. *After Shutting off Engine*, perform the following operations: Before any sediment in coolant has time to settle, make the following check of the cooling system:

a. If coolant carries little or no anti-freeze, completely drain entire cooling system, examining coolant for presence of rust or other foreign matter.

b. If coolant carries a considerable amount of anti-freeze, drain a quart from bottom of radiator. If liquid is clear return sample to radiator.

c. If coolant shows rusty and dirty, completely drain entire cooling system, reverse flush radiator and engine block to remove sediment using a combination water-air flushing nozzle. (Remove thermostats and water pump before flushing the block.)

d. Fill cooling system (if not already done) with clean water and rust inhibitor, adding anti-freeze according to seasonal requirements. Watch for leaks at hose ends and pump, and correct any that develop.

e. While engine is still hot, tighten cylinder head nuts in recommended order.

f. Tighten manifold studs.

g. Tighten bolts at connection between exhaust manifold and pipe to muffler.

h. Replace valve compartment cover.

i. Check all belt adjustments and replace belts if necessary.

Item No. 11. *Lubrication*. a. Lubricate every fitting and check the lubricant level of every reservoir according to vehicle manufacturer's lubrication chart, excepting those taken care of above. Flush out all gear boxes in which rust inhibitor was used during storage. Fill to correct level with new lubricant.

b. While lubricating, inspect underside of chassis and body for loose or damaged parts, and make any necessary adjustments or replacements.

Item No. 12. *Check, and if Needed Tighten* the following items: a. Nuts on spring U-bolts.

b. All steering connections.

c. Front and rear sway eliminator or stabilizer bolts.

d. Body bolts.

e. Front and rear bumper bolts.

f. Gas tank straps.

g. Shock absorber bolts.

Item No. 13. *Front End and Wheels*. a. Check front wheel toe-in.

b. Test steering adjustments and connections. Check amount of wheel turn to stop on left and right.

c. Check steering wheel for correct amount of play.

Item No. 14. *Preliminary Road Test*.

NOTE. Before road test, remove any stickers that obstruct vision, and wash windshield. Road test every vehicle by driving it at least three miles and checking the operation of the following items:

a. All gear positions, and operation of gear shift lever.

b. Accelerator.

c. Service brakes.

d. Hand brake.

e. All instruments: oil, gas, temperature, ammeter, speedometer and odometer.

f. Set spark advance or octane selector at correct adjustment for economical performance, idling, pick-up in each forward gear, and ping in acceleration.

g. Springs and shock absorbers.

h. Locate squeaks, rattles, and unusual noises.

i. Special equipment such as overdrives, 2-speed axles, hill-holding devices, and transmissions other than conventional type.

j. Note any other items upon which work needs to be done.

Item No. 15. *Return Vehicle to Shop* and do the following operations:

a. Focus headlights.

b. Do any work on clutch, service brakes and hand brake for which road test showed need.

c. Reinspect all water hose connections, oil lines, oil filter, and fuel lines for leakage.

d. Clean fuel filters at carburetor and fuel pump.

e. Make necessary repairs or adjustments of any other items which road test showed to need attention.

f. Check all tire pressures again and if necessary replace valve core and inspect innertube and tire casing.

Item No. 16. *Final Road Test*. a. Make a second road test, and further tests if necessary, to see that all items found unsatisfactory in first road test are operating satisfactorily.

b. Check for leaks under engine, transmission, and rear axle.

c. Clean and remove rust and dirt from engine and its accessories and other chassis parts. Touch up with paint of appropriate color if originally painted.

17. *Body*. a. Remove wax or grease from interior chrome, clean upholstery, carpets and floor mats and repair any damaged places. Use solvent cleaner which will not damage finish or upholstery.

b. Remove plugs or screening from holes in floorboards or dash.

c. Check and lubricate front seat adjustment.

d. Check operation of all windows, ventilators, cowl ventilator and sun visors. Clean windows and windshields inside and outside and repair any defects.

e. Check operation of all doors from inside and outside, trunk lid, hood and glove compartment.

f. Check operation of all keys and locks on doors, glove compartment and trunk.

g. Check and clean tools in kit.

h. Re-cement any sponge rubber seal strips which may have pulled loose, replacing any which have deteriorated.

i. Inspect paint finish and repair or touch up any defects or damage.

j. Clean and polish vehicle body and chrome trim.

NOTE.—Owner should drain engine crankcase at about 250 miles and refill to the full mark with a good grade of engine oil of proper SAE viscosity for temperature conditions under which vehicle will operate.

TRUCK TRAILER EQUIPMENT

With respect to truck trailer equipment, the following conditioning operations must be performed when conditions show work to be necessary:

Items Nos. 1 a, b;
2 a, b, d, g;
9 d;
11 a, b;
12 a, b, d;
14 c, g, h, j;
15 b, e, f;
16 a;
and 17 e, i, j.

[F. R. Doc. 43-1181; Filed, January 23, 1943; 10:57 a. m.]

PART 3096—PAPER AND PAPERBOARD

[General Conservation Order M-241 as Amended Jan. 23, 1943]

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

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

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

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

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

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

¹Not applicable to trucks.

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

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

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

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

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

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

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

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

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

The Director General may from time to time by amendment change the classification and/or percentages on List A or change List B, specifying a particular date for the change to take effect. Quotas for production after any such date shall be calculated according to Lists A and B as amended, until further amended. If the effective date of any such amendment is other than the first day of a calendar quarter, the quota for the quarter within which such date falls shall be recalculated by adding together (i) the proportion of the old quota which equals the proportion of the quarter preceding such date and (ii) the proportion of the new quota which equals the proportion of the quarter following such date, including such date.

(3) No person or persons shall during the first calendar quarter of 1943 or any calendar quarter thereafter produce at any mill any quantity of paper and/or

paperboard in excess of the quota for such mill for such quarter determined according to subparagraph (2) of this paragraph (c), except:

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

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

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

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

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

(5) If any person owns more than one mill, and can show that by combining or exchanging the several quotas of such mills, or parts thereof, significant quantities of critical materials will be saved, transportation reduced, labor released in areas where needed, or other materials or facilities required in the national defense conserved, he may submit to the Director General for Operations, in writing, a plan for such combination or exchange, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during each month of the year from October 1, 1941 through September 30, 1942, the quantity and kinds of paper expected to be produced at each such mill during each quarter under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will accomplish the purposes mentioned. The Director General for Operations may thereupon approve, modify, or disapprove such plan or may impose upon the execution of any such plan whatever conditions he may deem appropriate to this order. Upon receipt from the Director General for Operations of approval in writing of such a plan the proponent may produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the Director General for Operations in his approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives such approval.

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

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

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

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

(3) No person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard

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

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

(5) The term "grade of paper or paperboard" refers to the classification on United States Department of Commerce (Census) Form WPB-514, as revised November 7, 1942, each caption (except those which are further broken down by following captions) representing a separate grade. If a person's gross inventory of a grade is in excess of two carloads or sixty days' supply, as above, but his inventory of a particular item within that grade is less than thirty days' supply (or, in the case of a paper merchant, less than sixty days' supply), he may accept delivery of or produce, and others may deliver to him, any quantity of such item as may be required to provide him with thirty days' supply (or in the case of a paper merchant sixty days' supply). The restrictions of this paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB-514, as revised November 7, 1942, under the captions "Photographic and other sensitized" (07611) and "Cigarette" (08512), or to any paper or paperboard after it is printed or converted beyond waxing or coating, or to inventories held by or for any agency or government referred to in § 944.1 (b) (1) and (2) of Priorities Regulation No. 1, or by or for the United States Government Printing Office.

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

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

(3) *Reports*. All persons affected by this order shall execute and file with the War Production Board such reports and

questionnaires as said Board shall from time to time request.

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

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

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

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

Issued this 23d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

LIST A

Column 1 lists general classes of paper and paperboard by names common in the trade. Each class includes all the grades of paper or paperboard reported on United States Department of Commerce (Census) Forms OPM-514 (for the last quarter of 1941) and WPB-514 (for the first quarter of 1942) by the code numbers, respectively as indicated, set out under the name. In the calculation of a mill's quota there should first

be determined the whole quantity of each class produced at the mill during the base period, then subtracted from the result for each class the quantity produced at the mill during the base period of any kind of paper or paperboard on List B falling within such class, then the remainder multiplied by the percentage in column 2, and the several results added and the total divided by two. (See (c) (2) of Order M-241, as amended.)

| Class of paper or paperboard | Percentage |
|---------------------------------------------------------|------------|
| Newsprint..... | 90 |
| OPM-514—0100 to 0103, incl. | |
| WPB-514—01000 to 01300, incl. | |
| Groundwood papers..... | 80 |
| OPM-514—0200 to 0207, incl. | |
| WPB-514—02000 to 02900, incl. | |
| Book papers..... | 80 |
| OPM-514—0300 to 0340, incl. | |
| WPB-514—03000 to 03590, incl. | |
| Writings..... | 90 |
| OPM-514—0350 to 0375, incl., 0980 to 0983, incl. | |
| WPB-514—04000 to 08009, incl. | |
| Wrapping paper..... | 85 |
| OPM-514—0400 to 0494, incl. and 0800 | |
| WPB-514—09000 to 10900, incl. and 19000 | |
| Tissue paper..... | 100 |
| OPM-514—0500 to 0516, incl. | |
| WPB-514—11000 to 11900, incl. and 12100 to 12990, incl. | |
| Absorbent papers..... | 80 |
| OPM-514—0600 to 0607, incl. | |
| WPB-514—13000 to 13990, incl. | |
| Container board..... | 100 |
| OPM-514—0901 to 0930, incl. | |
| WPB-514—51000 to 51900, incl. | |
| Folding box board, etc..... | 80 |
| OPM-514—0940 to 0943, incl. | |
| WPB-514—52000 to 52990, incl. | |
| Set-up box boards, etc..... | 80 |
| OPM-514—0950 to 0952, incl. | |
| WPB-514—53000 to 53990, incl. | |
| Cardboard..... | 80 |
| OPM-514—0970 to 0974, incl. | |
| WPB-514—54000 to 54900, incl. | |
| Special industrial boards..... | 90 |
| OPM-514—0960, 0990, 1000, 1020. | |
| WPB-514—55000 to 57000, incl. 59000 to 59900, incl. | |

LIST B

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

| Column 1 | Column 2 (Corresponding general class on List A) |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------|
| (Unrestricted) | |
| Sanitary napkin and wadding stock (OPM-514: 0510, 0516) (WPB-514: 11100) | Tissue Papers |
| Absorbent for Vulcanized Fibre (OPM-514: 0605) (WPB-514: 13500) | Absorbent Papers |
| Absorbent for Resin Impregnating and Plastics (OPM-514: 0607) (WPB-514: 13910, 13990) | Absorbent Papers |
| Building Papers (OPM-514: 0700 to 0704 incl.) (WPB-514: 14000 to 14900 incl.) | Not Listed in A |
| Building Boards (OPM-514: 1010 to 1013 incl.) (WPB-514: 58000 to 58900 incl.) | Not Listed in A |

Column 1—Continued

Container Board, from waste
(OPM-514: 0904 to 0930 incl.)
(WPB-514: 51200, 51300, 51410, 51420, and 51440 to 51900 incl.)
Cigarette Paper (less than 24 x 36, 480, 18 #)
(OPM-514: 0502)
(WPB-514: 12110)
Condenser Paper (less than 24 x 36, 480, 18 #)
(OPM-514: 0503)
(WPB-514: 12120)
Carbonizing Paper (less than 24 x 36, 480, 18 #)
(OPM-514: 0504)
(WPB-514: 12130)
Stencil and Lens Paper (less than 24 x 36, 480, 18 #)
(OPM-514: 0505)
(WPB-514: 12190)
Photographic Paper
(not separately identified on census forms)
Currency Paper
(not separately identified on census forms)

Column 2—Continued

Container Board
Tissue Papers
Tissue Papers
Tissue Papers
Tissue Papers
Tissue Papers
Writing Papers
Writing Papers

[F. R. Doc. 43-1182; Filed, January 23, 1943; 10:58 a. m.]

PART 3176—VALVES AND VALVE PARTS

[Limitation Order L-252]

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

§ 3176.1 Limitation Order L-252—(a) Definitions. Wherever used in this order:

(1) "Producer" means any person who manufactures valves and valve parts.

(2) "Valves" means gate, globe, angle, cross, lift check, angle check, or swing check valves (including variations of those types, such as the valves generally referred to as quick opening, blow off, hose end, Y-type and hydraulic), except drilling through and flow line valves for oil production service. This definition does not include valves of the types generally referred to as "specialties".

(3) "Valve parts" means parts for valves as defined above.

(4) "Put into process" means to process, machine, or fabricate or in any other manner alter any material by physical or chemical means.

(b) Limitations. Except as specifically authorized by the Director General for Operations, no producer shall after May 1, 1943, put into process or cause to be put into process, any material to be incorporated into valves or valve parts, except for the manufacture of valves and valve parts which conform to the specifications contained in the Appendix attached to and a part of this order, or for the manufacture of:

(1) Valves

(i) The bodies or bonnets of which were cast before May 1, 1943;

(ii) Ordered for use as part of the equipment of aircraft or watercraft other than pleasure craft; or

(iii) For the conduction of liquid or gas having chemical or physical properties which render the use of valves described in the Appendix dangerous or impractical; and

(2) Valve parts for repair of valves which are completed on May 1, 1943, or which are produced thereafter in accordance with the provisions of paragraph (b) (1) of this order.

(c) Restricted deliveries. Except as specifically authorized by the Director General for Operations:

(1) No producer shall sell or make delivery of any valves or valve parts manufactured in violation of the terms of this order, and

(2) No person shall knowingly purchase or accept delivery of any valve or valve part produced in violation of this order.

(d) Order superseded. The provisions of this order supersede the provisions of Schedule No. 1 of Limitation Order L-42.

(e) Applicability of priorities regulations. This order and all transactions affected thereby are subject to the provisions of all applicable priorities regulations.

(f) Records. Each producer shall retain in his files for a period of two years records showing his inventory and production of all valves, including those for the manufacture of which material was put into process subsequent to May 1, 1943. These records shall be kept readily available and open to inspection by duly authorized representatives of the War Production Board.

(g) Appeals. Any appeal from the provisions of this order shall be made

by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

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

(i) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Shipbuilding Division, War Production Board, Washington, D. C., Ref.: L-252.

(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 23rd day of January 1943.

ERNEST KANZLER,
Director General for Operations.

APPENDIX

Specifications for Valves and Valve Parts

The following specifications govern the manufacture of valves and valve parts. These specifications do not purport to contain any recommendations regarding the most efficient or safe use of any valve or valve parts covered herein.

Certain of the terms used in this appendix (including the terms valves and valve parts) are defined in the body of this order, L-252. In addition, certain exceptions are made, and certain obligations imposed upon producers and others. You should, therefore, be thoroughly familiar with the body of the order before reading this appendix.

PART 1

Iron Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

1. Standard size schedule: Iron valves. (a) Valves shall be manufactured only in the pressure classes listed in Table 1 and in the particular sizes, specified in Table 2, which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1
[All size ranges are inclusive]

| Primary ¹ pressure classifications in pounds per square inch | Gates (inches) | | | Globe and angle (inches) | | Lift check (inches) | | Swing check (inches) | | | |
|-------------------------------------------------------------------------|----------------|---------|---------|--------------------------|---------|---------------------|---------|----------------------|---------|---------|---------|
| | Steam | Water | | Screwed | Flanged | Screwed | Flanged | Screwed | Flanged | Hub | |
| 25..... | 50 | ----- | 4 to 72 | 4 to 72 | ----- | ----- | ----- | ----- | ----- | ----- | |
| | 100 | ----- | 4 to 72 | 4 to 72 | ----- | ----- | ----- | ----- | ----- | ----- | |
| 125..... | 150 to 200 | 2 to 6 | 2 to 72 | 2 to 72 | 2 to 4 | 2 to 10 | 2 to 4 | 3 to 6 | 2 to 6 | 2 to 24 | 4 to 24 |
| 150..... | 250 | 1½ to 3 | 1 to 3 | ----- | 1½ to 3 | 1 to 3 | 1½ to 3 | ----- | 1½ to 3 | ----- | ----- |
| 250..... | 500 | 2 to 4 | 2 to 24 | ----- | 2 to 4 | 2 to 6 | ----- | ----- | 2 to 4 | 2 to 12 | ----- |
| 300..... | 800 | 1½ to 3 | 1 to 3 | ----- | 1½ to 3 | 1 to 3 | ----- | ----- | 1½ to 3 | ----- | ----- |
| | | 2 to 6 | 3 to 12 | ----- | ----- | ----- | ----- | ----- | 3 to 12 | ----- | ----- |

¹ The primary pressure classification designates a class of valves and does not necessarily mean that all sizes in a given class carry the primary pressure classification. American Standards Association standards and manufacturers practice frequently reduce the pressure ratings as size increases, and may not always rate valves for both steam and water.

² In sizes 3" and smaller the 150# and 300# primary pressure classification valves are included as substitutes for brass valves. Flanged valves may be rated in accordance with the American Flange Standard used.

NOTE: Other valve end connections in common use on the date of issuance of this order, including among others, the types known as Victaulic, Dresser, and Universal, may be manufactured, but only in accordance with the specifications listed in Table 1. For the purposes of this order, "common use" means use by at least ten companies.

(b) Detail of permitted sizes (see 1 (a) above):

TABLE 2
(Sizes in inches)

| | | |
|-------|----|----|
| 1/4 | 4 | 24 |
| 3/8 | 5 | 30 |
| 1/2 | 6 | 36 |
| 3/4 | 8 | 42 |
| 1 | 10 | 48 |
| 1 1/4 | 12 | 54 |
| 1 1/2 | 14 | 60 |
| 2 | 16 | 66 |
| 2 1/2 | 18 | 72 |
| 3 | 20 | |

2. General requirements for iron valves.

(a) End flanges shall conform to American Standards Association standards for corresponding pressure classes, except that for 150# and 300# valves when made of malleable iron as substitutes for brass valves, flanges conforming to Manufacturers Standardization Society of the Valve and Fitting Industry Bronze Flange Standard SP-2 may be used. Flanges may be furnished to the American Gas Association flange standard for low pressure gas service.

(b) Face to face of flanged valves, size 4" and larger, shall comply with American Petroleum Institute standard #5-G-1 and American Standards Association standard B-16.10 for the pressure classes and types which these standards cover.

(c) Valves for 150# primary steam rating and lower shall have manufacturer's standard seating materials, comprising any of the following:

- Non-metallic disc.
- Iron or carbon steel.
- Brass or bronze.
- Nickel alloy.

(d) Valves for 250# primary steam rating and higher shall have manufacturer's standard seating materials, comprising any of the following:

- Non-metallic disc.
- Iron or carbon steel.
- Brass or bronze.
- Chrome iron.

(e) Bonnet bolts or studs shall be carbon steel.

(f) Nuts for bonnet bolting shall be carbon steel.

(g) Handwheels shall be of ferrous metal, either cast or otherwise fabricated, or of suitable non-metallic material.

(h) All extension stems, couplings and gear housings shall be of ferrous metal.

(i) Spot facing or back facing on iron valve flanges is prohibited except when necessary to prevent scrapping otherwise usable products.

3. Iron gate valves. (a) Stems for outside screw and yoke valves shall be, at manufacturers' option, either of carbon steel, or of brass or bronze made from secondary metal, i. e., copper base alloy to which refined copper or refined tin is not added in the production of the castings for the stems.

(b) Discs for solid wedge gates 4" and larger and for split wedge or double disc gates 5" and larger, shall be all iron or iron with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class. Discs for non-rising stem valves may be

provided with brass or bronze bushing for stem thread.

(c) Bonnet bushing for backseating shall not be provided in outside screw and yoke valves.

(d) Packing gland flange bolts or studs shall be carbon steel.

(e) Nuts for packing gland flange bolts or studs shall be carbon steel.

(f) For valve 4" and larger, the packing gland, if flange and follower or nose are one piece, shall be of iron or iron brass bushed; or if made of two pieces, the flange shall be iron and the follower or nose may be brass.

4. Iron globe, angle, and cross valves. (a) "Plug" type discs shall not be used for primary pressure 125# classification; but no manufacturer shall make more than one design of metal to metal seat in this class.

(b) Discs for valves 4" and larger shall be all iron or iron with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

(c) Stems for outside screw and yoke valves shall be, at manufacturers' option, either of carbon steel, or of brass or bronze made from secondary metal, i. e., copper base alloy to which refined copper or refined tin is not added in the production of the castings for the stems.

(d) Bonnet bushing for back seating shall not be provided.

(e) Packing gland flange bolts or studs shall be carbon steel.

(f) Nuts for packing gland flange bolts or studs shall be carbon steel.

(g) For valves 4" and larger, the packing gland, if flange and follower or nose are one piece, shall be of iron or iron brass bushed; or if made of two pieces, the flange shall be iron and the follower or nose may be brass.

(h) Cross valves shall not be manufactured.

5. Iron check valves. (a) Discs for valves 4" and larger shall be either all iron, or iron or steel with faces conforming to paragraphs 2 (c) or 2 (d) depending upon pressure class.

(b) Nuts for attaching swing check disc to hinge or arm shall be carbon steel, or malleable iron.

(c) The hinge or arm for valves 2" and larger shall be of ferrous metal and may be bronzed bushed.

PART 2

Brass or bronze gate, globe, angle, cross, and check valves and valve parts

1. Standard size schedule: Brass or bronze valves. (a) Valves shall be manufactured only in the pressure classes listed in Table 1, and in the particular sizes specified in Table 2, which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE 1

[All size ranges are inclusive]

| Primary pressure classifications in lbs. per sq. in. ¹ | Sizes ² screwed end (inches) | Sizes flanged end (inches) | Sizes solder end (inches) |
|-------------------------------------------------------------------|-----------------------------------------|----------------------------|---------------------------|
| 100 Steam | 1/8 to 2 | ----- | 3/8 to 2 |
| 125 Steam | 1/8 to 2 | ----- | 1/4 to 2 |
| 150 Steam | 1/8 to 2 | 1 to 2 | 1/4 to 2 |
| 200 Steam | 1/4 to 2 | 1 to 2 | 1/4 to 2 |
| 300 Steam | 1/4 to 2 | 1 to 2 | 1/4 to 2 |
| Hydraulic 1000 & Higher | 1/8 to 2 | ----- | 1/4 to 1 1/2 |

¹ The primary steam rating in no way regulates the pressure at which these valves should be rated for other fluids, but restricts the classes to those mentioned.

² Only globe and angle valves may be made in the 1/8" size.

³ These valves are rated 150#.

(b) Detail of permitted sizes (see 1 (a) above):

TABLE 2
(Sizes in inches)

| | | |
|-----|-----|-------|
| 1/8 | 1/2 | 1 1/4 |
| 1/4 | 3/4 | 1 1/2 |
| 3/8 | 1 | 2 |

2. General requirements for brass or bronze valves. (a) Check valves shall be horizontal lift and vertical lift or swing check types only. Angle type prohibited.

(b) Spot facing on end connecting flanges is prohibited.

(c) 150# primary pressure classification and lower shall have integral seats.

(d) 150# primary pressure classification and lower shall have brass, bronze, or non-metallic disc only, and plug type discs shall not be used in globe and angle valves.

(e) 200# primary pressure classification and higher shall have manufacturer's standard seating materials comprising any of the following:

- Non-metallic disc.
- Brass or bronze.
- Chrome iron.
- Nickel alloy.

(f) Union bonnet rings and union rings for valve ends shall be malleable iron or steel.

(g) Stuffing box packing nuts shall be malleable iron or steel.

(h) Handwheels and valve handles shall be ferrous metal, either cast or otherwise fabricated; or suitable non-metallic material.

(i) End flanges shall conform to:

1. Manufacturers Standardization Society of the Valve and Fittings Industry, Standard Practice 150#-SP-2.

2. Manufacturers Standardization Society of the Valve and Fittings Industry, Standard Practice 300#-SP-2.

(Depending upon rated pressure of the valve.)

(j) Use Manufacturers Standardization Society of the Valve and Fittings Industry, SP-20 grade A or American Society for Testing Materials B-62 or EA-B62 brass or bronze for all valve pressure castings in valves in primary pressure classifications of 125#, 150# and 200#. Use Manufacturers Standardization Society of the Valve and Fittings Industry, SP-20 grade B or American Society for Testing Materials B-61 brass or bronze for all valve pressure castings in valves in primary classifications of 300# or higher. Bonnets 200# and higher pressure classification may be made of a "cast bearing bronze."

(k) Cross valves shall not be manufactured.

PART 3

Steel Gate, Globe, Angle, Cross, and Check Valves and Valve Parts

NOTE: These limitations do not apply for primary ratings higher than 1500#. Moreover, these limitations do not apply for valves for temperatures exceeding 1000 degrees F. or below minus 50 degrees F. Furthermore, these limitations do not apply to drilling through or flow line valves for oil production service.

The term "stainless" is used in this Part 3 of this appendix to describe any of the iron base alloys such as 12% chrome, or 18-8 chrome nickel whose primary characteristics are resistance to corrosive attack, or elevated temperature, or both.

1. Standard size schedule: Steel valves. (a) Valves shall be manufactured only in the pressure classes listed in Table 1, and in the particular sizes specified in Table 2 which are comprehended within the size range specified in Table 1 for the particular pressure class:

TABLE I
[All size ranges are inclusive]

| Primary pressure classification in lbs. per sq. in. | Gate (inches) | | | Globe and angle (inches) | | | Horizontal and angle check (inches) | | | Swing check (inches) | | |
|-----------------------------------------------------|---------------|-------------|-----------|--------------------------|-------------|-----------|-------------------------------------|-------------|-----------|----------------------|-----------|-----------|
| | Screwed | Flanged | Welded | Screwed | Flanged | Welded | Screwed | Flanged | Welded | Screwed | Flanged | Welded |
| 150..... | 2 to 4 | 2 to 24 | ----- | 2 to 4 | 2 to 8 | ----- | ----- | ----- | ----- | 2 to 4 | 2 to 8 | ----- |
| 300..... | 2 to 4 | 2 to 24 | ----- | 2 to 4 | 2 to 12 | ----- | ----- | ----- | ----- | 2 to 4 | 2 to 12 | ----- |
| 600..... | 1/2 to 2 | 1/2 to 24 | 1/4 to 24 | 3/8 to 2 | 1/2 to 14 | 3/8 to 14 | 1/4 to 2 | 2 to 8 | 1/4 to 14 | 1/2 to 2 | 1/4 to 14 | 1/4 to 14 |
| 900..... | ----- | 3 to 18 | 3 to 18 | ----- | 3 to 14 | 3 to 14 | ----- | 3 to 14 | 3 to 14 | ----- | 3 to 14 | 3 to 14 |
| 1500..... | 1/4 to 2 | 1 1/2 to 14 | 1/4 to 14 | 1/4 to 2 | 1 1/2 to 14 | 1/4 to 14 | 1/4 to 2 | 1 1/2 to 14 | 1/4 to 14 | ----- | 3 to 14 | 3 to 14 |

(b) Detail of permitted sizes.

TABLE 2
(Sizes in inches)

| | | |
|-------|-------|----|
| 1/8 | 2 | 10 |
| 1/4 | 2 1/2 | 12 |
| 3/8 | 3 | 14 |
| 1/2 | 4 | 16 |
| 3/4 | 5 | 18 |
| 1 | 6 | 20 |
| 1 1/4 | 8 | 24 |
| 1 1/2 | | |

2. General requirements for steel valves.

(a) Valves covered by items 3, 4, and 5, which follow, shall be in accordance with American Petroleum Institute standard 600A for gate valves, and with American Standards Association B16e for all types, except as modified by the specifications set forth in this part 3 of this appendix.

(b) Face to face of flange end valves shall comply with American Petroleum Institute standard 5-G-1 and American Standard Association B16.10 for the types covered by these standards.

(c) Discs of valves 5" and larger shall be made of the same material as the valve body, with seating material laid on or attached.

(d) Handwheels 24" diameter and smaller shall be malleable iron, or fabricated steel.

(e) Raised contact faces on flanges shall be serrated (concentric or spiral) or smooth at manufacturer's option.

(f) Cross valves shall not be manufactured.

3. 150 lb. Pressure class: Steel valves. (a) End flange faces shall have American Standards Association 1/16" raised face.

(b) Bodies and bonnets shall be carbon steel. For minus 50 degrees F. (subzero service), carbon steel shall be heat treated to give impact value of 10 foot pounds minimum Charpy keyhole at minus 50 degrees F.

(c) Seating materials shall be any of the following:

- Carbon steel.
- Brass or bronze.
- 12% chrome iron.

(d) Bonnet bushing for back seating shall not be provided, but backseating shall be included.

(e) Stems shall be carbon steel, brass or bronze.

(f) Bonnet bolting shall be carbon steel having physical properties equal to American Society for Testing Materials A96, Class A, except that when carbon steel having Class A physicals is not obtainable, manganese steels of the SAE 1300 Series or equal may be used.

(g) Bonnet bolt nuts shall be semi-finished carbon steel.

(h) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(i) Bonnet gaskets shall be asbestos composition sheet.

4. 300 lb. Pressure class: Steel valves. (a) End flange faces shall be American Standards Association 1/16" raised face, or American Petroleum Institute octagonal ring joint groove providing the groove is cut in the basic flange thickness.

(b) Bodies and bonnets shall be carbon steel, except when required to resist extreme corrosion or temperature conditions they

may be 4% to 6% chrome, 1/2% molybdenum. For minus 50 degrees F. (sub-zero service), carbon steel shall be treated to give impact value of 10 foot pounds minimum Charpy keyhole at minus 50 degrees F.

(c) The seating materials shall be any of the following:

- Same material as body.
- Brass or bronze.
- 12% chrome iron.
- Nickel copper alloy.
- Hard facing.

(d) Stems shall be any of the following:

- Brass or bronze.
- 12% chrome iron.

(e) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(f) Bonnet bolting shall conform to the following limitations:

1. For temperature up to and including 850 degrees F., National Emergency 9400 series steels or SAE 4140, heat treated to meet specifications for alloy steel bolting material for high temperature service, American Society for Testing Materials A96, Class B physical properties minimum.

2. For temperatures over 850 degrees F., Grade B14 steel per American Society for Testing Materials A193, heat treated to meet specifications for alloy steel bolting material for high temperature service, American Society for Testing Materials A96, Class C physical properties minimum.

(g) Bonnet bolt nuts shall be semi-finished carbon steel, normalized or quenched.

5. 600 lb., 900 lb. & 1500 lb. Pressure classes: Steel valves. (For 600 lb. and 1500 lb. general purpose valves, see paragraph 6)

(a) End flange faces shall be either American Standards Association octagonal ring joint groove or American Petroleum Institute octagonal ring joint groove, or 1/4" American Standards Association large male face.

(b) Bodies and bonnets shall be carbon or carbon molybdenum steel, except when required to resist extreme corrosion or temperature conditions, in which case they may be 4% to 6% chrome, 1/2% molybdenum, or stainless if so specified. (See definition for "stainless" in note under heading of Part 3.)

(c) The seating materials shall be any of the following:

- Same material as body.
- Stainless (See definition in note under heading of Part 3).
- Nickel copper alloy.
- Hard facing.

(d) Stems shall be the following:

- Stainless (See definition in note under heading of Part 3).

(e) Stem stuffing box packing shall be graphite or mica-impregnated asbestos according to manufacturer's practice.

(f) Bonnet bolting shall conform to the following limitations:

1. For temperature up to and including 850 degrees F., National Emergency 9400 series steels or SAE 4140, heat treated to meet specifications for alloy steel bolting material for high temperature service, American Society for Testing Materials A96, Class B physical properties minimum.

2. For temperature over 850 degrees F., Grade B14 steel per American Society for Testing Materials A193, heat treated to meet specifications for alloy steel bolting material for high temperature service, American Society for Testing Materials A96, Class C physical properties minimum.

(g) Bonnet bolt nuts shall be semi-finished carbon steel, normalized or quenched.

6. General purpose steel valves: 600 lb. & 1500 lb.—2" and smaller. (a) End connections shall be:

1. Flanged American Standards Association standard with 1/4" large male face.
2. Screwed end.
3. Socket welding end.

The 600 lb. class flanged end valves may be made with 150-lb. American Standards Association steel flange diameter, drilling, and/or facing.

(b) Bodies and bonnets shall be carbon or carbon molybdenum steel, except when required to resist extreme corrosion or temperature conditions, in which case they may be 4% to 6% chrome, 1/2% molybdenum, or stainless if so specified. (See definition for "stainless" in note under heading of Part 3.)

(c) Seating materials shall be any of the following:

- Brass or bronze.
- Stainless (See definition in note under heading of Part 3).
- Nickel copper alloy.
- Hard facing.

[F. R. Doc. 43-1180; Filed, January 23, 1943; 10:57 a. m.]

PART 1189—ROTENONE

[Conservation Order M-133, as Amended Jan. 23, 1943]

Section 1189.1 Conservation Order M-133 is hereby amended to read:

§ 1189.1 Conservation Order M-133—(a) Definitions. (1) "Rotenone" means the active insecticidal ingredients of the roots of derris, cube, barbasco, tuba or timbo. The term includes:

(i) "Crude rotenone" in the form of root or of root which has been dried, broken, shredded, cut or chipped;

(ii) "Processed rotenone" in the form of finely ground or powdered crude rotenone; also in the form of liquid or solid extracts (or resins) obtained from crude rotenone.

(2) "Rotenone insecticide" means any compound containing rotenone combined with other liquid or dry materials, whether active or inert; provided that such compound is suitable for use as an insecticide.

(3) "Importer" means any person engaged in the importation of rotenone.

(4) "Processor" means any person engaged in producing or selling processed rotenone in any of the forms described in paragraph (a) (1) (ii) hereof.

(b) *Restrictions on delivery.* (1) No importer or processor shall deliver any rotenone to any person except as specifically authorized or directed by the Director General for Operations upon application made pursuant to paragraph (f) (1) hereof; and no person shall accept delivery of any rotenone which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions with respect to deliveries to be made in each calendar month will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time issue directions with respect to deliveries to be made.

(3) In the event that any importer or processor, after receiving notice from the Director General for Operations with respect to a delivery of rotenone which he is authorized or directed to make to any specific customer, shall be unable to make such delivery either because of receipt of notice of cancellation from such customer or otherwise, such importer or processor shall forthwith give notice of such fact to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-133, and shall not, in the absence of specific authorization or direction from the Director General for Operations resell or otherwise dispose of the rotenone which he is unable to deliver as aforesaid.

(4) No person shall deliver any material containing rotenone to any other person unless prior to such delivery he will have received from the person to whom delivery is made, a requirement certificate in substantially the following form:

The undersigned hereby certifies to his supplier and to the War Production Board that the rotenone or rotenone insecticide hereby ordered for delivery will be used, or sold for use only for the purposes permitted under the terms of Conservation Order M-133, paragraph (c) as follows:

For resale—For use [cross out one]—Date

Description of product -----

Quantity -----

[If purchased for use omit the following:]

Percentage of rotenone contained -----

[If purchased for use, complete the following:]

Crop ----- Insect Pest -----

Acreage (or number of animals to be treated) -----

(1) Use in the protection of the following food crops against the following insects, or the manufacture of any preparation for such use:

(i) Peas—protection against the pea weevil and pea aphid.

(ii) Beans—protection against Mexican bean beetle.

(iii) Cole crops—other than cabbage, including: broccoli, brussels sprouts, cauliflower, kohlrabi, mustard, kale, turnips, and collards—for protection against caterpillars and aphids.

(iv) Sweet corn—for protection against the European corn borer.

(2) Use on cattle for the specific control of the cattle grub (ox warble) or short-nosed cattle louse, or the manufacture of any insecticide for such use.

(3) Any other specified use, where specifically authorized or directed by the Director General for Operations.

(d) *Restrictions on production.* (1) No person shall manufacture or process any rotenone insecticide in the form of dust or powder with a content of more than half of one per cent of rotenone, except as otherwise specifically authorized or directed by the Director General for Operations. This paragraph (d) (1) shall not, however, be understood to prevent the manufacture or preparation of dust having a rotenone content of half of one per cent in accordance with standard commercial practice: *Provided*, That the actual variation from the permitted rotenone content shall not exceed ten per cent; nor shall this paragraph (d) (1) be understood to prevent the use in the manufacture of any rotenone insecticide of other active ingredients, activators or wetting agents.

(2) No person shall manufacture or process any rotenone insecticide incorporating pyrethrum.

(e) *Restrictions on packaging.* No processed rotenone or rotenone insecticide may be delivered in any package to any person by any importer, processor, manufacturer or distributor unless such package clearly displays on the label thereof or on a suitable tag securely affixed thereto, a statement substantially as follows:

The use of this material is restricted by WPB's Conservation Order No. M-133, as amended January 23, 1943, to the following uses:

1. Peas—protection against the pea weevil and pea aphid.

2. Beans—protection against Mexican bean beetle.

3. Cole crops—other than cabbage, including: broccoli, brussels sprouts, cauliflower, kohlrabi, mustard, kale, turnips, and collards—for protection against caterpillars and aphids.

4. Sweet corn—for protection against the European corn borer.

5. Cattle—for the specific control of cattle grub (ox warble) or short-nosed cattle louse.

(f) *Applications and reports.* (1) Each importer or processor seeking authorization to make delivery of rotenone during any calendar month beginning with March, 1943, shall file application on or before the 10th day of the preceding calendar month. Application for authorization to deliver rotenone in January or February, 1943, shall be made as

many days as possible in advance of the requested delivery. In any case, the application shall be made on Form PD-601 in the manner prescribed therein, subject to the following specific instructions:

(i) Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

(ii) Four copies shall be prepared, of which three shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-133, the fourth to be retained for applicant's files.

(iii) In the heading, under name of chemical, specify "Rotenone"; under WPB Order No., specify "M-133"; under name of company, state name and mailing address; under unit of measure, specify "pounds"; and state the month and year for which authorization for use or acceptance of delivery is sought.

(iv) In Columns 3 and 8, specify form; that is, whether dust, extract, ground root, etc., and insert per cent of pure rotenone.

(v) The importer or processor may, if he wishes, leave blank Column 5.

(vi) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(2) Each person, other than the Army or Navy of the United States, or the United States Maritime Commission, or War Shipping Administration, who, as of the close of business on December 31, 1942, owned more than five hundred pounds of rotenone, or more than five thousand pounds of rotenone insecticides, or a combination of the two having a rotenone content of more than five hundred pounds, shall on or before February 10, 1943, file Form PD-785 with the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-133, retaining a copy for his files.

(3) The Director General for Operations may require each person affected by this order to file such other reports in respect to such materials and at such times as he may from time to time prescribe and may issue special directions to any importer or processor with respect to the preparing and filing of PD-601.

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

(h) *Miscellaneous provisions*—(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning deliveries, processing and use of rotenone and rotenone insecticides.

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

(3) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order,

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

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

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref.: M-133.

(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 23d day of January 1943.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 43-1242; Filed, January 23, 1943; 4:26 p. m.]

PART 933—COPPER

[Conservation Order M-9-c as Amended Jan. 20, 1943¹]

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

§ 933.4 *Conservation Order M-9-c—*
(a) *Restrictions on manufacture of items appearing on Combined List and on List A-2.* (1) No manufacturer of any item on the Combined List attached, or of parts (including repair parts²) for any such item, may, if such item or parts contain copper products or copper base alloy products, continue their manufacture on or after December 26, 1942 by means of processing, assembling or finishing.

(2) No manufacturer of any item on List A-2 attached, or of parts (including repair parts²) for any such item, may, if such item or parts contain copper products or copper base alloy products, continue their manufacture by means of processing, assembling or finishing on

¹ This document is a restatement of Amendment 2 to Conservation Order M-9-c as amended December 26, 1942, which appeared in the FEDERAL REGISTER of January 22, 1943, page 1020, and reflects the order in its completed form as of January 20, 1943.

² See also paragraph (h) (7) permitting the manufacture of repair parts to make specific repairs of used articles under certain conditions.

or after the governing date set forth opposite such item in Column 2 of List A-2.

(b) *Restrictions on manufacture of articles not appearing on Combined List and List A-2 out of inventory on hand on February 28, 1942 and June 30, 1942.*

(1) During the period from December 25, 1942 to and including January 15, 1943, a manufacturer of any article omitted from the Combined List and List A-2 or excepted from those lists, or of parts (including repair parts²) for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing,

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after February 28, 1942; or

(ii) Unless such articles or parts are being manufactured, processed, assembled or finished to fill a purchase order, existing or prospective,³ bearing a preference rating of A-1-k or higher; and no such article or part so manufactured shall be delivered except to fill such an order; or

(iii) Unless the manufacturer has been specifically authorized by the Director General for Operations, pursuant to an application made on Form PD-426, or otherwise, to manufacture, process, assemble or finish the article or parts in question with the copper products or copper base alloy products being used.

(2) After January 15, 1943, a manufacturer of any article omitted from the Combined List and List A-2 or excepted from those lists, or of parts (including repair parts²) for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing,

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after June 30, 1942; or

(ii) Unless such articles or parts are being manufactured, processed, assembled or finished to fill a purchase order, existing or prospective,³ bearing a preference rating of AA-4 or higher; and no such article or part so manufactured shall be delivered except to fill such an order; or

(iii) Unless the manufacturer has been specifically authorized by the Director General for Operations, pursuant to an application on Form PD-426, or otherwise, to manufacture, process, assemble or finish the article or parts in question with the copper products or copper base alloy products being used.

The provisions of this paragraph (b) shall not apply to a manufacturer assembling a completed fractional horsepower electric motor into machinery of any kind omitted from the Combined List and List A-2 or excepted from those lists; or to the manufacturing, processing, assembling or finishing of any machinery omitted from the Combined List and List A-2 or excepted from those lists, or of parts (including repair parts) for such machinery, if the only copper products or

³ Priorities Regulation No. 1, § 944.14, prohibits you from making more than a practicable minimum working inventory of articles or parts to fill prospective orders carrying particular ratings.

copper base alloy products used which were in the inventory of the manufacturer on or before February 28, 1942 (with respect to manufacturing, processing, assembling or finishing during the period from December 25, 1942 to and including January 15, 1943) or on or before June 30, 1942 (with respect to manufacturing, processing, assembling or finishing after January 15, 1943) are bushings, bearings, nuts, bolts, screws, washers and wire weighing in the aggregate less than 5% of the total weight of the article or part.

(c) *Applicability of order to certain Governmental agencies.* The prohibitions and restrictions contained in this order shall not apply to the use of copper products or copper base alloy products in the manufacturing, processing, assembling or finishing of any item or article on the "Military Exemption List", or part thereof, which is being produced for purchase by, or for the account of, or for use by, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Coast Guard, where the use of copper products or copper base alloy products to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Coast Guard applicable to the contract, subcontract or purchase order.

(d) *General restrictions on manufacture.* (1) No manufacturer may continue the manufacture of any article omitted from the Combined List and List A-2 or excepted from such lists, or of parts (including repair parts) for such an article, if such article or parts are to contain copper products or copper base alloy products where the use of any less scarce material is practicable; and no manufacturer may continue the manufacture of any article omitted from the Combined List and List A-2 or excepted from such lists, or of parts (including repair parts) for such an article, if they are to contain more copper products or copper base alloy products than is necessary for the article's proper operation or a higher type or grade of copper or copper base alloy than is necessary for the article's proper operation.

(2) (i) The use of copper products or copper base alloy products for plating any item on the Combined List or List A-2 or for plating any parts (including repair parts) of such an item, is prohibited unless such plating is expressly stated to be permissible on said lists.

(ii) The use of copper products or copper base alloy products for plating any article omitted from the Combined List and List A-2 or excepted from such lists and the plating of parts (including repair parts) for such an article, is permitted provided:

(a) That such plating is not for decorative purposes or part of a decoration or as an undercoating for lead or silver plating, and

(b) That the use of, or the normal wear on such article or parts, would make impracticable any other form of coating.

(e) *General restrictions on deliveries.* The disposition of frozen and excessive inventories containing certain copper products or copper base alloy products shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34) as amended from time to time.

(f) *Special provisions.* (1) The foregoing provisions of this amended order shall not apply to the use of copper products and copper base alloy products in typography, engraving, photo-engraving, gravure plate making, electrotyping, stereotyping and printing in the printing and publishing industries. In those processes, the use of bronze powder, bronze ink, bronze paste and bronze leaf is controlled by Supplementary Conservation Order M-9-c-3 effective March 28, 1942; and all other uses in those industries of copper products, copper base alloy products, copper scrap and copper base alloy scrap are, in the quarter from October 1, 1942 to December 31, 1942, limited to 70% of the aggregate usage of such products and scrap in the last calendar quarter of 1940, and in each subsequent calendar quarter limited to 60% of such aggregate usage in the corresponding quarter of the year 1940; *Provided, That,* for electrotyping and roto-gravure, 33 1/3% of the allowable usage shall be in the form of copper or copper base alloy printing scrap during the month of February 1943, 50% of the allowable usage shall be in such form during the month of March 1943, and 75% of the allowable usage shall be in such form in each month after March 1943; *And further provided,* That for copper plate engraving of calling cards, greeting cards, social and business stationery and other similar articles, 100% of the allowable usage for the engraving of such plates shall be (i) of copper products or copper base alloy products which were in the possession of the engraver using them on December 31, 1942 or (ii) of copper scrap or copper base alloy scrap (old engraved plates), and in either event the engraver shall sell and deliver as scrap to a scrap dealer before the end of each calendar quarter beginning with the first calendar quarter of 1943, three pounds of copper or copper base alloy scrap in the form of old engraved plates for each one pound of copper products or copper base alloy products which he engraved for use in printing calling cards, greeting cards, social and business stationery and other similar articles during said calendar quarter. Nothing contained in this paragraph (f) (1) of this amended order shall affect the prohibition against the manufacture of powder containing copper products or copper base alloy products contained in paragraph (a) and the Combined List of this amended order.

(2) No person shall deliver, install or cut any copper or copper base alloy insect screening (i) unless such screening is to be delivered to, installed for or cut on the order of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or Defense Supplies Corporation, Metals Reserve Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (except Defense Plant Corporation) or any person acting as agent of any such corporation (except Defense Plant Corporation), or (ii) unless such delivery, installation or cutting shall be with the specific authorization of the Director General for Operations. Applications for specific authorizations shall be made by letter addressed to the War Production Board, Washington, D. C., Ref.: M-9-c. The foregoing shall not apply to used or second hand insect screening or to insect screening in rolls of less than 25 feet in length. Nothing contained in this paragraph (f) (2) affects the prohibitions on the manufacture, processing, assembling or finishing of insect screening and screens with copper products or copper base alloy products contained in paragraph (a) and the Combined List of this order.

(g) *Restrictions on deliveries to manufacturers.* No person shall hereafter deliver copper products or copper base alloy products to any manufacturer, directly or indirectly, if he knows or has reason to believe that such products are to be used in violation of the terms of this order.

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

(2) *Appeal.* Any appeal from the provisions of paragraphs (a), (d) or (f) (1) of this order shall be made by filing Form PD-167 Revised with the War Production Board, Washington, D. C., Ref.: M-9-c. Relief granted pursuant to an appeal under this order shall remain in effect despite any amendment to this order, unless the grant of relief is specifically revoked or modified by the Director General for Operations.

(3) *Communications.* Any reports required to be filed under this order and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington, D. C., Ref.: M-9-c.

(4) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply irrespective of whether such items, articles or parts whose manufacture is governed hereby are being manufactured pursuant to a contract made prior or subsequent to the effective date of this order. Insofar as any other order of the War Production Board or of the Office of Production Management may have the effect of limiting

or curtailing to a greater extent than herein provided the manufacture of items, articles or parts or the sale and delivery of such items, articles or parts, the limitation of such other order shall be observed.

(5) *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.

(6) *Installation.* The restrictions of this order shall not apply to the installation of any item or article, or part (including a repair part) therefor, for the ultimate consumer on his premises when any manufacturing, processing, assembling or finishing of such an item, article or part is incidental to such installation and is done on such premises. The foregoing does not in any way affect, revoke or modify the provisions of Supplementary Conservation Order M-9-c-4 which prohibits the installation of certain types of copper and copper base alloy pipe, tube, fittings and building material under certain circumstances or of any other order restricting installation.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (d) (1) hereof) shall not apply to the manufacture, processing, assembling or finishing of repair parts to make a specific repair of a used article or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than two pounds and any manufacturing, processing, assembling or finishing done by him is for the purpose of making a specific repair; nor shall the restrictions of this order (other than those contained in paragraph (d) (1) hereof) apply to the manufacture, processing, assembling or finishing of repair parts to make a specific repair of a used article or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than one pound in excess of the copper or copper base alloy scrap derived from the article being repaired, and all such scrap is delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M-9-b and provided any manufacturing, processing, assembling or finishing done by him is for the purpose of making a specific repair.

(8) *Copper products or copper base alloy products not controlled by order.* On and after the respective dates set forth in this subparagraph, the provisions of this order shall not apply to the manufacture of the following items or

articles and parts (including repair parts) therefor, even though they contain copper products or copper base alloy products, since these items or articles are specifically governed by the following orders:

Shoe findings and footwear of all kinds governed by Supplementary Conservation Order No. M-9-c-1 effective January 23, 1942.

Fire protective equipment governed by General Limitation Order L-39 effective February 27, 1942.

Motorized fire apparatus governed by General Limitation Order L-43 effective February 27, 1942.

Bronze paste, bronze ink and bronze leaf and products made with bronze paste, bronze ink, bronze leaf and bronze powder (other than decalcomanias and ship bottom paint), governed by Supplementary Conservation Order M-9-c-3 as amended May 30, 1942.

Jewelry governed by Supplementary Conservation Order M-9-c-2 effective April 4, 1942.

Musical instruments governed by Supplementary Limitation Order L-37-a effective May 29, 1942.

Water meters governed by Schedule I of Limitation Order No. L-154 effective June 17, 1942.

Self-contained drinking water coolers governed by Schedule I of Limitation Order No. L-126 effective July 3, 1942.

The provisions of this order do not apply to attaching finished slide fasteners, hooks and eyes, brassiere hooks, sew-on machine attached or riveted snap fasteners or garters, buckles, buttons, corset clasps, eyelets (other than eyelets usable as shoe eyelets), garter trimmings, hose supporters, insignia, jewelry, loops, mattress buttons, pin fasteners, pins, staples, slides, and trouser trimmings. The order does apply to manufacturing, processing, assembling and finishing of the closures and associated items listed above where the provisions of this order are more restrictive than other orders of the War Production Board.

The provisions of this order do not apply to the assembling of watch or clock movements finished prior to June 15, 1942, into cases not made of copper or copper base alloy; the provisions of this order do apply to manufacturing, processing and finishing watch and clock cases and all other parts of watches and clocks, and to assembling watches and clocks except under the conditions mentioned in this sentence.

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

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

(ii) "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. It shall include alloy metal produced from scrap.

(iii) "Copper products" means products made of copper fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings or forgings or fabricated to any greater extent.

(iv) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they

are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings or forgings or fabricated to any greater extent.

(v) "Manufacturer" means a person who manufactures, processes, assembles or finishes.

(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 20th day of January 1943.

ERNEST KANZLER,

Director General for Operations.

COMBINED LIST

The manufacture, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (d) (1) of this order.

AUTOMOTIVE, TRAILER³ AND TRACTOR EQUIPMENT AND FARM MACHINERY

See also Order L-106 governing the use of copper and copper base alloy in the manufacture of automotive parts entering into the production of, or as replacement parts for, passenger automobiles, motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles.

Ambulance hardware.

Defrosters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Garage and automotive repair equipment.

Heaters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Hearse hardware.

Horns (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Hub and gas-tank caps.

Lights, lamps, headlamps and accessories (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Miscellaneous fittings and trim.

Motorcycles (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Motor-driven scooters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Mouldings.

Rear-view mirrors and hardware.

BUILDING SUPPLIES AND HARDWARE

(Excluding supplies and hardware for ships, boats and aircraft)

Air-conditioning equipment until January 1, 1943 (except for essential food storage, food transportation and industrial processing, and except for repair parts containing not more than 4 lbs. of copper products or cop-

per base alloy products for use in "black out" plants). After December 31, 1942, see List A-2.

Blinds, including fixture fittings and trimmings.

Builders' finish hardware, including hinges, except in those parts of plants where the use of non-sparking metal is necessary to prevent a hazard in the production or use of explosives. For locks see under "Miscellaneous" on this list.

Conduits.

Decorative hardware—including house numbers.

Door knockers, checks, pulls, and stops.

Doors, door and window frames, sills and parts, including door handles and knobs.

Elevators and escalators (except when the only copper products or copper base alloy products used are for bearing, worm gears and parts necessary for conducting electricity).

Gravel stops and snow guards.

Grilles.

Gutters, leaders, downspouts, expansion joints, and accessories thereto.

Hangers and tracks for private garages.

Incinerator hardware and fittings.

Insect screens and screening.

Letter boxes and mail chutes.

Lightning rods and lightning rod systems including cables and accessories (except as permitted by Order L-39).

Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Ornamental metal work.

File butt protection.

Plumbing and heating supplies:

Bands on pipe covering.

Cistern and low-water floats.

Fixture fittings and trimmings (See "Plumbing fixture fittings and trim" on List A-2).

Hot water heaters, tanks, and coils (except when the only copper products or copper base alloy products used are permitted by Order L-185).

Pipe, tube, tubing, and fittings for piping systems (except when the only copper products or copper base alloy products used are permitted by Schedule VII of Order L-42).

Shower rods, and pans (See "Plumbing fixture fittings and trim" on List A-2).

Shower heads (See "Plumbing fixture fittings and trim" on List A-2).

Sinks and drainboards.

Toilet floats (See "Plumbing fixture fittings and trim" on List A-2).

Towel racks.

Push, kick, switch, floor, and all other device plates.

Roof, roofing, roofing nails, flashing valleys, and other roofing items.

Sheet, roll, and strip for building construction.

Shelves.

Stair and threshold treads.

Termite shields.

Terrazzo strips, reglets, and mouldings.

Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except when the only copper products or copper base alloy products used are for valves, controls and parts necessary for conducting electricity).

Ventilators and skylights.

Water containers for humidification.

Weatherstripping and insulation.

BURIAL EQUIPMENT

Burial vaults.

Caskets and casket hardware. See also Order L-64.

³ See also under "Passenger Transportation Equipment" on this list.

Memorial tablets.
Morticians' supplies.

(See also "Boxes, * * *" under "Miscellaneous" on this list.)

CLOTHING AND ACCESSORIES

Insignia (except rank, branch and "U. S." Insignia for the Armed Forces).

DRESS ACCESSORIES

(See also Order L-68)

Buckles.
Buttons.
Dress ornaments.
Handbag fittings.
Metal cloths.

FURNISHINGS AND EQUIPMENT

(For homes, offices, institutions, hotels, apartment hotels, apartment houses, stations, clubs, fraternal organizations, union buildings, churches, synagogues, temples, restaurants and stores)

Andirons, screens, and fireplace fittings.
Candlesticks.
Cooking and table utensils.
Counters.
Curtain fasteners, rods, and rings.
Cuspidors.
Fans (See also Order L-176)
Furniture.
Furniture Hardware.
Hollow-ware.
Mud scrapers.
Portable heaters.

Stoves and ranges (except when the only copper products or copper base alloy products used are for valves, ferrules for compression fittings, controls other than timers, and parts necessary for conducting electricity). For additional restrictions see "Gas stoves and ranges for household use" on List A-2.

Table flatware (except that until January 1, 1943, table flatware may be manufactured, processed, assembled or finished if made according to Fed. Spec. RR-T-56.) After December 31, 1942, see List A-2.

Timers, for stoves and ranges.

Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft.
Washing tubs and washing boilers.
Waste baskets, hat trees, humidors, and similar items.

INDUSTRIAL MACHINERY

Pulp and paper manufacturing:
Beater bars and beaters.
Head boxes.
Jordan bars.
Refiner bars.
Save-alls (except for screens).
Stock and water lines.

JEWELRY, GIFTS AND NOVELTIES

All jewelry, gifts and novelties including, but not limited to—
Advertising specialties.
Atomizers (see also List A-2).
Bar fittings.
Book ends.
Cosmetic containers.
Lighters.
Napkin rings.
Picture frames.
Smokers' accessories, including ash trays.
Souvenirs.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, buses, and trailers, but excluding locomotives)
All items under heading "Furnishings and Equipment".
Air conditioning equipment for passenger cars until January 1, 1943 (except for essential repairs, and except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). On and after December 31, 1942, see List A-2.

Bands on pipe covering.
Decorative, general, and finish hardware, and ornamental metal work.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Pipe, tube, tubing, and fittings for plumbing and heating (except for essential repairs).
Shower rods, heads and pans.
Sinks and drainboards.
Screens and screening.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems, other than fire protective systems covered by Order L-39 (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).
Barrel hoops.
Badges.
Bar and counter equipment and fittings.
Barber shop equipment and supplies.
Barrel hooks.
Bathroom accessories as defined in Order L-30.
Beauty parlor equipment and supplies.
Beverage dispensing units and parts thereof (except for self-contained drinking water coolers as defined in Schedule I of Order L-126 or under any schedule of Order L-38).
Bicycles, and similar vehicles. (See also Order L-52).
Binoculars, including opera glasses.
Bird and pet cages and stands.
Bottle coolers.
Boxes, cans, jars and other containers, including burial urns.
Branding, marking, and labeling devices and stock for same (except where the devices and the stock are for affixing governmental, notarial and corporate seals or, until January 1, 1943, are adjustable stencils for addressing or identifying commercial products). For adjustable stencils after December 31, 1942, see the item "Adjustable stencils" on List A-2.

Cabinets.

Canes

Carpet rods.

Cash registers.

Chimes and bells (except for bells when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Clips.

Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.

Clock and watch cases.

Cooking utensils (except for commercial processing in canneries and factories).

Cutlery, including pocket knives.

Dishwashing machines and domestic garbage grinders.

Dispensers, hand, for hand lotions, paper products, soap and straws.

Dog collars and other similar harness and equipment for pets.

Domestic ice refrigerators as defined in Order L-7.

Domestic laundry equipment as defined in Order L-6 and scrubbing boards, clothes line pulleys and reels.

Domestic mechanical refrigerators as defined in Order L-5.

Domestic vacuum cleaners as defined in Order L-18.

Electric blankets.

Electric light bulbs and cord sets for Christmas trees, and bulbs and neon and fluorescent tubes for advertising and display purposes.

Flashlights and electric lanterns used by railroad brakemen (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Floats for liquid level control.

Flower pots, boxes and holders for same.

Flower shears.

Food dispensing utensils, devices and machines.

Fountain pens.

Fountains (except drinking water fountains when the only copper products or copper base alloy products used are permitted by Schedules V, V-a and XII of Order L-42).

Furniture grommets.

Games as defined in Order L-81.

Garden tools and equipment.

Hair curlers, hair brushes and combs, shoe horns and button hooks.

Health supplies (except those to which a preference rating is granted under Order P-29).

Home and commercial electrical appliances, as defined in Order L-65.

Hooks, including hat and coat hooks.

Ice cream freezers for use in the home.

Kitchen utensils, devices and machines.

Kitchen, household and miscellaneous articles, as defined in Order L-30.

Lace tips.

Ladders and hoists (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity), including fittings.

Lamps, electric until January 1, 1943 (except for industrial, hospital or office and then not for standards, shades, shade holders, and stems). After December 31, 1942, see List A-2. The term "Lamps" as used here does not include electric light bulbs, but see "Electric light bulbs" above.

Lamps, other than electric (except for industrial, hospital or office use and then only when the only copper products or copper base alloy products used are for valves, controls, and wicks).

Lawn sprinklers, mowers, seeders and rollers.

Livestock and poultry equipment (except when the only copper products or copper base alloy products used are for valves, controls, parts necessary for conducting electricity, and thermostats other than wafer thermostats, and for plating wafer thermostats).

Locks (except pin tumbler cylinder assemblies; essential interior working parts of Type 88, Type 97 and Type 114 locks; discs and springs for disc tumbler locks; levers for secure lever locks; interior working parts of railway car door locks and railway switch padlocks; and keys for pin tumbler and disc tumbler locks).

Luggage fittings, trim and hardware.

Manicure implements.

Match and pattern plates, matrices, and flasks.

Medals.

Mirrors.

Motion picture and projection equipment (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions).

Name, identification and medal plates.

Non-operating or decorative uses of copper or copper base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.

Package handles and holders.

Paint (except for ship bottoms).

Pencils, mechanical.

Phonographs or other record players.

Photographic equipment and accessories (except document copying machines and equipment therefor for business purposes and for use by the U. S. Post Office, and except for X-ray equipment).

Pins.

Pleasure boat fastenings, fittings, hardware, and motors.
 Pole-line hardware.
 Powder, except for non-decorative uses.
 Printing rollers (except to the extent that an equivalent poundage in copper or copper base alloy is returned to a brass mill in the form of old rollers).
 Radio receiving sets for private use (except for replacement vacuum tubes).
 Razors operated by electricity (except for repair parts).
 Reclaimers for heating water.
 Reflectors (except for electroplating of glass reflectors in connection with silvering when the reflectors are to be used in street and highway illumination, or for traffic signals, flood lights, searchlights and hospital operating room lights).
 Refrigerator display cases.
 Saddlery hardware and harness fittings.
 Scales, except commercial, industrial and laboratory scales and laboratory balances. (See also Order L-190.)
 Shells and caps for electric sockets except screw shells and except those used in connection with lamp signals in communication facilities.
 Signs, including street signs. (See also Order L-29.)
 Slot, game and vending machines, including parking meters.
 Soda fountain equipment.
 Sporting goods, and fishing and hunting equipment and supplies.
 Staples for fastening cartons and containers.
 Stationery supplies:
 Desk accessories. (See also Order L-73.)
 Office supplies. (See also Order L-73.)
 Pencils. (See also Order L-113.)
 Pens and penholders.
 Statues.
 Sundials.
 Telescopes.
 Tent poles and parts.
 Thermos jugs and bottles.
 Toys.
 Unions and union fittings (except seats and except for other parts of unions and union fittings where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fitting makes the use of any other material dangerous or impractical). (See also Order L-42.)
 Umbrellas.
 Valve handles.
 Valves over 2-inch size (except seats, discs, stems, yoke sleeves, yoke bushings, stem bearings and packing glands, and except for other parts of such valves where and to the extent that the physical and chemical properties of the liquid or gas passing through the valve makes the use of any other material dangerous or impractical).
 Voting machines.
 Weather vanes.
 Weight reducing and exercising machines.
 Wool.

LIST A-2

The manufacturing, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited after the governing date if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacturing, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (d) (1) of this order.

Adjustable stencils..... Dec. 31, 1942
 Air conditioning equipment and refrigeration equipment ((i) except for repair parts containing not more than 4 pounds of copper products or copper base alloy products for use in "black out" plants; (ii) except for essential food storage, food transportation and industrial processing and then only when the only copper products or copper base alloy products used are for capillary tubing, bulbs, small moving parts, bellows, bearings which use not over 2 pounds of copper each, tube connections and fittings below $\frac{5}{8}$ " and integral fin tubing used in refrigeration condensers; and (iii) except for essential repairs of railroad passenger cars)..... Dec. 31, 1942
 Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs)..... Dec. 31, 1942
 Blow torches, gasoline and alcohol, (except when the only copper products or copper base alloy products used are for the pump barrel, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block).... Jan. 20, 1943
 Brushes (except the type used in electric motors and generators)..... Dec. 31, 1942
 Cement flooring and composition flooring..... Dec. 26, 1942
 Cooling towers (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).... Dec. 26, 1942
 Electrolytic devices for the removal and prevention of scale in boilers..... Dec. 31, 1942
 Gas stoves and ranges for household use (except when each valve contains not more than $\frac{1}{2}$ ounce of copper base alloy and each control contains not more than $1\frac{1}{2}$ ounces of copper base alloy and the stove or range contains no other copper or copper base alloy whatever)..... Aug. 7, 1942
 Hand saw screws, nuts and washers for attaching saw blades to the handle..... Dec. 26, 1942
 Hammers..... Dec. 31, 1942
 Lamps, electric (except for non-portable lamps for use in hospitals or in industry, otherwise than in offices, and then only when the only copper products or copper base alloy products used are for parts necessary for conducting electricity)..... Dec. 31, 1942
 Lanterns..... Sept. 7, 1942
 Lighting fixtures for use outside of a building (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). For lighting fixtures in a building see "Lighting fixtures" under "Building Supplies and Hardware" on the Combined List..... Dec. 31, 1942

Loose-leaf binders..... Dec. 26, 1942
 Pipe, tube, tubing and fittings for water supply and distribution systems and installations (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions and solder nipples and except for all such pipe, tube, tubing and fittings for use on board ship and in chlorine gas equipment). This takes the place of Interpretation No. 4 of Order M-9-c.... Dec. 26, 1942
 Plumbing fixture fittings and trim (except when the only copper products or copper base alloy products used are permitted by the terms of Schedules V, V-a and XII of Order L-42 or any schedules or orders taking their place, or are permitted by a specific authorization of the Director General for Operations granted pursuant to such a schedule or order)..... Dec. 26, 1942
 Screens for oil wells and water wells..... Jan. 20, 1943
 Shower curtains..... Dec. 26, 1942
 Sound equipment attachments for motion picture projection machines (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions)..... Dec. 31, 1942
 Table flatware (except for a copper-silver strike)..... Dec. 31, 1942
 Trolley frog bodies, trolley wire crossover bodies, trolley clamps used for supporting Fig. 8 or grooved trolley wire (unless used for carrying current), and miscellaneous items such as machine screws, bolts and studs used with overhead trolley line material..... Jan. 20, 1943

MILITARY EXEMPTION LIST

Air conditioning and refrigeration equipment (except for comfort use).
 Bakery equipment (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see below on this list.
 Bells (for use on board ship).
 Binoculars.
 Blow torches, gasoline and alcohol (parts other than tanks, only).
 Boxes, cans, jars and other containers (for radio and communication equipment and for powder charges).
 Carbonated beverage dispensing units for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
 Conduits and pipe (for radio and electrical communication equipment).
 Chronometer and watch cases.
 Dishwashing machines.
 Fans (parts necessary for conducting electricity, only).
 Field ranges and ski stoves.
 Floats for liquid level control (for use in aircraft and on board ship).
 Furniture hardware (for use within magnetic circle on board ship).
 Hammers.
 Hoists, for handling powder, projectiles and explosives (for use on board ship).
 Hot water heaters, tanks and coils for hospital, laundry and bakery projects.

Insect screens and screening.
 Kitchen utensils, devices, machines and appliances (parts necessary for conducting electricity or which come in contact with food or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts).
 Ladders and stairs, for use in gasoline storage spaces on board ship (treads, only).
 Lanterns, gasoline (generators, valves and controls, only).
 Laundry equipment, for use on board ship (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
 Laundry equipment, mobile, for field use (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
 Lights, lamps and accessories (for use in aircraft and on board ship).
 Locks and latches (for use on board ship).
 Motion picture and projection equipment.
 Name, identification and medal plates of a gauge of .03125 inch or less (for use in aircraft and on board ship).
 Paint (for ship bottoms and flying boat hull bottoms).
 Photographic equipment and accessories.
 Pins for hinges (for use on board ship).
 Prescription scales (health supplies).
 Reflectors (for use on board ship, in aircraft searchlights, and recognition lights and hospital operating room lights and therapeutic lights).
 Safety lamps, flame type (for use on board ship and for use in other places where there is danger of explosion).
 Shells and caps for electric sockets (for use in aircraft and on board ship).
 Soda fountain equipment for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
 Sound equipment attachments for motion picture projection machines.
 Table flatware made according to Fed. Spec. RR-T-56 until March 31, 1943.
 Telescopes.
 Unions and union fittings (for use on board ship).
 Valve handles (for use within magnetic circle on board ship).
 Valves (for use on board ship).

[F. R. Doc. 43-1268; Filed, January 25, 1943; 11:09 a. m.]

PART 1144—GOATSKINS, KIDSKINS, AND CABRETTAS

[Supplementary Order M-114-a]

§ 1144.2 *Supplementary Order M-114-a*. Pursuant to paragraph (c) (1) of Order M-114 as amended December 31, 1942, which this order supplements, no person shall put in process during February, March and April, 1943, to fill his mill-

tary orders and other orders, a sum total of raw goatskins, kidskins, and cabrettas equal to more than 220% (total for 3 months) of his basic monthly wettings.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 7, 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 25th day of January 1943.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 43-1269; Filed, January 25, 1943; 11:08 a. m.]

PART 1297—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES, LIGHT, MEDIUM AND HEAVY MOTOR TRUCKS, TRUCK TRAILERS, PASSENGER CARRIERS AND OFF-THE-HIGHWAY MOTOR VEHICLES

[Limitation Order L-158 as Amended Jan. 25, 1943]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of aluminum, chromium, copper, nickel and other materials required for the production of replacement parts for passenger automobiles, light, medium and/or heavy motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1297.1 *Limitation Order L-158—*

(a) *Certain orders hereby superseded.* This order, Limitation Order L-158, supersedes Limitation Order L-4 issued September 18, 1941 and all amendments thereto; supplementary Limitation Order L-4-c issued May 5, 1942 and all amendments thereto; Limitation Order L-35 issued January 22, 1942 and all amendments thereto.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(1) *Protection of production schedules.* Producers of replacement parts under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule their production of replacement parts as

if the orders therefor bore a rating of AA-2X.

(2) *Sequence of deliveries.* Notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), delivery of replacement parts may be made without regard to orders bearing preference ratings of AA-3 or lower.

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

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

(2) "Passenger automobile" means any passenger vehicle, including station wagons and taxicabs propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(3) "Light truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(4) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a maximum gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(5) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for transportation of property, or persons, or the chassis therefor.

(6) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than 11 persons.

(7) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(8) "Replacement parts" for passenger automobiles, light, medium and heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles, means only the following enumerated parts (including components entering into such parts) used for the repair or maintenance of such vehicles:

(1) For all such vehicles: (1) engines (component parts only), (2) clutches, (3) transmissions, (4) propeller shafts, (5) universal joints, (6) axles, (7) braking systems, (8) wheels, (9) tire valve assemblies, (10) starting apparatus, (11)

frame and spring suspension assemblies, (12) shock absorbers, (13) speedometers, (14) driving mirrors, (15) windshield wiper assemblies, (16) steering apparatus, (17) exhaust systems, (18) cooling systems, (19) fuel systems, (20) lubricating systems, (21) electrical systems including generators, motors, lights, reflectors and signal horns, (22) windshield safety glass.

(ii) In addition, but only for medium and heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles: (23) power dividers and take offs, (24) transfer cases, (25) fusees and flares, (26) directional signals, (27) coupling devices, (28) trailer landing gears, (29) seats, (30) front fenders (only that type which support built in lighting), (31) defroster heaters, (32) truck refrigeration units, (33) liquid measuring gauges.

(iii) In addition, but only for passenger carriers: (34) body structural repair parts, (35) sash, (36) destination signs, (37) fare boxes, (38) guards and grab rails, (39) door operating mechanisms, (40) doors and door hardware, (41) signaling devices, (42) heating and ventilating equipment. For school bus bodies and cabs: only the foregoing parts, (34) to (42).

(iv) In connection with truck-body conversion: (43) cab assemblies.

(9) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of replacement parts, as defined in subparagraph (8), above.

(10) "Distributor" means any person not a producer whose business consists, in whole or in part, of the sale of replacement parts, as defined in subparagraph (8) above, from inventory. Distributor includes wholesalers, jobbers, dealers, retailers and other persons performing a similar function.

(11) "Inventory" means a stock of replacement parts, as defined in subparagraph (8) above, on hand, on consignment, or held for the account of the owner thereof in any other name, manner or place.

(12) "Third and fourth calendar quarters of 1942" means respectively the period from July 1, 1942, to September 30, 1942, and the period from October 1, 1942, to December 31, 1942.

(13) "Average calendar quarter of 1941" means one-fourth of the producer's total sales at dollar cost value of the replacement parts of his own manufacture sold by him during 1941.

(d) *Prohibitions on production.* (1) On and after July 4, 1942, no producer shall manufacture any parts for pas-

senger automobiles and light trucks except the replacement parts enumerated in paragraph (c) (8) (1) above.

(2) On and after July 31, 1942, no producer shall manufacture any parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles except the replacement parts enumerated in paragraph (c) (8) above.

(3) In the production of such replacement parts, no materials shall be used which are prohibited by M orders or other restrictions on use of critical materials as now or hereafter ordered by the Director General for Operations of the War Production Board.

(e) *Restrictions on production of replacement parts for passenger automobiles and light trucks.*

(1) During the fourth calendar quarter of 1942, a producer of replacement parts for passenger automobiles and light trucks may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed seventy percent (70%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the fourth calendar quarter of 1941: *Provided*, That such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the fourth calendar quarter, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed fifty percent (50%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the fourth calendar quarter of 1941; provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the fourth quarter, above his inventory of finished parts in total cost value at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(2) During the first calendar quarter of 1943, a producer of replacement parts for passenger automobiles and light

trucks may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed seventy percent (70%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided that such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the first quarter of 1943, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed fifty percent (50%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the first quarter of 1943, above his inventory of finished parts in total cost value at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(f) *Restrictions on production of replacement parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers, and off-the-highway motor vehicles.*

(1) During the fourth calendar quarter of 1942, a producer of replacement parts for medium, and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers, and off-the-highway motor vehicles may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed one hundred and twenty-five percent (125%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the fourth calendar quarter of 1941: *Provided*, That such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the fourth calendar quarter,

in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed seventy-five percent (75%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the fourth calendar quarter of 1941, provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the fourth quarter above his inventory of finished parts at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(2) During the first calendar quarter of 1943, a producer of replacement parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers, and off-the-highway motor vehicles may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed one hundred and twenty-five percent (125%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941: *Provided*, That such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the first quarter of 1943, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed one hundred percent (100%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941, provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the first quarter of 1943 above his inventory of finished parts at the begin-

ning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(g) *Exceptions to applicability of this order.* The terms and restrictions of this order, except paragraph (b) (2), shall not apply, except as provided for in paragraph (s) below, to any replacement parts sold to or produced under contracts or orders for delivery to or for the account of:

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

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

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

(h) *Return of replacement parts.* Replacement parts returned to a producer by a distributor are not to be scheduled in the producer's inventory during the quarter in which the parts are received, but shall be included in the producer's inventory in the succeeding calendar quarter.

(i) *Restrictions on sales to consumers.* (1) On and after July 15, 1942, no producer or distributor shall sell or deliver any replacement part to a consumer unless the consumer delivers to the producer or distributor concurrently with the purchase a used part (excepting in the case of cab assemblies and parts consumed in use, lost or stolen) of similar kind and size for each new replacement part delivered to the consumer. No new replacement part shall be sold or delivered to a consumer to replace a part which the producer or distributor can recondition by use of available reconditioning facilities.

(2) Notwithstanding the provisions of paragraph (i) (1) above, a producer or distributor may sell and deliver any replacement part to a consumer without receiving a used part in exchange therefor, *Provided*, That:

(i) The producer or distributor does not install such part in the consumer's vehicle; and

(ii) The consumer signs and delivers to the producer or distributor concurrently with each purchase order (or on the written confirmation thereof if such order is placed by telephone or telegram) a certificate in the following form:

CONSUMER'S CERTIFICATE

I hereby certify that: (a) The replacement parts specified on this order are essential for repair of vehicle(s) I now own or operate; (b) these parts will be used only for replacement of parts that, to the best of my knowledge, cannot be reconditioned by use of available facilities; and (c) I will, within thirty days after receiving the new part(s), dispose of through scrap channels a used part(s) (excepting in the case of cab assemblies and parts consumed in use, lost or stolen) of similar kind and size for each new replacement part delivered to me.

(Signed) -----
Vehicle Owner or Operator

(Address) -----

The foregoing certificate must be retained by the producer or distributor making the sale to the consumer as part of his records.

The provisions of this paragraph (i) shall not apply to any Federal or Territorial department, bureau or agency, or to a State or political subdivision thereof, which is forbidden by law from making such disposal of replacement parts.

(j) *Restrictions on distributors' inventories.* (1) On and after August 15, 1942, no distributor, whose principal place of business is located in the Eastern or Central War Time Zone, shall order more than a thirty-day supply of replacement parts, and no such distributor shall accept delivery of replacement parts which, in combination with his existing inventory of replacement parts measured in total dollar cost value, shall exceed a sixty-day supply. Sixty-day supply means a supply in dollar cost value equal to two-thirds of the distributor's total sales, at his cost of such parts, sold by him in the preceding quarterly period.

(2) No distributor, whose principal place of business is located in any other war time zone, shall order more than a forty-five day supply of replacement parts, and no such distributor shall accept delivery of replacement parts which,

in combination with his existing inventory of replacement parts, measured in total dollar cost value, shall exceed a ninety-day supply. Ninety-day supply means a supply in dollar cost value at distributor's cost equal to the distributor's total sales, at his cost of such parts, sold by him in the preceding quarterly period.

(3) Irrespective of the restrictions in subparagraphs (1) and (2) above, a distributor may accept delivery of specific items of replacement parts when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory as specified in subparagraphs (1) and (2) above, but only to the extent necessary to bring such distributor's inventory of those specific items up to a total dollar value equal to the sales of such items shipped from such inventories during the preceding month.

(4) No distributor may keep in his inventory, in his possession or under his control, for a period of more than thirty days, any used, traded-in, imperfect or condemned replacement parts which cannot be reconditioned, but must dispose of the same through the customary disposal or scrap channels.

(5) Replacement parts consigned to a distributor are not to be considered as part of the distributor's inventory.

(k) *Emergency orders for replacement parts.* Notwithstanding the provisions of paragraph (j) above, a distributor may order and accept delivery of any replacement part which he does not have in stock when required for repair of a designated vehicle which cannot be operated without such part. In such emergency, to secure a replacement part under this paragraph (k), a distributor must file with his order to the producer for said part a certificate in the following form:

Certificate for Emergency Order

I hereby certify that the replacement part specified in the attached order is essential for the repair of the following vehicle, which cannot now be operated without such part:
Make: _____ Engine Number: _____
(signed) _____

By: _____
Firm, Partnership or Corporation
Title of Individual

Address of Firm, Partnership or Corporation

A copy of each such certificate must be retained by the distributor issuing such certificate as a part of his records. A producer or other distributor to whom any such emergency order is submitted must give such order precedence in shipment over other orders not of an emergency nature.

(1) *Certificate by distributor required.* Whenever a distributor places an order for replacement parts, each order must

be accompanied by a certificate in the following form:

Certificate of Compliance With Order L-158

The quantity of replacement parts ordered on the attached purchase order does not exceed the quantity which I am entitled to purchase under the provisions of Limitation Order L 158, with the terms of which I am familiar.

(Signed) _____
Firm, Partnership or Corporation
By: _____
Title of Individual
Address of Firm, Partnership or Corporation

A copy of each such certificate must be retained by the distributor as part of his records.

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

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

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

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

(q) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. In order to facilitate conversion to complete war production appeals may be made to increase or to transfer to other producers quotas established in paragraphs (e) and (f) above. The Director General for Operations may thereupon take such action as he deems appropriate.

(r) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C., Ref: L-158.

(s) *Preference ratings required on sales by distributors to Army, Navy and Maritime Commission.* Irrespective of the provisions of any of the preceding paragraphs of this order, no distributor shall sell any replacement part, as defined in paragraph (c) (8) above, to or for the account of the Army or Navy of the United States or the United States Maritime Commission, except upon receipt of an order bearing a preference rating of AA-1 or higher.

(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 25th day of January 1943.

ERNEST KANZLER,
Director General for Operations.
[F. R. Doc. 43-1270; Filed, January 25, 1943;
11:08 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-241, as Amended
Jan. 25, 1943]

COMMERCIAL PRINTING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc and paper, required for the production of printed matter for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.9 *Limitation Order L-241—(a) Definitions.* For the purpose of this order.

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

(2) "Printed matter" means any paper (or paperlike substance) with ink applied to it by the relief, planographic, intaglio, silk screen or other stencil processes or any combination or modification thereof, except:

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

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

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

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

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

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

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

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

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

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

(b) Restrictions on the weight of paper which a printer may put into process. (1) During the first calendar quarter of 1943 or any calendar quarter thereafter a printer shall put paper (or paperlike substance) into process in the production of printed matter only according to one of the following schedules:

(i) Not in excess of 22½% of the gross weight of paper (or paperlike substance) put into process by him in the production of printed matter during the base period;

(ii) Not in excess of 90% of the gross weight of paper (or paperlike substance) put into process by him in the production of printed matter during the corresponding calendar quarter of the base period.

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

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

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

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

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

(5) Communications to the War Production Board. All reports required to

be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing & Publishing Division, Washington, D. C. Ref.: L-241.

(d) Violations. Any person who 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.

(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 25th day of January 1943.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 43-1272; Filed, January 25, 1943; 11:08 a. m.]

PART 3136—STRAPPING FOR SHIPPING CONTAINERS

[Conservation Order M-261]

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

§ 3136.1 Conservation Order M-261—

(a) Definition. "Strapping" means any iron, steel or other metal wire or band reinforcements or closures, twelve (12) inches or more in length, for shipping containers or for fastening of material into bundles, excepting: metal for barrel hoops, stitching, baling of compressed material, or for fastening or blocking of material to skids or in vehicles or vessels.

(b) Restriction on use of strapping. No person shall use commercially any strapping unless:

(1) The weight of the container and contents, or bundle on which the strapping is used, exceeds ninety pounds, or

(2) The net weight of the contents of the container or bundle exceeds .058 pounds per cubic inch, or

(3) Use of the strapping is required by regulation or order of the Interstate Commerce Commission, or

(4) The container for which the strapping is used, and its contents, are

to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration, and the strapping is required by such agency, or

(5) The shipment is for delivery outside of both the United States and Canada, or

(6) The strapping is for wooden shipping containers for fresh fruits, vegetables, meats, fish or poultry, provided the strapping is essential to the safe delivery of the contents and has been customarily used for the same type of shipment and container, or

(7) The strapping is for wooden lard or butter tubs, and wooden buckets or pails, or

(8) The strapping is for closing fibre drums or hexagonal or octagonal fibre containers.

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

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

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

(f) Communications. All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington, D. C., Ref.: M-261.

(g) 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.

(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 25th day of January 1943.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 43-1271; Filed, January 25, 1943; 11:08 a. m.]

Chapter XI—Office of Price Administration

PART 1304—IRON AND STEEL SCRAP
[Correction to Amendment 8 to RPS 4]

IRON AND STEEL SCRAP

Item 11 of Footnote 4 in § 1304.13 (a) (1) is corrected to read as set forth below:

§ 1304.13 Appendix A: Maximum prices for iron and steel scrap other than railroad scrap. (a)

(1) Basing point¹ prices of the base grade, No. 1 heavy melting steel.

| No. 1 Heavy Melting Steel (Item 1) | |
|------------------------------------|---------------------|
| Basing point: | Price per gross ton |
| • • • • • | • • • • • |
| Toledo, Ohio ⁴ ----- | • • • • • |

⁴Toledo, Ohio shall be a basing point for Items 8, 9, 10, 11, and 12 and the basing point prices for those items shall be:

| • • • • • | Price per gross ton |
|---------------------------------|---------------------|
| • • • • • | • • • • • |
| • Item 11. No. 2 Busheling----- | \$15.35 |

§ 1304.12a Effective dates of amendments.

(1) This correction (§ 1304.13 (a) (1)) to Revised Price Schedule No. 4 shall be effective as of October 15, 1942.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1129; Filed, January 22, 1943; 3:09 p. m.]

PART 1304—IRON AND STEEL SCRAP
[Correction to Amendment 10 to RPS 4]

IRON AND STEEL SCRAP

Items 8, 9 and 10 of Footnote 4 in § 1304.13 (a) (1) are corrected to read as set forth below:

§ 1304.13 Appendix A: Maximum prices for iron and steel scrap other than railroad scrap. (a)

(1) Basing point¹ prices of the base grade, No. 1 heavy melting steel.

| No. 1 Heavy Melting Steel (Item 1) | |
|------------------------------------|---------------------|
| Basing Point: | Price per gross ton |
| • • • • • | • • • • • |
| Toledo, Ohio ⁴ ----- | • • • • • |

⁴Toledo, Ohio shall be a basing point for Items 8, 9, 10, 11, and 12 and the basing point prices for those items shall be:

| • • • • • | Price per gross ton |
|-----------------------------------------|---------------------|
| • • • • • | • • • • • |
| Item 8. Machine shop turnings | \$12.85 |
| Item 9. Mixed borings and turnings----- | 12.85 |
| Item 10. Shovelling turnings-- | 14.85 |

§ 1304.12a Effective dates of amendments.

(e) This correction (§ 1304.13 (a) (1)) to Revised Price Schedule No. 4 shall be effective as of January 22, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1130; Filed, January 22, 1943; 3:09 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
[MPR 306]

CERTAIN PACKED FOOD PRODUCTS

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, that maximum prices be established for the sale of certain packed food products by processors.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and will promote production and distribution of certain packed food products for which maximum prices are established herein.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 306 is hereby issued.

AUTHORITY: §§ 1341.551 to 1341.583, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1341.551 Scope, purpose and general information. (a) "Item covered by this regulation" means an item for which a maximum price is established by this regulation, or by any amendment or appendix hereto.

(b) Provisions contained in a particular appendix shall not apply to items covered by any other appendix, unless so provided.

(c) A provision contained in a particular appendix shall apply to the items covered by that appendix, even though it may be contrary to or inconsistent with another provision of this regulation.

(d) Every provision contained in this regulation, but not in any appendix, shall apply to items covered by any appendix to this regulation, to the extent that it is not contrary to or inconsistent with any provision in such appendix.

(e) "Processor" means the canner, manufacturer or packer, as the case may be, of any item covered by this regulation.

(f) The "effective date" of this regulation as to any item covered by this regu-

lation shall be the effective date of this regulation or the effective date of any amendment adding such item to the items covered by this regulation, as the case may be, unless otherwise specified.

(g) The provisions of this regulation shall apply to items packed during the year 1943. If the major portion of any item was packed in 1943, the item shall be considered to be packed during the year 1943. Any canned citrus juices packed after November 1, 1942, shall be deemed to be packed during the year 1943.

(h) "Packed" means processed and enclosed in any container, whether or not hermetically sealed.

(i) In every case in which areas or regions are designated and maximum prices are established for any items on an area or regional basis, the maximum price for any item in such area or region shall apply to all of such item packed in such region or area.

(j) The purpose of this regulation is to establish maximum prices for items now designated or to be added from time to time. Maximum prices are established which take into consideration such factors as grades, sizes, regions, and container types. Additional factors may be specified for some items. Each factor specified shall be used in determining the maximum price. For example, if grades and regions are specified, the processor shall use the maximum price designated for the grade in question for the region in which he produces the item.

(k) "Packed fruits" includes any specified fruit or mixture of fruits and the juice or any mixture of juices of specified fruits, when processed and enclosed in containers, whether or not hermetically sealed.

(l) "Packed vegetables" includes any specified vegetable or mixture of vegetables and the juice or any mixture of juices of specified vegetables, when processed and enclosed in containers, whether or not hermetically sealed.

§ 1341.553 Items covered by this regulation and the maximum prices therefor. (a) The packed fruits covered by this regulation are as listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

| Item | Section | Appendix |
|--------------------------|----------|----------|
| (1) Grapefruit juice---- | 1341.583 | A |

§ 1341.555 Prohibition against dealing in items covered by this regulation above maximum prices. (a) On and after the effective date of this regulation, regardless of any contract or other obligation, no processor shall sell or deliver any item covered by this regulation at a price higher than the maximum price established herein; no person in the course of trade or business shall buy or receive any item covered by this regulation from a processor at a price higher than the maximum prices established herein; and no processor or other person shall agree, offer, solicit, or attempt to do any of the foregoing.

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

(b) Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

§ 1341.557 *Maximum prices for commodities covered by this regulation in container types and sizes for which no specific maximum prices are named.* (a) The maximum price, f. o. b. factory, for a commodity covered by this regulation packed in any container type or size for which no maximum price is established herein, shall be computed by the processor, as follows:

(1) *Select the base price.* The processor shall first select the same commodity in a container type and size for which a maximum price has been established by this regulation, even though he does not pack the commodity in that container type or size. The selected container type must be the most similar type to the one being priced. The size selected must be the nearest size to the one being priced and must be not more than 50% larger than the one being priced, or, if there is no such size, not more than 50% smaller than the one being priced. The maximum price established by this regulation for the commodity in the container type and size so selected is the processor's "base price."

(2) *Deduct the container cost.* The processor shall then deduct the direct cost of the container for the selected type and size, from such base price. "Direct cost of the container" means the net cost, at the processor's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing.

(3) *Adjust for the difference in contents.* The figure obtained by deducting the direct cost of the container shall then be adjusted by dividing it by the number of ounces or other units in the selected container and multiplying the result by the number of the same units in the container being priced.

(4) *Add the new container cost.* Next, the processor shall add to that adjusted figure the direct cost of the container of the type and size being priced. The resulting figure is the processor's maximum price for the commodity in the container type and size being priced.

§ 1341.559 *Label and labor allowances.*

(a) Label allowances shall be made by processors in the following circumstances and in the following amounts:

(1) When the processor sells any item covered by this regulation, unlabeled in containers no greater in content than a No. 10 can, the processor shall reduce the maximum price established under this regulation by at least the sum of \$1.50 per thousand, for the number of labels used.

(2) When any item covered by this regulation is sold unlabeled in containers not greater in content than a No. 10 can, the processor shall make a labor allowance by reducing the maximum price at least the sum of one cent per case of such containers, in addition to the allowance provided in paragraph (a) (1) of this section.

(3) When the processor sells any item covered by this regulation in containers no greater in content than a No. 10 can, labeled with labels supplied to him by the purchaser, the processor shall reduce the maximum price established under this regulation by at least the sum of \$1.50 per thousand for the number of labels used.

§ 1341.561 *Maximum delivered prices by zone or area.* (a) Any processor who sold or delivered any item covered by this regulation, packed by him during the calendar year 1941, on an established uniform delivered price basis by zone or area, may establish a maximum delivered price for a zone or area by adding to the maximum price, f. o. b. factory, established pursuant to this regulation, for the same size, grade and container type, the freight charge he added to his f. o. b. factory price during the calendar year 1941 in the same zone or area, plus 9% of that freight charge.

(b) If the processor sells any item covered by this regulation in a container type or size not previously sold by him on a delivered price basis, by zone or area, he may establish a maximum delivered price by zone or area as follows:

(1) He shall first select the most similar container type and size in which he previously sold the same product on a delivered basis by zone or area.

(2) He shall add an adjusted freight charge to the maximum price, f. o. b. factory, established pursuant to this regulation for the item being priced. The adjusted freight charge to be used shall be the freight charge as computed under paragraph (a) of this section for the selected container type and size, adjusted in the exact proportion to the difference in shipping weight. If for any reason, the product in the container type and size being priced will move under a different freight tariff classification, the processor shall figure his adjusted freight charges (by the same means of transportation to the same zone or area) on the basis of the new shipping weight, by adding or subtracting, as the case may be, the difference between the charge under the freight classification for the new container type and size and the charge under the freight classification for the selected container type and size. Similar principles shall apply where shipping volume is the measure of the freight charge.

§ 1341.563 *Specific authorization of maximum prices.* (a) If the processor is unable to establish a maximum price pursuant to this regulation for any item covered by this regulation, his maximum price shall be a price authorized by the Office of Price Administration, Washington, D. C. Such authorization may be obtained on application to the Office of Price Administration. Such application shall set forth:

(1) A description of the item for which a maximum price is requested, including its grade, size, container type and any other relevant factors;

(2) A statement of the facts which differentiate the item for which such authorized price is requested from the

most similar item for which he has established a maximum price pursuant to this regulation; and

(3) A statement of the reasons why he has been unable to establish a maximum price for such item pursuant to the provisions of this regulation.

§ 1341.565 *Grades and labels.* (a) The term "grade" when used in this regulation, means the grade as established and defined by the United States Department of Agriculture.¹

(b) On and after the effective date of this regulation, labels shall be affixed to all items covered by this regulation before they are delivered to a purchaser, except that:

(1) A processor without affixing such labels, may make shipment or other delivery which is, in accordance with the practice of the trade, to be labeled in substantial quantity at an establishment other than that where originally processed or packed.

(c) Any person who purchases any item covered by this regulation from a processor, unlabeled, shall affix a label to such item before delivering it to any retail store, institutional, industrial or commercial user, ultimate consumer or any other person.

(d) The grade of the product shall be stated on each label which is affixed to any item covered by this regulation, unless the label was so affixed before the date this regulation takes effect.

(e) The grade of the item shall be shown by use of the United States Department of Agriculture grade designation by letter or descriptive term. For example, the grade of an item which conforms to the specifications for U. S. Grade A may be designated as "Grade A" or may be designated by the descriptive term "Fancy." The letters "U. S." shall not be used in connection with the grade designation unless the item has been packed under the continuous inspection of the United States Department of Agriculture.

(f) The descriptive language on the label of any item covered by this regulation shall not contain any word which is used by the United States Department of Agriculture to designate a grade, unless the item meets the grade specifications for the word so used. For example, an item which is standard in grade, shall not state that it is made of ripe, choice product.

(g) The label on every item covered by this regulation shall bear the statement of grade in type at least as large as the declaration of net contents shown on the label; except that

(1) Every item covered by this regulation, whether or not sold in interstate commerce, which fails to meet the standard of quality prescribed for such product by the Federal Food, Drug, and Cosmetic Act, or any regulation enacted thereunder, shall bear the general statement of substandard quality required by,

¹ Copies may be obtained on request from the United States Department of Agriculture, Washington, D. C.

or any alternative statement permitted by that Act or any regulation enacted thereunder, in the manner therein provided.

(h) In any one case in which standards or definitions are established by the United States Department of Agriculture or under authority of the Federal Food, Drug, and Cosmetic Act for sirup or for the packing medium for any item covered by this regulation, the label on such item shall show the sirup or packing medium in type at least as large as the declaration of net contents and the sirup or packing medium shall be described by the same description as that used in the applicable standard or definition.

(i) Nothing herein contained shall be deemed or construed to restrict or limit any of the requirements of the Federal Food, Drug, and Cosmetic Act, or any regulation enacted thereunder.

(j) The provisions of this section shall not apply to any products sold to the United States or any agency thereof.

§ 1341.567 *Evasion.* The maximum prices set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to items covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.569 *Records.* (a) A processor who makes sales of any items covered by this regulation, after the effective date hereof, for which specific prices have been established by this regulation, shall make and shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he customarily kept, relating to the prices which he charged for such items after the effective date of this regulation.

(b) A processor who makes sales of any items covered by this regulation, after the effective date hereof, for which maximum prices are to be computed by the processor in the manner directed by this regulation, shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all his existing records which were the basis of computing such maximum prices and shall show the method used in such computations, in addition to the records required to be made and preserved by paragraph (a) of this section.

§ 1341.571 *Enforcement.* Person violating any provision of this regulation

are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

§ 1341.573 *Petitions for amendment.* Persons seeking a modification of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1,² issued by the Office of Price Administration.

§ 1341.575 *Applicability.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia, except as otherwise provided for any item covered by this regulation.

§ 1341.577 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

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

§ 1341.578 *Sales for export.* The maximum price at which a person may export items covered by this regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,³ issued by the Office of Price Administration.

§ 1341.579 *Applicability of other maximum price regulations.* (a) The provisions of this regulation supersede the provisions of any other maximum price regulation insofar as they apply to processors of any item covered by this regulation.

§ 1341.581 *Effective date.* This Maximum Price Regulation No. 306 (§§ 1341.551 to 1341.583, inclusive) shall become effective on January 28, 1943.

§ 1341.583 *Appendix A: Maximum prices for packed fruit.* (a) Grapefruit juice.

² 7 F.R. 8961.

³ 7 F.R. 5059, 7242, 8829, 9000, 10530.

[Maximum prices in dollars per dozen containers, f. o. b. factory, except as otherwise indicated]

| Col. 1 Item No. | Col. 2 State or area | Col. 3 Style of pack | Col. 4 Grade | Col. 5 | | Col. 6 | | Col. 7 | |
|--------------------|----------------------------|-----------------------------|-------------------------------|-------------------------------|----------------|-------------------------------|----------------|-------------------------------|----------------|
| | | | | Container— #2 can | | Container— #3 cylinder | | Container— #10 can | |
| | | | | Gov- ern- ment sales | Other sales | Gov- ern- ment sales | Other sales | Gov- ern- ment sales | Other sales |
| 1 | Florida..... | Natural (unsweet- ened). | A or Fancy..... | 1.07½ | 1.12½ | 2.45 | 2.55 | 4.85 | 5.00 |
| | | | C or Standard..... | .97½ | 1.02½ | 2.25 | 2.35 | 4.35 | 4.50 |
| | | | Off grade or substandard..... | .77½ | .82½ | 1.70 | 1.80 | 3.35 | 3.50 |
| | | Sweetened..... | A or Fancy..... | 1.10 | 1.15 | 2.60 | 2.60 | 5.00 | 5.15 |
| | | | C or Standard..... | 1.00 | 1.05 | 2.30 | 2.40 | 4.50 | 4.65 |
| | | | Off grade or substandard..... | .80 | .85 | 1.75 | 1.85 | 3.50 | 3.65 |
| 2 | Texas..... | Natural (unsweet- ened). | A or Fancy..... | 1.02½ | 1.07½ | 2.35 | 2.45 | 4.65 | 4.80 |
| | | | C or Standard..... | .92½ | .97½ | 2.15 | 2.25 | 4.15 | 4.30 |
| | | | Off grade or substandard..... | .72½ | .77½ | 1.60 | 1.70 | 3.15 | 3.30 |
| | | Sweetened..... | A or Fancy..... | 1.05 | 1.10 | 2.40 | 2.50 | 4.80 | 4.95 |
| | | | C or Standard..... | .95 | 1.00 | 2.20 | 2.30 | 4.30 | 4.45 |
| | | | Off grade or substandard..... | .75 | .80 | 1.65 | 1.75 | 3.30 | 3.45 |
| 3 | California and Arizona. | Natural (unsweet- ened). | A or Fancy..... | 1.17½ | 1.22½ | 2.70 | 2.80 | 5.80 | 5.95 |
| | | | C or Standard..... | 1.07½ | 1.12½ | 2.50 | 2.60 | 4.80 | 4.95 |
| | | | Off grade or substandard..... | .87½ | .92½ | 1.95 | 2.05 | 3.80 | 3.95 |
| | | Sweetened..... | A or Fancy..... | 1.20 | 1.25 | 2.75 | 2.85 | 5.45 | 5.60 |
| | | | C or Standard..... | 1.10 | 1.15 | 2.55 | 2.65 | 4.95 | 5.10 |
| | | | Off grade or substandard..... | .90 | .95 | 2.00 | 2.10 | 3.95 | 4.10 |

(1) If a processor packs grapefruit juice made from grapefruit grown in any state mentioned in paragraph (a) of this section, whether or not his factory is located in the same state or any of such states, his maximum price shall be the maximum price shown in paragraph (a) of this section for the state in which the grapefruit used by him was grown.

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1127; Filed, January 22, 1943;
3:07 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 238, Amendment 9]

ADJUSTED AND FIXED MARK-UP REGULATION
FOR SALES OF CERTAIN FOOD PRODUCTS AT
RETAIL

A statement of the considerations involved in the issuance of Amendment No. 9 to Maximum Price Regulation No. 238 has been issued and filed with the Division of the Federal Register.*

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

¹ 7 F.R. 8209, 8808, 9184, 10013, 10227, 10714;
8 F.R. 120, 374, 532.

The table in Appendix A, § 1351.618, is amended so that the date opposite the food product "vegetables, canned" under the column entitled "Last date for determining new maximum prices under this regulation," shall read "March 10, 1943" instead of "January 31, 1943" and under the column entitled "Last date for filing new maximum prices with local war price and rationing board" shall read "March 20, 1943," instead of "February 10, 1943."

The table in Appendix B, § 1351.619, is amended so that the column entitled "Last date for filing new maximum prices with local war price and rationing board" is eliminated, and so that the dates opposite the food products "fruit, dried", "dry edible beans" and "lard" under the column entitled "Last date for determining new maximum prices under this regulation" shall read "March 10, 1943" instead of "January 31, 1943" as it now reads for "fruit, dried" and "dry edible beans," and instead of December 31, 1942, as it now reads for "lard."

Section 1351.608b is revoked, a new section § 1351.601a is added, §§ 1351.604, 1351.605, 1351.606 and 1351.611 are amended, § 1351.603 (1) and (2) are redesignated § 1351.603 (a) and (b) respectively and paragraph (b) is amended; all to read as set forth below:

§ 1351.601a *Exempt sales*—(a) *Sales by "retail route sellers."* This regulation shall not apply to sales by "retail route sellers."

A "retail route seller" is a person who customarily makes sales at retail from a truck or wagon operated by a driver-salesman over a regular route.

(b) *Sales through automatic vending machines.* This regulation shall not apply to sales made through automatic vending machines.

§ 1351.603 *How a retailer calculates his maximum price for food products listed in Appendix B.* * * *

(b) The resulting amount shall be the retailer's maximum price for the particular item, but before making any sales at this new price he must write the price in ink on the invoice used in figuring it or on a copy of Form No. 338:1. All invoices used for calculating prices must be segregated or identified and preserved to be presented upon demand. For items in Appendix B the retailer is not required to record on or file Form No. 338:1 in Appendix C of this regulation but may record his prices on such form rather than his invoice.

§ 1351.604 *How a retailer may recalculate a new maximum price if his "net cost" increases before the final date for calculating a maximum price.* If, after calculating any maximum price a retailer, before the final date set opposite the name of the food product in Appendix A or B for the calculation of a maximum price, purchases a customary quantity of the same item from a customary supplier at a higher "net cost" than he used in calculating his maximum

price, he may calculate a new maximum price on the basis of his new "net cost." Before making any sales at this new price, he must make out the proper record or report. The facts recorded or reported for the first new maximum price must not be changed, and the retailer should note on the form that a new maximum price has been calculated.

§ 1351.605 *Maximum prices set under this regulation cannot be changed.* A maximum price for any item of a food product calculated by a retailer under § 1351.602 or § 1351.603 of this regulation and properly reported or recorded shall be his maximum price for that item from that time forward. However, where a retailer recalculates his maximum price under § 1351.604 of this regulation, such recalculated price shall be his maximum price for that item from and after the date that the recalculated price is recorded.

§ 1351.606 *Final dates for calculating and filing maximum prices*—(a) *Recording of maximum prices.* A retailer must calculate and record all new maximum prices for any item of a food product on or before the date set opposite the name of that food product in Appendix A or B.

(b) *Filing of maximum prices.* Within ten days after the final date for the calculation of a maximum price for a food product listed in Appendix A of this regulation, a retailer must report all his new maximum prices to the War Price and Rationing Board of the Office of Price Administration which has charge of the area in which his outlet is located on Form No. 338:1 (or a copy thereof) as set forth in Appendix C of this regulation. This form shall be signed and subscribed and sworn to before a notary or other proper official.

§ 1351.611 *Records.* (a) On the same day as a retailer calculates any new maximum price under this regulation and makes out his report or records his price upon the invoice he shall record on his base-period record, required in § 1499.11 of the General Maximum Price Regulation, any new maximum price. The record of the old maximum price shall not be destroyed. * * *

(b) In addition to the records required in § 1499.11 of the General Maximum Price Regulation or any other applicable price regulation, every retailer shall keep a copy of all Forms No. 338.1 which are filed in accordance with § 1351.606 (b) hereof or on which he has recorded information in accordance with § 1351.603 (2) of this regulation, and all invoices or other records showing how he calculated any maximum price under this regulation, which records shall be kept and made available for examination by the Office of Price Administration wherever the commodities are sold for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

§ 1351.617a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§§ 1351.618, 1351.619, 1351.601a, 1351.603, 1351.604,

1351.605, 1351.606, 1351.608b, 1351.611 (a) and 1351.611 (b)) shall become effective on January 22, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1128; Filed, January 22, 1943; 3:09 p. m.]

PART 1381—SOFTWOOD LUMBER

[Revised MPR 161]

WEST COAST LOGS

The title, preamble, and §§ 1381.151 to 1381.160 of Maximum Price Regulation 161 are amended to read as set forth herein.

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of west coast logs, as herein defined, which differ in certain respects, from those established by Maximum Price Regulation 161. The Price Administrator has ascertained and given due consideration to the prices of west coast logs 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 prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1² issued by the Office of Price Administration, Revised Maximum Price Regulation No. 161 is hereby issued.

Sec.

- 1381.151 Sale of west coast logs at higher than maximum prices prohibited.
- 1381.152 What logs are covered.
- 1381.153 Explanation of maximum price tables.
- 1381.154 Tables of maximum prices for west coast logs.
- 1381.155 Long and short lengths.
- 1381.156 The "overtime addition."
- 1381.157 Resale under allocation.
- 1381.158 Grading and scaling.
- 1381.159 Prohibited practices.

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

¹ 7 F.R. 4426, 5360, 7008, 7839, 9429, 11070.

² 7 F.R. 8961.

Sec.

- 1381.160 Records.
- 1381.161 Petitions for amendment and adjustment.
- 1381.162 Enforcement.
- 1381.163 Definitions.
- 1381.164 Effective date.

§ 1381.151 *Sale of west coast logs at higher than maximum prices prohibited.* (a) On and after January 22, 1943, regardless of any contract or other obligation, no person shall sell or deliver west coast logs, and no person shall buy or receive west coast logs in the course of trade or business, at prices higher than the maximum prices fixed by this regulation; and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the maximum prices may be charged and paid.

§ 1381.152 *What logs are covered.* This regulation covers under the name of "west coast logs", all logs produced in those parts of Oregon, Washington, and Canada, west of the crest of the Cascade Mountains, of the following species: Douglas fir (*Pseudotsuga taxifolia*), western hemlock (*Tsuga merstensiensis*), *Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), western white fir (*Abies grandis*, *Abies amabilis*, *Abies magnifica*, *Abies lasiocarpa*), noble fir (*Abies nobilis*), and western red cedar (*Thuja plicata*).

§ 1381.153 *Explanation of maximum price tables—(a) Prices are delivered to towable waters.* (1) Except in the Southern Oregon-Tillamook District, the full maximum prices in the Price Table may be charged and paid only when the logs are delivered to towable waters, dumped, boomed, rafted, and prepared for towing at the seller's expense.

If any of these services are not performed at the seller's expense, its cost must be deducted from the maximum prices. "Towable waters" means any year-round towable waters along the coast of Oregon, Puget Sound, Willapa Bay, Grays Harbor, Columbia River, and Willamette River. The Willamette River shall be considered towable from its mouth to a point one mile south of Albany, Oregon.

(2) In the Southern Oregon-Tillamook District, the logs may be delivered in that District either (i) in towable waters in the manner described in the preceding paragraph, (ii) loaded on common carrier rail cars, or (iii) to a mill, dumped in the mill pond.

(b) *Deduction for non-delivery to towable waters.* If the buyer does not take delivery in towable waters, delivery may be made to common carrier railhead or at the buyer's mill, and the maximum price shall be determined as follows:

(1) From the maximum prices in the tables in the next section subtract the costs, including transportation, booming and rafting charges, which would have been incurred if the logs had moved to the towable waters of the particular district.

(2) Then add the actual cost of delivering to the destination specified by the buyer, including cost of loading on rail cars or dumping in mill pond.

For example: Assume that the buyer takes delivery at a railhead, and that it would have cost \$2.00 to transport the logs to towable waters and \$0.75 for booming and rafting. Assume the actual cost of delivering the logs to the railhead to be \$1.00 for trucking and \$1.00 for loading on cars. The ceiling price would then be \$38.50 less \$2.75, plus, \$2.00, or \$37.75. The intent of this provision is that the log seller should get the same spartree realization no matter where he delivers the logs in a particular district. If he finds that within the district it is more profitable to sell to one buyer than another, he has wrongly applied this section.

(c) *Scaling expense.* The entire cost of scaling and grading is included in the maximum prices. Therefore, this cost may not be added to the maximum prices.

(d) *Credit practices and cash discounts.* Changing credit practices from what they were in October, 1941, is specifically prohibited. This includes decreasing credit periods, or making greater charges for extension of credit.

If the sale is on cash terms, the maximum price must be reduced by the same amount which would have been allowed for similar cash terms on October 1, 1941. For example, if the maximum price without cash discount is \$30.00, and if this seller's cash discount on October 1, 1941, was 1%, the maximum price now for sales on similar cash terms is \$29.70.

(e) *Explanation of districts.* (1) Puget Sound district means the part of Washington west of the crest of the Cascade Mountains, except Grays Harbor, Pacific, Wahkiakum, Cowlitz, Clark and Skamania Counties.

(2) Willapa Bay-Grays Harbor district means the counties of Grays Harbor and Pacific, in Washington.

(3) Columbia River district means the counties of Wahkiakum, Cowlitz, Clark and Skamania in Washington, and all of Oregon west of the crest of the Cascade Mountains and North of the northern boundary of Lane County, except Lincoln and Tillamook Counties.

(4) Southern Oregon-Tillamook district means Lincoln and Tillamook Counties, Oregon and that part of Oregon west of the crest of the Cascade Mountains and south of the northern boundary of Lane County.

(f) *Sale into other districts.* When logs are sold out of one district for delivery in another district, the maximum prices and the grades are those of the district in which the buyer takes delivery of the logs.

§ 1381.154 *Tables of maximum prices for west coast logs.* The maximum delivered prices per 1,000 ft. log scale for west coast logs shall be as follows:

(A) DOUGLAS FIR

| | Puget Sound district | Willapa Bay-Grays Harbor district | Columbia River district | Southern Oregon-Tillamook district |
|------------------------------------------------------------------|----------------------|-----------------------------------|-------------------------|------------------------------------|
| No. 1 sawmill log..... | \$31.00 | \$29.00 | \$29.00 | \$27.00 |
| No. 2 sawmill log, shop type old growth yellow fir..... | 23.00 | 23.00 | 23.00 | 21.00 |
| No. 2 sawmill log, all other types, including second growth..... | 22.00 | 22.00 | 22.00 | 20.00 |
| No. 3 sawmill log, shop type old growth yellow fir..... | 18.00 | 18.00 | 18.00 | 16.00 |
| No. 3 sawmill log, all other types, including second growth..... | 17.00 | 17.00 | 17.00 | 15.00 |
| Pee Wee, sawmill logs..... | 18.75 | 18.75 | 18.75 | 16.75 |
| Camp-run (ungraded)..... | 17.00 | 17.00 | 17.00 | 15.00 |

(B) WESTERN RED CEDAR

| | Puget Sound district | Willapa Bay-Grays Harbor district | Columbia River district | Southern Oregon-Tillamook district |
|------------------------------------------|----------------------|-----------------------------------|-------------------------|------------------------------------|
| No. 1 and lumber grades..... | \$36.00 | \$33.00 | \$33.00 | \$31.00 |
| No. 2, No. 3 and shingle grade logs..... | 21.00 | 21.00 | 21.00 | 19.00 |
| Camp-run (ungraded)..... | 21.00 | 21.00 | 21.00 | 19.00 |

(C) WESTERN HEMLOCK

| | Puget Sound district | Willapa Bay-Grays Harbor district | Columbia River district | Southern Oregon-Tillamook district |
|---------------------------|----------------------|-----------------------------------|-------------------------|------------------------------------|
| Aircraft grade..... | \$35.00 | \$35.00 | \$35.00 | \$33.00 |
| Suitable for peeling..... | 27.00 | 27.00 | 27.00 | 25.00 |
| No. 1..... | 23.00 | 23.00 | 23.00 | 21.00 |
| No. 2..... | 20.00 | 20.00 | 20.00 | 18.00 |
| No. 3..... | 17.00 | 17.00 | 17.00 | 15.00 |
| Camp-run (ungraded)..... | 19.00 | 19.00 | 19.00 | 17.00 |

(D) WESTERN WHITE FIR

| | Puget Sound district | Willapa Bay-Grays Harbor district | Columbia River district | Southern Oregon-Tillamook district |
|---------------------------|----------------------|-----------------------------------|-------------------------|------------------------------------|
| Suitable for peeling..... | \$27.00 | \$26.00 | \$26.00 | \$24.00 |
| No. 1..... | 23.00 | 22.00 | 22.00 | 20.00 |
| No. 2..... | 20.00 | 20.00 | 20.00 | 18.00 |
| No. 3..... | 17.00 | 17.00 | 17.00 | 15.00 |
| Camp-run (ungraded)..... | 19.00 | 19.00 | 19.00 | 17.00 |

(E) SITKA SPRUCE

| | Puget Sound district | Willapa Bay-Grays Harbor district | Columbia River district | Southern Oregon-Tillamook district |
|--------------------------|----------------------|-----------------------------------|-------------------------|------------------------------------|
| No. 1..... | \$45.00 | \$45.00 | \$45.00 | \$43.00 |
| No. 2..... | 30.00 | 30.00 | 30.00 | 28.00 |
| No. 3..... | 17.00 | 17.00 | 17.00 | 15.00 |
| Camp-run (ungraded)..... | 17.00 | 17.00 | 17.00 | 15.00 |

(F) NOBLE FIR

| | Puget Sound district | Willapa Bay-Grays Harbor district | Columbia River district | Southern Oregon-Tillamook district |
|---------------------------|----------------------|-----------------------------------|-------------------------|------------------------------------|
| Aircraft grade..... | \$45.00 | \$45.00 | \$45.00 | \$43.00 |
| Suitable for peeling..... | 35.00 | 35.00 | 35.00 | 33.00 |
| No. 1..... | 23.00 | 23.00 | 23.00 | 21.00 |
| No. 2..... | 20.00 | 20.00 | 20.00 | 18.00 |
| No. 3..... | 17.00 | 17.00 | 17.00 | 15.00 |
| Camp-run (ungraded)..... | 19.00 | 19.00 | 19.00 | 17.00 |

(G) DOUGLAS FIR SPECIAL LOGS

| | Puget Sound district | Willapa Bay-Grays Harbor district | Columbia River district | Southern Oregon-Tillamook district |
|----------------------------------------------------------------------------------------------|----------------------|-----------------------------------|-------------------------|------------------------------------|
| Specially selected for ship-spars, booms, and masts of lengths 56 to 70 feet, inclusive..... | \$40.00 | \$40.00 | \$40.00 | \$38.00 |

(H) DOUGLAS FIR PEELER LOGS

| | Puget Sound district | Willapa Bay and Grays Harbor District |
|-----------------------------------------------------------|----------------------|---------------------------------------|
| Puget Sound district: | | |
| No. 1 log suitable for peeling, minimum diameter 30"..... | \$40.00 | |
| No. 2 log suitable for peeling, minimum diameter 30"..... | | 35.00 |
| Core log, minimum diameter 26"..... | | 27.00 |
| Willapa Bay and Grays Harbor District: | | |
| Peeler grade, minimum diameter 36"..... | | 41.00 |
| No. 1 log suitable for peeling, minimum diameter 30"..... | | 33.00 |
| No. 2 log suitable for peeling, minimum diameter 26"..... | | 25.00 |

(H) DOUGLAS FIR PEELER LOGS—Con.

| | |
|-----------------------------------------------------------|-------|
| Columbia River district: | |
| No. 1 log suitable for peeling, minimum diameter 30"----- | 38.50 |
| No. 2 log suitable for peeling, minimum diameter 30"----- | 32.50 |
| Core log----- | 25.00 |
| Southern Oregon-Tillamook district: | |
| No. 1 log suitable for peeling, minimum diameter 30"----- | 36.50 |
| No. 2 log suitable for peeling, minimum diameter 30"----- | 30.50 |
| Core log----- | 23.00 |

§ 1381.155 Long and short lengths—

(a) *Special long lengths.* For logs cut to special lengths over 41 feet (other than the "Douglas fir special logs" listed in the price table) for a mill which has an order for poles or piling, long timbers or lumber, or for any other specific purpose actually requiring long logs, that mill may make application to the state office of the Office of Price Administration at Portland, Oregon, for authority to pay additions over the prices established in this revised regulation, for the number of logs required to fill the particular order. The state office at Portland, Oregon, may grant or deny such applications by letter or telegram.

(b) *Short lengths.* For blocks in lengths of less than 12 feet, deduct \$5.00 per 1,000 ft. log scale from the prices in the price tables in § 1381.154 above:

§ 1381.156 The "overtime addition."

The following additions may be made by any seller to the maximum price of any west coast logs produced by any company whose entire logging operation is operated the following number of hours per week in actual production:

| Hours of operation: | Addition per M ft. l. s. |
|-----------------------|-----------------------------|
| 48 to 53 hours----- | \$1.00 |
| 54 to 59 hours----- | 1.50 |
| 60 hours or more----- | 2.00 |

This addition is subject to all of the following conditions and provisions:

(a) *Application.* Any person intending to claim the overtime addition must first file a statement with the Office of Price Administration, Washington, D. C., that the company regularly maintains the required number of hours in all its logging operations. On and after the effective date of the order granting the right to make the addition, the person may add the amount authorized to the maximum prices otherwise established by the Regulation. The addition may be made only so long as the required number of hours is worked, unless specific exceptions have been granted under paragraph (f) below. The right to make the addition may be terminated at any time either for failure to maintain the required number of hours or failure to observe any other provision of this regulation. For example, the right may be withdrawn at any time from any company or person which permits false grading and scaling to be practiced or fails to submit reports. The right shall terminate from the effective date specified in the order.

(b) *Report.* Not later than the 15th of every month in which the overtime addition is claimed, the company must file a statement with the Lumber

Branch, Office of Price Administration, Washington, D. C., containing the following:

(1) A statement that the required hours prevailed during the preceding month;

(2) The company's production figures by log scale, by species, for the month;

(3) The amount of logs sold during the month on which the overtime addition was claimed, by species, both log scale and total value.

(4) The amount of logs, log scale, by species, used in the seller's own mill.

(c) *Monthly average.* The requirement relating to weekly hours of production will be considered satisfied if at the end of each monthly period the average weekly hours are equal or above the required number of hours; that is, if the total number of hours for the month divided by the number of weeks or fractions thereof results in a figure equal to or above the required number of weekly hours.

(d) *Operation requirement.* Only the hours devoted to actual log production may be counted for purposes of this section. Actual log production does not include such operations as maintenance and repair work, road building, and similar operations incidental to logging. Every camp and logging side operated by that company must maintain the required number of hours.

(e) *Invoices.* The overtime addition must be shown as a separate charge on all invoices, and labeled "overtime addition." The invoice must further show the name and address of the company producing the logs. Copies of these invoices shall be preserved by the company and shall, if required, be submitted to the Office of Price Administration.

(f) *Exceptions from requirement.* The Lumber Branch, Office of Price Administration, Washington, D. C., may by letter or telegram grant exceptions from the strict requirements of this section on the "overtime addition" when a company which has previously had its name published as an overtime company, and which is in good faith attempting to operate on a regular overtime basis, finds that in a particular month it is impossible for particular sides or its entire operation to meet the requirements, due to weather conditions or other circumstances beyond its control. The request for such an exception must show not that regular overtime operation would have been inconvenient or costly by peacetime standards, but that it was impossible in the light of the standards of operation demanded by wartime conditions and in the light of the critical lumber requirements of the military services.

§ 1381.157 Resale under allocation. In the case of resale by mills or other users of west coast logs pursuant to the direction of the War Production Board (or any other Government Agency) requiring the allocation or requisitioning of the logs, the maximum price shall be the sum of the following:

(a) Maximum delivered price to the first buyer as established by this regulation.

(b) Actual cost of transportation which has been incurred from the point at which delivered price was computed; sorting, booming, rafting, scaling, re-loading, and such other direct costs incurred by the first buyer as are necessary to the proper preparation of the logs for resale; and

(c) Any overtime addition actually paid by the first buyer to a seller who has been permitted to charge the overtime addition.

The resulting maximum price is f. o. b. the reseller's mill or plant, and the second buyer shall bear the cost of transporting the logs to his own plant.

The additions apply only when the resale takes place in the course of a going business, and when the reseller expects to buy other logs to replace those resold. If, however, this is not the case, as where a stock of logs is sold by a mill going out of business, the transaction is not subject to this regulation but to Maximum Price Regulation 204, Idle or Frozen Material Sold Under Priorities Regulation No. 13.³

§ 1381.158 Grading and scaling. (a)

On and after February 22, 1943, no one may sell or buy west coast logs unless the logs have been graded and scaled in accordance with the following rules.

(1) All west coast logs must be graded and scaled either by (i) graders and scalers who have been approved by the Office of Price Administration, or (ii) by one of the following established grading and scaling bureaus:

- Puget Sound Log Scaling and Grading Bureau.
- Columbia River Log Scaling and Grading Bureau.
- Tillamook County Log Scaling and Grading Bureau.
- Grays Harbor Log Scaling and Grading Bureau.

(2) Graders and scalers who are approved by the Office of Price Administration must use the grading and scaling rules of the above named four bureaus, except that hemlock and noble fir aircraft grades are specifically defined as follows:

"Aircraft grade" western hemlock or noble fir log, means a log of those species which is selected from a suitable for peeling, No. 1 or No. 2 grade, and which:

(i) Is not less than 26 inches top diameter and not less than 12 feet long if hemlock, or 16 feet long if noble fir;

(ii) Is of straight grain so that the majority of the clear lumber can be produced with a slope of grain not greater than 1 in 15;

(iii) Is free of deep back seams or other serious defects within the clear portion of the log;

(iv) Has reasonably uniform annual rings, not fewer than 8 to the inch within the clear portion of the log;

(v) Is of a character which will produce at least 50 percent No. 2 clear and better, or B and better clear lumber.

(b) Any person desiring to be approved as a scaler and grader by the

³ 7 F.R. 6479, 7366, 8948.

Office of Price Administration shall file application with the Portland, Oregon, office of the Office of Price Administration.

(c) The above named scaling and grading bureaus shall not change the rules which they had in effect on the effective date of this revised regulation, without first obtaining the specific approval of the Lumber Branch, Office of Price Administration.

(d) "Log scale" means the merchantable lumber content of a log calculated according to the Revised Scribner Decimal C Log Rule or the Spaulding Log Rule. When waste or defect is found in any log, a deduction in scale shall be made by the scaler which, in his judgment, will sufficiently eliminate the waste. If no waste or defect is found, the log shall be scaled at its full diameter inside the bark, and at its full length with necessary trim. All deductions shall be made in inches in diameter, and feet in length.

§ 1381.159 *Prohibited practices*—(a) *General.* Any practice which obtains the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright overceiling price. This applies to the use of commissions, services, grading and scaling manipulations, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

(b) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the logs has been completed, but the price may be adjustable to the maximum price in effect at the time of delivery.

§ 1381.160 *Records*—(a) *All sellers and buyers.* All sellers of west coast logs must keep all scaling certificates or statements, and invoices which will show a complete description of the logs sold, the name and address of the buyer, the date of sale, and the price. Buyers must keep similar records, including the seller's name and address. These records must be kept for any month in which the seller or buyer sold or bought 100,000 ft., log scale, or more, of west coast logs. They must be kept for two years, for inspection by the Office of Price Administration.

(b) *Graders and scalers.* All original scale records shall show gross and net measurements in diameter and length, and shall designate the type of defect by appropriate symbols. All graders and scalers must keep these original records for two years. This requirement shall not apply to the following types of logs of the species indicated:

Douglas fir: Pee wee sawmill logs.
Western red cedar logs.
Western white fir: No. 2, No. 3 and camp run (ungraded) logs.
Noble fir: No. 2, No. 3, and camp run (ungraded) logs.
Western hemlock: No. 2, No. 3 and camp run (ungraded) logs.
Sitka spruce: No. 3 and camp run (ungraded) logs.

§ 1381.161 *Petitions for amendment and adjustment*—(a) *Government contracts.* (1) Any person who has made or intends to make a Government contract

and who thinks that a maximum price in this regulation is impeding or threatens to impede production of any west coast logs which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6⁴ issued by the Office of Price Administration.

As soon as the application is filed, contracts, deliveries, and payment may be made at the requested price subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(2) The term "Government contracts" is used here 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". It also includes any subcontract under this kind of contract.

(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 1, issued by the Office of Price Administration.

§ 1381.162 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 161 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 161 or any price schedule, regulation or order issued by the Office of Price Administration, are urged to communicate with the nearest District, State, or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1381.163 *Definition.* The term "person" includes an individual, corporation, partnership, association, or any other organized group, their legal successors or representatives; the United States, or any government, or any of their political subdivisions; or any agency of any of the foregoing.

§ 1381.164 *Effective date.* (a) This Revised Maximum Price Regulation No. 161 (§§ 1381.151 to 1381.164, inclusive) shall become effective January 22, 1943.

(b) If logs have been received before January 22, 1943, by a carrier, other than one owned or controlled by the seller, for shipment to the buyer, that shipment is not subject to this revised regulation. It remains subject to the earlier version of this regulation which was in effect at the time the logs were turned over to the carrier.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1131; Filed, January 22, 1943; 3:09 p. m.]

⁴ 7 F.R. 5087, 5664.

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 280,¹ Amendment 8]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

A statement of the considerations involved in the issuance of Amendment No. 8 to Maximum Price Regulation No. 280 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (d) of § 1351.801 is hereby revoked and paragraphs (e) to (i) inclusive of § 1351.801 are redesignated as paragraphs (d) to (h) inclusive. Section 1351.821 (h) is added as set forth below.

§ 1351.821 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1351.801 (d), 1351.801 (e) to (i) inclusive and § 1351.821 (h) to Maximum Price Regulation No. 280 shall be effective as of December 3, 1942.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1146; Filed, January 22, 1943; 4:23 p. m.]

PART 1352—FLOOR COVERINGS

[RPS 57, Amendment 2]

WOOL FLOOR COVERINGS

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

A new subparagraph (4) is added to § 1352.1 (a) as set forth below:

§ 1352.1 *Maximum prices for wool floor coverings.* * * *

(a) * * *

(4) In the case of M. J. Whittall Associates, Incorporated, Worcester, Massachusetts, the maximum price for the sale of:

(i) Addison Carpet to the retail stores of Montgomery Ward & Company, Chicago, Illinois, shall be \$3.11 per running yard for the $\frac{3}{4}$ yard width, and \$4.23 per running yard for the $\frac{1}{2}$ yard width.

(ii) Gimbel Carpet to Gimbel Brothers, Philadelphia, Pennsylvania, shall be \$2.65 per running yard for the $\frac{3}{4}$ yard width, and \$3.60 per running yard for the $\frac{1}{2}$ yard width.

§ 1352.13 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1352.1 (a) (4)) shall become effective January 28, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1147; Filed, January 22, 1943; 4:20 p. m.]

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

¹ 7 F.R. 10144, 10337, 10475, 10585, 10786, 10995, 8 F.R. 158.

PART 1499—COMMODITIES AND SERVICES
[Amendment 94 to Supp. Reg. 14¹ to GMPR¹]

CALIFORNIA GRAPE WINE AND SPIRITS

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

Subparagraph (40) of paragraph (a) of § 1499.73 is amended to read as follows:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter set forth.

(40) *California grape wine and California grape spirits*—(i) *Vintners' maximum prices for California grape wine*—(a) *Base maximum price; wine in carload lots.* On and after November 1, 1942 every vintner's base maximum price for California grape wine in bulk in carload lots shall be as follows:

| | |
|--|-------------------------------------------------------|
| | Cents per gallon naked f.o.b. winery (cents) |
|--|-------------------------------------------------------|

| | |
|-------------------|-----|
| Dessert wine..... | 39 |
| Table wine..... | 21½ |

Provided, That if the maximum price established for any vintner under § 1499.2 for dessert wine or for table wine in bulk in carload lots is higher than the base maximum price set forth above, such vintner's base maximum price for such dessert or table wine shall be the maximum price established therefor under § 1499.2. Vintners' customary price differentials charged in March 1942 for bulk California grape wine in barrels or other containers larger than 4½ gallons capacity but less than a carload lot may be charged for the same container size after November 1, 1942.

(b) *Permitted increase.* On and after November 1, 1942, any vintner may add to the maximum prices established for him under § 1499.2 or to his base maximum prices for California grape wine established under (a), a permitted increase per gallon for dessert wine and for table wine computed as hereinafter

prescribed. To compute his permitted increase per gallon, each vintner shall:

(1) Figure the weighted average price per ton paid by him during the 1941 season for grapes to be crushed into California grape wine.

(2) Figure the weighted average price per ton paid or contracted to be paid by him in good faith during the 1942 season up to and including October 27, 1942 for grapes to be crushed into California grape wine.

(3) Subtract the price computed under (1) from the price computed under (2). The result of the subtraction, or \$8.30, whichever is the lower, shall be the vintner's allowable grape cost increase. In the case of a growers' cooperative operating a winery, and in the case of a vintner who grows more than 50% of the grapes crushed and to be crushed by him, the allowable grape cost increase shall be \$8.30.

(4) Figure the number of tons of grapes acquired or contracted to be acquired by him in good faith during the 1942 season up to and including October 27, 1942, for crushing into wine, and make a bona fide estimate of the number of additional tons of grapes he will acquire during the remainder of the 1942 season for crushing into wine. The number of tons of grapes acquired or contracted to be acquired by him in good faith and the estimated number of additional tons of grapes to be acquired shall be added together, and the total shall be the vintner's estimated 1942 grape tonnage.

(5) Divide his estimated 1942 grape tonnage computed under (4) into two parts corresponding to the portions of his estimated 1942 grape tonnage to be crushed into dessert wine and into table wine.

(6) Multiply his allowable grape cost increase figured under (3) by his estimated 1942 grape tonnage for dessert wine and for table wine figured under (5).

(7) Determine his total estimated 1942 crush by figuring his estimated 1942 grape tonnage as converted into wine on the basis of 80 gallons of dessert wine produced from each ton of grapes to be crushed for that purpose, and 160 gallons of table wine produced from each ton of grapes to be crushed for that purpose. The resulting figures will be the vintner's estimated 1942 crush of dessert wine and his estimated 1942 crush of table wine respectively.

(8) Multiply his estimated 1942 crush of dessert wine by 1.7 cents. Multiply his estimated 1942 crush of table wine by 0.85 cent.

(9) Add the dollar amount computed under (6) for dessert wine to the dollar amount computed under (8) for dessert wine. Add the dollar amount computed under (6) for table wine to the dollar amount computed under (8) for table wine. The totals are respectively the vintner's total dollar allowance for dessert wine and his total dollar allowance for table wine.

(10) Figure in gallons his total inventory of dessert wine and of table wine

respectively as of October 27, 1942 (including any portion of his 1942 crush then on hand) and add thereto his estimated 1942 crush of dessert wine and of table wine respectively computed under (7). The sum of his total inventory of dessert wine and his estimated 1942 crush of dessert wine shall be his total gallonage of dessert wine. The sum of his total inventory of table wine and his estimated 1942 crush of table wine shall be his total gallonage of table wine.

(11) Divide his total dollar allowance for dessert wine computed under (9) by his total gallonage of dessert wine computed under (10). Divide his total dollar allowance for table wine computed under (9) by his total gallonage of table wine computed under (10). The resulting figures are the vintner's permitted increases per gallon for dessert wine and for table wine respectively: *Provided*, That in the case of concentrates and condensed grape must, the permitted increase per gallon shall be increased in proportion to the ratio of concentration: *And provided further*, That a vintner's permitted increase per gallon for California light sweet wine shall not exceed 90% of his permitted increase for dessert wine.

(c) *Taxes; permitted increase.* Any vintner may, at any time, add to the maximum prices established for him under § 1499.2 or to his base maximum prices for California grape wine the amount of any new tax, or any increase in an existing tax incident to the sale, delivery, processing or use thereof, imposed upon the vintner after March 31, 1942 by any statute of the United States, or by any statute or ordinance of any state or subdivision thereof:

Provided, That such amount has actually been paid or has accrued and will be payable by the vintner to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question.

(ii) *Bottlers' maximum prices for California grape wine*—(a) *Base maximum prices.* On and after November 1, 1942, every bottler's base maximum prices for California grape wine shall be the maximum prices established for him under § 1499.2.

(b) *Permitted increase.* On and after November 1, 1942, any bottler may add to the base maximum prices established for him under (a) a permitted increase for any brand, type, quality and container size of California grape wine computed as hereinafter set forth. To compute his permitted increase, each bottler shall:

(1) Figure his weighted average cost per gallon for the quantity of each type and quality of California grape wine sold by him during March 1942, or during the bottler's customary fiscal month ending nearest March 31, 1942. Cost per gallon shall be figured on a naked f. o. b. winery basis.

(2) Figure his weighted average cost per gallon on his first purchase of the same type and quality of California grape wine at a price adjusted by the

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

¹ 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10665, 11005; 8 F.R. 276, 439, 535, 494.

² 7 F.R. 3153, 3030, 3666, 399C, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5365, 5445, 5665, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

vintner under (i) hereof. Cost per gallon shall be figured on a naked f. o. b. winery basis in the same containers used in the computation under (1).

(3) Subtract the costs computed under (1) from the corresponding costs computed under (2). The results of the subtractions shall be the bottler's initial permitted increase per gallon for each type and quality of California grape wine.

(4) Figure his weighted average cost per gallon for the quantity of each type and quality of California grape wine purchased by him during every calendar month after his first purchase at prices adjusted by the vintner under (i) hereof, or during his customary fiscal month ending nearest the end of such calendar months. Cost per gallon shall be figured on a naked f. o. b. winery basis in the same containers as those used in the computation under (1).

(5) Subtract the costs computed under (1) for March 1942, from the corresponding costs computed for each calendar or fiscal month under (4). The results of the subtraction shall be the bottler's permitted increase per gallon for each brand, type, and quality of California grape wine sold by him in the next calendar or fiscal month.

(6) Determine his permitted increase per container, case or other unit of sale for each brand, type and quality of California grape wine by converting his permitted increase per gallon computed under (3) or (5) into the permitted increase applicable to such container, case or other unit of sale according to the number of gallons or fractional gallons of each brand, type and quality of California grape wine therein.

(7) No bottler may increase his previous month's permitted increase per gallon for any brand, type, or quality of California grape wine unless

(i) His permitted increase per gallon therefor, computed under (5) for a subsequent calendar or fiscal month, exceeds his previous month's permitted increase per gallon therefor by two or more cents per gallon; and

(ii) The quantity of the particular brand, type or quality of California grape wine upon which his permitted increase per gallon is computed under (5) is at least equal to the monthly average of his purchases of such California grape wine during the preceding twelve calendar or fiscal months.

(8) No bottler shall be required to decrease his previous month's permitted increase per gallon for any brand, type, or quality of California grape wine unless

(i) His permitted increase per gallon therefor, computed under (5) for a subsequent calendar or fiscal month, is less than his previous month's permitted increase per gallon therefor by two or more cents per gallon: *Provided*, That no bottler shall be required to reduce his maximum price for a particular brand, type or quality of California grape wine below his base maximum price therefor established under (a) plus any increase in such base maximum price permitted under (c).

(c) *Taxes; permitted increase.* (1) Any bottler may, at any time, add to his base maximum prices for California

grape wine the amount of any new tax, or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the bottler after March 31, 1942, by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or has accrued and will be payable by the bottler to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question. After any bottler has adjusted his maximum prices to include a permitted increase under (ii) (b), the provisions of this inferior subdivision shall no longer apply to the amount of the Federal floor stocks tax imposed in connection with the increase in Federal Excise Tax effective November 1, 1942.

(2) The bottler shall convert the permitted increase with respect to taxes into a permitted increase per container, case, or other unit of sale on the basis of the number of gallons or fractional gallon of each brand, type and quality of the California grape wine contained in the container, case, or other unit of sale in question.

(d) *Notification.* Commencing with his first sale and monthly thereafter, in the event of an adjustment of his maximum prices, as provided in (b) and (c), each bottler shall

(1) Figure the permitted increases under (b) and (c) for each brand, type, quality and container size of California grape wine sold without adjusting fractional parts of a cent. If the total of such permitted increases includes the fractional part of a cent, the total shall be adjusted to the nearest higher full cent if the fraction is 1/2 cent or more, or to the nearest lower full cent, if the fraction is less than 1/2 cent.

(2) Notify purchasers in writing as follows:

(i) If the purchaser is a wholesaler the bottler shall notify him, at or before the first delivery of each brand, type, and quality of California grape wine to such wholesaler, of the total permitted increase per container, case or unit of sale figured under (ii) (d) (1) for each such brand, type, and quality of California grape wine.

(ii) If the purchaser is a retailer the bottler shall confirm any sales or deliveries of California grape wine made to the retailer after November 1, 1942 and prior to November 9, 1942 by a written statement as follows, and shall supply the retailer, commencing November 9, 1942, on or before the bottler's first subsequent delivery of California grape wine, with a written statement as follows:

The Office of Price Administration has authorized us to increase our March 1942 maximum prices for California grape wine to reflect increases in the Federal Excise Tax effective in November 1942 and vintners' permitted increases. Your new Office of Price Administration ceiling price for each type of California grape wine listed in Tables Nos. I, II, III, IV, V, VI, and VII is your March 1942 ceiling price plus the "permitted increase" for each container

size. These "permitted increases" to your ceiling prices include all Federal Excise Taxes effective on November 1, 1942. You may add no more. The Office of Price Administration requires you to keep this notice for examination.

TABLE I

[California finished blending wines, industrial wines, and other wines containing more than 21% but not more than 24% alcohol by volume, on which the increase in Federal Excise Tax effective 11/1/42 is 35¢ per gallon]

| Brand | Type | Container size | Permitted increase per bottle (amount retailer may add to March 1942 ceiling price) |
|-------|------|------------------|-------------------------------------------------------------------------------------|
| | | | Cents |
| | | 1/2 pint..... | 3 |
| | | 3/10 gallon..... | 5 |
| | | 1 pint..... | 6 |
| | | 3/8 gallon..... | 10 |
| | | 1 quart..... | 12 |
| | | 3/4 gallon..... | 21 |
| | | 1 gallon..... | 48 |

TABLE II

[California champagne and sparkling wines on which the increase in Federal Excise Tax effective 11/1/42 is 3¢ per half pint or fraction thereof]

| Brand | Type | Container size | Permitted increase per bottle (amount retailer may add to March 1942 ceiling price) |
|-------|------|------------------------------|-------------------------------------------------------------------------------------|
| | | | Cents |
| | | 4 ounce..... | 3 |
| | | 6 1/2 ounce..... | 3 |
| | | 8 ounce..... | 3 |
| | | 3/10 gallon or 13 ounce..... | 7 |
| | | 3/8 gallon or 26 ounce..... | 13 |

TABLE III

[California artificially carbonated wines on which the increase in Federal Excise Tax effective 11/1/42 is 1 1/2¢ per half pint, or fraction thereof]

| Brand | Type | Container size | Permitted increase per bottle (amount retailer may add to March 1942 ceiling price) |
|-------|------|------------------------------|-------------------------------------------------------------------------------------|
| | | | Cents |
| | | 4 ounce..... | 2 |
| | | 6 1/2 ounce..... | 2 |
| | | 8 ounce..... | 2 |
| | | 3/10 gallon or 13 ounce..... | 4 |
| | | 3/8 gallon or 26 ounce..... | 7 |

TABLE IV

[California light sweet wine on which the increase in Federal Excise Tax effective 11/1/42 is 2¢ per gallon]

| Brand | Type | Container size | Permitted increase per bottle (amount retailer may add to March 1942 ceiling price) |
|-------|------|------------------|-------------------------------------------------------------------------------------|
| | | | Cents |
| | | 3/8 pint..... | 1 |
| | | 3/10 gallon..... | 2 |
| | | 1 pint..... | 3 |
| | | 3/8 gallon..... | 4 |
| | | 1 quart..... | 6 |
| | | 3/4 gallon..... | 10 |
| | | 1 gallon..... | 20 |

TABLE V

[Wine-base cordials and other rectified wines made wholly from California dessert wines (see definition § 1499.73 (40) (xi) (v), on which increase in Federal Excise Tax effective November 1, 1942 is 1½¢ per half pint]

| Brand | Type | Container size | Permitted increase per bottle (amount retailer may add to March 1942 ceiling price) |
|-------|------|----------------|-------------------------------------------------------------------------------------|
| | | | <i>Cents</i> |
| | | ½ pint..... | 3 |
| | | ¾ gallon..... | 4 |
| | | 1 pint..... | 6 |
| | | ½ gallon..... | 10 |
| | | 1 quart..... | 12 |
| | | ½ gallon..... | 24 |
| | | 1 gallon..... | 47 |

TABLE VI

[California dessert wines, other than those specified in tables I, II, III, IV, or V]

| Brand | Type | Container size | Permitted increase per bottle (amount retailer may add to March 1942 ceiling price) |
|-------|------|----------------|-------------------------------------------------------------------------------------|
| | | | <i>Cents</i> |
| | | ½ pint..... | 1 |
| | | ¾ gallon..... | 2 |
| | | 1 pint..... | 3 |
| | | ½ gallon..... | 5 |
| | | 1 quart..... | 6 |
| | | ½ gallon..... | 12 |
| | | 1 gallon..... | 23 |

TABLE VII

[California table wines, other than those specified in tables I, II, III, IV, or V]

| Brand | Type | Container size | Permitted increase per bottle (amount retailer may add to March 1942 ceiling price) |
|-------|------|----------------|-------------------------------------------------------------------------------------|
| | | | <i>Cents</i> |
| | | ¾ gallon..... | 1 |
| | | 1 pint..... | 1 |
| | | ½ gallon..... | 2 |
| | | 1 quart..... | 2 |
| | | ½ gallon..... | 5 |
| | | 1 gallon..... | 9 |

(b) and/or (ii) (c): *Provided*, That if such bottler's maximum price for any brand, type, quality and container size of California grape wine is subsequently adjusted upward or downward under (ii) (b) or (ii) (c), a similar notice covering such adjustment shall be given by the bottler to each purchaser other than a retailer.

(iii) *Wholesalers' maximum prices for California grape wine*—(a) *Base maximum price*. On and after November 1, 1942 every wholesaler's base maximum prices for California grape wine shall be the maximum prices established for him under § 1499.2.

(b) *Permitted increase; wines in bulk*. On and after November 1, 1942 any wholesaler may add to the base maximum prices established for him under (a) for any type and quality of California grape wine in bulk a permitted increase computed as hereinafter set forth. To compute his permitted increase each wholesaler shall:

(1) Figure his weighted average cost per gallon for the quantity of each type and quality of California grape wine in bulk sold by him during March 1942 or during his customary fiscal month ending nearest March 31, 1942. Cost per gallon shall be figured on a naked f. o. b. winery basis.

(2) Figure his weighted average cost per gallon of his first purchase of the same type and quality of California grape wine in bulk at a price adjusted by the vintner under (1) hereof. Such average cost shall be figured on a naked f. o. b. winery basis in the same containers used as in the computation under (1).

(3) Subtract the costs computed under (1) from the corresponding costs computed under (2). The results of the subtractions shall be the wholesaler's initial permitted increase per gallon for the quantity of each type and quality of California grape wine in bulk.

(4) Figure his weighted average cost per gallon for the quantity of each type and quality of California grape wine in bulk purchased by him during every calendar month after his first purchase at prices adjusted by the vintner under (1) hereof, or during his customary fiscal month ending nearest the end of such calendar month. Cost per gallon shall be figured on a naked f. o. b. winery basis in the same containers as used in the computation under (1).

(5) Subtract the costs computed under (1) from the corresponding costs computed for each calendar or fiscal month under (4). The results of the subtraction shall be the wholesaler's permitted increase per gallon for each brand, type and quality of California grape wine in bulk sold by him in the following calendar or fiscal month.

(c) *Permitted increase; wines other than bulk*. On and after November 1, 1942 upon receipt of notification given by a bottler pursuant to (ii) (d) (2) (i), any wholesaler may add to the base maximum price established for him under (iii) (a) for any brand, type, quality and container size of California grape wine, the permitted increase stated in said notice and applicable to the brand,

type, quality and container size of California grape wine in question. Upon receipt of a subsequent notice from the bottler, raising or lowering the permitted increase applicable to any brand, type, quality or container size of California grape wine, the wholesaler may adjust his permitted increase upward and shall adjust his permitted increase downward in accordance with said notice. Such adjustments in the wholesaler's permitted increase shall not apply to his inventory at the date of receipt of the notice.

(d) *Taxes; permitted increase*. Any wholesaler may at any time add to his base maximum prices for California grape wine the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof, imposed upon the wholesaler after March 31, 1942 by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or has accrued and will be payable by the wholesaler to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question. The wholesaler shall add the permitted increase for taxes to his maximum prices for the particular quantity of the brand, type, quality and container size on the basis of the number of gallons or fractional gallon of California grape wine in the particular container, case or unit of sale.

(e) *Notification*. When a wholesaler sells any quantity of any brand, type, quality or container size of California grape wine either in bulk or otherwise at a price in excess of his base maximum price established under (iii) (a), he shall:

(1) Figure the total permitted increases under (iii) (b) or (iii) (c) and (iii) (d) for each brand, type, quality and container size of California grape wine without adjusting fractional parts of a cent. If the total of such permitted increases includes the fractional part of a cent the total shall be adjusted to the nearest higher full cent if the fraction is one-half cent or more or to the nearest lower full cent if the fraction is less than one-half cent.

(2) Confirm any sales or deliveries of any brand, type, quality and container size of California grape wine made to any purchaser after November 1, 1942 and before November 9, 1942 by a written statement and supply the purchaser, commencing November 9, 1942, on or before the wholesaler's first subsequent delivery of any California grape wine to such purchaser, with a written statement in the manner and form provided in (ii) (d) (2) (i), (ii), (iii) and (iv) as if such wholesaler were a bottler.

(3) No wholesaler is required to give a notice to any purchaser of any brand, type, quality or container size of California grape wine after one notice to such purchaser of the wholesaler's maximum price for such brand, type, quality or container size as increased under (iii) (b) and/or (iii) (c) and (d): *Provided*, That if such wholesaler's maximum price

(iii) Notice given by a bottler to a retailer prior to January 28, 1943, in accordance with Amendment 54³ to Supplementary Regulation 14, shall be deemed compliance with the provisions of (ii) (d) (2) (ii) with respect to the kinds of California grape wine listed in Tables VI and VII. Every bottler shall, however, give each retailer notice as provided in (ii) (d) (2) (ii) with respect to each kind of California grape wine listed in Tables I, II, III, IV, and V, at or before his first delivery thereof to such retailers after January 27, 1943.

(iv) No bottler is required to give a notice to any purchaser of any brand, type, quality or container size of California grape wine after one notice to such purchaser of the bottler's maximum price for such brand, type, quality, and container size as increased under (ii)

³ 7 F.R. 8955.

for any brand, type, quality and container size of California grape wine is subsequently adjusted upward or downward under (iii) (b) and/or (iii) (c) and (d), a similar notice covering such adjustment shall be given by the wholesaler to each purchaser other than a retailer.

(f) Wholesalers' maximum prices for concentrates and condensed grape must shall be computed according to the ratio of concentration and in the same manner as herein provided for their maximum prices of California grape wine.

(iv) *Packers' maximum prices for California grape wine—(a) Base maximum prices.* On and after November 1, 1942 every packer's base maximum prices for California grape wine shall be the maximum prices established for him under § 1499.2.

(b) *Permitted increase—(1) Sales of bulk wine in original container or car.* On and after November 1, 1942 any packer may add to the base maximum price established for him under (a) a permitted increase for any kind and quality of California grape wine sold by him in the container or car in which it was received. Such permitted increase shall be computed in accordance with the provisions under (iii) (b) and (iii) (d) as if such packer were a wholesaler.

(2) *Sales of wine repacked.* On and after November 1, 1942, any packer may add to the base maximum price established for him under (a) a permitted increase for any brand, type and quality of California grape wine sold by him otherwise than in the container or car in which it was received. Such permitted increase shall be computed in accordance with the provisions of (ii) (b) and (ii) (c) as if such packer were a bottler.

(c) *Taxes; permitted increase.* Any packer may at any time add to his base maximum prices for California grape wine the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof, imposed upon the packer after March 31, 1942 by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided,* That such amount has actually been paid, or has accrued and will be payable by the packer to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question. The packer shall add the permitted increase for taxes to his maximum prices for the particular quantity of the brand, type, quality and container size on the basis of the number of gallons or fractional gallons of California grape wine in the particular container, case or unit of sale.

(d) *Notification.* When a packer sells any quantity of any brand, type, quality and container size of California grape wine at a price in excess of the base maximum price established for him under (iv) (a) he shall:

(1) Figure the total permitted increase under (iv) (b) and/or (iv) (c) for each brand, type and quality of California grape wine in the particular container, case or unit of sale. If the re-

sulting total includes the fractional part of a cent that total shall be adjusted to the nearest higher full cent if the fraction is one-half cent or more or to the nearest lower full cent if the fraction is less than one-half cent.

(2) Notify purchasers in writing as if the packer were a bottler, as follows:

(i) If the purchaser is a wholesaler, the packer shall notify him in the manner and form provided in (ii) (d) (2) (i),

(ii) If the purchaser is a retailer, the packer shall notify him in the manner and form provided in (ii) (d) (2) (ii) and (iii).

(iii) Each packer shall give subsequent notices to purchasers in the man-

ner and form, and under the circumstances provided in (ii) (d) (2) (iv).

(e) Packers' maximum prices for concentrates and condensed grape must shall be computed according to the ratio of concentration and in the same manner as herein provided for their maximum prices for California grape wine.

(v) *Retailers' maximum prices for California grape wine.* (a) On and after November 1, 1942 any retailer may add to the maximum prices established for him under § 1499.2 for any brand, type, quality and container size of California grape wine a permitted increase per bottle as follows:

TABLE VIII

| Container size | Finished blending wines specified in Table I | Champagne & sparkling wines specified in Table II | Artificially carbonated wines specified in Table III | Light sweet wines specified in Table IV | Wine-base cordials specified in Table V | Other dessert wines specified in Table VI | Other table wines specified in Table VII |
|-----------------------------|----------------------------------------------|---------------------------------------------------|------------------------------------------------------|-----------------------------------------|-----------------------------------------|-------------------------------------------|------------------------------------------|
| 4 oz..... | | 3 | | 2 | | | |
| 6½ oz..... | | 3 | | 2 | | | |
| ½ pint..... | 3 | 3 | | 2 | 1 | 3 | 1 |
| ¾ gal. or 12 or 13 oz..... | 5 | 7 | | 4 | 2 | 4 | 2 |
| 1 pint or 15 oz..... | 6 | | | 3 | 3 | 6 | 3 |
| ¾ gal. 23, 24 or 26 oz..... | 10 | 13 | | 7 | 4 | 10 | 5 |
| 1 quart or 30 oz..... | 12 | | | 5 | 5 | 12 | 6 |
| ½ gallon..... | 24 | | | 10 | 10 | 24 | 12 |
| 1 gallon..... | 48 | | | 20 | 20 | 47 | 23 |

Permitted increases in container sizes larger than one gallon shall be proportionate to the permitted increase for one gallon.

(b) *Taxes; permitted increase.* Any retailer may at any time add to his base maximum prices for California grape wine established under (v) (a) the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon him after March 31, 1942 by any statute of the United States or statute or ordinance of any state or subdivision thereof: *Provided,* That such amount has actually been paid or has accrued and will be payable by the retailer to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape wine in question. If the permitted increase for new or existing taxes computed on the quantity of California grape wine in the particular container, case or unit of sale results in a figure including the fractional part of a cent, the retailer shall adjust his maximum price to the nearest higher full cent if the fraction is one-half cent or over, or to the nearest lower full cent if the fraction is under one-half cent. The provisions of this inferior subdivision (b) shall not apply to the increases in the Federal Excise Tax which became effective November 1, 1942 as allowance for such tax increases is included in the increase of retail prices provided in Table VIII.

(vi) *Distillers' maximum prices for California grape spirits—(a) Base maximum prices.* On and after November 1, 1942 every distiller's base maximum prices for California grape spirits shall be the maximum prices established for him under § 1499.2.

(b) *Permitted increase.* On and after November 1, 1942 any distiller may add to his base maximum prices for California grape spirits a permitted increase

per proof gallon computed as hereinafter set forth. To compute his permitted increase each distiller shall:

(1) Figure the weighted average price per ton paid by him during the 1941 season for grapes to be crushed into California grape spirits.

(2) Figure the weighted average price per ton paid or contracted to be paid by him in good faith during the 1942 season up to and including October 27, 1942 for grapes to be crushed into California grape spirits.

(3) Subtract the price computed under (1) from the price computed under (2). The result of this subtraction or \$8.30, whichever is lower, shall be the distiller's allowable grape cost increase. In the case of a growers' cooperative operating a winery and in the case of a distiller who grows more than 50 percent of the grapes crushed and to be crushed by him, the allowable grape cost increase shall be \$8.30.

(4) Figure the number of tons of grapes acquired or contracted to be acquired by him in good faith during the 1942 season up to and including October 27, 1942 for crushing into grape spirits and make a bona fide estimate of the number of additional tons of grapes he will acquire during the remainder of the 1942 season for crushing into grape spirits. The number of tons of grapes acquired or contracted to be acquired by him in good faith and the estimated number of additional tons of grapes to be acquired shall be added together and the total shall be the distiller's estimated 1942 grape tonnage.

(5) Multiply his allowable grape cost increase figured under (3) by his estimated 1942 grape tonnage figured under (4).

(6) Determine his estimated 1942 crush by figuring his estimated 1942 grape tonnage as converted into grape spirits on the basis of 40 proof gallons of grape spirits produced from each ton of grapes to be crushed for that purpose.

(7) Multiply the number of proof gallons figured under (6) by 1½ cents per proof gallon.

(8) Add the dollar amount computed under (5) to the dollar amount computed under (7). The result will be the distiller's total dollar allowance for California grape spirits.

(9) Divide his total dollar allowance computed under (8) by his estimated 1942 crush computed under (6). The result will be the distiller's permitted increase per proof gallon.

(c) *Taxes; permitted increase.* Any distiller may at any time add to his base maximum prices for California grape spirits the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the distiller after March 31, 1942 by any statute of the United States or by any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or has accrued and will be payable by the distiller to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape spirits in question.

(d) *Notification.* When a distiller sells any quantity of any type, quality and container size of California grape spirits at a price in excess of his base maximum price established under (a) he shall:

(1) Figure the total permitted increase per proof gallon under (b) and (c) for each type, quality and container size of California grape spirits sold. No adjustments of fractional parts of a cent shall be made in figuring a distiller's permitted increase hereunder.

(2) Notify the purchaser at or before the first delivery of each type, quality and container size of California grape spirits to such purchaser, of the total permitted increase per container figured under (vi) (d) (1) for each such type, quality and container size.

(3) No distiller is required to give a notice to any purchaser of any type, quality or container size of California grape spirits after one notice to such purchaser of the distiller's maximum price for such type, quality and container size as increased under (vi) (b) and/or (vi) (c): *Provided*, That if such distiller's maximum price for any type, quality and container size of California grape spirits is subsequently adjusted under (vi) (c) a similar notice covering such adjustment shall be given by the distiller to such purchaser.

(vii) *Wholesalers' maximum prices for California grape spirits—(a) Base maximum prices.* On and after November 1, 1942 every wholesaler's base maximum prices for California grape spirits shall be the maximum prices established for him under § 1499.2.

(b) *Permitted increase.* On and after November 1, 1942 upon receipt of notification given by a distiller pursuant to (vi) (d) (2), any wholesaler may add to the base maximum price established for him under (vi) (a) for any brand, type, quality and container size of California grape spirits the permitted increase stated in said notice and applicable to the type, quality and container size of California grape spirits in question. Upon receipt of a subsequent notice from the distiller adjusting the permitted increase applicable to any brand, type, quality or container size of California grape spirits, the wholesaler may adjust his permitted increase in accordance with said notice. Such adjustments in the wholesaler's permitted increase shall not apply to his inventory at the date of receipt of the notice.

(c) *Taxes; permitted increase.* Any wholesaler may at any time add to his base maximum prices for California grape spirits the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof, imposed upon the wholesaler after March 31, 1942 by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or has accrued and will be payable by the wholesaler to the proper taxing authorities or to any prior vendor with respect to the particular kind and quantity of California grape spirits in question. The wholesaler shall add the permitted increase for taxes to his maximum prices for the particular quantity of the type, quality and container size on the basis of the number of proof gallons of California grape spirits in the particular container or unit of sale.

(d) *Notification.* When a wholesaler sells any quantity of any type, quality or container size of California grape spirits at a price in excess of his base maximum price established under (vii) (a) he shall:

(1) Figure the total permitted increases under (vii) (b) and (vii) (c) for each type, quality and container size of California grape spirits. If the total of these permitted increases includes the fractional part of a cent the total shall be adjusted to the nearest higher full cent if the fraction is ½ cent or more, or to the nearest lower full cent if the fraction is less than ½ cent.

(2) Confirm any sales or deliveries of any type, quality and container size of California grape spirits made to any purchaser after November 1, 1942 and before November 9, 1942 by a written statement and supply the purchaser commencing November 9, 1942 on or before the wholesaler's first subsequent delivery of any California grape spirits to such purchaser, with a written statement specifying the amount of the wholesaler's permitted increases for the particular type, quality and container size of California grape spirits sold.

(3) No wholesaler is required to give notice to any purchaser of any type, quality or container size of California

grape spirits after one notice to such purchaser of the wholesaler's maximum price for such type, quality and container size as increased under (vii) (b) and/or (vii) (c): *Provided*, That if such wholesaler's maximum price for any type, quality and container size of California grape spirits is subsequently adjusted under (vii) (c), a similar notice covering such adjustment shall be given by the wholesaler to each purchaser.

(viii) *Records and reports.* (a) Each vintner of California grape wine and each distiller of California grape spirits shall preserve for so long as the Emergency Price Control Act of 1942 remains in effect all his existing records relating to

(1) The number of tons of grapes purchased by him during the 1941 season for crushing purposes and the prices paid therefor, and

(2) The number of tons of grapes purchased or contracted to be purchased by him during the 1942 season prior to November 1, 1942 for crushing into wine and/or grape spirits respectively and the prices paid or contracted to be paid therefor.

(b) Each vintner of California grape wine and each distiller of California grape spirits shall make and preserve for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records relating to the number of tons of grapes purchased by him during the 1942 season subsequent to November 1, 1942 for crushing into wine and/or grape spirits respectively and to the prices paid therefor.

(c) On or before January 15, 1943 each vintner of California grape wine and each distiller of California grape spirits shall file with the Office of Price Administration, Washington, D. C., a statement under oath showing

(1) The number of tons of grapes actually purchased by him during the 1942 season to December 31, 1942 for crushing into wine and/or grape spirits respectively and the total price paid therefor.

(2) The total number of gallons of unfinished wine purchased by him from November 1, 1942 to December 31, 1942 and the total price paid therefor.

(3) The weighted average selling price per gallon charged by him for desert wine and for table wine respectively in carload lots naked, f. o. b. winery, from November 1, 1942 to December 31, 1942.

(d) On or before February 15, 1943 each vintner of California grape wine and each distiller of California grape spirits shall file with the Office of Price Administration, Washington, D. C., a statement under oath showing separately the number of gallons of finished and unfinished wine purchased or otherwise acquired by him either in bulk or in containers during the period from October 27, 1942 to December 31, 1942. Such statement shall show the date of each such purchase or acquisition, the name and address of the seller, the prices paid therefor, the type, quality and quantity purchased from each seller and the kind

of container in which the wine was received by the vintner or distiller. Each statement shall show whether the finished and unfinished wine so purchased is in the vintner's or distiller's inventory or has been used or sold, and if sold in bulk, shall show the date of sale, name and address of the buyer, selling price and the place to which it was shipped by the vintner or distiller.

(ix) *Correction of permitted increases by the Office of Price Administration.* The Office of Price Administration or any duly authorized officer thereof, may by order adjust the permitted increase computed by any vintner under (i) (b) or by any distiller under (vi) (b) if such vintner or distiller fails to file the statement required under (viii) (c) and/or (viii) (d), or if the statements filed show that:

(a) The weighted average price per ton of grapes computed under (i) (b) (2) or under (vi) (b) (2) is substantially above or below the weighted average price per ton actually paid by the vintner or distiller during the 1942 season for grapes to be crushed into wine or grape spirits respectively, or that

(b) The estimated 1942 grape tonnage computed under (i) (b) (4) or under (vi) (b) (4) is substantially above or below the number of tons of grapes actually purchased by the vintner or distiller during the 1942 season for grapes to be crushed into wine or grape spirits respectively, or that

(c) The amount of finished or unfinished California grape wine or California grape spirits purchased or otherwise acquired by the vintner or distiller after October 27, 1942 and during the remainder of the 1942 season is more than 1.25 times the amount of similar California grape wine and California grape spirits purchased or acquired by the vintner during the 1941 season: *Provided*, That the Office of Price Administration will make no adjustment of a vintner's or distiller's permitted increase under this subdivision (c) if the vintner or distiller demonstrates that his purchases of finished and unfinished California grape wine and California grape spirits in excess of 1.25 times the amount of similar purchases during 1941 were for the sole purpose of maintaining his normal inventory balance.

(x) *Determination of maximum prices for sellers not specifically provided for.* (a) If any seller's base maximum price for any brand, type or quality of California grape wine or California grape spirits cannot be determined under (i) to (vii) inclusive, the seller's base maximum price therefor shall be the maximum price established under § 1499.2 for the most closely competitive seller of the same class for the same kind and quality of California grape wine or California grape spirits, or for the similar commodities most nearly like them (as such term is defined in § 1499.2) for sales to a purchaser of the same class.

(b) If any seller of California grape wine or California grape spirits is unable to complete computations required under this Amendment to determine his permitted increases, such seller shall

make written application to the Office of Price Administration, Beverage Section, Washington, D. C., for a determination of such permitted increases, and the Office of Price Administration or any duly authorized officer thereof may by order specify the manner in which they shall be determined.

(xi) *Definitions.* (a) "Vintner" means any person who produces or manufactures California grape wine in a federal bonded winery in the State of California.

(b) "Distiller" means any vintner or any other person who produces or manufactures California grape spirits in a federal bonded winery or distillery in the State of California.

(c) "Bottler" means any person located anywhere in continental United States who packages California grape wine for sale in containers of less than five gallons each.

(d) "California grape wine" means grape wine produced in the State of California.

(e) "Grape wine" means grape wine produced in accordance with sections 3032, 3036 and 3044 of the Internal Revenue Code.

(f) "Dessert wine" means grape wine having an alcoholic content in excess of 14 percent by volume but not in excess of 21 percent by volume to which wine spirits have been added in accordance with section 3032 of the Internal Revenue Code. "Dessert wine" shall also include finished blending wine having an alcoholic content in excess of 21 percent by volume but not in excess of 24 percent by volume and otherwise conforming to the definition herein contained. "Dessert wine" shall also include vermouth and other flavored wines composed of dessert wines with the addition of flavoring materials and aromatics.

(g) "Table wine" means California grape wine other than dessert wine.

(h) "California grape spirits" means grape spirits produced in the State of California.

(i) "Grape spirits" means wine spirits produced from grapes in accordance with section 3036 of the Internal Revenue Code but does not include commercial brandy.

(j) "Naked, f. o. b. winery" means a price at the California winery exclusive of California State marketing tax and exclusive of cost of containers or loading charges.

(k) "Weighted average price" with reference to a particular commodity means the total purchase price paid for that commodity in a particular period of time divided by the total number of units of the commodity purchased during such time.

(l) "Container size" means any weight or unit in which California grape wine is sold to the ultimate consumer in lots of less than 5 gallons.

(m) "1941 season" means the period from September 1, 1941 to August 31, 1942.

(n) "1942 season" means the period from September 1, 1942 to August 31, 1943.

(o) "Concentrates" and "condensed grape must" means boiled or condensed grape juices or grape must concentrated to not more than 80° (Balling).

(p) "Grape must" means the juice of sound ripe grapes.

(q) "Sparkling wine" means grape wine rendered effervescent by secondary fermentation of the wine in a closed container, tank or bottle.

(r) "Artificially carbonated wine" means grape wine rendered effervescent otherwise than by secondary fermentation in a closed container, tank or bottle.

(s) "Light sweet wine" means table wine having an alcoholic content not in excess of 14 percent by volume and a total solids content of not less than 7° (Balling).

(t) "Inventory" means all dessert wine and table wine owned by the vintner or other seller, as the case may be, and situated at any point in the continental United States irrespective of whether such wine be in bulk or bottled or in bond or tax paid.

(u) "Packer" means any person other than a vintner who resells or repacks bulk wine in containers of capacity of 5 gallons or more. A packer may also be a bottler.

(v) "Wine base cordials and other rectified wines" means those specific commodities when made wholly from California dessert wines with or without the addition of flavors and aromatics, and which bear United States Internal Revenue Wine tax-paid stamps showing tax payment at the rate of 5¢ per half-pint. When so labeled and bearing wine tax-paid stamps these products are classified as dessert wines and take permitted increases per table VI.

(xii) *Applicability.* (a) The provisions of this subparagraph 40 shall be applicable to the United States and to the District of Columbia.

(b) *Effective dates.* * * *

(95) Amendment No. 94 (§ 1499.73 (a) (40)) to Supplementary Regulation No. 14 shall be effective as of January 28, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1148; Filed, January 22, 1943; 4:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 237 Under § 1499.3 (b) of GMPR]

KING KOFFEE KOMPANY

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

§ 1499.1473 *Authorization of maximum price for sale of Special Victory Blend, a coffee compound, by King Koffee Kompany directly to consumer.* (a) On and after January 23, 1943, the maximum price for sales of Special Victory Blend, a coffee compound, by King Koffee Kompany, having its principal place of busi-

ness at Indianapolis, Indiana, shall be 31¢ per pound. This price shall include delivery directly to consumers.

(b) This Order No. 237 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 237 (§ 1499.1473) shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1153; Filed, January 22, 1943;
4:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 238 Under § 1499.3 (b) of GMPR]

IRVINGTON VARNISH & INSULATOR
COMPANY

On December 10, 1942, Irvington Varnish & Insulator Co., of Irvington, New Jersey, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulations to determine a maximum price and for instructions as to the method to be used in determining such price for a new type two sided coating of black paper. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulations, issued by the Office of Price Administration, *it is hereby ordered:*

§ 1499.1474 *Authorization for Irvington Varnish & Insulator Company to determine a maximum price for a new type two sided coating of black paper.* (a) The maximum price which may be charged for the new type two sided coating of black paper made by Irvington Varnish & Insulator Company, Irvington, New Jersey, hereinafter called the "manufacturer", and on which the manufacturer has made application to the Office of Price Administration for authorization to determine a maximum price, shall be determined in accordance with the following instructions:

(1) The cost of raw materials should be computed at the cost of acquisition, which in no event shall exceed the appropriate maximum prices established by the Office of Price Administration for such raw materials.

(2) All charges for hand or machine operations involved in the manufacture or conversion of the product shall be computed at a rate not to exceed the hourly rate at which such hand or machine operations were computed during the month of March 1942, and the time allowance, or the resulting piece rates, for the operations shall not be in excess of those estimated or used during the month of March 1942.

No. 17—6

(3) The percentage margin or difference between total manufacturing costs and selling price, f. o. b. manufacturer's plant, shall not exceed that percentage margin used in determining a selling price for that item sold by the manufacturer during March 1942 which most closely resembles the new type two sided coating of black paper in manufacturing cost, quantities of raw materials per unit, converting operations required and quantity of production.

(i) The manufacturer shall continue to grant its customary discounts, differentials and allowances to the different classes of purchasers in accordance with its accepted practice.

(ii) If the manufacturer's customary practice during March 1942 was to sell on a delivered basis, such practice shall be continued.

(b) Within ten days after the maximum price has been determined in accordance with this order, Irvington Varnish & Insulator Company shall report to the Office of Price Administration, Washington, D. C. the maximum price as computed by it. The report shall set forth in detail a computation of estimated costs, together with the percentage margin or difference between total manufacturing costs and selling price f. o. b. manufacturer's plant, the amount of transportation charges to be absorbed and also a statement indicating whether or not the method of handling freight charges is in line with the established policy of Irvington Varnish & Insulator Company for comparable commodities.

(c) Within ninety days after the effective date of this order, Irvington Varnish & Insulator Company shall file with the Office of Price Administration, Washington, D. C., a report covering the actual manufacturing costs of the new type two sided coating of black paper. The report shall cover the entire period during which the new type two sided coating of black paper shall have been manufactured and any change in the allocation of freight charges and those set forth in the report required by (b) above shall be indicated.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 238 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 238 (§ 1499.1474) shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1154; Filed, January 22, 1943;
4:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 239 Under § 1499.3 (b) of GMPR]

WEST SPADRA COAL COMPANY

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

§ 1499.1475 *Approval of maximum prices for sales of certain briquettes by West Spadra Coal Company.* (a) The maximum price for sales by West Spadra Coal Company, Clarksville, Arkansas, of briquettes manufactured at Fort Smith, Arkansas, from slack coal produced at its mine in Johnson County, Arkansas, shall be \$5.50 per ton, f. o. b. Fort Smith, Arkansas.

(b) This Order No. 239 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 239 (§ 1499.1475) shall be effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1155; Filed, January 22, 1943;
4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 240 Under § 1499.3 (b) of GMPR]

JOSSLYN'S

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

§ 1499.1476 *Authorization of maximum prices for sales of "Try This".* (a) On and after January 23, 1943, Josselyn's, having its principal place of business in Baltimore, Maryland, may sell and deliver to the jobbing trade its candy product known as "Try This" candy bar, having a minimum weight of 1½ ounces per bar and packed 24 bars to the box, at the maximum price of 68 cents per box delivered.

(b) Each seller of Try This shall allow to all purchasers the allowances, discounts and price differentials established by it for Milkmarks.

(c) Josselyn's shall mail or otherwise supply to purchasers from them at the time of, or prior to, the first delivery of such purchasers, a written note as follows:

The OPA has authorized Josselyn's to manufacture and sell a new product, Try This, a five cent bar with a minimum weight of 1½ ounces per bar at 68 cents for a box of 24 bars delivered. The OPA has authorized wholesalers to fix their maximum prices for Try This at such levels so that the maximum price for Try This shall be no higher than the maximum price each wholesaler established for Milkmarks in March, 1942, pursuant to the General Maximum Price Regulation.

(d) Josselyn's shall place on or in the smallest box or other retail packing unit of Try This, a printed notice reading as follows:

The OPA has authorized maximum ceiling prices for Try This by specific Order No. 240. As a retailer you are to fix your maximum selling price for Try This at such levels so that the maximum price for Try This shall be no higher than the maximum price you established for Milkmarks in March, 1942, pursuant to the General Maximum Price Regulation.

(e) This Order No. 240 may be revoked or amended at any time by the Price Administrator.

(f) This Order No. 240 (§ 1499.1476) shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1156; Filed, January 22, 1943;
4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 241 Under § 1499.3 (b) of GMPR]

J. H. ERBRICH PRODUCTS CO.

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

§ 1499.1477 *Authorization of maximum prices for sales of 1 quart 2½ fluid ounce bottles of 150 grain "Victory Vinegar" by J. H. Erbrich Products Company, East 32nd Street and Monon Railroad, Indianapolis, Indiana, by wholesalers and by retailers.* (a) On and after January 23, 1943, the maximum prices for sales of 1 quart 2½ fluid ounce bottles of 150 grain "Victory Vinegar" by J. H. Erbrich Products Company, Indianapolis, Indiana, shall be \$1.83 per dozen, delivered to purchasers' stations.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of 1 quart 2½ fluid ounce bottles of "Victory Vinegar" 150 grain strength, by adding to their net cost of this item a markup of 20% of such net cost. The maximum delivered prices so determined shall not exceed \$2.20 per dozen bottles.

Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler may increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for the first delivery of "Victory Vinegar" delivered in a customary quantity for this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him, except a discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of 1 quart 2½ fluid ounce bottles of "Victory Vinegar" 150 grain strength by adding to their net cost of this item a markup of 33⅓% of such net cost. The maximum prices so determined shall not exceed 24 cents per bottle.

Where a maximum price per bottle determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per bottle shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer may increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for the first delivery of "Victory Vinegar" delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary sources of supply, less all discounts allowed him, except a discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(d) No seller, except a seller at retail, shall change his customary discounts, allowances and price differentials applying to comparable vinegar items in making sales of "Victory Vinegar", unless such change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) On and after January 23, 1943, J. H. Erbrich Products Company shall supply written notification to each wholesaler before or at the time of first delivery of "Victory Vinegar" and for a period of three months thereafter shall include with each shipping unit of "Victory Vinegar" a written notification to retailers. If such retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed". The written notifications shall include the following appropriate statements:

Notification From J. H. Erbrich Products Company to Wholesalers

The OPA has authorized us to charge wholesalers \$1.83 per dozen bottles of 1 quart 2½ fluid ounce bottles of 150 grain "Victory Vinegar", subject to all customary allowances and discounts. Wholesalers are authorized to establish a ceiling price by adding to the net cost of this item 20% of such net cost, provided, that the ceiling price so determined shall not exceed \$2.20 per dozen. Net cost is the invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish a ceiling price by adding to their net cost of this item 33⅓% of such net cost. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in every shipping unit of this item. If the initial sale of this item to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification From J. H. Erbrich Products Company to Retailers

The OPA authorizes retailers to establish ceiling prices for 1 quart 2½ fluid ounce bottles of 150 grain "Victory Vinegar" by adding to their net cost of this item 33⅓% of such net cost, provided that the ceiling price so determined shall not exceed 24 cents per bottle. Net cost is the invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). OPA requires that you keep this notice for examination.

(f) This Order No. 241 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 241 (§ 1499.1477) shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1157; Filed, January 22, 1943;
4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 174 Under § 1499.18 (b) of GMPR]

WILBUR-SUCHARD CHOCOLATE COMPANY, INC.

Order No. 174 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1288.

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

§ 1499.1075 *Adjustment of maximum prices for cellophane packaged chocolate squares manufactured by Wilbur-Suchard Chocolate Company, Incorporated.* (a) Wilbur-Suchard Chocolate Company, Incorporated may continue to sell and deliver; and any person may buy or receive the 6 ounce package of chocolate squares at the same price as formerly established for the 8 ounce package; and the 12 ounce package for the same price as formerly established for the 16 ounce package.

(b) On or after the effective date of this order, before or at the time of its first delivery to any wholesaler or retailer, Wilbur-Suchard Chocolate Company, Incorporated shall supply to each such wholesaler or retailer, a written notice as follows:

Our 8 ounce package of chocolate squares has been reduced to 6 ounces; and our 16 ounce package of chocolate squares has been reduced to 12 ounces. The Office of Price Administration has authorized us and all our wholesalers and retailers to sell these 6 and 12 ounce packages at the same maximum prices established for the 8 and 16 ounce package respectively in March, 1942. If your ceiling price for these packages of chocolate squares was determined for either the 8 or 16 ounce package you are authorized to establish the same ceiling prices for the new 6 and 12 ounce packages respectively.

(c) All wholesalers and retailers of the Wilbur-Suchard Chocolate Company, Incorporated cellophane packaged chocolate squares, throughout the continental United States, may sell and deliver; and any person may buy or receive the 6 ounce package of chocolate squares at the same maximum price as formerly established for the 8 ounce package; and the 12 ounce package for the same maximum price as formerly established for the 16 ounce package under the General Maximum Price Regulation.

(1) On or after the effective date of this order; before, or at the time of their first delivery to any retail outlet, all wholesalers shall supply to such retail outlet a copy of the notice set forth under paragraph (b) of this order.

(d) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March, 1942: *Provided however*, That sellers may change discounts, allowances and price differentials only if such change results

in prices lower than the maximum prices fixed herein.

(e) This Order No. 174 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 174 is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 174 (§ 1499.1075) shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1150; Filed, January 22, 1943;
4:22 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 175 Under § 1499.18 (b) of GMPR]

BRACH'S CANDY SPECIALTIES CO.

Order No. 175 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-3013.

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

§ 1499.1076 *Adjustment of maximum prices for Almond Nougat bar, sold 24 bars to the box, manufactured by Brach's Candy Specialties Company.* (a) Brach's Candy Specialties Company, Chicago, Illinois, is hereby authorized to sell its Almond Nougat bar, packed 24 bars to the box, at a delivered price of 68 cents per box.

(b) The adjustment is granted to Brach's Candy Specialties Company on the condition that purchasers from it shall in no event charge more for the said candy bar than their maximum prices as determined under paragraph (a) of section 2 of the General Maximum Price Regulation or as adjusted under paragraph (a) of section 18 of said regulation.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March, 1942: *Provided however*, That sellers may change their discounts, allowances and price differentials only if such change results in a price lower than the maximum price fixed therein.

(d) Brach's Candy Specialties Company shall mail or otherwise supply to all purchasers of their Almond Nougat bar, prior to the first delivery to such buyer, a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of our Almond Nougat bar, packed 24 bars to the box from 64 cents to 68 cents per box delivered. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices of sale of said Almond Nougat bar. In order that we may continue to provide you with Almond Nougat bars, it will be necessary for you to accept this reduction in your margin.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 175 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 175 (§ 1499.1076) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(h) This Order No. 175 (§ 1499.1076) shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1151; Filed, January 22, 1943;
4:20 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 176 Under § 1499.18 (b) of GMPR]

ROCKWOOD AND CO.

Maximum prices authorized under § 1499.18 (b) of the General Maximum Price Regulation—Order No. 176—Docket No. GF3-2770.

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

§ 1499.1077 *Adjustment of maximum prices through increase in price and decrease in weight of "Pecan Feast" manufactured and sold by Rockwood and Company.* (a) Rockwood and Company, Washington, Park and Waverly Avenues, Brooklyn, New York, is hereby authorized to reduce the size of its pecan nut bar known as "Pecan Feast" packed 24 to a box, from 1¼ ounces to 1⅜ ounces net per bar. Rockwood and Company is further authorized to increase the price of such 1⅜ ounce "Pecan Feast" bar to 67 cents per box of 24 bars delivered and sell said candy at this price. Authorization to reduce the size of "Pecan Feast" is given on the specific condition that in reducing the size of this bar Rockwood and Company shall not change or alter its formula for such bar in any manner.

(b) The adjustment is granted to Rockwood and Company on condition that purchasers from it shall in no event charge more for the present 1⅜ ounce bar of "Pecan Feast" at retail than their maximum prices for the 1¼ ounce bar of "Pecan Feast" as determined pursuant to the General Maximum Price Regulation or as adjusted pursuant to section 18 of said regulation.

(c) All wholesalers and retailers who purchase "Pecan Feast" for resale are hereby permitted to sell said bar in its new weight of 1⅜ ounces at a price not in excess of the maximum price which they established for the 1¼ ounces of "Pecan Feast" pursuant to the General Maximum Price Regulation.

(d) All sellers are required to continue the same discounts, allowances and price differentials as they offered in March, 1942: *Provided however*, That sellers may change discounts, allowances

and price differentials only if such changes result in prices lower than the maximum price fixed herein.

(e) Rockwood and Company shall mail or cause to be mailed to all persons who purchase "Pecan Feast" from it for resale, a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum price of our "Pecan Feast" bar from 64 cents per box of 24 bars to 67 cents per box of 24 bars delivered. We have further been authorized to reduce the weight of this bar from 1¼ ounces to 1⅜ ounces. This reduction in weight and increase in price represent only that part of the cost increases which we were unable to absorb and permission to increase our price was granted with the understanding that the increase in price would not cause an increase in wholesale and retail prices. The Office of Price Administration has not permitted you or any other seller to raise maximum prices of sales for said 1⅜ ounce bar of "Pecan Feast." It does however authorize you and all other sellers to charge for the new 1⅜ ounce bar a price which is not in excess of the maximum price you established for the 1¼ ounce bar pursuant to the General Maximum Price Regulation. In order that we may continue to provide you with "Pecan Feast" bars it will be necessary for you to accept this reduction in margin.

(f) Rockwood and Company shall attach to or place in each smallest box or other packing unit of "Pecan Feast," a notice reading as follows:

The weight of our "Pecan Feast" bar has been reduced to 1⅜ ounces. The Office of Price Administration has authorized all retailers to sell this 1⅜ ounce bar of "Pecan Feast" for a price not in excess of the maximum price established by each retailer for the 1¼ ounce bar of "Pecan Feast" pursuant to the General Maximum Price Regulation.

(g) All prayers of the Applicant not granted herein are denied.

(h) This Order No. 176 may be revoked or amended by the Price Administrator at any time.

(i) This Order No. 176 (§ 1499.1077) is hereby incorporated as a Section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(j) This Order No. 176 (§ 1499.1077) shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1152; Filed, January 22, 1943;
4:20 p. m.]

PART 1499—COMMODITIES AND SERVICE
[Order 177 under § 1499.18 (b) of GMPR]

ABRAMO RE

Order No. 177 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GFI-807-P.

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

§ 1499.1078 *Adjustment of maximum prices for sausage products sold by Abramo Re.* (a) Abramo Re, Boston, Mas-

sachusetts, may sell and deliver, and any person may buy or receive from Abramo Re the following commodities at prices no higher than those set forth below:

| | Maximum price to wholesalers | Maximum price to retailers |
|-----------------|------------------------------|----------------------------|
| Abruzzesse..... | \$0.55 | \$0.56 |
| Capricola..... | .50 | .52 |

(b) All discounts, allowances and practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodities during March 1942 by the seller, shall remain in effect under this order.

(c) Abramo Re shall supply all persons who purchase from him for resale the commodities set forth in paragraph (a) of § 1499.1078 a written notification to read as follows:

The Office of Price Administration has permitted us to raise our maximum prices for sale to you from the following prices:

| | Wholesaler | Retailer |
|-----------------|------------|----------|
| Abruzzesse..... | \$0.52 | \$0.55 |
| Capricola..... | .48 | .50 |

to the prices set forth below:

| | Wholesaler | Retailer |
|-----------------|------------|----------|
| Abruzzesse..... | \$0.55 | \$0.56 |
| Capricola..... | .50 | .52 |

This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration does not permit you or any other seller to raise his maximum prices for sales of Abruzzesse, or Capricola.

(d) This Order No. 177 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 177 (§ 1499.1078) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 177 (§ 1499.1078) shall become effective January 23, 1943.

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

Issued this 22d day of January, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1158; Filed, January 22, 1943; 4:20 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Revised Order 41 Under § 1499.18 (c) of GMPR]

CELCURE WOOD PRESERVING CORPORATION

Order No. 41 (§ 1499.391), is revised and amended to read as follows:

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

§ 1499.391 *Adjustment of maximum prices for Celcure processed 2½" x 6" tupelo and gum platform decking, sized to 2¼" x 5½", sold by Celcure Wood Preserving Corporation.* (a) The maximum price f. o. b. Columbia, South Carolina, for Celcure processed 2½" x 6" tupelo and gum platform decking, sized to 2¼" x 5½", sold by the Celcure Wood Preserving Corporation, Jacksonville, Florida, shall be \$60.00 per thousand feet board measure.

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

(c) This Revised Order No. 41 may be revoked or amended by the Price Administrator at any time.

(d) This Revised Order No. 41 (§ 1499.391) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Revised Order No. 41, (§ 1499.391) shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1149; Filed, January 22, 1943; 4:24 p. m.]

PART 1305—ADMINISTRATION

[Ration Order 3A]

RATION BANKING; DEPOSITORS

Preamble. Billions of ration stamps and coupons are turned in to retailers annually by consumers of sugar, coffee and gasoline. Retailers must transfer the stamps, or their equivalent, to wholesalers in order to replenish their stocks; wholesalers must repeat this process. Obviously some system of exchanging stamps and coupons for ration evidences of larger denominations is essential, to avoid counting, transporting and storing tremendous bulks of paper at each trade level.

At present, approximately 5,500 local boards, largely composed of volunteer personnel, are performing this function. This means that the boards must count the stamps turned in, issue certificates against them, store the stamps and keep records of the transactions. Experience has demonstrated that these boards are not staffed or equipped to handle this mechanical, time-consuming task and that it interferes with the performance of their more important administrative duties. The addition of new rationing programs, with new stamps, coupons and other ration evidences, will make their load unmanageable.

The ration banking plan has been devised to relieve the boards of this burden. The commercial banks of the country have the necessary bookkeeping machinery and facilities, and are well equipped to handle the job. The plan has been tested in the Albany area of New York State, where it worked successfully. It is now being instituted on a nationwide basis.

Accordingly, pursuant to the authority vested in the Administrator by Public Laws 421, 507, and 729, 77th Cong., by Executive Order No. 9125, issued by the President on April 7, 1942: *It is hereby ordered, That:*

SUBPART A—HOW RATION BANKING OPERATES

Sec.

- 1305.431 Only authorized persons become depositors.
1305.432 Each person is a depositor as to each of his accounts.
1305.433 Depositor deposits evidences and uses checks.
1305.434 Checks issued only by depositors for authorized purposes.
1305.435 How ration banking is administered.

SUBPART B—OPENING A RATION BANK ACCOUNT

- 1305.441 Account opened where dollar account kept.
1305.442 Separate account required for each rationing program.
1305.443 Not more than one account per establishment for one program permitted.
1305.444 Signature cards and other papers required.

SUBPART C—MAKING DEPOSITS

- 1305.451 Evidences not deposited within valid periods are invalid.
1305.452 Evidences deposited only in account for establishment receiving them.
1305.453 Deposit slips used.
1305.454 Errors in deposit slips corrected.

SUBPART D—ISSUING CHECKS

- 1305.461 Checks and stubs filled out.
1305.462 Post-dated checks prohibited.
1305.463 Overdrafts prohibited.
1305.464 Altered checks prohibited.
1305.465 Certified checks issued to the Office of Price Administration.
1305.466 Check issued only to person to whose account it is payable.

SUBPART E—USING ISSUED CHECKS

- 1305.471 Checks generally not transferable: exceptions.
1305.472 Lost check reported.
1305.473 Depositor replaces altered and lost checks and reports lost checks to bank.

SUBPART F—OTHER RIGHTS AND DUTIES OF DEPOSITORS

- 1305.481 Depositor reports errors in statements.
1305.482 Depositor examines account.
1305.483 Disputes over balances referred to the Office of Price Administration.
1305.484 Accounts subject to control of the Office of Price Administration.
1305.485 Depositor gets permission to transfer or close account.
1305.486 Depositor who ceases to use account notifies district office.
1305.487 Accounts not subject to legal process.
1305.488 Depositor keeps records.

SUBPART G—SPECIAL PROVISIONS

- 1305.491 Territorial limitation.
1305.492 Effect on other orders.
1305.493 Terms explained.
1305.494 Enforcement.
1305.495 Suspension orders.
1305.496 Effective date.

AUTHORITY: §§ 1305.431 to 1305.496, inclusive, issued under Pub. Laws 421, 507, and 729, 77th Cong.; Executive Order No. 9125, 7 F.R. 2719; W.P.B. Dir. No. 1, 7 F.R. 562.

SUBPART A—HOW RATION BANKING OPERATES

§ 1305.431 *Only authorized persons become depositors.* Various ration orders of the Office of Price Administrations, such as the sugar and gasoline orders, require certain persons, (and authorize others) to have ration bank accounts. These persons alone may become depositors, and may open only the accounts specifically authorized by the various ration orders.

§ 1305.432 *Each person is a depositor as to each of his accounts.* Each person who opens one or more accounts is a separate depositor as to each of his accounts. Thus, a person who has a sugar account and a coffee account is both a sugar depositor and a coffee depositor. If one person has two establishments and opens a separate sugar account for each, he is a sugar depositor as to each account.

§ 1304.433 *Depositor deposits evidences and uses checks.* A ration bank account is used in much the same way as an ordinary dollar checking account. A depositor will deposit in his account stamps, coupons, certificates and other evidences, including checks, which he receives. He will then write and issue his own checks, drawn on the credits in his account. In the case of a dollar checking account, a depositor may either deposit his money and issue dollar checks to pay his bills, or he may transfer the money itself. A ration banking depositor has no such choice. He may surrender or transfer evidences received by him only to his bank for deposit. To other persons he may only issue a check drawn on his account. A person who is required to open an account but does not do so may not transfer or surrender evidences to any person for any purpose. No person may accept evidences which he knows or has reason to believe are transferred or surrendered in violation of this section.

§ 1305.434 *Checks issued only by depositors for authorized purposes.* Only a depositor may issue a check. No person other than a depositor may issue a document purporting to be a check, and a check or a document purporting to be a check may not be accepted from any person who the recipient knows or has reason to believe is not a depositor. A check may be issued by and accepted from a depositor only for the purposes permitted and with the effect prescribed by the ration order authorizing the account.

§ 1305.435 *How ration banking is administered.* The operation of each ration bank account is governed by three separate orders: (a) The ration order, such as gasoline or sugar, authorizing certain persons to become depositors and prescribing, for the particular program, the evidences valid for deposit and the circumstances under which a check may be used; (b) General Ration Order No. 3, prescribing the duties and governing the operation of banks participating in ration banking; and (c) this order, containing the uniform rules to which all depositors under all ration orders must conform. Ration banking is administered by banks and by other agencies

and personnel designated by the Office of Price Administration. These banks act as agencies of (and under the direction and supervision of) the Office of Price Administration, and are responsible only to the Office of Price Administration.

SUBPART B OPENING A RATION BANK ACCOUNT

§ 1305.441 *Account opened where dollar account kept.* The first ration bank account of any person must be opened at a bank where he has a dollar checking account. If he opens separate accounts for separate establishments, under one rationing program, the account for any establishment must be opened at a bank at which he has a dollar checking account for that establishment. If he has no such dollar checking account, the account may be opened at any bank. Subsequent accounts of the same person, or for the same establishment, under a different rationing program, must be opened at the bank carrying the first account.

§ 1305.442 *Separate account required for each rationing program.* A person may not open one account for more than one rationing program, but must open a separate account for each. For example, he may not open one account for both coffee and sugar, but must open a coffee account and a sugar account.

§ 1305.443 *Not more than one account per establishment for one program permitted.* No person may open for any one establishment, more than one account for a single rationing program. For example, a person may not open two sugar accounts for one establishment.

§ 1305.444 *Signature cards and other papers required.* A person opens his first account in any bank by completing, signing and delivering to the bank signature cards supplied by the bank. He may open any additional account at that bank by requesting the bank to enter the additional account on the original signature cards. If the bank requests new signature cards, however, he must complete and deliver them. He shall also submit, if the bank requests them, references, other proofs of identity and documents showing his authority to execute the signature cards and to engage in business. If, after an account is opened, new persons are authorized to sign checks drawn on that account, new signature cards must be completed and delivered, and such new documents as the bank requests must be submitted.

SUBPART C—MAKING DEPOSITS

§ 1305.451 *Evidences not deposited within valid periods are invalid.* Evidences which are in the possession of a depositor when he opens his account, or are thereafter accepted by him, and which are not deposited in his account within the valid periods prescribed for their deposit by the ration order authorizing that account, are invalid.

§ 1305.452 *Evidences deposited only in account for establishment receiving them.* Evidences received by or for an establishment of a depositor may be de-

posited only in the account carried for that establishment.

§ 1305.453 *Deposit slips used.* All evidences presented for deposit must be in the form prescribed by the ration order authorizing the account, and accompanied by a deposit slip filled out in duplicate, in the form prescribed by the Office of Price Administration, indicating each item deposited by type and amount and, in the case of a ration check, by transit number. Upon making a deposit the depositor will obtain a copy of the deposit slip initialed or stamped by the bank. Deposits will be accepted subject to count and verification by the bank.

§ 1305.454 *Errors in deposit slips corrected.* If a depositor receives from his bank a notice of an error in a deposit slip, he must correct his duplicate copy. He must bring any objection to the attention of the bank within ten (10) days after receipt of the notice.

SUBPART D—ISSUING CHECKS

§ 1305.461 *Checks and stubs filled out.* Each check and its stub must be completely filled out before the check may be issued. Both check and stub must contain the name of the person to whom the check is to be issued, the date on which it is drawn and the amount of credits to be transferred. The check must bear the depositor's authorized signature or signatures. Checks may not be filled out or signed in pencil.

§ 1305.462 *Post-dated checks prohibited.* No person may issue or accept a check bearing a date later than the date of issue.

§ 1305.463 *Overdrafts prohibited.* No check may be drawn on an account for an amount larger than the balance in the account, less the amount of outstanding checks drawn on that account.

§ 1305.464 *Altered checks prohibited.* No check containing an erasure or alteration may be issued or accepted.

§ 1305.465 *Certified checks issued to the Office of Price Administration.* A depositor who issues a check to a board or to the Office of Price Administration or to a regional, State or district office thereof, shall make the check payable to the Office of Price Administration, and shall have it certified or confirmed by his bank before issuing it.

§ 1305.466 *Check issued only to person to whose account it is payable.* A check may be issued only to and accepted only by the person to whose account it is made payable.

SUBPART E—USING ISSUED CHECKS

§ 1305.471 *Checks generally not transferable: Exceptions.* The rule is that a check may not be transferred by or accepted from a person to whom it has been issued. The three exceptions to the rule are:

(a) A depositor to whom a check is properly issued must endorse it and transfer it to his bank for deposit in his account. It may not be deposited in an account of any other depositor. His bank

will forward the check to the bank carrying the account on which it is drawn, where it will be charged to that account.

(b) A person to whom a check is issued and who neither is nor is required to be a depositor must endorse the check and transfer it to a board. He will receive in exchange other evidences having the same value as the check. However, in instances where the ration order authorizing the account on which the check is drawn so provides, such a person must endorse and surrender the check to a board or to the appropriate office of the Office of Price Administration without receiving other evidences in exchange for the check. The board or office receiving a check from such a person must endorse it and return it to the bank carrying the account on which it is drawn, where it will be charged to that account.

(c) An altered, mutilated or partially destroyed check may not be deposited or transferred to a board or to the Office of Price Administration. A person who holds such a check must return it to the depositor on whose account it is drawn and request a valid check.

§ 1305.472 *Lost check reported.* A person who loses or unintentionally destroys a check issued to him shall notify in writing the depositor on whose account the check is drawn of the circumstances of the loss or destruction and request a new check.

§ 1305.473 *Depositor replaces altered and lost checks and reports lost checks to bank.* A depositor to whom an altered, mutilated or partially destroyed check is returned, or who receives notification of the loss or destruction of a check, must issue a new check to the person to whom the original was issued. He must enter on the stub of the original check the fact that it has been lost, altered, mutilated, partially or completely destroyed, and on the stub of the new check the fact that it replaces the original check. Each depositor shall immediately send his bank a written description of any checks drawn on his account and lost before deposit, together with a statement of the circumstances of the loss and a description of the check issued to replace the lost check.

SUBPART F—OTHER RIGHTS AND DUTIES OF DEPOSITORS

§ 1305.481 *Depositor reports errors in statements.* Each depositor is entitled to receive from his bank at least quarterly a statement of his account and all cancelled checks which were charged against his account during the period covered by the statement, except certified checks and those statements and checks which the bank is required to forward to the Office of Price Administration. He must bring any objection to a statement to the attention of the bank within ten (10) days after the statement has been made available to him.

§ 1305.482 *Depositor examines account.* A depositor may examine the bank records of his account during the regular business hours of the bank. He must bring any objection to such records

to the attention of the bank within ten (10) days after the examination.

§ 1305.483 *Disputes over balances referred to the Office of Price Administration.* A depositor who has brought to the attention of his bank a timely objection to the bank's records of his balance or his account may, within twenty (20) days after making the objection, write a letter stating the facts to the district office of the Office of Price Administration. The District Manager shall then decide the dispute. An appeal from the decision of the District Manager may be made in the manner provided by Procedural Regulation No. 9 (Uniform Appeals Procedure), for appeals from the action of a State Director. Further appeals may be made as provided in that regulation. If the objection of the depositor is not sustained, the bank's records shall be final.

§ 1305.484 *Accounts subject to control of the Office of Price Administration.* The Office of Price Administration may require the opening, closing, debiting, crediting or other disposal of any account, whether or not the depositor has requested such action.

§ 1305.485 *Depositor gets permission to transfer or close accounts.* A person may not transfer an account from a bank (even though he has transferred or closed his dollar account), close an account or change the name in which an account is carried, until he has received authorization to do so from the district office. A depositor may request the authorization by stating, in a letter to the district office, the reasons for the request. Authority shall be given in a proper case. Notification of any such authorization will be given by the district office to the bank which carries the account.

§ 1305.486 *Depositor who ceases to use account notifies district office.* A depositor who closes or sells any establishment for which an account is carried, or who ceases to deal in a rationed commodity, or who for any reason ceases to use an account, shall immediately write a letter to the district office, stating all the facts.

§ 1305.487 *Accounts not subject to legal process.* An account is not subject to attachment, garnishment, levy, execution, injunction or similar legal process, except on written authorization from the Office of Price Administration.

§ 1305.488 *Depositor keeps records.* A depositor must keep for at least two years all duplicate copies of deposit slips, notices of errors in deposit slips, statements of account made available to him, cancelled checks returned to him, all stubs from which checks have been detached, returned or unissued checks, and unused and spoiled check forms. He must keep a record of the disposition of each check form detached from its stub, whether or not it is filled out or issued. All records are subject to inspection, removal or other disposition only by the Department of Justice, the Office of Price Administration or any other per-

sons designated by the Office of Price Administration.

SUBPART G—SPECIAL PROVISIONS

§ 1305.491 *Territorial limitation.* All of the provisions of this order apply to the entire area included within the continental limits of the United States.

§ 1305.492 *Effect on other orders.* This order is not to be construed to permit any act or omission which would be in violation of any other order of the Office of Price Administration.

§ 1305.493 *Terms explained.* When used in this order, unless the context requires otherwise:

(a) "Account" means a ration bank account carried by a bank, in which the bank keeps a record of deposits of evidences and of transfers of ration credits.

(b) "Bank" means a bank or bank branch which participates in ration banking by opening an account in accordance with General Ration Order No. 3.

(c) "Board" means a war price and rationing board.

(d) "Check" means a ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

(e) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts.

(f) "District Manager" means the person holding the office of District Manager in a district office, or the person holding the office of State Director in a district or State office.

(g) "District office" means the district office of the Office of Price Administration having jurisdiction over the area in which the bank carrying the account for a depositor is located or, if there is no such district office, the State office of the Office of Price Administration having jurisdiction over that area.

(h) "Establishment" has whatever meaning is given to it by the ration order authorizing the account for the establishment to which reference is made in this order.

(i) "Evidence" means a ration evidence authorizing the transfer, delivery or acquisition of rationed commodities and includes stamps, coupons, certificates, checks and other similar instruments issued or authorized by the Office of Price Administration.

(j) "Issue," when used with respect to a check, means the delivery of a completed check to the person to whose account the check is made payable.

(k) "Person" means an individual, corporation, partnership, joint-stock company, trust, trustee, unincorporated association, government or governmental agency and any other organized group or enterprise. Any reference to a person shall be deemed to refer to the person or his authorized agent.

(l) "Ration order" means any ration order issued by authority of the Office of Price Administration.

(m) "Ration credits" means the credits in an account reflecting deposits of evidences.

§ 1305.494 *Enforcement.* (a) No person shall offer, solicit, attempt, or agree to do any act in violation of this order.

(b) No person shall, in any record, report, or other document made or kept pursuant to, or required by the provisions of this order, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(c) No person shall forge or shall, except in accordance with this order, or other ration order of the Office of Price Administration, mutilate, alter, or destroy any check, check stub, record, report or other document made or kept pursuant to or required by the provisions of this order.

§ 1305.495 *Suspension orders.* Any person who violates this order may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

§ 1305.496 *Effective date.* General Ration Order No. 3A (§§ 1305.431 to 1305.496, inclusive) shall become effective 12:01 A. M., January 27, 1943.

(Pub. Laws 421, 507 and 729, 77th Cong.; E.O. 9125, issued by the President on April 7, 1942; W.P.B. Dir. No. 1, 7 F.R. 562)

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc 43-1214; Filed, January 23, 1943;
4:13 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
[MPR 152,¹ Amendment 7]

CANNED VEGETABLES

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

A new § 1341.22a is added, and a new paragraph (g) is added to § 1341.32.

§ 1341.22a *Canner's maximum prices for canned vegetables packed in new container types or sizes.* (a) The maximum price per dozen, f. o. b. factory, for a kind and grade of canned vegetable packed in any container type or size of which the canner made no sales during the first 60 days following the beginning of the 1941 pack shall be calculated as follows: He shall:

(1) *Determine the base container.* If the canner sold the same kind and grade of canned vegetables during the first 60

days following the beginning of the 1941 pack, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that kind and grade of canned vegetable under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells these sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the canner is adding to or replacing, such as tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will be the same container type. This is also true in the reverse situation where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the base price.* The canner shall take as the "base price" his maximum price per dozen, f. o. b. factory for the kind and grade of canned vegetable when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the canner's factory, the canner shall first convert it to a base price f. o. b. factory by subtracting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price f. o. b. factory, the canner shall then subtract the direct cost of the container "means the net cost, at the packer's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(4) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add the new container cost to get the price f. o. b. factory.* Next, the canner shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the canner's maximum price, f. o. b. factory.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the canner's maximum price for the canned vegetable in the base container is a delivered price, he shall figure transportation charges to be added, as follows. The canner shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the canned vegetable in the new container

will move under a different freight tariff classification, the canner shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The canner shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the canner's maximum delivered price.

(b) If the canner has established prior to January 25, 1943, a maximum price under paragraphs (d), (j) or (k) of § 1341.22 for a kind, grade and container size of canned vegetables, of which he made no sales during the first 60 days following the beginning of the 1941 pack, he may retain that maximum price, or, at his option, may establish a maximum price under this section.

§ 1341.32 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1341.22a) shall become effective January 25, 1943.

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1232; Filed, January 23, 1943;
4:14 p. m.]

PART 1341—CANNED AND PRESERVED
FOODS

[MPR 185,¹ Amendment 6]

CANNED FRUITS AND CANNED BERRIES

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

Sections 1341.102a, 1341.106a (e) and 1341.114 (f) are added as set forth below.

§ 1341.102a *Canner's maximum prices for canned fruits and canned berries in new container types or sizes.* (a) The maximum price per dozen for a kind and grade of canned fruits or canned berries packed in any container type or size which the canner did not sell during the first 60 days after the beginning of the 1941 pack shall be calculated as follows. He shall:

(1) *Determine the base container.* If the canner sold the same kind and grade of canned fruits or canned berries during the first 60 days after the beginning of the 1941 pack, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that kind and grade of canned fruits or canned berries under this regulation (even though he no longer sells that container type). From that con-

¹ 7 F.R. 5772, 5988, 7530, 8948, 10684, 11076;
8 F.R. 490.

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

¹ 7 F.R. 3895, 3963, 4453, 5138, 5363, 6219, 6266, 6472, 8948.

tainer type he shall choose the nearest size which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the canner is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the base price.* The canner shall take as the "base price" his maximum price per dozen, f. o. b. factory, for the kind and grade of canned fruits or canned berries when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the canner's factory, the canner shall first convert it to a base price f. o. b. factory by subtracting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price, f. o. b. factory, the canner shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling, or packing.

(4) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add the new container cost to get the price f. o. b. factory.* Next, the canner shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the canner's maximum price, f. o. b. factory.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the canner's maximum price for the canned fruits or canned berries in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The canner shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the canned fruits or canned berries in the new container will move under a different freight tariff classification, the canner shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight

tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The canner shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the canner's maximum delivered price.

(b) If the canner has established prior to January 25, 1943, a maximum price under the provisions of § 1341.102 for a kind, grade, and container size of canned fruits or canned berries, of which he made no sales during the first 60 days following the beginning of the 1941 pack, he may retain that maximum price, or, at his option, may establish a maximum price under this section.

§ 1341.106a *Information to purchasers from canners.* * * *

(e) The provisions of this section shall not apply when a canner has computed his maximum price under the provisions of § 1341.102a and in such case he shall not report a base price or permitted increase and need not report his maximum price to a purchaser.

§ 1341.114 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1341.102a, 1341.106a (e) and 1341.114 (f)) to Maximum Price Regulation No. 185 shall become effective on January 25, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1233; Filed, January 23, 1943;
4:14 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
(MPR 226, Amendment 4)

FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of Amendment No. 4 to Maximum Price Regulation No. 226 has been issued and filed with the Division of the Federal Register.*

Paragraph (e) of § 1341.302 is amended, and a new sentence is added to paragraph (a) of § 1341.309a after the phrase "calculated for his own wholesalers", all as shown below.

§ 1341.302 *Packer's maximum prices for fruit preserves, jams and jellies.* * * *

(e) *New container types and sizes.*
(1) The maximum price per dozen or other unit for a kind, flavor and brand of fruit preserves, jams or jellies packed in any container type or size which the packer did not sell during the 1941 base period shall be calculated as follows. He shall:

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

17 F.R. 7490, 8798, 8889, 8890, 8948, 10226.

(i) *Determine the base container.* If the packer sold the same kind, flavor and brand of fruit preserves, jams or jellies during the 1941 base period, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that kind, flavor and brand under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size, which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container". If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the packer is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(ii) *Find the base price.* The packer shall take as the "base price" his maximum price for the kind, flavor and brand of fruit preserves, jams or jellies when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's factory, the packer shall first convert it to a base price f. o. b. packer's factory by deducting whatever transportation charges were included in it.

(iii) *Deduct the container cost.* Taking his base price f. o. b. factory, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(iv) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(v) *Add the new container cost to get the price f. o. b. factory.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the packer's maximum price, f. o. b. factory.

(vi) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the fruit preserves, jams or jellies in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted

to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the fruit preserves, jams or jellies in the new container will move under a different freight tariff classification, the packer shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the packer's maximum delivered price.

(2) If the packer has established a maximum price for any new item prior to January 25, 1943, under Section 1341.303, he may retain that maximum price, or, at his option, he may establish a maximum price under this paragraph.

§ 1341.309a *Information which packers must give their customers*—(a) *Notice from packers to wholesalers.* * * * If the packer has established a maximum price under paragraph (e) of § 1341.302, he is not required to notify his wholesalers under the provisions of this paragraph.

§ 1341.317 *Effective dates of amendments.* * * *

(e) Amendment No. 4 (§§ 1341.302 (e), 1341.309a (a) and 1341.317 (e)) to Maximum Price Regulation No. 226 shall become effective January 25, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc 43-1234; Filed, January 23, 1943; 4:14 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
[MPR 232,¹ Amendment 3]

APPLE BUTTER

A statement of the considerations involved in the issuance of Amendment No. 3 to Maximum Price Regulation No. 232 has been issued and filed with the Division of the Federal Register.*

Paragraph (e) of § 1341.452 is amended, and a new sentence is added to paragraph (a) of § 1341.459a after the phrase "calculated for his own wholesalers", all as shown below.

§ 1341.452 *Packer's maximum prices for apple butter.* * * *

(e) *New container types and sizes.* (1) The maximum price per dozen or other unit for a brand of apple butter packed

in any container type or size which the packer did not sell during October and November 1941 shall be calculated as follows. He shall:

(i) *Determine the base container.* If the packer sold the same brand of apple butter during October and November 1941, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that brand under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the packer is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(ii) *Find the base price.* The packer shall take as the "base price" his maximum price for the brand of apple butter when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's factory, the packer shall first convert it to a base price f. o. b. packer's factory by deducting whatever transportation charges were included in it.

(iii) *Deduct the container cost.* Taking his base price f. o. b. factory, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(iv) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(v) *Add the new container cost to get the price f. o. b. factory.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the packer's maximum price, f. o. b. factory.

(vi) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the apple butter in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted to

get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the apple butter in the new container will move under a different freight tariff classification, the packer shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the packer's maximum delivered price.

(2) If the packer has established a maximum price for any new item prior to January 25, 1943, under § 1341.453, he may retain that maximum price, or, at his option, he may establish a maximum price under this paragraph.

§ 1341.459a *Information which packers must give their customers.* (a) *Notice from packers to wholesalers.* * * *

If the packer has established a maximum price under paragraph (e) of § 1341.452, he is not required to notify his wholesalers under the provisions of this paragraph.

§ 1341.466 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1341.452 (e), 1341.459a (a) and 1341.466 (e)) to Maximum Price Regulation No. 232 shall become effective January 25, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1235; Filed, January 23, 1943; 4:14 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
[Rev. MPR 233,¹ Amendment 1]

DRIED AND CANNED APPLES AND APPLE PRODUCTS

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

Section 1341.411 is amended and § 1341.429 is added as set forth below.

§ 1341.411 *Maximum prices for apple products in new container types and sizes.* (a) The maximum price per dozen, f. o. b. factory, for a kind and grade of any of the apple products covered by this regulation packed in any container type or size of which the seller made no sales during the first 60 days after the beginning of the 1941 pack shall be calculated as follows. He shall:

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

¹ 7 F.R. 7778, 7966, 8690, 8948, 10226.

(1) *Determine the base container.* If the seller sold the same kind and grade of the apple product during the first 60 days following the beginning of the 1941 pack, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that kind and grade of apple product (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger, or if there is no such size, 50% or less smaller (even though he no longer sells these sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the seller is adding to or replacing, such as tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the base price.* The seller shall take as the "base price" his maximum price per dozen, f. o. b. factory, for the kind and grade of apple product when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the seller's factory, the seller shall first convert it to a base price f. o. b. factory by subtracting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price, f. o. b. factory, the seller shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the seller's factory, of the container, caps, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(4) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add the new container cost to get the price f. o. b. factory.* Next, the seller shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the seller's maximum price, f. o. b. factory.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the seller's maximum price for the apple product in the base container is a delivered price, he shall figure transportation charges to be added, as follows. The seller shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping

weight. If for any reason the apple product in the new container will move under a different freight tariff classification, the seller shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of transportation charge.) The seller shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the seller's maximum delivered price.

(b) If the seller has established prior to January 25, 1943, a maximum price under the provisions of this regulation for a kind, grade, and container size of apple products, of which he made no sales during the first 60 days following the beginning of the 1941 pack, he may retain that maximum price, or, at his option, may establish a maximum price under this section.

§ 1341.429 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1341.411 and 1341.429) to Revised Maximum Price Regulation No. 233 shall become effective on January 25, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1236; Filed, January 23, 1943;
4:13 p. m.]

PART 1358—TOBACCO

[MPR 308]

CONNECTICUT SHADE GROWN (TYPE NO. 61) TOBACCO

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco by a specific maximum price regulation.

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

In the judgment of the Price Administrator, the maximum prices established by this 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. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

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

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

gency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1¹ issued by the Office of Price Administration, Maximum Price Regulation No. 308 is hereby issued.

Sec.

1358.201 Prohibition of sales or deliveries and purchases or receipt of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco.

1358.202 Less than maximum prices.

1358.203 Export sales.

1358.204 Petitions for amendment.

1358.205 Evasion.

1358.206 Enforcement.

1358.207 Records.

1358.208 Definitions.

1358.209 Geographical applicability.

1358.210 Effective date.

1358.211 Appendix A; Maximum Prices for the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco.

AUTHORITY: §§ 1358.201 to 1358.211, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1358.201 *Prohibition of sales or deliveries and purchases or receipt of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco.* On and after January 23, 1943, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco at a price in excess of his maximum price for the particular tobacco in question as set forth in § 1358.211, Appendix A.

(b) No person shall buy or receive any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco at a price in excess of the maximum price for the particular tobacco in question as set forth in § 1358.211, Appendix A.

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

§ 1358.202 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

§ 1358.203 *Export sales.* The maximum prices at which a person may export any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco shall be determined in accordance with the provisions of the Revised Maximum Export Regulation² issued by the Office of Price Administration.

§ 1358.204 *Petitions for amendment.* Persons seeking any modification of this regulation, or exceptions not provided for therein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1358.205 *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or re-

¹ 7 F.R. 8961.

² 7 F.R. 5059, 7242, 8829, 9000, 10530.

lating to any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco, either alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices in the marketing of any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco are prohibited:

(1) Any sale or purchase of such tobacco other than as a grade or in a condition for which maximum prices are established under § 1358.211, Appendix A.

(2) In the case of a seller, the grading of any of the 1942 crop in a manner that constitutes an alteration of or deviation from the customary grading practices with respect to the 1941 crop, normal variations alone excepted.

(3) In the case of a sale by a seller to a particular purchaser, the elimination or reduction of the seller's discounts and/or initial credit terms allowed with respect to sales of the 1941 crop to such purchaser, or, if no sales of the 1941 crop were made by the particular seller to the particular purchaser, the elimination or reduction of customary discounts and/or initial credit terms allowed by such seller on his sales of the 1941 crop to purchasers of the same class.

(4) In the case of a sale of any of the 1942 crop, elimination or reduction of commissions, allowances, fees or other compensation customarily paid by a seller to a broker or agent with respect to similar sales of prior crops.

§ 1358.206 *Enforcement.* (a) Persons violating any of the provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1358.207 *Records.* (a) Every person selling any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco shall preserve and make available for examination by the Office of Price Administration, for as long as the Emergency Price Control Act of 1942 remains in effect, all his existing records relating to the prices which he charged for any of the 1941 crop of such tobacco.

(b) Every person selling or purchasing any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco shall keep and make available for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, records of the same kind as he customarily kept relating to the prices which he charged or paid for any of the

1942 crop of such tobacco after the effective date of this regulation.

§ 1358.208 *Definitions.* (a) When used in this regulation, the term:

(1) "Connecticut Shade Grown (Type No. 61) Tobacco" means United States Type No. 61 as specified in the Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(2) "Person" includes individual, corporation, partnership, association or any other organized group of persons or a legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(3) "Grade" means a subdivision of the type of tobacco according to group and quality, and according to color when color is of sufficient importance to be treated as a separate factor.

(4) "Priming" means a picking of tobacco.

(5) "1942 crop" mean Connecticut Shade Grown (Type No. 61) Tobacco grown during the 1942 growing season.

(6) "1941 crop" means Connecticut Shade Grown (Type No. 61) Tobacco grown during the 1941 growing season.

(7) "Initial credit terms" means terms fixing the time for payment of the purchase price agreed to by a seller and purchaser at or prior to delivery of the tobacco in question.

(8) "Jobber" means any person who purchases tobacco and holds or offers such tobacco for resale.

(9) "Purchase price" when used with reference to the price paid by a jobber for any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco means the gross amount contracted to be paid by the jobber to his supplier, before allowance for discounts and exclusive of transportation charges.

(10) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

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

§ 1358.209 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1358.210 *Effective date.* This Maximum Price Regulation No. 308 (§§ 1358.201 to 1358.211, inclusive) shall become effective January 23, 1943.

§ 1358.211 *Appendix A: Maximum prices for the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco—*

(a) *Maximum prices for a grower or packer.* (1) The maximum price of a grower and/or packer for sized, sorted and packed Connecticut Shade Grown (Type No. 61) Tobacco of the 1942 crop of a particular grade listed in Table I shall be as follows:

TABLE I—MAXIMUM PRICES FOR VARIOUS GRADES OF THE 1942 CROP OF CONNECTICUT SHADE GROWN (TYPE NO. 61) TOBACCO

[Price per pound selling weight]

| Grade | Leaf averaging 10 inches but less than 11 inches in length | Leaf averaging 11 inches but less than 12 inches in length | Leaf averaging 12 inches but less than 13 inches in length | Leaf averaging 13 inches but less than 14 inches in length | Leaf averaging more than 14 inches in length |
|------------|------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------|
| L..... | \$2.70 | \$6.00 | \$7.20 | | |
| LL..... | | 5.10 | 6.60 | | |
| LC..... | 1.80 | 4.20 | 5.40 | | |
| LV..... | 1.80 | 4.20 | 5.40 | | |
| LC2..... | 1.80 | 3.30 | 4.20 | | |
| LV2..... | 1.80 | 3.30 | 4.20 | | |
| YL1..... | 1.50 | 2.10 | 2.70 | | |
| YL2..... | | 2.10 | | \$2.40 | |
| YL3..... | | | 1.20 | 1.50 | |
| V1..... | 1.50 | 2.10 | 2.70 | | |
| V2..... | | 1.50 | 2.10 | 2.40 | |
| V3..... | | 1.20 | 1.80 | | |
| KV..... | | .90 | .90 | 1.20 | |
| AL1..... | | | .90 | 1.20 | |
| AL2..... | | | .90 | 1.50 | |
| VL1..... | | | .90 | 1.80 | |
| VL2..... | | | .72 | 1.20 | |
| ML1..... | | | .60 | 1.00 | |
| ML2..... | | | .60 | 1.72 | |
| St. 1..... | | 1.20 | | | |
| St. 2..... | | 1.60 | | | |
| XL1..... | .72 | .90 | 1.50 | 1.80 | \$2.40 |
| XLY..... | | .72 | .90 | 1.20 | 1.50 |
| XL2..... | | .60 | .72 | .72 | 1.20 |
| XL3..... | | .42 | | | |

| | |
|------------------------------------------------------------------------------|--------|
| Broken back #1..... | \$2.40 |
| Broken back #2..... | 1.20 |
| Broken back Y..... | 1.80 |
| Broken back dark..... | .60 |
| Unsorted wrapper, averaging 10 inches but less than 11 inches in length..... | 1.50 |
| Third primings (or top primings) unsorted and unsized..... | .90 |
| Clean binder, averaging 8 inches but less than 9 inches in length..... | .60 |
| Clean binder, averaging 9 inches but less than 10 inches in length..... | .90 |
| Clean binder, averaging 10 inches but less than 11 inches in length..... | .90 |
| Clean binder, averaging 11 inches but less than 12 inches in length..... | .90 |
| XX (tied)..... | .24 |
| XX (loose)..... | .17 |
| St. XX..... | .14 |
| Loose leaves..... | .08 |

¹ The maximum price for larger leaves of the same grade should be the same as that established for leaves of the indicated length.

(2) The maximum price of a grower and/or packer for sized, sorted and packed Connecticut Shade Grown (Type No. 61) Tobacco of the 1942 crop of a particular grade not listed in Table I shall be:

(i) The highest price charged by such grower or packer to a purchaser of the same class for the same grade of such tobacco of the 1941 crop, plus 20%; or

(ii) If a grower's or packer's maximum price for any particular grade cannot be determined under (i), his maximum price therefor shall be the highest price charged for the same grade of such tobacco of the 1941 crop by a seller of the same class to a purchaser of the same class, plus 20%; or

(iii) If a grower's or packer's maximum price for any particular grade cannot

not be determined under (i) or (ii), his maximum price therefor shall be the highest price charged for the most comparable grade of such tobacco of the 1941 crop by a seller of the same class to a purchaser of the same class, plus 20%.

(3) The maximum price of a grower and/or packer for any priming of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco, assorted and unsized, or unassorted (whether sized or unsized) shall be:

(i) The highest price charged by such grower or packer to a purchaser of the same class for tobacco of the 1941 crop of the same priming sold in the same condition, plus 20%; or

(ii) If a grower's or packer's maximum price for any particular tobacco cannot be determined under (i), his maximum price therefor shall be the highest price charged for tobacco of the 1941 crop of the same priming sold in the same condition by a seller of the same class to a purchaser of the same class, plus 20%; or

(iii) If a grower's or packer's maximum price for any particular tobacco cannot be determined under (i), his maximum price therefor shall be the highest price charged for the most comparable tobacco of the 1941 crop of the same priming sold in the same condition by a seller of the same class to a purchaser of the same class, plus 20%.

(4) Every grower and packer shall allow from his maximum prices established hereunder for the 1942 crop, his customary discounts and allowances with respect to sales of the 1941 crop to the particular purchaser in question. If a particular grower or packer made no sales of the 1941 crop to a particular purchaser, he shall allow from such maximum prices his customary discounts and allowances with respect to sales of the 1941 crop to purchasers of the same class.

(b) *Maximum prices for jobbers.* (1) The maximum price of a jobber for any of the 1942 crop of Connecticut Shade Grown (Type No. 61) Tobacco of a particular grade, sized, sorted and packed, or for tobacco of such crop of any priming sold assorted and unsized, or unassorted (whether sized or unsized) shall be determined as follows:

(i) Such jobber shall determine his highest price charged for tobacco of the same grade, or of the same priming and condition sold and delivered by him during the period from January 1, 1942, through December 31, 1942. He shall then add thereto 16 $\frac{2}{3}$ per cent of his purchase price for the particular tobacco of the 1942 crop. The result of the addition shall be the jobber's maximum price for that tobacco of the 1942 crop.

(ii) If a jobber's maximum price for any particular tobacco cannot be determined under (i), he shall ascertain the highest price charged by a jobber for tobacco of the same grade, or of the same priming and condition sold and delivered during the period from January 1, 1942, through December 31, 1942. He shall then add thereto 16 $\frac{2}{3}$ % of his purchase price for the particular tobacco

of the 1942 crop. The result of the addition shall be the jobber's maximum price for that tobacco of the 1942 crop.

(iii) If a jobber's maximum price for any particular tobacco cannot be determined under (i) or (ii), he shall ascertain the highest price charged by a jobber for the most comparable tobacco of the same grade, or of the same priming and condition sold and delivered during the period from January 1, 1942, through December 31, 1942. He shall then add thereto 16 $\frac{2}{3}$ percent of his purchase price for the particular tobacco of the 1942 crop. The results of the addition shall be the jobber's maximum price for that tobacco of the 1942 crop.

(2) Every jobber shall allow from his maximum prices established hereunder for the 1942 crop his customary discounts and allowances with respect to sales of the 1941 crop to the particular purchaser in question. If a particular jobber made no sales of the 1941 crop to a particular purchaser, he shall allow from such maximum prices his customary discounts and allowances with respect to sales of the 1941 crop to purchasers of the same class.

Issued this 23d day of January 1943

PRENTISS M. BROWN,
Administrator.

Approved: January 22, 1943.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-1230; Filed, January 23, 1943.
4:09 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR
VEHICLE EQUIPMENT

[Ration Order 2A ' Amendment 23]

NEW PASSENGER AUTOMOBILES

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

The text of § 1360.362 is amended; a new § 1360.365 is added; in § 1360.407 the text is amended and a new paragraph (f) is added, as set forth below:

Transfers Without Certificates

§ 1360.362 *Persons eligible to acquire only for purposes of resale.* The following persons are eligible to acquire new passenger automobiles by transfer without certificate only for purposes of resale (except that any automobile acquired under this section, when properly registered, may be used by or on behalf of the Army Air Forces Aircraft Warning Service, including the Army Air Forces Ground Observer Corps).

§ 1360.365 *Transfers for transportation of ground observers.* Any person may transfer a new passenger automobile for use by or on behalf of the Army Air

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

17 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149, 8808, 8895, 9316, 10228; 8 F.R. 28, 363.

Forces Aircraft Warning Service (including the Army Air Forces Ground Observer Corps) for a minimum period of three consecutive months on condition that when the automobile is no longer used in this manner it shall be returned to the transferor. If, immediately before its transfer, the car was held for the purpose of sale, he shall hold it for the same purpose and in the same manner when it is returned to him.

Certificates for New Passenger Automobiles

§ 1360.407 *Conditions required for issuance of clearance statements.* A Board is authorized to issue a clearance statement on OPA Form R-212 permitting the registration of a new passenger automobile by the state or local motor vehicle registration agency in the following cases:

(f) Where any applicant submits a written contract which is signed or endorsed by an authorized representative of the military commander having jurisdiction over the Army Air Forces Aircraft Warning Service (including the Army Air Forces Ground Observer Corps) which provides:

(1) That the applicant will furnish a new passenger automobile for use by or on behalf of the Army Air Forces Aircraft Warning Service (including the Army Air Forces Ground Observer Corps);

(2) That he will furnish the automobile for a minimum period of three consecutive months; and

(3) That he will not use the automobile for any other purpose during the period of the contract.

Effective Dates

§ 1360.442 *Effective dates of amendments.* * * *

(w) Amendment No. 23 (§§ 1360.362, 1360.365, 1360.407), to Rationing Order No. 2A shall become effective January 29, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1215; Filed, January 23, 1943;
4:13 p. m.]

PART 1381—SOFTWOOD LUMBER

[Correction to MPR 94¹]

WESTERN PINE AND ASSOCIATED SPECIES OF
LUMBER

In § 1381.515, maximum prices for sugar pine lumber, Table No. 2: Notes on Shop Lumber (sugar pine), Note 1 for rough; sub-note (d) reads: "No. 3 shop, deduct \$2.00." This is corrected to read: "No. 3 shop, deduct \$1.00."

In § 1381.518, maximum prices for Engelmann spruce lumber, Table No. 5:

17 F.R. 10848.

Inch Battens (Engelmann spruce); the fourth line reads: "3/8 x 2 1/4" net flat, rough or S1S \$6.00." This is corrected to read: "3/8 x 2 3/4" net flat, rough or S1S \$6.00."

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1216; Filed, January 23, 1943;
4:13 p. m.]

PART 1381—SOFTWOOD LUMBER

[Correction to MPR 253¹]

REDWOOD LUMBER AND MILLWORK

Section 1381.412 (a), Table 1, note 6 (I) (d) the last word in this note is "length". It is corrected to read "multiple".

Section 1381.412, (b) (1) the third line refers to section "1381.411" and is corrected to read "1381.412".

Section 1381.413 (a), Table 3, note 30 which reads "Add \$10.10 net per end", is corrected to read "Add \$0.10 net per end".

Section 1381.413 (a), Table 4, "S15" in heading is corrected to read "S1S".

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1217; Filed, January 23, 1943;
4:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 89 to Supp. Reg. 14² of GMPR³]

DALLAS AREA PRICES FOR FLUID MILK

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

Subdivision (vi) of § 1499.73 (a) (1) is redesignated subdivision (vii) of § 1499.73 (a) (1); and a new subdivision (vi) is added to § 1499.73 (a) (1), as set forth below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.*
(a) * * *

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

¹ 7 F.R. 9230, 10848.

² 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10011, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10865, 11005. 8 F.R. 276, 439, 535, 494.

³ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454. 8 F.R. 371.

(1) * * *
(vi) *Maximum prices for approved fluid milk sold and delivered in the Dallas Regional area.* This subdivision (vi) of Supplementary Regulation No. 14 establishes maximum prices for approved fluid milk delivered within the geographical boundaries of the states of Arkansas, Kansas, Louisiana, Missouri, Oklahoma and Texas. Specific maximum prices are established for out-of-store sales, home-delivery and all other sales in containers of one gallon or less. The prices are stated for three classes of areas in each of two zones. These areas and zones are described under "definitions" below. Specific maximum prices are also stated for approved milk in containers larger than one gallon sold to stores, hotels, restaurants, and institutions.

A formula is provided by which persons who sold premium milk during December 1942 may determine a premium to be added to the prices set out, provided they file a required report. No other person may add any premium for such milk unless he first obtains a price from the Dallas Regional Office of the Office of Price Administration. There is also a special method of determining maximum prices for deliveries of approved milk to the Army or Navy.

This subdivision takes the place of the seller's former ceiling prices as determined under the General Maximum Price Regulation, Maximum Price Regulation No. 280, relating to bulk sales of fluid milk to stores, hotels, restaurants and institutions, supplementary and adjustment orders issued by the Office of Price Administration pertaining to the sale and delivery of approved milk in Region V, for all deliveries of approved fluid milk in the Dallas Regional area for which specific prices, or for which pricing formulae are provided by this subdivision of Supplementary Regulation No. 14. The listed maximum prices apply only to fluid sweet milk. They are not applicable to buttermilk and chocolate or other flavored milk, maximum prices for which remain as determined under the General Provision, General Maximum Price Regulation.

(a) *Maximum prices:* The maximum prices set forth below are the maximum prices for "approved fluid milk" delivered to the buyer in the respective size containers set forth below, in the respective areas therein set out, regardless of the quantities sold or delivered, the seller's classification of purchasers, or the material from which the container was made:

(1) *Table of prices* (on sales in containers larger than one gallon the price stated is per gallon. In all other instances the price stated is determined by the container used assuming that the container is full. Maximum prices for sales to Army and Navy are set forth in subdivision (6) below.)

(i) *Retail out-of-store sales and home deliveries; sales to stores and all other sales (except Army or Navy).*

(aa) RETAIL OUT-OF-STORE SALES OR HOME DELIVERIES

| Size of container | Zone I | | | Zone II | | |
|-------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| | Class 1 | Class 2 | Class 3 | Class 1 | Class 2 | Class 3 |
| More than 1 gallon..... | Cents per gal. 50 | Cents per gal. 46 | Cents per gal. 42 | Cents per gal. 46 | Cents per gal. 42 | Cents per gal. 38 |
| Gallon..... | 56 | 52 | 48 | 52 | 48 | 44 |
| 1/2 gallon..... | 29 | 27 | 25 | 27 | 25 | 23 |
| 1/4 quart..... | 15 | 14 | 13 | 14 | 13 | 12 |
| Pint..... | 7 1/2 | 7 | 6 1/2 | 7 | 6 1/2 | 6 |

(bb) SALES TO STORES AND ALL OTHER SALES INCLUDING WHOLESALE OR RETAIL (EXCEPT ARMY OR NAVY)

| | Cents | Cents | Cents | Cents | Cents | Cents |
|-----------------|--------|--------|--------|--------|--------|--------|
| Gallon..... | 52 | 48 | 34 | 48 | 44 | 40 |
| 1/2 gallon..... | 27 | 25 | 23 | 25 | 23 | 21 |
| Quart..... | 13 1/2 | 12 1/2 | 11 1/2 | 12 1/2 | 11 1/2 | 10 1/2 |
| Pint..... | 6 3/4 | 6 1/4 | 5 1/4 | 6 1/4 | 5 1/4 | 5 1/4 |
| 3/4 quart..... | 4 3/4 | 4 1/4 | 4 | 4 1/4 | 4 | 3 3/4 |
| 1/2 pint..... | 3 3/4 | 3 1/2 | 3 1/4 | 3 1/2 | 3 1/4 | 3 |

(ii) *Sales in containers larger than one gallon to stores, hotels, restaurants and institutions.*

(aa) The maximum prices for sales to stores, hotels, restaurants and institutions in containers larger than one gallon (except Army or Navy sales) are:

[Cents per gallon]

| Zone I | | | Zone II | | |
|---------|---------|---------|---------|---------|---------|
| Class 1 | Class 2 | Class 3 | Class 1 | Class 2 | Class 3 |
| 50 | 46 | 42 | 46 | 42 | 38 |

(2) *Premium milk.* (i) A person who sold "premium milk" during December 1942 shall determine the maximum price for such milk as follows:

Take the highest price (before all discounts or quantity differentials have been deducted) at which he sold each different kind of premium milk during December 1942 in each size container for out-of-store-sale, home-delivery, and all other sales, respectively.

Next subtract from each of those prices the highest price (before discounts or quantity differentials have been deducted) at which he sold other approved milk during December 1942 in the respective size containers and for the respective out-of-store, home-delivery or other sale. The differentials thus obtained shall be the premium for each size container and type of sale. These premiums may then be added to the specific maximum prices set forth above in this subdivision of Supplementary Regulation No. 14: *Provided*, That the seller on or before February 17, 1943 files a report with the Regional Office of the Office of Price Administration in Dallas, Texas, showing:

(aa) The total quantity, expressed in quarts, of approved fluid milk sold by such seller during December 1942;

(bb) The types of premium milk sold by such seller during December 1942;

(cc) The differential at which he sold each type of such milk during December 1942; and

(dd) The total quantity, expressed in quarts, of each type of premium milk which he sold during December 1942.

(ee) The Regional Office of the Office of Price Administration, Dallas, Texas, may correct any prices so reported and may revise any such prices if the differential reported is higher than the differential generally prevailing during December 1942 in that local market area or an adjoining area.

(ii) A seller of "approved fluid milk" who did not sell premium milk, or who sold only premium milk during December 1942, or who did not file the report provided for in inferior subdivision (a) (2) (i) above, may not add any premium to the maximum prices established above by inferior subdivision (a) (1) unless he first files an application in writing with the Regional Office of the Office of Price Administration, Dallas, Texas, for permission to sell such premium milk at such prices, and is granted such permission.

(iii) No seller of fluid milk who, during December 1942, sold premium milk may add any premium to the prices established above by this subdivision of Supplementary Regulation No. 14, if he increases the volume of premium milk sold in any calendar month more than 5% above the volume of such premium milk sold by him during December 1942, unless he first files an application with the Regional Office of the Office of Price Administration, Dallas, Texas, and such application is granted.

Applications filed under inferior subdivision (a), (2), (ii), and (a), (2), (iii) of this subdivision of Supplementary Regulation No. 14, shall contain the following:

(aa) If the application is made by a seller who sold premium milk during December, 1942, it shall contain the report required by inferior subdivision (a), (2), (i) above and the following:

A description of the different types of premium milk sold in the area in which applicant desires to establish maximum prices for premium milk, or in which the applicant desires to increase the volume of premium milk which he sells, as the case may be. If no premium milk is being sold in the area involved, the applicant shall so state.

The maximum prices of such premium milk established by this subdivision of Supplementary Regulation No. 14, for other sellers in the particular area.

A description of the premium milk or milks concerning which the application is made.

A clear statement of the reasons applicant desires to sell premium milk or increase the volume of the sale of his premium milk, as the case may be.

A clear showing, substantiated by affirmative evidence, that a denial of the application would result in an undue hardship to the applicant, and a shortage or threatened shortage of a type of milk necessary to the health of the people of the area or to a standard of living consistent with the war effort.

(bb) If the applicant was not selling premium milk during December 1942, the application shall show the total quantity of fluid milk, expressed in quarts, sold by him in December 1942, together with the quantity of premium milk which the applicant desires to sell, and the premium, expressed in cents per quart, which he desires to add to the maximum price established by inferior subdivisions (a) (1) of this subdivision of Supplementary Regulation No. 14.

If the applicant was not selling any fluid milk during December 1942, then he shall show the total quantity of approved fluid milk, expressed in quarts, sold by him during the last calendar month preceding his application.

(3) *Certain sales in territory adjoining Class 1 and Class 2 areas.* Whenever "approved fluid milk" is sold and delivery is made within a radius of ten miles of any Class 1 area or within 5 miles of any Class 2 area, either in Zone I or Zone II, the maximum price for such sale shall be the maximum price established for that particular Class 1 or Class 2 area: *Provided*, That, such milk shall have been inspected by the appropriate authorities of such Class 1 or Class 2 area and shall have met all of the requirements of the particular area, both as to butterfat content and sanitary and health conditions. If a portion of a city or town lies within such ten or five mile radius, such city or town shall be treated as though the entire city or town lay within the ten or five mile radius. The provisions of this paragraph shall not apply to the area of the City of St. Louis, Missouri, or to the area of the County of St. Louis, Missouri.

(4) *Maximum Prices for Sales in West Memphis, Arkansas.* The maximum prices for the sale of approved fluid milk in the City of West Memphis, Arkansas, shall be the maximum prices established by any regulation or order of the Office of Price Administration for any comparable seller of approved fluid milk in the City of Memphis, Tennessee.³

(5) *Maximum prices for sales in New Orleans, Westwego and Gretna, Louisiana.* (i) The Maximum prices for the sale of approved fluid milk in the cities of New Orleans Westwego and Gretna, Louisiana, shall be as follows:

| Size of container | Out-of-store | Home delivery | All other sales including wholesale and retail (except Army and Navy) |
|-------------------------|------------------|------------------|-----------------------------------------------------------------------|
| | | | Cents |
| | Cents per gallon | Cents per gallon | |
| More than 1 gallon..... | 46 | 46 | |
| 1 gallon..... | 52 | 56 | 48 |
| 3/4 gallon..... | 27 | 29 | 25 |
| 1 quart..... | 14 | 15 | 12 1/2 |
| 1 pint..... | 7 | 7 1/2 | 6 1/4 |
| 3/8 quart..... | | | 4 1/2 |
| 1/2 pint..... | | | 3 1/2 |

³ *Sales in Memphis, Tenn.* Maximum Prices for sales in the city of Memphis, Tenn., are not specifically provided for in this subdivision of Supplementary Regulation No. 14.

(ii) The maximum prices for sales to stores, hotels, restaurants, institutions, (except Army or Navy sales) in containers larger than one gallon shall be: 46¢ per gallon.

(6) *Sales to Army and Navy.* Unless the seller has entered into a contract prior to January 18, 1943,⁴ and commenced deliveries under such contract prior to that date, the maximum price for sales or deliveries to the Army or Navy in the Dallas Regional area shall be:

(i) *Where the plant of the seller is located within the Dallas Regional area:* The maximum price shall be the maximum price established by inferior subdivisions (a) (1) (i) (bb) or (a) (1) (ii) (aa) of this subdivision of Supplementary Regulation No. 14, for the area wherein such plant is situated, for the particular size container, plus a premium of 1/2¢ per quart, or a proportionate amount for a part of a quart; or, at the election of such seller, in lieu of the premium of 1/2¢ per quart the seller may add the actual transportation costs from such plant to destination not to exceed lowest common carrier rates: *Provided*, That, in the event the seller elects to add the transportation costs in lieu of the 1/2¢ premium he shall, within 10 days after entering into any contract with the Army or Navy or the making of the first delivery to a camp, post, or other Army or Navy destination, where no contract is entered into, file with the Regional Office of the Office of Price Administration, Dallas, Texas, a statement showing the transportation charges which he proposes to add, together with the method of computing them, the location of his plant, and the destination of such milk.

(ii) *Where the plant of the seller is located outside of the Dallas Regional area.* The maximum price shall be the maximum wholesale price for sales to stores, hotels, restaurants and institutions established for the particular seller by any applicable regulation or order issued by the Office of Price Administration, plus 1/2¢ per quart; or, at the election of such seller, such wholesale price so established plus the actual transportation costs from the seller's plant to destination not to exceed the lowest common carrier rates: *Provided*, That, in the event the seller elects to use such wholesale price plus transportation costs, he shall, within 10 days after entering into any Army or Navy contract or making the first delivery to a particular camp, post or other Army or Navy destination, where no contract is entered into, file with the Regional Office of the Office of Price Administration, Dallas, Texas, a statement showing such wholesale price, and the transportation charges which he proposes to add to such price, together with the method of computing them, the location of his plant, and the destination of such milk.

⁴ *Sales and deliveries to Army or Navy under contract entered into prior to January 18, 1943.* Maximum prices for deliveries under such contracts are not affected by this subdivision.

(iii) The 1/2¢ per quart premium provided for Army or Navy sales shall apply to any type of container in which the "approved fluid milk" is delivered.

(iv) The Regional Office of the Office of Price Administration, Dallas, Texas, may correct any prices so determined.

(7) *Fractional cents.* On sales of one unit, wherein the price specified in this subdivision of Supplementary Regulation No. 14, contains a fractional cent, the seller may adjust the price upward to the nearest cent. On sales of more than one unit, where the unit price is expressed in a fraction of a cent, the exact price established by this subdivision of Supplementary Regulation No. 14, shall be multiplied by the number of units. If such computations result in a fractional cent, the total shall be adjusted up or down to the nearest cent; and in such adjustment, a half-cent may be adjusted upward to the nearest cent.

(b) *Definitions.* As used in this subdivision of Supplementary Regulation No. 14:

(i) Zone I shall include all of the area within the geographical limits of the following counties, cities, parishes and townships, except the cities of New Orleans, Westwego, and Gretna, Louisiana, within the geographical limits of the states of Louisiana, Missouri, and Texas:

The City of St. Louis, Missouri, and the following counties in the State of Missouri:

| | |
|------------|-------------------|
| Audrain. | Marion. |
| Boone. | Monroe. |
| Callaway. | Montgomery. |
| Cole. | Osage. |
| Crawford. | Phelps. |
| Dent. | Pike. |
| Franklin. | Ralls. |
| Gasconade. | Randolph. |
| Howard. | St. Charles. |
| Howell. | St. Louis County. |
| Jefferson. | Texas. |
| Lewis. | Warren. |
| Lincoln. | Washington. |
| Maries. | |

The following townships located in the county of Cooper, Missouri:

| | |
|-------------|---------------|
| Booneville. | Pilot Grove. |
| Clark Fork. | Prairie Home. |
| Palestine. | Saline. |

The following parishes in the State of Louisiana:

| | |
|-------------------|-----------------------|
| Acadia. | Plaquemine. |
| Ascension. | St. Bernard. |
| Assumption. | St. Charles. |
| Calcasieu. | St. Helena. |
| Cameron. | St. James. |
| East Baton Rouge. | St. John the Baptist. |
| East Feliciana. | St. Martin. |
| Iberia. | Part of St. Martin. |
| Iberville. | St. Mary. |
| Jefferson. | St. Tammany. |
| Jefferson Davis. | Tangipahoa. |
| Lafayette. | Terrebonne. |
| Lafourche. | Vermillion. |
| Livingston. | Washington. |
| Orleans. | West Baton Rouge. |

The following counties in the State of Texas:

| | |
|-----------|-------------|
| Aransas. | Chambers. |
| Austin. | Colorado. |
| Bee. | Crockett. |
| Brazoria. | Culbertson. |
| Brewster. | Dr Witt. |
| Brooks. | Dimmitt. |
| Calhoun. | Duval. |
| Cameron. | Edwards. |

| | |
|-------------|---------------|
| El Paso. | Maverick. |
| Fayette. | Montgomery. |
| Fort Bend. | Newton. |
| Galveston. | Nueces. |
| Goliad. | Orange. |
| Hardin. | Pecos. |
| Harris. | Presidio. |
| Hidalgo. | Real. |
| Hudspeth. | Reeves. |
| Jackson. | Refugio. |
| Jasper. | San Patricio. |
| Jeff Davis. | Starr. |
| Jefferson. | Terrell. |
| Jim Hogg. | Tyler. |
| Jim Wells. | Uvalde. |
| Karnes. | Val Verde. |
| Kenedy. | Victoria. |
| Kinney. | Waller. |
| Kleburg. | Ward. |
| Lavaca. | Washington. |
| LaSalle. | Webb. |
| Liberty. | Wharton. |
| Live Oak. | Willacy. |
| Loving. | Winkler. |
| McMullen. | Zapata. |
| Matagorda. | Zavala. |

(aa) *Class 1, Zone 1,* shall include the county of St. Louis, Missouri, and the following cities and towns located in Zone 1:

| | |
|------------------------|------------------|
| The City of St. Louis, | The City of Lake |
| Mo. | Charles, Ia. |

The following cities and towns in the State of Texas:

| | |
|---------------------|---------------|
| Beaumont. | Laredo. |
| Brownsville. | McAllen. |
| Corpus Christi. | Mercedes. |
| Donna. | Mission. |
| Edinburg. | Orange. |
| El Paso. | Pharr. |
| Galveston. | Port Arthur. |
| Harlingen. | Raymondville. |
| Houston (including | San Benito. |
| West University | Victoria. |
| Heights, and tri- | Weslaco. |
| city area of Pelly, | |
| Goose Creek, Bay- | |
| town). | |

(bb) *Class 2, Zone 1,* shall include the following cities and towns located in Zone 1:

The following cities and towns in the State of Louisiana:

| | |
|--------------------|--------------|
| Abbeville. | Jackson. |
| Baton Rouge and | Jennings. |
| No. Baton Rouge. | Lafayette. |
| Bogalusa. | Morgan City. |
| Covington. | New Iberia. |
| Crowley. | Plaquemine. |
| Franklin. | Ponchatoula. |
| (St. Mary Parish). | Rayne. |
| Hammond. | Thibodaux. |
| Houma. | |

The following cities and towns in the State of Missouri:

| | |
|-----------------|--------------|
| Booneville. | Louisiana. |
| Columbia. | Mexico. |
| DeSoto. | Moberly. |
| Festus. | Rolla. |
| Fulton. | St. Charles. |
| Hannibal. | Washington. |
| Jefferson City. | West Plains. |

The following cities and towns in the State of Texas:

| | |
|---------------|---------------|
| Alice. | Ft. Stockton. |
| Alpine. | Kingsville. |
| Aransas Pass | Marfa. |
| Bay City. | Monahans. |
| Beeville. | Pecos. |
| Brenham. | Refugio. |
| Conroe. | Robstown. |
| Cuero. | Texas City. |
| Crystal City. | Uvalde. |
| Del Rio. | Wharton. |
| Eagle Pass. | Yoakum. |

(cc) *Class 3, Zone I,* shall include all of the area within the geographical limits of Zone I except the areas specifically mentioned in Class 1 and Class 2 of Zone 1.

(ii) *Zone II* shall include all of the area within the geographical limits of the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, except the portions of such area designated above as being in Zone I and except the City of West Memphis, Arkansas, and the cities of New Orleans, Westwego, and Gretna, Louisiana. For the maximum prices of approved fluid milk in these cities see inferior subdivision (a) (4) and (5) above.

(aa) *Class 1, Zone II,* shall include the following cities and towns in Zone II:

The following cities and towns in the State of Arkansas:

| | |
|-------------|--------------------|
| El Dorado. | Little Rock and |
| Port Smith. | North Little Rock. |
| Van Buren. | Texarkana. |

The following cities and towns in the State of Kansas:

| | |
|---------------------|-------------------|
| Hutchinson. | Salina. |
| Kansas City. | Topeka. |
| Leavenworth and Ft. | Wichita and East- |
| Leavenworth. | boro. |

The following cities and towns in the State of Louisiana:

| | |
|-----------------|-------------|
| Alexandria. | Pineville. |
| Bossier City. | Shreveport. |
| Monroe and West | |
| Monroe. | |

The following cities and towns in the State of Missouri:

| | |
|--------------------|--------------|
| Cape Girardeau. | Kansas City. |
| Excelsior Springs. | Springfield. |
| Independence. | St. Joseph. |

The following cities and towns in the State of Oklahoma:

| | |
|-----------|-------------------|
| Enid. | Oklahoma City and |
| Lawton. | Nichol's Hills. |
| Muskogee. | Tulsa and Sand |
| | Springs. |

The following cities and towns in the State of Texas:

| | |
|--------------------|-----------------|
| Abilene. | Lubbock. |
| Amarillo. | Midland. |
| Austin. | San Angelo. |
| Big Spring. | San Antonio and |
| Brownwood. | Alamo Heights. |
| Dallas - Ft. Worth | Sweetwater. |
| (including Univer- | Texarkana. |
| sity and Highland | Tyler. |
| Park, Grand | Waco. |
| Prairie and Ar- | Wichita Falls. |
| lington). | |

(bb) *Class 2, Zone II,* shall include the following cities and towns in Zone II:

The following cities and towns in the State of Arkansas:

| | |
|----------------------|---------------|
| Arkadelphia. | Hot Springs. |
| Batesville. | Jonesboro. |
| Blytheville. | Magnolia. |
| Camden. | Malvern. |
| Conway. | Marianna. |
| Crossett and West | Morrilton. |
| Crossett. | Newport. |
| Fayetteville. | Paragould. |
| Forest City. | Pine Bluff. |
| Harrison. | Russellville. |
| Helen and W. Helena. | Stuttgart. |
| Hope. | |

The following cities and towns in the State of Kansas:

| | |
|----------------|-----------------|
| Abilene. | Baxter Springs. |
| Arkansas City. | Chanute. |
| Atchison. | Clay Center. |

Coffeyville.
Concordia.
Dodge City.
El Dorado.
Emporia.
Fort Scott.
Galena.
Garden City.
Great Bend.
Hays.
Independence.
Iola.
Junction City.
Lawrence.

Liberal.
Lyons.
Manhattan.
Marysville.
McPherson.
Newton.
Ossawatimie.
Ottawa.
Parsons.
Pittsburg.
Pratt.
Russell.
Wellington.
Winfield.

The following cities and towns in the State of Louisiana:

Bastrop.
Eunice.
Mansfield.
Minden.
Natchitoches.

Opelousas.
Ruston.
Tallulah.
Winnfield.

The following cities and towns in the State of Missouri:

Aurora.
Brookfield.
Carrollton.
Carthage.
Caruthersville.
Charleston (Mississippi County).
Chillicothe.
Clinton.
Flat River.
Joplin.
Kennett.
Kirskville.
Lebanon.

Lexington.
Macon.
Marshall.
Maryville.
Monett.
Neosho.
Nevada.
Poplar Bluff.
Richmond.
Sedalia.
Sikeston.
Trenton.
Warrensburg.
Webb City.

The following cities and towns in the State of Oklahoma:

Ada.
Altus.
Alva.
Anadarko.
Ardmore.
Bartlesville.
Blackwell.
Bristow.
Chickasha.
Claremore.
Clinton.
Cushing.
Drumright.
Duncan.
Durant.
Edmond.
Elk City.
El Reno.
Frederick.
Guthrie.
Henryetta.
Hobart.

Holdenville.
Hugo.
McAlester.
Mangum.
Miami.
Norman.
Okmulgee.
Pauls Valley.
Pawhuska.
Perry.
Pitcher.
Ponca City.
Poteau.
Sapulpa.
Seminole.
Shawnee.
Stillwater.
Sulphur.
Vinita.
Wewoka.
Woodward.

The following cities and towns in the State of Texas:

Athens.
Ballinger.
Bonham.
Borger.
Brady.
Breckenridge.
Brownfield.
Bryan.
Cameron.
Childress.
Cisco.
Clarksville.
Cleburne.
Coleman.
Colorado City.
Commerce.
Corsicana.
Crockett.
Dalhart.
Denison.
Denton.
Ennis.
Electra.
Gainesville.
Gladewater.

Gonzales.
Graham.
Greenville.
Henderson.
Hillsboro.
Huntsville.
Jacksonville.
Kerrville.
Kilgore.
Lamesa.
Lockhart.
Longview.
Lufkin.
Luling.
Marlin.
Marshall.
McKinney.
Mexia.
Mineral Wells.
Mount Pleasant.
Nacogdoches.
Navasota.
New Braunfels.
Odessa.
Palestine.

Pampa.
Paris.
Plainview.
Ranger.
Rusk.
San Marcos.
Seguin.
Sherman.
Stamford.

Stephenville.
Sulphur Springs.
Taylor.
Temple.
Terrell.
Vernon.
Waxahachie.
Weatherford.

(cc) *Class 3, Zone II*, shall include all of the area within the geographical boundaries of *Zone II* except the areas specifically mentioned as being in *Class 1* or *Class 2* or *Zone II*.

(iii) "Approved fluid milk" means fluid cow's milk, whether raw or pasteurized, meeting the minimum butter-fat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the Army or Navy purchasing officer making purchases for the Armed Forces of the United States.

(iv) "Premium milk" means certified milk, homogenized milk, milk which has been fortified with vitamins, and any other approved milk for which a premium in excess of the selling price for other approved milk was customarily charged by sellers in any local market area during December 1942.

(v) "Sales to the Army or Navy" shall include deliveries in the Dallas Regional area to the Armed Forces of the United States, including deliveries to Post Exchanges, Officers' Messes and Ship stores.

(vi) "Dallas Regional Area" means the territory lying within the geographical boundaries of the following states: Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

(vii) "City," "Town," "County," "Parish" and "Township" means all of and only the territory lying within the geographical boundaries of a named city, town, county, parish or township, as the case may be. "City, town" shall include incorporated and unincorporated cities, towns and villages.

(viii) "Area", unless the context manifestly otherwise requires, means the territory lying within the geographical boundaries of any *Class 1*, *2* or *3* city, town, or other locality, either *Zone I* or *II*.

(c) *Exemptions*. The maximum prices set by this subdivision do not apply to buttermilk and chocolate or other flavored milk. The listed maximum prices are applicable only to fluid sweet milk.

(d) *Adjustment of maximum prices*. The Regional Office of Region V of the Office of Price Administration, Dallas, Texas, may upon application of any seller or on its own motion, adjust any maximum price established under this subdivision of Supplementary Regulation No. 14 where it appears:

(i) That a shortage in the supply of approved fluid milk in a particular locality exists or threatens to exist;

(ii) That such a local shortage will be substantially reduced or eliminated by adjusting the maximum price of such seller and of like sellers; and

(iii) That such adjustment will not create or tend to create a shortage or a need for increase in prices in another locality, and will effectuate the purposes

of the Emergency Price Control Act of 1942, as amended.

Such applications shall be filed in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) *Effective dates*. * * *

(90) Amendment No. 89 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective on January 18, 1943.

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

Issued this 16th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-858; Filed, January 16, 1943; 5:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 96 to Supp. Reg. 14¹ to GMPR²]

MODIFICATION OF MAXIMUM PRICES FOR CERTAIN COMMODITIES, SERVICES AND TRANSACTIONS

A statement of the considerations involved in the issuance of Amendment No. 96 to Supplementary Regulation No. 14 has been issued and filed with the Division of the Federal Register.*

Subparagraph (7) of paragraph (a) of § 1499.73 is amended to read as shown below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(7) *Packer's maximum prices for food commodities packed in new container types and sizes—(i) Explanation.* The purpose of the new method of pricing provided by this subparagraph (7) is to permit the packer who is now packing food commodities in containers of new types and sizes (that is, types and sizes which he did not deliver or offer for delivery during March 1942) to establish maximum prices for those items. The method permits him to account for differences in container costs, and for differences in transportation costs caused by the difference in containers,

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

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 44339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

² 7 F.R. 5436, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 8237, 7946, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8831, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10583, 10705, 10865, 11005; 8 F.R. 276, 489, 535, 494.

without permitting him to increase the price per unit of the commodity packed in the new container. The new method, however, applies only where a previous maximum price of the commodity has been set for a container size not more than 50% larger or smaller than the new size, and only in cases where both containers are of the nonreturnable, single-use type. Packers must refigure every maximum price set under the General Maximum Price Regulation for a food commodity packed in a new container type or size to which the rules of this subparagraph (7) are applicable. However, packers who before January 25, 1943, had figured the maximum price for a food commodity under §§ 1499.2 (b) or 1499.3 (b) of the General Maximum Price Regulation, or under the rules formerly provided in this subparagraph, may, if they wish, keep that price or instead figure a new maximum price using the new pricing method where it is applicable.

(ii) *Pricing method.* To figure the maximum price to any class of purchasers for the food commodity in the new container type or size, the packer shall:

(a) *Determine the base container.* The packer shall first determine the most similar container type in which he has already established a maximum price for the commodity to that class of purchasers without using the earlier provisions of this subparagraph (7) (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger or, if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container". If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the packer is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(b) *Find the base price.* The packer shall take as the "base price" the maximum price which he may charge that class of purchasers for the commodity in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's factory, the packer shall first convert it to a base price f. o. b. packer's factory simply by deducting whatever transportation charges were included in it.

(c) *Deduct the container cost.* Taking his base price f. o. b. factory, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(d) *Adjust for any difference in contents.* The figure gotten by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(e) *Add the new container cost to get the price f. o. b. factory.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the packer's maximum price to that class of purchasers, f. o. b. factory.

(f) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the commodity in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. However, if for any reason the commodity in the new container will move under a different freight tariff classification, he shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the packer's maximum delivered price to that class of purchasers.

(iii) *Units of sale and fractions of a cent.* The packer shall figure each maximum price, and the costs that enter into it, in terms of the same general units (like pounds, dozens, etc.) in which he has customarily quoted prices for the commodity in the base container. If any maximum price includes a fraction of a cent, the packer shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the commodity in the base container.

(iv) *Examples showing how the pricing method is to be applied.*

CASE 1. The maximum price f. o. b. factory if the base container is the same in size as the new container but different in type. Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

| | |
|--------------------------------------------------------------------------|----------|
| Maximum price per doz. f. o. b. factory in base container ("base price") | \$0.55 |
| Subtract "direct cost" of base container | -.20 |
| | .35 |
| Add "direct cost" of new container | +.34 |
| New maximum price (f. o. b. factory) | .69 doz. |

CASE 2. The maximum price f. o. b. factory if the base container is different in size from the new container and either the same or different in type. Assume the base container is a 10½ oz. tin and the new container is an 8 oz. tin or glass (spaghetti sauce).

| | |
|---------------------------------------------------------------------------------------|--------------|
| Maximum price per doz. f. o. b. factory in base container ("base price") | \$1.20 |
| Subtract "direct cost" of base container | -.15 |
| | 1.05 |
| Adjust to new container: Divide by number of ounces of commodity in base container | \$1.05 ÷ 10½ |
| | .10 |
| Multiply by number of ounces of commodity in new container | × 8 |
| | .80 |
| Add "direct cost" of new container (glass) | .26 |
| New maximum price (f. o. b. factory) | 1.06 doz. |

CASE 3. Maximum delivered price if the base container is the same in size as the new container but different in type. Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

| | |
|---------------------------------------------------------------------------------------------|------------|
| Maximum delivered price per dozen in base container (figured c. l.) | \$.60 |
| Subtract transportation charges | -.05 |
| Price f. o. b. factory ("base price") | .55 |
| Subtract "direct cost" of container | -.20 |
| | .35 |
| Add "direct cost" of new container | +.34 |
| Add new transportation charges: \$.05 (old transp. chges.) × 40 lb (new shpg wt/case) | = .058 |
| 34 lb (old shpg wt/case) | .058 |
| New maximum delivered price | \$.75 doz. |

CASE 4. Same, except that the new container type puts the commodity in a different freight tariff classification. Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass (pork and beans).

| | |
|------------------------------------------------------------------------|------------------------------------------|
| Maximum delivered price per dozen in base container (figured l. c. l.) | \$.60 |
| Subtract transportation charges | -.05 |
| Price f. o. b. factory ("base price") | .55 |
| Subtract "direct cost" of container | -.20 |
| | .35 |
| Add "direct cost" of new container | +.34 |
| Add new transportation charges: 40 lb (new shpg. wt.) × 100 | .185¢ (rate per cwt. under new classif.) |
| | =.074 |
| New maximum delivered price | .76 doz. |

(v) *Records.* Packers shall keep records showing how they figured each maximum price under this subparagraph.

(vi) *Exceptions.* This subparagraph (7) shall not apply to coffee and coffee compounds (see subparagraph (53)).

(b) *Effective dates.* * * * * *
(97) Amendment No. 96 (§ 1499.73 (a) (7)) to Supplementary Regulation No. 14 shall become effective January 25, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1219; Filed, January 23, 1943;
4:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 230 Under § 1499.3 (b) of GMPR]

BOSTON MOLASSES COMPANY

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

§ 1499.1466 *Authorization for sales of a new product consisting 66 $\frac{2}{3}$ % Hydrol and 33 $\frac{1}{3}$ % Porto Rican blackstrap molasses, made by the Boston Molasses Company.* (a) On and after January 25, 1943, the Boston Molasses Company, 131 State Street, Boston, Massachusetts, may sell and deliver its new molasses mixture composed of 66 $\frac{2}{3}$ % Hydrol and 33 $\frac{1}{3}$ % Porto Rican blackstrap molasses at a maximum price of 22.72 cents per gallon net f. o. b. Boston, Massachusetts, in containers supplied by the buyer.

(b) Each seller of this new product shall allow to all purchasers the same allowances, discounts and price differentials established by it for Porto Rican blackstrap molasses. Specifically, established differentials for tank car sales or for sales where the seller supplies the container shall be maintained.

(c) Boston Molasses Company, shall mail or otherwise supply to purchasers from it, at the time of or prior to the first delivery of the new product, composed of 66 $\frac{2}{3}$ % Hydrol and 33 $\frac{1}{3}$ % Porto Rican blackstrap molasses, to such purchaser, a written statement as follows:

The Office of Price Administration has authorized the Boston Molasses Company to make and sell a new product composed of 66 $\frac{2}{3}$ % Hydrol and 33 $\frac{1}{3}$ % Porto Rican blackstrap molasses, at a maximum price of 22.72 cents per gallon net f. o. b. Boston, Massachusetts, in containers supplied by the buyer. The Office of Price Administration has authorized dealers to fix their maximum price for this new product by adding to the net invoice cost of the new product an amount not more than the difference between the net invoice cost of Porto Rican blackstrap molasses supplied by the Applicant and the maximum price established by them pursuant to the General Maximum Price Regulation.

(d) This order No. 230 (§ 1499.1466) shall become effective January 25, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1231; Filed, January 23, 1943;
4:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 242 Under § 1499.3 (b) of GMPR]

FINER FOODS PACKING CORP.

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

§ 1499.1478 *Authorization of maximum prices for sales of "Garden City Red Beans" in 13 $\frac{1}{2}$ ounce glass bottles by the Finer Foods Packing Corp., 430 North Third Street, Terre Haute, Indiana, by wholesalers and by retailers.* (a) On and after January 23, 1943, the maximum price for sales by Finer Foods Packing Corp., 430 North Third Street, Terre Haute, Indiana, of "Garden City Red Beans" packed 24 13 $\frac{1}{2}$ -ounce glass bottles to a shipping case, shall be 94 cents per dozen, f. o. b., Terre Haute, Indiana.

(b) Sellers at wholesale shall determine their maximum prices for "Garden City Red Beans" by application of the provisions of Maximum Price Regulation No. 237, as amended.

(c) Sellers at retail shall determine their maximum prices for "Garden City Red Beans" by application of the provisions of Maximum Price Regulation No. 238, as amended.

(d) Finer Foods Packing Corp. and wholesalers shall apply to their sales of "Garden City Red Beans" the same customary discounts, allowances and price differentials applying to their sales of comparable red bean items, unless a change in these customary discounts and allowances and price differentials shall result in lower selling prices.

(e) On and after January 23, 1943, Finer Foods Packing Corp. shall supply written notification to each wholesaler before or at the time of the first delivery of "Garden City Red Beans" to such wholesaler, and for a period of three months thereafter shall include with each shipping unit of "Garden City Red Beans" a written notification to retailers. If such retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed". The written notifications for each type of purchaser shall include the following appropriate statements:

Notification From Finer Foods Packing Corp. to Wholesalers

OPA has authorized us to charge wholesalers 94 cents per dozen 13 $\frac{1}{2}$ ounce bottles of "Garden City Red Beans" subject to all customary allowances and discounts. Wholesalers are authorized to establish ceiling prices under the provisions of Maximum Price Regulation No. 237, as amended, (Adjusted and Fixed Markup Regulation for Sales of Certain Food Products at Wholesale). A copy of a notification to retailers is included in every shipping unit of these items. If the initial sale of any of these items to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retailer notification so enclosed. OPA requires that you keep this notice for examination.

Notification From Finer Foods Packing Corp. to Retailers

OPA authorizes retailers to establish ceiling prices for 13 $\frac{1}{2}$ ounce bottles of "Garden City Red Beans" under the provisions of Maximum Price Regulation No. 238, as amended, (Adjusted and Fixed Markup Regulation for Sales of Certain Food Products at Retail). OPA requires that you keep this notice for examination.

(f) This Order No. 242 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 242 (§ 1499.1478) shall become effective as of January 23, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1218; Filed, January 23, 1943;
4:11 p. m.]

Chapter XIII—Petroleum Administration
for War

PART 1515—PETROLEUM PRODUCTION
OPERATIONS

[Petroleum Administrative Order 6]

GAS WELL DRILLING PROHIBITED IN CERTAIN
PARTS OF KANSAS AND OKLAHOMA

The fulfillment of the requirements for the defense of the United States has created a shortage of materials necessary for the production of petroleum for defense, for private account, and for export; and the following order is deemed necessary in the public interest, to promote the national defense, and to provide adequate supplies of petroleum for military and other essential purposes:

§ 1515.2 *Petroleum Administrative Order No. 6—(a) Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

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

(b) *Prohibiting gas well drilling in portions of the states of Kansas and Oklahoma.* Notwithstanding the provisions of Conservation Order M-68, as amended (§ 1047.1 of Chapter IX)¹ and Supplementary Order M-68-6 (§ 1047.11 of Chapter IX),² no person may use material to drill, complete or provide additions to any well in any discovered or undiscovered natural gas field in the counties of Kearney, Finney, Grant, Haskell, Morton, Stevens or Seward in the State of Kansas or in Texas County in the State of Oklahoma, except:

(1) In accordance with any exception issued pursuant to paragraph (c) (10) of

¹ 8 F.R. 104.

² 7 F.R. 6996.

Conservation Order M-68, as amended, subsequent to September 3, 1942; or

(2) In accordance with any authorization of the Petroleum Administrator for War issued subsequent to the effective date of this order.

(c) *Applications.* Application for authorization to drill, complete or provide additions to any well in accordance with paragraph (b) (2) of this order shall be made by filing a letter in quadruplicate or a telegram with the Director of the Natural Gas and Natural Gasoline Division, Petroleum Administration for War, South Interior Building, Washington, D. C., Ref: PAO 6.

(d) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and reasons why he considers himself entitled to relief. All appeals shall be filed in quadruplicate and shall be addressed to the Director of the Natural Gas and Natural Gasoline Division, Petroleum Administration for War, South Interior Building, Washington, D. C. Ref: PAO 6.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who willfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(f) *Effective date.* This order shall take effect on the date of issuance.

(E.O. 9276, 7 F.R. 10091; 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 22d day of January 1943.

R. K. DAVIES,
Acting Petroleum
Administrator for War.

[F. R. Doc. 43-1159; Filed January 22, 1943;
4:48 p. m.]

Chapter XV—Board of War Communications

[Order 26]

PART 1721—PRIORITY FOR URGENT TELETYPEWRITER EXCHANGE (TWX) MESSAGES ESSENTIAL TO THE WAR EFFORT AND PUBLIC SAFETY

PRIORITIES, RECORDS, REPORTS, ETC.

Whereas the Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that certain teletypewriter exchange messages, hereinafter referred to as TWX messages, relating to the war effort or public safety, be given preferred handling;

Now, therefore, by virtue of the authority vested in the Board by Executive

Order No. 8964¹ of December 10, 1941, prescribing regulations governing the preference and priority of communications, and by virtue of the authority vested in the Board by Executive Order No. 9089² of March 6, 1942, prescribing regulations governing the use, control, supervision, and closing of stations and facilities for wire communications; *It is hereby ordered as follows:*

§ 1721.1 *Priorities.* On and after February 1, 1943, urgent TWX messages shall, upon request, be given priority over all other TWX messages in accordance with the provisions of and in the order set forth in paragraphs (a), (b) and (c) below:

(a) Priority 1 shall be given to messages which require immediate transmission for war purposes or to safeguard life or property and which relate to one or more of the following matters:

(1) Arrangements for moving armed forces during combat operations.

(2) Extremely urgent orders to armed forces.

(3) Immediate dangers due to the presence of the enemy.

(4) Hurricane, flood, earthquake or other disaster materially affecting the war effort or public security.

(b) Priority 2 shall be given to extremely urgent messages which require immediate transmission for the national defense and security, the successful conduct of the war, or to safeguard life or property other than those specifically described in § 1721.1 (a).

(c) Priority 3 shall be given to messages which require prompt transmission for the national defense and security, the successful conduct of the war or to safeguard life or property and which involve matters of the following type:

(1) Important governmental functions; (2) Machinery, tools, or raw materials for war plants; (3) Production of essential supplies; (4) Maintenance of essential public services; (5) Supply or movement of food; (6) Civilian defense or public health and safety.

§ 1721.2 *Relinquishment of circuit.* Any subscriber having exercised the privilege of priority 1, 2, or 3 above shall immediately relinquish the circuit on completion of transmission of the priority message or messages concerned.

§ 1721.3 *Records.* A record shall be kept by all telephone carriers of each priority TWX message, which record shall include the priority given. Such record shall be kept by the telephone carrier for two years after the date of the priority message.

§ 1721.4 *Reports.* Within thirty days after the end of each calendar month, the American Telephone and Telegraph Company shall file with the Board a report for the Bell System Companies showing:

(a) The number of TWX messages during the preceding calendar month given priority 1, 2, or 3:

¹ 6 F.R. 6367.

² 7 F.R. 1777.

(b) Periods of time required to complete the circuits for each class of priority messages.

§ 1721.5 *Violations.* The TWX facilities of any subscriber who wilfully obtains or attempts to obtain priority for a TWX message by fraudulently designating such message as a priority message or by furnishing false information to any telephone carrier for the purpose of obtaining a priority, shall be subject to closure, removal, or other appropriate governmental action.

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

BOARD OF WAR
COMMUNICATIONS.
JAMES LAWRENCE FLY,
Chairman.

Attest: January 14, 1943.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 43-1170; Filed, January 23, 1943;
10:32 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR LESSORS TO STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of January, A. D. 1943.

In the matter of annual reports from lessors to steam railway companies, and the corresponding section of the Code of Federal Regulations, the following order was entered:

It is ordered. That the order of this Commission dated January 27, 1942,¹ in the matter of annual reports from lessors to steam railway companies be, and it is hereby, vacated and set aside effective January 1, 1943, and the following order shall become effective:

§ 120.14 *Form prescribed for lessors to steam roads.* (a) All lessors to steam railway companies within the scope of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1942, and for each succeeding year until further order in accordance with Annual Report Form E (Railway Lessor Companies),² which is hereby approved and made a part of this order.

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386; sec. 7, 34 Stat. 593; 35 Stat. 649; sec. 14, 36 Stat. 556; secs.

¹ 7 F.R. 676.

² Filed as part of the original document.

434-435, 41 Stat. 493; sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)-(10))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1198; Filed, January 23, 1943;
11:34 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1744]

DISTRICT BOARD 11

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for slurry produced at Mine Index Nos. 63, 101, 108 and 112 in District No. 11.

A hearing in the above-entitled matter having been heretofore scheduled to be held on February 17, 1943, and it appearing appropriate that the said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter heretofore scheduled to be held on February 17, 1943, be and it hereby is postponed until 10 o'clock in the forenoon of March 8, 1943, at the place and before the officers heretofore designated.

Dated: January 21, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1184; Filed, January 23, 1943;
11:04 a. m.]

Bureau of Reclamation.

AMERICAN RIVER INVESTIGATIONS, CALIFORNIA

AMENDMENT TO FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 21, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: By Departmental order of September 14, 1942, certain lands described therein were withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), in connection with the American River Investigations, California.

The said withdrawal order of September 14, 1942, inadvertently described the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 10 North, Range 9 East, M. D. M., California, as the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, above township.

It is recommended, therefore, that said order be amended as of September 14, 1942, to the extent of properly describing the desired tract as the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 10

North, Range 9 East, M. D. M., California.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 28, 1942.

FRED W. JOHNSON,
Commissioner of the General
Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

JANUARY 12, 1943.

[F. R. Doc. 43-1168; Filed, January 23, 1943;
9:43 a. m.]

General Land Office.

[Circular 1522]

TOWN SITE OF ARGUS, CALIF.

SALE OF TOWN LOTS

1. *Statutory authority.* The lots in the town site of Argus, California, will be disposed of under sections 2382 to 2386, Revised Statutes. The town site plat was accepted November 21, 1942.

2. *Area and price.* The area and minimum price of the lots which will be sold are shown by the attached schedule.

3. *Public sale.* On Friday, April 16, 1943, beginning at 10 o'clock A. M., a sale at public auction to the highest bidder will be held at the town site of all the unreserved lots for which preemption proof has not been made as provided for hereinafter. The sale will be continued from day to day as long as may be necessary under the supervision of the Commissioner of the General Land Office or his representative. No lot will be sold for less than the appraised price. The lots will be offered for sale for cash and must be paid for on the date of sale.

4. *Manner of sale.* Bids may be made either in person or by agent but not by mail or at any time or place other than the time and place at which the lots are offered for sale hereunder. Any person may purchase any number of lots for which he is the highest bidder. The bidders will be required to show that they are citizens of the United States or have declared their intention to become such. If bids are made by a corporation evidence must be furnished, including a certified copy of its articles of incorporation showing that it is a corporation organized under the laws of the United States or of any state, territory or possession thereof and that it is authorized to acquire and hold real estate in the State of California. If any successful bidder fails to make the payment required on the date of sale, the lot awarded to him shall again be offered for sale.

5. *Preemption claims.* Any person who has established settlement on any lot prior to the effective date of these regulations and maintained such settlement to the date of proof, is entitled to make a preemption entry at the minimum price for such lot and one other lot on which he has made substantial and permanent improvements. A preemption claim is not necessarily forfeited by the settler transferring his interest to another subsequent to accrual of the right, but patent, if issued, will be in the name of the settler and not to the transferee.

The notice of intention to make preemption proof must be made on Form 4-348, and should give the date of settlement and the value and character of the improvements. Claimants must file their notices of intention by March 1, 1943, in order that publication may be made and proof submitted prior to the date of public sale.

On the filing by the applicant of the notice of intention to make proof, the register will issue notice for publication which the applicant must have published at his expense in the *Printer-Review*, a weekly newspaper, published at Barstow, California, in four consecutive issues, prior to the date set for the proof. Proof consisting of the affidavit of the applicant and of at least two of the advertised witnesses may be made before the register of the district land office, at Sacramento, California, or before any other officer authorized to take proofs under the homestead laws, and must show claimant's age, his citizenship and his actual residence upon one lot, and substantial improvements on a second lot where two lots are included in the application. Proof of publication must be shown by the affidavit of the publisher. The purchase price of the lot or lots must be paid to the register when the proof is made.

6. *Removal of improvements.* Owners of buildings who do not purchase the lots on which the buildings are located will be allowed six months from date of sale in which to remove their improvements.

7. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code (U. S. C., Title 18, section 113).

8. *Authority of officer in charge.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and at any time to suspend, adjourn or postpone the sale of any lot or lots. If all the lots are not sold, the sale will not be closed but will be indefinitely postponed.

FRED W. JOHNSON,
Commissioner.

Approved: January 8, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

SCHEDULE OF APPRAISEMENTS

[Valuation of lots and blocks in the town site of Argus, Calif.]

Table with 4 columns: Block, Lot, Area (square feet), Appraised valuation. Contains data for blocks 1 through 13.

SCHEDULE OF APPRAISEMENTS—Con.

Table with 4 columns: Block, Lot, Area (square feet), Appraised valuation. Contains data for blocks 14 through 24.

SCHEDULE OF APPRAISEMENTS—Con.

Table with 4 columns: Block, Lot, Area (square feet), Appraised valuation. Contains data for blocks 24 through 35.

SCHEDULE OF APPRAISEMENTS—Con.

| Block | Lot | Area (square feet) | Appraised valuation |
|-------|-----|--------------------|---------------------|
| 35 | 5 | 7,000 | \$20.00 |
| | 6 | 7,000 | 20.00 |
| | 7 | 6,071 | 15.00 |
| | 8 | 6,073 | 15.00 |
| | 9 | 6,074 | 15.00 |
| | 10 | 6,075 | 15.00 |
| | 11 | 6,077 | 15.00 |
| | 12 | 6,078 | 15.00 |
| 36 | 1 | 7,000 | 25.00 |
| | 2 | 7,000 | 22.50 |
| | 3 | 7,000 | 22.50 |
| | 4 | 7,000 | 22.50 |
| | 5 | 7,000 | 22.50 |
| | 6 | 7,000 | 25.00 |
| | 7 | 6,061 | 22.50 |
| | 8 | 6,062 | 20.00 |
| | 9 | 6,064 | 20.00 |
| | 10 | 6,065 | 20.00 |
| | 11 | 6,066 | 20.00 |
| | 12 | 6,068 | 22.50 |
| 37 | 1 | 7,000 | 40.00 |
| | 2 | 7,000 | 35.00 |
| | 3 | 7,000 | 35.00 |
| | 4 | 7,000 | 35.00 |
| | 5 | 7,000 | 35.00 |
| | 6 | 7,000 | 37.50 |
| | 7 | 7,000 | 32.50 |
| | 8 | 7,000 | 30.00 |
| | 9 | 7,000 | 30.00 |
| | 10 | 7,000 | 30.00 |
| | 11 | 7,000 | 30.00 |
| | 12 | 7,000 | 35.00 |
| 38 | 1 | 7,000 | 45.00 |
| | 2 | 7,000 | 40.00 |
| | 3 | 7,000 | 40.00 |
| | 4 | 7,000 | 40.00 |
| | 5 | 7,000 | 40.00 |
| | 6 | 7,000 | 45.00 |
| | 7 | 7,000 | 40.00 |
| | 8 | 7,000 | 37.50 |
| | 9 | 7,000 | 37.50 |
| | 10 | 7,000 | 37.50 |
| | 11 | 7,000 | 37.50 |
| | 12 | 7,000 | 40.00 |
| 39 | 1 | 7,000 | 65.00 |
| | 2 | 7,000 | 60.00 |
| | 3 | 7,000 | 55.00 |
| | 4 | 7,000 | 60.00 |
| | 5 | 7,000 | 65.00 |
| | 6 | 7,000 | 70.00 |
| | 7 | 7,000 | 55.00 |
| | 8 | 7,000 | 50.00 |
| | 9 | 7,000 | 50.00 |
| | 10 | 7,000 | 50.00 |
| | 11 | 7,000 | 50.00 |
| | 12 | 7,000 | 55.00 |
| 40 | 1 | 8,129 | 200.00 |
| | 2 | 10,228 | 180.00 |
| | 3 | 9,590 | 175.00 |
| | 4 | 9,461 | 175.00 |
| | 5 | 7,394 | 160.00 |
| | 6 | 4,156 | 150.00 |
| 41 | 1 | 11,088 | 110.00 |
| | 2 | 10,991 | 110.00 |
| | 3 | 11,162 | 120.00 |
| | 4 | 11,274 | 120.00 |
| | 5 | 10,801 | 150.00 |
| | 6 | 10,555 | 150.00 |
| | 7 | 10,678 | 150.00 |
| | 8 | 2,616 | 75.00 |
| | 9 | 8,145 | 100.00 |
| | 10 | 11,876 | 150.00 |
| | 11 | 11,970 | 150.00 |
| | 12 | 11,007 | 140.00 |
| | 13 | 16,635 | 175.00 |
| | 14 | 16,787 | 200.00 |
| 44 | 1 | 10,850 | 160.00 |
| | 2 | 11,391 | 150.00 |
| | 3 | 11,852 | 130.00 |
| | 4 | 11,899 | 110.00 |
| | 5 | 11,945 | 100.00 |
| | 6 | 11,992 | 100.00 |
| | 7 | 11,761 | 100.00 |
| | 8 | 8,969 | 110.00 |
| 45 | 1 | 3,518 | 200.00 |
| 46 | 1 | 7,000 | 70.00 |
| | 2 | 7,000 | 65.00 |
| | 3 | 7,000 | 60.00 |
| | 4 | 7,000 | 60.00 |
| | 5 | 7,000 | 55.00 |
| | 6 | 7,000 | 50.00 |
| | 7 | 6,738 | 55.00 |
| | 8 | 5,548 | 60.00 |
| | 9 | 6,743 | 55.00 |
| | 10 | 7,000 | 50.00 |
| | 11 | 7,000 | 50.00 |
| | 12 | 7,000 | 50.00 |
| | 13 | 7,000 | 55.00 |
| | 14 | 7,000 | 55.00 |
| | 15 | 7,000 | 55.00 |
| | 16 | 7,000 | 60.00 |
| 47 | 1 | 7,000 | 50.00 |
| | 2 | 7,000 | 45.00 |
| | 3 | 7,000 | 45.00 |
| | 4 | 7,000 | 45.00 |

SCHEDULE OF APPRAISEMENTS—Con.

| Block | Lot | Area (square feet) | Appraised valuation |
|-------|-----|--------------------|---------------------|
| 47 | 5 | 7,000 | \$40.00 |
| | 6 | 7,000 | 40.00 |
| | 7 | 7,000 | 40.00 |
| | 8 | 6,694 | 45.00 |
| | 9 | 6,658 | 40.00 |
| | 10 | 7,000 | 35.00 |
| | 11 | 7,000 | 35.00 |
| | 12 | 7,000 | 35.00 |
| | 13 | 7,000 | 40.00 |
| | 14 | 7,000 | 40.00 |
| | 15 | 7,000 | 40.00 |
| | 16 | 7,000 | 45.00 |
| 48 | 1 | 7,000 | 40.00 |
| | 2 | 7,000 | 35.00 |
| | 3 | 7,000 | 35.00 |
| | 4 | 7,000 | 35.00 |
| | 5 | 7,000 | 35.00 |
| | 6 | 7,000 | 35.00 |
| | 7 | 7,000 | 35.00 |
| | 8 | 6,609 | 37.50 |
| | 9 | 6,574 | 32.50 |
| | 10 | 7,000 | 30.00 |
| | 11 | 7,000 | 30.00 |
| | 12 | 7,000 | 30.00 |
| | 13 | 7,000 | 30.00 |
| | 14 | 7,000 | 30.00 |
| | 15 | 7,000 | 30.00 |
| | 16 | 7,000 | 35.00 |
| 49 | 1 | 7,000 | 25.00 |
| | 2 | 7,000 | 22.50 |
| | 3 | 7,000 | 22.50 |
| | 4 | 7,000 | 22.50 |
| | 5 | 7,000 | 22.50 |
| | 6 | 7,000 | 22.50 |
| | 7 | 7,000 | 22.50 |
| | 8 | 6,524 | 25.00 |
| | 9 | 5,607 | 22.50 |
| | 10 | 6,048 | 20.00 |
| | 11 | 6,050 | 20.00 |
| | 12 | 6,051 | 20.00 |
| | 13 | 6,053 | 20.00 |
| | 14 | 6,054 | 20.00 |
| | 15 | 6,056 | 20.00 |
| | 16 | 6,057 | 22.50 |

[F. R. Doc. 43-1167; Filed, January 23, 1943; 9:43 a. m.]

[Circular 1523]

LANDS SUBJECT TO MINERAL LEASING LAWS

SHOWING REQUIRED IN PETITIONS FOR CLASSIFICATION

Showing required in petitions for the classification under section 7 of the Taylor Grazing Act of lands subject to the mineral leasing laws.

Paragraph 3 of Circular 1353b of June 29, 1937 (56 I.D. 467) and § 296.4 of Title 43 of the Code of Federal Regulations based thereon are hereby amended by inserting immediately before the last sentence thereof the following:

If the land or any part of it is withdrawn or classified or is valuable for deposits of coal, oil, gas, potash, phosphate, sodium, oil shale or (in Louisiana and New Mexico) sulphur, the petition for classification must show:

(a) Whether the purpose for which the title is sought is necessary and in the interest of the public;

(b) Whether the applicant lawfully could devote the land to the proposed use without obtaining title; and

(c) Whether the applicant reasonably could obtain other land, either public or privately owned, which would serve the purpose desired substantially as well as the land applied for.

(Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)

FRED W. JOHNSON, Commissioner.

I concur: January 1, 1943.

W. C. MENDENHALL, Director, Geological Survey.

Approved: January 14, 1943.

HAROLD L. ICKES, Secretary of the Interior.

[F. R. Doc. 43-1166; Filed, January 23, 1943; 9:43 a. m.]

PHOENIX, ARIZONA

ORDER OPENING PUBLIC LAND

[Five-Acre Tract Classification 24]

JANUARY 12, 1943.

On December 18, 1942, the vacant public land in the following described area, in the Phoenix, Arizona, land district, was classified and opened by the Secretary of the Interior under the five-acre act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), for leasing as home, health, and convalescent sites. The classification does not include use of any of the land as cabin, camp, recreational, or business sites.

ARIZONA No. 2

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 3 E., sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, 120 acres.

This land is located about 10 miles northeasterly from Phoenix, and is on the northeast slope of the Phoenix Mountains. It lies at an elevation of about 1500 feet above sea level. Six applications under the five-acre act have been received.

The portions of the land not covered by applications under that act are subject to application thereunder, based on the above-mentioned classification, by any qualified persons, in accordance with 43 CFR 257.1-257.25 (Circ. 1470a, August 10, 1942). Tracts will be leased in rectangular units approximately 330 by 660 feet, and each lessee will be required to erect a substantial dwelling and other improvements not less than \$1,000 in value.

The Register of the Phoenix district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON, Commissioner.

[F. R. Doc. 43-1169; Filed, January 23, 1943; 9:43 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 736]

REALLOCATIONS OF FUNDS FOR LOANS

JANUARY 9, 1943.

Inasmuch as North Douglas Electric Cooperative, Inc. has transferred all its assets and liabilities to Douglas Electric Cooperative (formerly known as West Douglas Electric Cooperative, Inc.), and Douglas Electric Cooperative has assumed the entire indebtedness to United States of America, of North Douglas

Electric Cooperative, Inc., arising out of the loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I

hereby amend the Administrative Orders designated below to change the allocation designations specified therein as follows:

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

| Project designation | Administrative order | | Amount of allocation | Amount of allocation | | New project designation |
|-------------------------|----------------------|---------------|----------------------|----------------------|--------------|-------------------------------------------------------------------------------------------------------------------------|
| | No. | Date | | Advanced | Not advanced | |
| Oregon 1028W1, Oakland. | 487 | July 17, 1940 | \$6,000 | \$203.00 | } \$5,797.00 | Oregon 17, Douglas (Oregon 1023W1, Oakland). Oregon 1017W2, Douglas. |
| Oregon 1028A1, Oakland. | 490 | July 25, 1940 | 177,000 | 177,000.00 | | |
| Oregon 1028C1, Oakland. | 545 | Dec. 6, 1940 | 125,000 | 17,299.16 | } 107,700.84 | Oregon 17, Douglas (Oregon 1028A1, Oakland). Oregon 17, Douglas (Oregon 1028C1, Oakland). Oregon 1017B1, Douglas. |
| Oregon 2028B1, Oakland. | 609 | July 23, 1941 | 380,000 | 169,578.69 | | |
| | | | | | } 210,421.31 | Oregon 17, Douglas (Oregon 2028B1, Oakland). Oregon 2017C1, Douglas. |

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-1139; Filed, January 22, 1943; 3:52 p. m.]

DEPARTMENT OF COMMERCE.

Office of the Secretary.

[Order No. 258]

TRAINING OF PILOTS, ETC.

APPOINTMENT OF EXECUTIVE DIRECTOR

JANUARY 21, 1943.

Placing R. McLean Stewart, Executive Director of Training, in charge of training of civilian pilots and technicians and mechanics, and pilots for the armed forces.

To carry out the expanded policy of training civilian pilots and technicians and mechanics so that their services can be fully utilized by the armed forces, and further to provide for the fullest utilization of the training facilities of the Civil Aeronautics Administration for the training of pilots for the armed forces, Mr. R. McLean Stewart, Executive Director of Training, is placed in charge of such training or program conducted for such training in accordance with such departmental policies as are now or may hereafter be established.

The Administrator of Civil Aeronautics is authorized and directed to furnish Mr. Stewart with the necessary assistance, personnel, facilities, supplies, equipment, and services as he may designate.

The carrying out of this order shall be subject to the Department's Order No. 243, of August 5, 1942.

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

[F. R. Doc. 43-1244; Filed, January 23, 1943; 4:48 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the Employment of Learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3329).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 25, 1943. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

Apparel Industry

Mario Ranieri, 22nd & Arch Streets, Philadelphia, Pennsylvania; Sackcoats, topcoats and overcoats; 5 percent (T); January 25, 1944.

Utica Knitting Co., Mill No. 8, 1712 Erie St., Utica, New York; Woven shorts, unions & swim trunks; 5 percent (T); January 25, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Anchor Sportswear Company, 415 Delaware Ave., West Pittston, Pennsylvania; Spring—washable sportswear; Fall—coats, hats & legging sets; 10 percent (T); January 25, 1944.

Brook Manufacturing Company, 300 Brook Street, Scranton, Pennsylvania; Pants, including Army knickers; 10 percent (T); January 25, 1944.

Central Manufacturing Company, Legion Street, Clarksville, Tennessee; Work shirts, pants and Army shirts; 50 learners (E); July 25, 1943.

Doylestown Manufacturing Company, 135 S. Main St., Doylestown, Pennsylvania; Children's dresses; 3 learners (T); January 25, 1944.

Ely & Walker Factory, Paragould, Arkansas; Dress & work shirts; 10 percent (T); January 25, 1944.

Lackawanna Pants Mfg. Co., 300 Brook Street, Scranton, Pennsylvania; Trousers; 25 learners (E); July 25, 1943.

Liotta Sportswear, 128 North White, Shenandoah, Pennsylvania; Ladies' dresses; 10 learners (T); January 25, 1944.

Lubell Brothers, Inc., 230 Marshall St., Elizabeth, New Jersey; Boys' shirts and blouses; 9 learners (T); January 25, 1944.

Penn State Coat & Apron Mfg. Co., Tulip & Palmer Streets, Philadelphia, Pennsylvania; Army trousers & duck coats; 5 learners (T); January 25, 1944.

Pittston Apparel Company, 108 South Main Street, Pittston, Pennsylvania; Ladies' brassieres; 10 learners (T); January 25, 1944.

The Powers Manufacturing Company, 1340 Sycamore Street, Waterloo, Iowa; Herringbone jackets, athletic uniforms, horse collars and targets; 10 percent (T); January 25, 1944.

Reliance Manufacturing Company, Church Street, Columbia, Mississippi; Pajamas and shirts; 75 learners (E); July 25, 1943.

Rensello Company, Inc., Lewis & Delaware Ave., Minersville, Pennsylvania; Army shirts, civilian pajamas; 10 percent (T); January 25, 1944.

Stein's Sportswear Mfg. Company, 415 Royal Bldg., Portland, Oregon; Women's sportswear; 2 learners (T); January 25, 1944.

Terry & Juden Company Ltd., 141 Carondelt St., New Orleans, Louisiana; Custom made shirts; 6 learners (T); January 25, 1944.

Trouser Corporation of America, Maple St. & Meadow Ave., Scranton, Penn.; Men's & boys' pants, Army &

khaki trousers; 20 learners (E); July 25, 1943.

Trouser Corporation of America, Maple St. & Meadow Ave., Scranton, Penn.; Trousers; 10 percent (T); January 25, 1944.

Glove Industry

Brookville Glove Company, Brookville, Pennsylvania; Work gloves; 10 learners (E); July 25, 1943.

C. D. Osborn Co., 2201 Wabansia Avenue, Chicago, Illinois; Leather dress & knit fabric gloves; 15 learners (T); January 25, 1944.

Hosiery

Acme Hosiery Dye Works, Inc., Pulaski, Virginia; Seamless & full fashioned; 5 learners (T); January 25, 1944.

Bridgeton Hosiery Mills, E. Commerce St., Bridgeton, New Jersey; Full-fashioned; 3 learners (T); January 25, 1944.

Cumberland Manufacturing Company, Cumberland Homesteads, Crossville, Tenn.; Full fashioned hosiery; 5 learners (T); December 14, 1943. (This certificate replaces the one issued on December 14, 1942, for five percent learners.)

Homestead Manufacturing Company, Inc., Bankhead Farmstead, Jasper, Alabama; Full fashioned hosiery; 5 learners (T); January 14, 1944. (This certificate replaces the one issued on January 14, 1943, for five percent learners.)

Moreland Knitting Mills, Moreland, Georgia; Seamless; 5 percent (T); January 25, 1944.

Penderlea Manufacturing Company, Inc., Penderlea Farms, Willard, North Carolina; Full fashioned hosiery; 5 learners (T); December 14, 1943. (This certificate replaces the one issued on December 14, 1942 for five percent learners.)

Red House Manufacturing Company, Inc., Red House Farmsteads, Eleanor, Virginia; Full fashioned hosiery; 5 learners (T); December 14, 1943. (This certificate replaces the one issued on December 14, 1942 for five percent learners.)

Skyline Manufacturing Company, Skyline Farms, Scottsboro, Alabama; Full-fashioned hosiery; 5 learners (T); December 14, 1943. (This certificate replaces the one issued on December 14, 1942 for five percent learners.)

Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; Seamless & full-fashioned hosiery; 5 learners (T); January 25, 1944.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; Full fashioned hosiery; 5 learners (T); January 25, 1944.

Knitted Wear Industry

Crown Knitting Mills, Inc., Mohrsville, Pennsylvania; Knitted underwear; 5 learners (T); January 25, 1944.

Fae Manufacturing Company, 103-111 N. College St., Palmyra, Pennsylvania; Knitted underwear; 5 learners (T); January 25, 1944.

Quality Knitting Co., Inc., Stowe, Pennsylvania; Cotton underwear; 5 percent (T); January 25, 1944.

South Knitting Mills, 161 Broadway, South Amboy, New Jersey; Knitted underwear; 2 learners (T); January 25, 1944.

Textile Industry

Lane Cotton Mills Company, 434 Cadiz St., New Orleans, Louisiana; Denims and cotton bagging; 3 percent (T); January 25, 1944.

Luray Textile Corporation, Hawksbill Street, Luray, Virginia; Yarns for parachute cords, fabric dress goods and hosiery; 38 learners (E); April 25, 1943.

Nalven & Son, Inc., Clifton Forge, Virginia; Ribbons, hat bands and narrow fabrics; 3 learners (T); January 25, 1944.

Poulian Cotton Mills, Poulan, Georgia; Osnaburgs, cotton; 5 learners (T); January 25, 1944.

Samarkand Rugs, Inc., Stewart Avenue, Rock Hill, South Carolina; Cotton rugs; 3 learners (T); January 25, 1944.

Sellers Manufacturing Company, Saxapahaw, North Carolina; Combed cotton yarns, mercerized yarns; 3 percent (T); January 25, 1944.

Stark Mills, North Highway, Hogansville, Georgia; Tire cord & hose yarn; 3 percent (T); January 25, 1944.

Cigar Industry

T. E. Brooks and Company, Poplar & Dewey Streets, York, Pennsylvania; Cigars 10 percent (T); Cigar machine operators to have a learning period of 320 hours at 75% of applicable minimum wage; January 24, 1944.

Signed at New York, N. Y., this 23d day of January 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-1245; Filed, January 25, 1943;
9:07 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

TENNESSEE TUFTING CO.

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 25, 1943.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employer's representations and that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Tennessee Tufting Company, 2404 Heiman Street, Nashville, Tennessee; Mattress covers and mosquito bars; 10 learners (T); as machine operator, hand sewer, presser and finishing, involving hand sewing at 25¢ first 160 hours and 32½¢ last 80 hours; July 25, 1943.

Signed at New York, N. Y., this 23d day of January 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-1246; Filed, January 25, 1943;
9:07 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 737]

ALL AMERICAN AVIATION, INC.

NOTICE OF HEARING

In the matter of the petition of All American Aviation, Inc., for an order fixing and determining fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over Route No. 49.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on February 3, 1943, 10 a. m. (eastern war time) in Conference Room 1, Department of Commerce Auditorium, 14th Street and Constitution Avenue, N. W., Washington, D. C., before Examiners Ralph L. Wiser and Vincent Gingerich.

Dated Washington, D. C., January 22, 1943.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-1205; Filed, January 23, 1943;
2:26 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4515]

KOL-TONE MANUFACTURING CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Gus H. Cohn, an individual, trading and doing business under the name, Kol-Tone Manufacturing Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, February 1, 1943, at ten o'clock in the forenoon of that day (central standard time) in Room 516, Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1176; Filed, January 23, 1943;
10:54 a. m.]

[Docket No. 4757]

STAYNER CORP. AND ERWIN, WASEY AND CO.
OF THE PACIFIC COAST

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Stayner Corporation, a corporation, and Erwin, Wasey & Company of the Pacific Coast, a corporation.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 17, 1943, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 255, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1252; Filed, January 25, 1943;
10:59 a. m.]

[Docket No. 4775]

RUB-R-LYFE COMPANY

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Frederick J. Schenck and Mary V. Schenck, trading as Rub-R-Lyfe Company.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 22, 1943, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 117, Federal Office Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1253; Filed, January 25, 1943;
10:59 a. m.]

[Docket No. 4788]

UNIVERSAL FINGERPRINT SYSTEMS, LTD.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of John M. O'Lane, B. M. O'Lane, and Edith P. Cortell, co-partners, doing business as Universal Fingerprint Systems, Ltd.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, March 12, 1943, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Court Room 276, Post Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial ex-

aminer will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1254; Filed, January 25, 1943;
10:59 a. m.]

[Docket No. 4814]

DUO-TINT BULB AND BATTERY CO., INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Duo-Tint Bulb & Battery Company, Inc., a corporation, and Carrie Riggs, and Helen Corts, individually, and Dalton W. Riggs, individually and trading as Duo-Tint Bulb & Battery Company.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 18, 1943, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 117, Federal Office Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1255; Filed, January 25, 1943;
10:59 a. m.]

[Docket No. 4816]

THOMAS E. COLLINS CO.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Thomas E. Collins, an individual, trading as Thomas E. Collins Co.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Con-

gress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 25, 1943, at ten o'clock in the forenoon of that day, (Pacific Standard Time) in Court Room 276, Post Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1256; Filed, January 25, 1943;
11:00 a. m.]

[Docket No. 4839]

INNERCLEAN MANUFACTURING CO. AND W. C.
JEFFRIES CO.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the Matter of Fred S. Hirsch and William W. Hirsch, copartners trading as Innerclean Manufacturing Co., and Wilbur C. Jeffries, an individual trading as W. C. Jeffries Company.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, February 8, 1943, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 255, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1257; Filed, January 25, 1943;
11:00 a. m.]

[Docket No. 4846]

JACK SILVERMAN AND ASSOCIATES, ETC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Jack Silverman, an individual, trading under the names Jack Silverman and Associates, General Forwarding System, and Commercial Pen Co.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 10, 1943, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Court Room 276, Post Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1258; Filed, January 25, 1943;
11:00 a. m.]

[Docket No. 4859]

J. A. FOLGER AND COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 3, 1943, at ten o'clock in the forenoon of that day (Pacific

Standard Time) in Court Room 276, Post Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1259; Filed January 25, 1943;
11:00 a. m.]

[Docket No. 4864]

NATIONAL LACQUER MANUFACTURING CO.,
ETC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Jacob Swimmer, an individual, trading as National Lacquer Manufacturing Company, and as National Titanium Company.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 11, 1943, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 255, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1260; Filed, January 25, 1943;
11:00 a. m.]

[Docket No. 4867]

COLUMBIA RESEARCH CO.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Julius Florsheim, trading as Columbia Research Company.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 19, 1943, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 255, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1261; Filed, January 25, 1943; 11:01 a. m.]

[Docket No. 4868]

LEE-SONS, ETC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January, A. D. 1943.

In the matter of Michael E. Lee, Myron E. Lee, and Kenneth L. Lee, individually and as copartners trading as Lee-Sons and as Merlek.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, February 15, 1943, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 255, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner will then proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner

will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1262; Filed, January 25, 1943; 11:01 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 73, Amendment]

100 SHARES OF THE CAPITAL STOCK OF METRO STAMP CO., LTD., AND CERTAIN INDEBTEDNESS OWING BY IT

Whereas pursuant to Vesting Order Number 73 of July 30, 1942, the undersigned intended to vest, among other things, all the right, title and interest of Vittorio LeBianco in and to that part of the outstanding capital stock of Metro Stamp Co., Ltd., beneficially owned by him (namely, 33 1/3% of the outstanding capital stock of said company) and held in a voting trust;

Whereas the amount of such stock beneficially owned by said person and held in such voting trust was stated in said vesting order to be 100 shares; and

Whereas it has developed that said Vittorio LeBianco beneficially owned only 33 1/3 shares of such stock held in such voting trust, which 33 1/3 shares represents 33 1/3% of the outstanding capital stock of said company;

Now, therefore, Vesting Order Number 73 of July 30, 1942, is hereby amended as follows and not otherwise;

By substituting the figure "33 1/3" for the figure "100" appearing in subparagraph (a) of said order.

All other provisions of such Vesting Order Number 73 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1188; Filed, January 23, 1943; 11:29 a. m.]

[Vesting Order 92, Amendment]

ALL OF THE CAPITAL STOCK OF MOGI, MOMONOI & CO., INC.

Whereas, pursuant to Vesting Order Number 92 of August 6, 1942, the undersigned intended to vest, among other things, 125 shares of \$100 par value common stock of Mogi, Momonoi & Co., Inc., owned by Shungo Kutomi, Yokohama, Japan, and 66 shares of such stock of said company owned by Kokei Inhikawa of Nogoya, Japan; and

¹7 F.R. 7047.
²7 F.R. 7053.

Whereas in describing such persons in said Vesting Order Number 92, the names were inadvertently designated as "S. Kuchi" and "H. Ichikawa";

Now, therefore, Vesting Order Number 92, of August 6, 1942, is hereby amended as follows and not otherwise:

By changing the names "S. Kuchi" and "H. Ichikawa" appearing therein to "Shungo Kutomi" and "Kokei Ichikawa", respectively.

All other provisions of such Vesting Order Number 92 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1189; Filed, January 23, 1943; 11:30 a. m.]

[Vesting Order 345]

ASSETS OF BANK OF JAPAN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Bank of Japan, Tokyo, Japan, including but not limited to all property of its American branch located at New York, New York, which is a business enterprise within the United States,

is property of said business enterprise which is a national of a designated enemy country (Japan), and determining to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1171; Filed, January 23, 1943;
10:45 a. m.]

[Vesting Order 512]

DOMESTIC FUEL CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

375 shares (which constitute a substantial part, namely, 75%, of all outstanding shares) of \$100 par value common stock of Domestic Fuel Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, of which:

(1) 175 shares are owned by Franz Haniel & Cie., G. m. b. H., whose last known address was represented to the undersigned as being Duisburg-Ruhrort, Germany;

(2) 75 shares are owned by "Riberena del Plata" Sudamericana de Comercio, S. A., Buenos Aires, Argentina, which is presently on The Proclaimed List of Certain Blocked Nationals promulgated pursuant to Proclamation 2497 of the President of the United States of America of July 17, 1941, and is owned or controlled by Deutsches Kohlen Depot G. m. b. H., whose last known address was represented to the undersigned as being Hamburg, Germany; and

(3) 125 shares are owned by N. V. Handels-en-Transport Maatschappij "Vulcaan", Rotterdam, Holland, which is owned or controlled by members of the Thyssen family, nationals of Germany;

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Germany),

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said N. V. Handels-en-Transport Maatschappij "Vulcaan", and said Franz, Haniel & Cie., and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them and each of them by said Domestic Fuel Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and is also property within the United States owned or controlled by nationals of a designated enemy country (Germany);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests the property described in subparagraphs (a) and (b) in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1172; Filed, January 23, 1943;
10:45 a. m.]

[Vesting Order 513]

PAINTINGS OWNED BY, AND INDEBTEDNESS OWING TO, ROMUALDO LOCATELLI

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Romualdo Locatelli, a citizen of Italy, is a national of a designated enemy country (Italy);

2. Finding that said Romualdo Locatelli, whose last known address was represented to the undersigned as being in enemy-occupied territory (Philippine Islands), is controlled by a designated enemy country (Japan), or a person within such country, and therefore is a national of a designated enemy country (Japan);

3. Finding that certain paintings owned by said Romualdo Locatelli and in the possession of Douthitt Galleries, Inc., New York, New York, are property within the United States owned or controlled by a national of designated enemy countries (Italy and Japan), which paintings are particularly described in Exhibit A attached hereto and made a part hereof;

4. Finding that all right, title, interest and claim of any name or nature whatsoever of said Romualdo Locatelli in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by said Douthitt Galleries, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly certain funds held by said Douthitt Galleries, Inc., representing the proceeds of the sale of certain other paintings owned by said Romualdo Locatelli and sold by Douthitt Galleries, Inc., as his agent, is property within the United States owned or controlled by a national of the aforesaid designated enemy countries (Italy and Japan);

5. Determining that the property described in subparagraph 4 hereof is necessary for the maintenance or safeguarding of other property (namely that hereinbefore described in subparagraph 3) belonging to the same national of the same designated enemy countries and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

6. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy countries (Italy and Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs 3 and 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such returns should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as

may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

| Name and Reference No. | Description |
|---------------------------|--------------------------------------------------------------------------------------------------------|
| The Readers, C-5284 | Two girls reading a book, one girl in blue silk and the other in green velvet. |
| Planting Rice, C-5297 | A long horizontal of natives planting rice in Java. |
| Legong Dancer, C-5295 | A large canvas showing a dancing girl performing a native dance. |
| Sisian Dancer, C-5287 | Large vertical oblong canvas showing a native dance (Sisian). |
| Barong Dancer, C-5286 | A girl with a head-dress like a large crown, decorated with many flowers. |
| The Bath, C-5298 | A small canvas showing a semi nude bathing under a natural waterfall. |
| In the Studio, C-5288 | A nude model kneeling on the floor, which is covered with draperies. |
| On the River, C-5294 | Malays navigating a river boat near Singapore. |
| Gamlin Player, C-5299 | Moderate size canvas showing an old man playing a native instrument (Gamlin). |
| Javanese Shepherd, C-5289 | A medium sized canvas showing a Javanese Shepherd caring for a little lamb. |
| Javanese Dancer, C-5290 | A large canvas of a Javanese dancing girl with a man playing a native drum like instrument. |
| Arkas Player, C-5300 | A medium sized canvas showing a young boy playing an Arkas. |
| Balinese Mask, C-5301 | A medium canvas showing a part of a Balinese dramatic performance, in which the main figure is masked. |

[F. R. Doc. 43-1173; Filed, January 23, 1943; 10:45 a. m.]

[Vesting Order 523]

TRADE-MARK OF PAUL PETERS MUHLENS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described herein is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

The trade-mark registered in the United States Patent Office on December 19, 1922, under the number 162,561 by Muhlens and Kropss Inc., New York, New York, the title to which stands of record in the name of Paul Peters Muhlens of Cologne, Germany, and the registration thereof, together with the respective good will of the business in the United States and all its possessions, to which said trade-mark is appurtenant, and any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure; customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-mark and registration thereof, including without limitation all accrued royalties payable or held with respect to said trade-mark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1174; Filed, January 23, 1943; 10:45 a. m.]

[Vesting Order 597]

NOZAKI BROS. INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Finding that Sueo Nozaki, Jiro Nozaki, Noritsune Kotake, Einoshin Naito and Tomozo Santo, whose last known addresses were represented to the undersigned as being Yokohama, Japan, are citizens of Japan and are nationals of a designated enemy country (Japan);

2. Finding that Fumio Kinoshita (alien detention camp) is a citizen of Japan and is a national of a designated enemy country (Japan);

3. Finding that the aforesaid persons are the owners of 2,413 shares of no par value common stock of Nozaki Bros. Inc., a New York Corporation, New York, New York, registered as follows:

| Names: | Number of shares |
|------------------|------------------|
| Sueo Nozaki | 2,171 |
| Jiro Nozaki | 107 |
| Noritsune Kotake | 10 |
| Einoshin Naito | 100 |
| Tomozo Santo | 5 |
| Fumio Kinoshita | 20 |
| Total | 2,413 |

4. Finding that said corporation is a business enterprise within the United States and that said 2,413 shares of stock constitute a substantial part (namely, 99%) of all the outstanding capital stock of said business enterprise and represent control thereof;

5. Finding, therefore, that said business enterprise is a national of a designated enemy country (Japan);

6. Determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control, or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained

shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 30, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1175; Filed, January 23, 1943;
10:45 a. m.]

[Vesting Order 701]

ESTATE OF MINNIE DORING MEIRANNA

In re: Estate of Minnie Doring Meiranna, deceased—File 9-100-017-1256.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Vasques, Administratrix C. T. A., 66 Jefferson Street, Albany, New York, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Albany;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

| | |
|-----------------------|---------------------------|
| Nationals: | <i>Last known address</i> |
| Marie Berens | Germany. |
| Margethe Doring | Germany. |

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Berens and Margethe Doring, and each of them, in and to the estate of Minnie Doring Meiranna, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1190; Filed, January 23, 1943;
11:29 a. m.]

[Vesting Order 702]

ESTATE OF MARTIN SAFFER

In re: Estate of Martin Saffer, deceased—File D-28-1865, E. T. sec. 1689.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Kunigonta Wohlhofer, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Kunigonta Wohlhofer in and to the Estate of Martin Saffer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1191; Filed, January 23, 1943;
11:29 a. m.]

[Visiting Order 704]

ESTATE OF AUGUSTO STRADA

In re: Estate of Augusto Strada, also known as August Strado, deceased—File D-38-282; E. T. sec. 49.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry Strada, Administrator, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Westchester County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

| | |
|-----------------------------|-------------------------------------------------------------------|
| Nationals: | <i>Last known address</i> |
| Ernesta Strada Raponi | Via Desiderio #19, Milano, Italy. |
| Alfro Dell'Onite | Presso Vischioni Lino, Peschiera Delgarda, Verona Italy. |
| Imerio Dell'Onite | Via dell Lazzaratto Fossabrongo (Prov. Pesaro) Italy. |

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ernesta Strada Raponi, Alfro Dell'Onite and Imerio Dell'Onite, and each of them, in and to the Estate of Augusto Strada, also known as August Strado, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to

limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1192; Filed, January 23, 1943;
11:29 a. m.]

[Vesting Order 705]

ESTATE OF REGINA WOLFF

In re: Estate of Regina Wolff, deceased—File D-28-1828, E. T. sec. 1386.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

| | |
|-----------------------|---------------------------|
| Nationals: | <i>Last known address</i> |
| Mariane Kahn..... | Germany. |
| Caroline Scheuer..... | Germany. |

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mariane Kahn and Caroline Scheuer, and each of them, in and to the Estate of Regina Wolff, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property

Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1193; Filed, January 23, 1943;
11:29 a. m.]

[Vesting Order 706]

ESTATE OF EARNEST N. WOLTMANN

In re: Estate of Earnest N. Woltmann, deceased—File D-28-1839, E. T. sec. 1679.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

| | |
|----------------------------------|---------------------------|
| Nationals: | <i>Last known address</i> |
| Sophie Borchers..... | Germany. |
| Anna Catherina Schriefer..... | Germany. |
| Heinrich Schriefer..... | Germany. |
| Berta Johanne Woltmann..... | Germany. |
| Ernst Hinrich Woltmann..... | Germany. |
| Mrs. Ernst Hinrich Woltmann..... | Germany. |
| Maria Margaretha Fehrs..... | Germany. |
| Peter Fehrs..... | Germany. |
| Rebecka Wilhelmine Wieboldt..... | Germany. |
| George Wieboldt..... | Germany. |

And determining that—

If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Sophie Borchers, Anna Catherina Schriefer, Heinrich Schriefer, Berta Johanne Woltmann, Ernst Hinrich Woltmann, Mrs. Ernst Hinrich Wolt-

mann, Maria Margaretha Fehrs, Peter Fehrs, Rebecka Wilhelmine Wieboldt and George Wieboldt, and each of them, in and to the Estate of Earnest N. Woltmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1194; Filed, January 23, 1943;
11:30 a. m.]

[Vesting Order 707]

MILLWOOD SAND CO., ET AL.

In re: Interpleader Proceedings: Millwood Sand Company, Plaintiff v. Dorothy Miller et al. Defendants, No. 17154 filed in the Court of Common Pleas, Knox County, Ohio—File D-38-269; E. T. sec. 7.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests described in subparagraph (a) are property which is in process of administration by the Millwood Sand Company, Plaintiff, acting under the judicial supervision of the Court of Common Pleas, Knox County, Ohio, and also such property and interests are property which is in partition, libel, condemnation or other similar proceedings, by virtue of a decree of the said Court in the interpleader proceedings entitled, Millwood Sand Company, Plaintiff v. Dorothy Miller et al. Defendants, No. 17154;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

| | |
|---------------------------------------|---------------------------|
| National: | <i>Last known address</i> |
| Jessie Sanalcrappia or Sinicrope..... | Italy |

(3) The property and interests described in subparagraphs (a) and (b) are property within the United States owned or con-

trolled by the aforesaid national of a designated enemy country, Italy; and

Determining that—

(4) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of Jessie Sanacrapia or Sinicrope in and to an undivided One-twenty-first ($\frac{1}{21}$) interest in the rents and royalties issuing from real property described in a lease to the Millwood Sand Company from George Miller and Sophia Miller (both now deceased), dated November 15, 1932, and payable by the Millwood Sand Company pursuant to a decree entered in the above entitled proceedings by the said Court on July 23, 1942; and

(b) All right, title, interest, and estate, both legal and equitable of Jessie Sanacrapia or Sinicrope in and to an undivided One-twenty-first ($\frac{1}{21}$) fee simple interest in the real property leased to the Millwood Sand Company by George Miller and Sophia Miller (both now deceased) dated November 15, 1932, situated in Knox County, Ohio, and described as follows:

FIRST PARCEL: All of that part or parcel of the southeast quarter of Section 25, Township 7, Range 10, in said county and state, bounded and described as follows: Beginning at a stake on the west line of said southwest border, which stake notes $3\frac{1}{2}$ degrees east, 49 rods from the southwest corner thereof; thence, on said line north $3\frac{1}{2}$ degrees east 29 rods to a stake; thence, south $96\frac{1}{2}$ degrees, east 81.66 rods to a stake; thence, south $3\frac{1}{2}$ degrees, west 49 rods to a stake; thence, north $86\frac{1}{2}$ degrees, west 81.66 rods to the place of beginning containing 25 acres and designated as lot #9, as shown on the plat of partition in the estate of Gilman Hawn, deceased, in case #4624 on the docket of the Common Pleas Court of Knox County, Ohio.

SECOND PARCEL: Situate in Knox County, Ohio, to-wit: The North part of the west half of the southeast Quarter of Section 25, Township 7, Range 10, bounded and described as follows: Beginning at a stone at the northeast corner of said West half of the southeast Quarter of Section 25; thence, north $86\frac{1}{2}$ degrees west 81.66 rods to the northwest corner thereof; thence, on the west line of said southeast Quarter Section S. $3\frac{1}{2}$ degrees west 64.75 rods to a stake on said line; thence, south $86\frac{1}{2}$ degrees east 81.66 rods to a stake; thence, north $3\frac{1}{2}$ degrees east 64.75 rods to the place of beginning, containing 33.06 acres and designated as Lot No. 10, as shown on the plat of partition. The said premises having been heretofore conveyed to Peter Sedler and the said Peter Sedler and the said Peter Sedlar being one and the same person.

The plat above referred to being the one used in the case of Catherine Miller and Rebecca Smith vs Sarah E. Shroyer et al. in

the Court of Common Pleas of Knox County, Ohio.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1195; Filed, January 23, 1943;
11:30 a. m.]

[Vesting Order 708]

RINALDO NEGRI

In re: Cash Bail—United States vs. Rinaldo Negri—File F-38-877.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the United States District Court for the Southern District of New York as depositary acting under the judicial supervision of the United States District Court for the Southern District of New York; and such property is in partition, libel, condemnation or other similar proceedings;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National Last known address
Italo E. Varrando..... Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that

such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Italo E. Varrando in and to the cash bail deposited in the registry of the United States District Court for the Southern District of New York, for the appearance of Rinaldo Negri before the United States District Court at Trenton, New Jersey,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1196; Filed, January 23, 1943;
11:30 a. m.]

[Vesting Order 709]

LOUISE GABRIEL PREUSS

In re: Seaboard Trust Company, a corporation of the State of New Jersey, complainant, and Louise Gabriel Preuss, defendant—File No. F-28-15260—E. T. sec. 461.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk in Chancery of New Jersey as depositary acting under the judicial supervision of the Court of Chancery of New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national, of a designated enemy country, Germany, namely, Louise Gabriel Preuss whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Louise Gabriel Preuss in and to the proceeds of the sale of a mortgage participation certificate deposited with the Clerk in Chancery of the State of New Jersey, in a proceeding pending in said Court of Chancery of New Jersey, entitled Seaboard Trust Company, a corporation of the State of New Jersey, complainant, and Louise Gabriel Preuss, defendant.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1197; Filed, January 23, 1943;
11:30 a. m.]

[Vesting Order 395]

PROSPECTING EQUIPMENT CO.

Re: Assets of Gerhard Stubbe, doing business as Prospecting Equipment Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Gerhard Stubbe (alien detention camp) doing business as Prospecting Equipment Company, Houston, Texas, which is a business enterprise within the United States, including but not limited to the following:

(a) All bank deposits with the First National Bank, Houston, Texas, in the name of Prospecting Equipment Company.

(b) Instruments, parts, tools and equipment, as described in Exhibit "A" attached hereto and made a part hereof.

(c) Furniture and fixtures, as described in Exhibit "B" attached hereto and made a part hereof,

is property of a business enterprise which is a national of a designated enemy country, and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany); and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian

to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Certain instruments, parts, tools and equipment of Prospecting Equipment Company:

| No. | Description |
|-----|-----------------------------------------------------------------------|
| 6 | Old plate holders for T. B. |
| 11 | Level plates, triangular, used. |
| 5 | Adjusting pins for magnetometer. |
| 1 | Magnet, small in brass case, abt. 4 x 35 mm. |
| 1 | Magnet, small in brass case, abt. 4 x 15 mm. |
| 1 | Magnet, large 8 x 120 mm in brass case. |
| 2 | Wing belts for magnetometer tripod, used. |
| 3 | Magnets, Alnico, no case, 15 mm. |
| 3 | Magnets, Alnico, no case, 30 mm. |
| 2 | Magnets, Alnico, no case, 26 mm. |
| 1 | Magnets, Alnico, no case, 50 mm. |
| 2 | Magnets, Alnico, no case, 77 mm. |
| 2 | Magnets, Alnico, no case, 120 mm. |
| 12 | Clamps with belts for magnetometer tripod. |
| 8 | Screw drivers, tiny watchmakers, for magnet system. |
| 1 | Aluminum base plate for magnetometer, old. |
| 1 | Instrument screw driver for magnetometer. |
| 8 | Steel blades, old style, vertical, in box. |
| 1 | Special Alnico magnet, large in aluminum case. |
| 2 | Extension tubes, brass, net graduated. |
| 1 | Tripod for magnetometer, #83859 in canvas sack. |
| 1 | Magnetometer, vertical #90519 in wooden box (no magnets, no compass). |

| No. | Description |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Lathe, South Bend #40544 with 1/4 HP motor Westinghouse, #5969482 and one sander. |
| 5 | Small boxes of tools and machine shop supplies. |
| 1 | Desk lamp and one oil heater. |
| 1 | Heater, electric, new. |
| 1 | Compressor for paint spraying, 1/4 HP motor GE Vise, 4" and one vise 1 1/2". |
| 1 | Large box with tools, parts and machine shop supplies. Shop material (metal stock) brass sheets, etc. |
| 1 | Emery wheel and wire brush, electric, motor HP 1/4, #443365. |
| 1 | Alhidade Gurley #19375 in carrying box. |
| 1 | Thermometer in metal case, 30 to 20 degr. F. |
| 1 | Box with various tools for labor. |
| 1 | Box containing: 1 magnet system, vertical with two gold plated bars; 4 magnet systems, vertical with old style bars; 8 aluminum blocks for magnet system; 2 steel bars, gold plated, vertical. |
| 1 | Compass, K & E, Forrester type, in box. |
| 2 | Mirrors, small special for light on Magnetometer telescope. Various screws for magnetometer. |
| 1 | Bottle of emery. |
| 1 | Center block for new type vertical magnet system. |

EXHIBIT B

Certain furniture and fixtures of Prospect-
ing Equipment Company:

| No. | Description |
|-----|-------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Cabinet, metal 78" x 36" x 18". |
| 1 | Cabinet, metal, stationery, 6' x 36" x 18". |
| 1 | Cabinet, metal file, four drawer, letter-size. |
| 1 | Set of bookcases: one base 11 1/2" x 34", wood oak. One top 11 1/2" x 34", wood oak. 3 cases, 13 1/4" x 13 1/4" x 13 1/4". |
| 1 | Desk, typewriter, left hand drop, wood oak 26" x 36". |
| 1 | Typewriter, Remington Noiseless Model 6, 10", #X-202578. |
| 1 | Paper basket, office style. |
| 1 | Scale, office, airmail, "Triner". 4 lbs. range. |
| 1 | Cabinet file, lettersize, 4 drawers high, lock. |
| 1 | Floor lamp, flexible, office style. |
| 1 | Perforator, Leitz #280, lettersize. |

[F. R. Doc. 43-1263; Filed, January 25, 1943;
11:20 a. m.]

[Vesting Order 480]

YAMASHITA SHIPPING COMPANY

Whereas, pursuant to Vesting Order Number 136 of August 28, 1942, the undersigned intended to vest the right, title and interest of all the holders of the capital stock of Yamashita Shipping Company in and to said company; and

Whereas, at the time of execution of said vesting order the undersigned was not aware of the fact that the company had theretofore been dissolved;

Now, therefore, in order to cure any defect in said vesting order arising by virtue of the failure to take into consideration the dissolution of such company, the following order is hereby issued:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that all the capital stock of Yamashita Shipping Company, an Oregon corporation, which is a business enterprise within the United States, was, immediately prior to the issuance of the vesting order hereinafter mentioned, owned by nationals of a designated enemy country (Japan), which capital stock and nationals are more fully described in Vesting Order Number 136 of August 28, 1942;

2. Determining, therefore, that the aforesaid business enterprise is a national of a designated enemy country (Japan);

3. Finding that all property of whatsoever nature owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, such business enterprise immediately prior to its dissolution, and all the right, title and interest of the owners of the capital stock of said business enterprise in and to such property, is property of nationals, and represents ownership of said business enterprise which is a national of a designated enemy country (Japan);

4. Determining that to the extent that such nationals, or any of them, are persons not within a designated enemy country, the national interest of the United States requires that such persons and each of them be treated as nationals of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 11, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1264; Filed, January 25, 1943;
11:20 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-9, Amendment 1]

ALL AMERICAN BUS LINES, INC., AND NORTHERN TRAILS, INC.

COORDINATED OPERATION BETWEEN NEW YORK AND CHICAGO

Upon consideration of an application for amendment filed with the Office of Defense Transportation by All American Bus Lines, Inc., and Northern Trails, Inc., both of Chicago, Illinois, and good cause appearing therefor, paragraphs 3 and 5 of Special Order ODT B-9¹ are hereby amended, as follows:

3. Northern Trails, Inc., shall:

(a) Operate a through service of not to exceed one round trip daily on each of the following routes:

(1) Between New York, New York, and Chicago, Illinois, via Breezewood, Pennsylvania, except that said carrier shall suspend all operations over that route until May 15, 1943;

(2) Between Emmitsburg, Maryland, and Chicago, Illinois, via Cleveland, Ohio, except that upon that portion thereof between Emmitsburg, Maryland, and Pittsburgh, Pennsylvania, said carrier shall suspend operation until May 15, 1943;

(3) Between Emmitsburg, Maryland, and Chicago, Illinois, via Fort Wayne, Indiana, except that said carrier shall suspend all operation over that route until May 15, 1943;

(b) File forthwith with the Interstate Commerce Commission and with each appropriate state regulatory body a notice describing the operations to be suspended in compliance herewith.

5 The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, as amended, together with a copy of this order, as amended; and forthwith shall apply to said Commission, and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

This amendment shall become effective on February 6, 1943.

Issued at Washington, D. C., this 23d day of January 1943.

JOSEPH B. EASTMAN,
Director of Defense Transportation.
JANUARY 23, 1943.

[F. R. Doc. 43-1185; Filed, January 23, 1943;
11:21 a. m.]

¹ 7 F.R. 5926.

OFFICE OF PRICE ADMINISTRATION.
[Order 151 Under MPR 120]

D. C. BRANDT ET AL.

ORDER GRANTING ADJUSTMENT

Order No. 151 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-275.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals produced at the mines enumerated below, in District No. 10 may be sold and purchased for shipment by truck at prices not to exceed the following prices per net ton f. o. b. the mine:

| | Size group | Maximum price |
|------------------------------------------------------------------------------------------------------------|------------|---------------|
| D. C. Brandt, Mineral, Ill., Indian Hill Mine (Mine Index No. 516)..... | 6 | \$3.50 |
| L. F. Brandt & Son (L. F. Brandt), Mineral, Ill., Mineral Mine (Mine Index No. 517)..... | 6 | 3.50 |
| A. H. Lowry, Muscatine, Iowa, Gorham Valley Mine (Mine Index No. 1256)..... | 6 | 2.50 |
| Elmer A. Stone (Kewanee Coal Co.), Kewanee, Ill. (Mine Index No. 1361)..... | 6 | 3.50 |
| Rock Bottom Coal Co. (William T. Lamb), Kewanee, Ill., Rock Bottom Coal Co. Mine (Mine Index No. 583)..... | 6 | 3.50 |
| Never Seen Coal Co. (James O'Rourke), Matherville, Ill. (Mine Index No. 624)..... | 4 | 3.75 |
| Martin Coal Co. (Harvey L. Martin), Viola, Ill., Martin Coal Co. Mine (Mine Index No. 1574)..... | 7 | 2.94 |
| New Diamond Coal Co. (George Radomsky, Sr.), Aledo, Ill., New Diamond Mine (Mine Index No. 1370)..... | 6 | 3.50 |
| F. H. & W. F. Essley (W. F. Essley), Viola, Ill., Black Diamond Mine (Mine Index No. 1551)..... | 6 | 3.75 |
| Pease Coal Co. (Gilbert Pease), Viola, Ill. (Mine Index No. 625)..... | 3 | 4.00 |
| Pryce Coal Mine, Coal Valley, Ill., Pryce Coal Mine (Mine Index No. 642)..... | 10 | 2.50 |
| Midland Electric Corporation, 1320 Fletcher Trust Building, Indianapolis, Ind. (Mine Index No. 2)..... | 6 | 4.00 |
| Edward Stoehr & Son (Eldon M. Stoehr), Moline, Ill., Blue Eagle Coal Mine No. 2 (Mine Index No. 643)..... | 7 | 3.20 |
| Pioneer Coal Co., 310 National Bank Building, Pittsburg, Kans., Pioneer Mine (Mine Index No. 1537)..... | 10 | 2.70 |
| | 4 | 4.00 |
| | 8 | 3.90 |
| | 24 | 2.90 |
| | 3 | 3.50 |
| | 19 | 3.00 |
| | 24 | 2.90 |
| | 25 | 2.50 |

(b) Within thirty (30) days from the effective date of this order, each of the above-listed petitioners shall notify all persons purchasing its coals of the adjustments granted to it by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 151 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

No. 17—12

(e) This Order No. 151 shall become effective January 23, 1943.
Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1145; Filed January 22, 1943; 4:22 p. m.]

[Order 41 Under Rev. MPR 122]

MADDEN COAL CORPORATION

ORDER GRANTING ADJUSTMENT

Order No. 41 under Revised Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-152.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Madden Coal Corporation of Ogdensburg, New York, may sell and deliver coke and any person may buy and receive coke from said company at prices no higher than \$12.55 per ton plus 50 cents per ton if payment is not made within fifteen days from delivery;

(b) This Order No. 41 may be revoked or amended by the Price Administrator at any time;

(c) Unless the context otherwise requires, the meanings and definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein;

(d) This Order No. 41 shall become effective January 23, 1943.

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1143; Filed, January 22, 1943; 4:24 p. m.]

[Order 121 Under MPR 188]

UNITED STATES LOCK AND HARDWARE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 121 under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Approval of maximum prices for sales by United States Lock and Hardware Company of five new articles.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) United States Lock and Hardware Company, Columbia, Pennsylvania, is authorized to sell and deliver the following articles, manufactured by it, at

prices no higher than those set forth below:

| | Per dozen pairs |
|---------------------------|-----------------|
| Wooden mules..... | \$1.80 |
| | Per dozen |
| Folding table, #5001..... | \$11.85 |
| Serving tray, #5003..... | 2.16 |
| Serving tray, #5002..... | 3.30 |
| Bed tray, #5000..... | 7.60 |

(b) This Order No. 121 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 121 to Maximum Price Regulation 188 shall become effective January 18, 1943.

Issued this 18th day of January 1943.

JOHN E. HAMM,
Acting Administrator.

[F.R. Doc. 43-1141; Filed, January 18, 1943; 4:05 p. m.]

[Order 135 Under MPR 188]

RESERVE MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 135 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel. Approval of maximum prices for sales by Reserve Manufacturing Company of a new fire extinguisher.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Reserve Manufacturing Company, 850 Euclid Avenue, Cleveland, Ohio, is authorized to sell and deliver its new "FIRE-X" dry-powder fire extinguisher at prices no higher than those set forth below:

| | Each |
|---------------------------------------------------------------------------------------------------------------|---------|
| To chain stores..... | \$0.233 |
| For bulk shipments to the warehouse of a chain store, a discount of 5% from the above price is to be allowed. | |
| To jobbers..... | .195 |

These prices are f. o. b. Cleveland, Ohio. The terms are 2% ten days, net thirty days.

(b) This Order No. 135 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 135 shall become effective on the 23d day of January, 1943.
Issued this 22d day of January, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1142; Filed, January 22, 1943; 4:24 p. m.]

[Amendment 1 to Order 3 Under MPR 260]

ALLES & FISHER, INC.

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order No. 3 issued under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars.

Due consideration has been given to the issuance of this amendment and an opinion in support thereof issued simultaneously herewith has been filed with the Division of the Federal Register.

The table in paragraph (a) is amended; paragraph (c) is amended by the addition of a sentence thereto and a new paragraph (g) is added as set forth below:

(a) * * *

Discounts applicable to sales of said cigars by applicant shall be as follows:

| | Sales to wholesale retailers | Sales to retailers |
|-----------------------------------------------------------------------------------------|------------------------------------|-----------------------|
| Located in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. | Percent 8 | Percent 2 |
| Located elsewhere than in the states specified. | 12 | 2 |

(c) * * *

Applicant shall plainly indicate on the labels of boxes or containers of Pippin cigars that such cigars sold pursuant to this order are a new blend different than cigars previously sold under that brand name.

(g) Amendment No. 1 to Order No. 3 issued under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars, shall become effective January 23, 1943.

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

Issued this 22d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1144; Filed, January 22, 1943;
4:21 p. m.]

[Order 3 Under Rev. Maximum Export Price
Regulation]

MURPHY VARNISH COMPANY

ORDER GRANTING PETITION FOR EXCEPTION

Order No. 3 under § 1375.9 (c) of the Revised Maximum Export Price Regulation.

On November 9, 1942, Murphy Varnish Company, 224 McWhorter Street, Newark, New Jersey, filed a petition for exception from § 1375.9 (c) of the Revised Maximum Export Price Regulation, pursuant to the provisions of that section.

Due consideration has been given to the petition, and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is hereby ordered:*

(a) Murphy Varnish Company is authorized to invoice directly to Compania Colombiana de Seguros, Medellin, Colombia at its distributor's price two hundred gallons of paint now ready for shipment.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 3 shall take effect on the 15th day of January 1943.

Issued this 14th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-679; Filed, January 14, 1943;
10:44 a. m.]

[Suspension Order 195]

WASHINGTON RUBBER COMPANY, INC.

ORDER RESTRICTING TRANSACTIONS

Washington Rubber Company, Inc., Fourteenth and Belmont Streets, N. W., Washington, D. C., hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations issued by the Office of Price Administration. Pursuant to the notice a hearing was held in Washington, D. C., on November 27, 1942, and December 2, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station at Fourteenth and Belmont Streets, N. W., Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1502) in that on various occasions between July 22, 1942, and November 18, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503) in that on numerous occasions between July 22 and November 14, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for twenty-six Class A, No. 3; thirteen Class A, No. 4; one Class A, No. 5; and four Class A, No. 6 gasoline ration coupons and further, between November 14 and November 18, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for one Class A, No. 1; two Class A, No. 3; two Class A, No. 4; and three Class A, No. 5 gasoline ration coupons.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503), in that on numerous occasions between July 22, 1942, and November 18, 1942, respondent as a dealer transferred gasoline to itself as a consumer and into the fuel tanks of motor vehicles operated by it without detaching coupons from ration books issued for such vehicles. Such transfers were not within the

classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

(e) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503), in that on numerous occasions between July 22 and November 18, 1942, respondent as a dealer, transferred gasoline to itself as a consumer for non-highway use without the exchange of gasoline ration coupons therefor.

Because of the great scarcity and critical importance of gasoline in the District of Columbia, violations of the gasoline rationing regulations by respondent have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing from the evidence before him that further violations of the gasoline rationing regulations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(f) During the period in which this Suspension Order No. 195 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner directly or indirectly transfer or deliver any gasoline to respondent for resale.

(g) Any terms used in this Suspension Order No. 194 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(h) This Suspension Order No. 194 shall become effective 12:01 a. m. January 28, 1943, and unless sooner terminated shall expire 12:01 a. m. March 29, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1237; Filed, January 23, 1943;
4:12 p. m.]

[Suspension Order 196]

SOUTH WEST SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Horace D. Pach, doing business as South West Service Station, 529 Fourth Street, Southwest, Washington, D. C., hereinafter called respondent was duly served with a notice of charges of vio-

lations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Washington, D. C., on November 28, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station located at 529 Fourth Street, Southwest, Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that on various occasions between July 22 and November 19, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1502 and 1394.1503), in that on numerous occasions between July 22 and November 19, 1942, respondent, as a dealer, transferred gasoline to himself, as a consumer, for non-highway use without the exchange of gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Washington, D. C., respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(d) During the period in which this Suspension Order No. 196 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondent for resale.

(e) Any terms used in this Suspension Order No. 196 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(f) This Suspension Order No. 196 shall become effective 12:01 a. m. January 28, 1943, and unless sooner terminated, shall expire 12:01 a. m. February 27, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended

by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1238; Filed, January 23, 1943;
4:12 p. m.]

[Suspension Order 199]

DEAS SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Henry B. Deas, doing business as Deas Esso Station, 2301 14th Street, Northwest, Washington, D. C., hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held in Washington, D. C. on November 25, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station at 2301 14th Street, Northwest, Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that on various occasions between July 22 and November 17, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1502 and 1394.1503), in that on numerous occasions between July 22 and November 17, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for forty-nine (49) Class A, No. 3 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in the District of Columbia, violations of the gasoline rationing regulations by respondent have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing from the evidence before him that further violations of the gasoline rationing regulations by respondent are likely un-

less appropriate administrative action is taken, *It is therefore ordered:*

(d) During the period in which this Suspension Order No. 199 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner directly or indirectly transfer or deliver any gasoline to respondent for resale.

(e) Any terms used in this Suspension Order No. 199 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(f) This Suspension Order No. 199 shall become effective 12:01 a. m. January 28, 1943, and unless sooner terminated shall expire 12:01 a. m. February 12, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121).)

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1239; Filed, January 23, 1943;
4:12 p. m.]

[Suspension Order 200]

DIXIE CAB CENTER

ORDER RESTRICTING TRANSACTIONS

Robert Harlan, doing business as Dixie Cab Center, 1533-35 New Jersey Avenue NW., Washington, D. C., hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Washington, D. C., on November 30, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station known as Dixie Cab Center at 1533-35 New Jersey Avenue NW., Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1502) in that on various occasions between July 22, 1942, and November 17, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles, without receiving in exchange therefor at the time of such transfers any gasoline ration coupons. Such transfers were not within any of the classes of transfers permitted

by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

Because of the great scarcity and critical importance of gasoline in the District of Columbia, violations of the gasoline rationing regulations by respondent necessarily have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing from the evidence before him that further violations of the gasoline rationing regulations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 200 shall be in effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver gasoline to any person.

(2) Respondent shall not in any manner directly or indirectly accept any deliveries or transfers of gasoline for resale.

(3) No person shall in any manner directly or indirectly deliver or transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 200 that are defined in Ration Order 5A, Gasoline Rationing Regulations shall have the meaning therein given them.

(e) This Suspension Order No. 200 shall become effective 12:01 a. m. January 28, 1943, and shall remain in effect until 12:01 a. m. February 27, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1224; Filed, January 23, 1943;
4:10 p. m.]

[Suspension Order 201]

CHRISTIAN'S ESSO STATION

ORDER RESTRICTING TRANSACTIONS

Ronald E. Christian, doing business as Christian's Esso Station, 252 Main Street, Nashua, New Hampshire, and Arthur W. Christian, his employee, hereinafter called respondents, were duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held in Concord, New Hampshire, on November 27, 1942. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent Ronald E. Christian is a dealer in gasoline and operates a filling station known as Christian's Esso Station at 252 Main Street, Nashua, New Hampshire.

(b) Respondent Arthur W. Christian is employed by respondent Ronald E. Christian as manager of said filling station.

(c) Respondent Ronald E. Christian has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503) in that between July 22, 1942, and September 16, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles in exchange for thirty-seven Class A, No. 2 and three Class A, No. 3 gasoline ration coupons which were not valid when such transfers were made.

(d) Respondent Arthur W. Christian has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503) in that between July 22, 1942, and September 16, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles in exchange for Class A, No. 2 and Class A, No. 3 gasoline ration coupons which were not valid when such transfers were made.

Because of the great scarcity and critical importance of rubber in the United States respondent's violation of Gasoline Rationing Regulations has resulted in the diversion of gasoline from military and essential civilian uses to non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondents are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 201 shall be in effect,

(1) Respondents shall not in any manner directly or indirectly sell, transfer or deliver any gasoline to any person.

(2) Respondents shall not in any manner directly or indirectly accept any deliveries or transfers of gasoline for resale.

(3) No person shall in any manner directly or indirectly deliver or transfer any gasoline to respondents or either of them for resale.

(f) Any terms used in this Suspension Order No. 201 which are defined in the Gasoline Rationing Regulations shall have the meaning therein given them.

(g) This Suspension Order No. 201 shall become effective 12:01 a. m. January 30, 1943, and shall remain in effect until February 9, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1240; Filed, January 23, 1943;
4:12 p. m.]

[Suspension Order 202]

PARKVIEW FILLING STATION

ORDER RESTRICTING TRANSACTIONS

Lawrence H. Peters, doing business as Parkview Filling Station, 1 Front Street, Waterville, Maine, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Augusta, Maine, on November 25, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station known as Parkview Filling Station at 1 Front Street, Waterville, Maine.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503) in that between July 22, 1942, and September 15, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles in exchange for 71 Class A, No. 2; 21 Class A, No. 3; 12 Class A, No. 4; 10 Class A, No. 5; and 10 Class A, No. 6 gasoline ration coupons, which were not valid when such transfers were made.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503) in that on several occasions between July 22, 1942 and September 15, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles in exchange for gasoline ration coupons having an aggregate unit value less than the amount of gasoline transferred.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1606), in that, instead of keeping at his place of business seven 100 gallon gasoline inventory coupons, that were issued to him respondent, on or about July 25, 1942, loaned them to another gasoline dealer and permitted such dealer to take possession of said coupons.

Because of the great scarcity and critical importance of gasoline in Maine respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 202 shall be in effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver gasoline to any person: *Provided, however,* That subject to the prior approval and supervision by the Regional Administrator of Region I, Office of Price Administration, respondent may dispose

of his stocks of gasoline on hand at the time this Order is served upon him.

(2) Respondent shall not in any manner directly or indirectly accept any deliveries or transfers of gasoline for resale.

(3) No person shall in any manner directly or indirectly deliver or transfer any gasoline to respondent for resale.

(f) Within three days from the effective date of this Order, respondent shall surrender to the War Price and Rationing Board with which he registered as a dealer all of the gasoline ration coupons in his possession on the effective date of this order except those issued to and held by him as a consumer.

(g) Any terms used in this Suspension Order No. 202 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(h) This Suspension Order No. 202 shall become effective 12:01 A. M., January 30, 1943 and shall remain in effect until 12:01 A. M. May 1, 1943, and thereafter until further order of the Deputy Administrator in Charge of Rationing, but in no event later than December 31, 1944.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1220; Filed, January 23, 1943;
4:09 p. m.]

[Suspension Order 203]

SCHWARZMANN SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

John N. Schwarzmann, doing business as Schwarzmann Service Station, Thirteenth and Pennsylvania Avenue SE., Washington, D. C., hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Washington, D. C., on December 1, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station located at Thirteenth and Pennsylvania Avenue, SE., Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that on various occasions between July 22 and November

16, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1502 and 1394.1503), in that between July 22, and November 16, 1942, respondent transferred twenty-four gallons of gasoline to consumers and into the fuel tanks of their motor vehicles and accepted in exchange therefor Class A, No. 3; Class A, No. 4; and Class A, No. 5 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Washington, D. C., respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(d) During the period in which this Suspension Order No. 203 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondent for resale.

(e) Any terms used in this Suspension Order No. 203 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

This Suspension Order No. 203 shall become effective 12:01 A. M. January 28, 1943, and unless sooner terminated shall expire 12:01 A. M. February 12, 1943.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive 10 (7 F.R. 9121))

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1221; Filed, January 23, 1943;
4:09 p. m.]

[Suspension Order 204]

AMOCO FILLING STATION

ORDER RESTRICTING TRANSACTIONS

Bennett Bickford, doing business as Amoco Filling Station, 210 Main Street,

Oakland, Maine, hereinafter called respondent was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held in Augusta, Maine, on November 23, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent Bennett Bickford is a dealer in gasoline and operates a filling station known as Amoco Filling Station at 210 Main Street, Oakland, Maine.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on numerous occasions between July 22, 1942 and October 26, 1942, respondent transferred gasoline, for which he received a price in excess of his regularly established price, to consumers and into the fuel tanks of motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within any of the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that between July 22, 1942, and October 26, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles in exchange for Class A, No. 3 and Class A, No. 4 gasoline ration coupons which were not valid when such transfers were made.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on or about September 2, 1942, respondent declared on OPA Form R-509 that nine 100-gallon unused and uncanceled bulk gasoline ration coupons issued to him for the operation of trucks were lost or stolen, whereas in fact respondent had exchanged such coupons for an equivalent amount of gasoline, as respondent then knew.

(e) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on or about September 2, 1942, respondent declared on OPA Form R-537 that he required 936 gallons of gasoline for non-highway use for a six-month period, whereas in fact respondent actually required approximately 36 gallons for such purpose, as respondent then knew.

Because of the great scarcity and critical importance of gasoline in Maine respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(f) During the period in which this Suspension Order No. 204 shall be in effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver any gasoline to any person: *Provided, however,* That subject to the prior approval of and supervision by the Regional Administrator of Region I, Office of Price Administration, respondent may dispose of his stocks of gasoline on hand at the time this order is served upon him.

(2) Respondent shall not in any manner directly or indirectly accept any deliveries or transfers of gasoline for resale.

(3) No person shall in any manner directly or indirectly deliver or transfer any gasoline to respondent for resale.

(g) Within three days from the effective date of this Order, respondent shall surrender to the War Price and Rationing Board with which he registered as a dealer all of the gasoline ration coupons in his possession on the effective date of this Order except those issued to and held by him as a consumer.

(h) Any terms used in this Suspension Order No. 204 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(i) This Suspension Order No. 204 shall become effective 12:01 a. m. January 30, 1943, and shall remain in effect until further order by the Deputy Administrator in Charge of Rationing.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1222; Filed, January 23, 1943;
4:09 p. m.]

[Suspension Order 206]

J. G. BONIFANT

ORDER RESTRICTING TRANSACTIONS

J. G. Bonifant, 1820 Fourteenth Street NW., Washington, D. C., hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations issued by the Office of Price Administration. Pursuant to the notice a hearing was held on November 28, 1942, in Washington, D. C. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station known as Bonifant's Service Station at

1820 Fourteenth Street, Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1502) in that on various occasions between July 22, 1942 and November 17, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for twenty Class A, No. 3 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in the District of Columbia, violations of the gasoline rationing regulations by respondent have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing from the evidence before him that further violations of the gasoline rationing regulations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 206 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner directly or indirectly transfer or deliver any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 206 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 206 shall become effective 12:01 a. m. January 28, 1943, and unless sooner terminated shall expire 12:01 a. m. February 7, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1223; Filed, January 23, 1943;
4:09 p. m.]

[Order 2 Under MPR 113]

EVERGREEN MINES CO.

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 2 under Maximum Price Regulation No. 113—Iron Ore Produced in Minnesota, Wisconsin and Michigan. Docket 3113-7

On December 5, 1942, Evergreen Mines Company, of Crosby, Minnesota, filed a petition for an adjustment pursuant to

§ 1369.9 (b) of Maximum Price Regulation No. 113. Due consideration has been given to the petition, and an Opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, *It is hereby ordered:*

(a) Evergreen Mines Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, iron ore produced from the Chataco mine located in the Northwest Quarter of the Northeast Quarter (NW¼ of NE¼) of Section Twenty-eight (28), Township Fifty-eight (58), Range Twenty (20), Chisholm City, Mesabi Range, St. Louis County, Minnesota, at a base price not to exceed \$4.45 per gross ton for 51.50% Mesabi Non-Bessemer ore delivered at Lower Lake ports, with adjustments for grade and analysis in accordance with Maximum Price Regulation No. 113. Any person may buy or receive, and agree, offer, solicit, and attempt to buy and receive, such iron ore at such prices from Evergreen Mines Company.

(b) The permission herein granted to Evergreen Mines Company is subject to the condition that there be filed with the Iron and Steel Price Branch, Basic Materials Section, of the Office of Price Administration, Washington, D. C., on or before the last day of January 1944, and of each January thereafter, so long as this Order No. 2 shall remain in force, an itemized statement in affidavit form of all costs incurred in connection with the production of ore from the said Chataco mine during the preceding year; also balance sheet and profit and loss statement of Evergreen Mines Company as of the last day of December in each year.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1369.11 of Maximum Price Regulation No. 113 shall apply to terms used herein.

(f) This Order No. 2 shall become effective January 25, 1943.

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

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1241; Filed, January 23, 1943;
4:10 p. m.]

[Order 136 Under MPR 188]

DEARBORN GLASS CO.

APPROVAL OF MAXIMUM PRICE

Order No. 136 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specific Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Dearborn Glass Company of Wooden Cabinets.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal

Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Dearborn Glass Company, Chicago, Illinois, is authorized to sell and deliver the wooden medicine cabinets with mirror as described in their letter of October 17, 1942, at a price, f. o. b., Chicago, Illinois, no higher than \$1.00 per unit when packed six in a package and \$1.08 when packed in separate cartons.

(b) This Order No. 136 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 136 shall become effective on the 25th day of January 1943.

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1225; Filed, January 23, 1943; 4:10 p. m.]

[Order 137 Under MPR 188]

CONTINENTAL CARPET CORP.

APPROVAL OF MAXIMUM PRICE

Order No. 137 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum price for sale by the Continental Carpet Corporation of a certain floor covering.

For the reasons set forth in an Opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Continental Carpet Corporation of Philadelphia, Pennsylvania, is authorized to sell and deliver its "Victory" floor covering at a price no higher than 80¢ per square yard, f. o. b. mill, terms 4% 70 days or 5% 10 days.

(b) Within 120 days after the effective date of this Order No. 137 the Continental Carpet Corporation shall file with the Office of Price Administration, Washington, D. C., a detailed profit and loss statement and a breakdown of actual unit costs of manufacture for the 90 days immediately following the effective date of this Order No. 137.

(c) This Order No. 137 shall be subject to adjustment if the Continental Carpet Corporation's actual operating figures for the 90 day period mentioned in paragraph (b) show that costs are substantially different from the projected costs upon which the maximum price has been based, and this Order No. 137 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 137 shall become effective on the 25th day of January 1943.

Issued this 23d day of January 1943

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1226; Filed, January 23, 1943; 4:11 p. m.]

[Order 138 Under MPR 188]

VAN STEE CORP.

APPROVAL OF MAXIMUM PRICE

Order No. 138 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Durable Goods Other Than Apparel.

Approving a maximum price for sales of all wood mattress foundation made by the Van Stee Corporation of Jamestown, New York.

For the reasons set forth in an opinion accompanying this order and filed with the Division of the Federal Register, and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, *It is hereby ordered:*

(a) The Van Stee Corporation of Jamestown, New York, may sell its No. 1 wood foundation at a price no higher than \$5.45, subject to the same discounts and allowances in effect during March 1942 which existed on wood bunks and beds.

(b) This Order No. 138 may be revoked or amended at any time.

(c) This Order No. 138 shall become effective this 25th day of January 1943.

Issued this 23d day of January, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1227; Filed, January 23, 1943; 4:11 p. m.]

[Order 139 Under MPR 188]

BOLTA COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 139 under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by the Bolta Company of a 10 inch plastic slide fastener.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Bolta Company of Lawrence, Massachusetts, is authorized to sell and deliver a 10 inch all plastic slide fastener, manufactured by it, at a price no higher than \$.12 each.

(b) This Order No. 139 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 139 to Maximum Price Regulation 188 shall become effective January 25, 1943.

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1228; Filed, January 23, 1943; 4:10 p. m.]

[Order 140 Under MPR 188]

TIFFANY MINERALS CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 140 under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a maximum price for Silica Sands for the Tiffany Minerals Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered, That:*

(a) Specific authority is hereby granted to the Tiffany Minerals Company, Moapa, Nevada, to sell and deliver f. o. b. its plant, Ute, Nevada, the following commodities at the maximum prices set forth below:

| Item | Description | Maximum price per net ton |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Product No. 1... | Bulk silica (3 inch maximum size) | \$2.95 |
| Product No. 2... | Crushed and sized silica (grain sizes from 20 mesh to minus 270 mesh) | 3.45 |
| Product No. 3... | Crushed and sized silica for manufacture of glass, sized to specifications as follows: 20 mesh.....None 30 mesh.....Trace 40 mesh.....5.0% 50 mesh.....50.0% 100 mesh.....90.0% Through 100 mesh...10.0% | 3.85 |
| Product No. 4... | Crushed and sized silica for use in steel foundries sized to specifications as follows: 20 mesh.....5.0% 70 mesh.....75.0% 100 mesh.....97.0% Through 100 mesh...3.0% | 5.00 |
| Product No. 5... | Silica flour (all material to pass 270 mesh.) | 18.00 |

(b) The Tiffany Minerals Company shall submit such reports to the Office of Price Administration as it may from time to time require.

(c) This Order No. 140 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 140 shall become effective January 25, 1943.

Issued this 23d day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1229; Filed, January 23, 1943; 4:12 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2125]

WABASH RAILWAY CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 20th day of January, A. D., 1943.

In the matter of Wabash Railway Company, \$100 par common stock, \$100 par 5% profit-sharing a non-cumulative preferred stock; and Wabash Railway Company, The Wabash Railroad Company, 5% first mortgage gold bonds, due 1939, 5% second mortgage gold bonds, due 1939, 5% Detroit Chicago extension first mortgage sinking fund gold bonds, due 1941, 4% Des Moines Division first mortgage gold bonds, due 1939, 4% Toledo Chicago Division first mortgage gold bonds, due 1941, 3½% Omaha Division first mortgage gold bonds, due 1941, 4% first lien terminal gold bonds, due 1954.

The New York Stock Exchange, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities of Wabash Railway Company, and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on January 30, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1132; Filed, January 22, 1943;
3:14 p. m.]

[File No. 1-2307]

BELMONT UNCLE SAM MINING CO.

**ORDER FOR HEARING AND DESIGNATING OFFICER
TO TAKE TESTIMONY**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of January A. D., 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Belmont Uncle Sam Mining Company, Common Stock, 10¢ Par Value should be suspended or withdrawn.

I. It appearing to the Commission:

That Belmont Uncle Sam Mining Company, a corporation organized under the laws of the State of Nevada, is the issuer of common stock, 10¢ par value; and

That said Belmont Uncle Sam Mining Company registered such common stock on the San Francisco Mining Exchange by filing with the exchange and with the Commission on or about December 7, 1935, an application on Form 10 pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective June

1, 1936, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by Belmont Uncle Sam Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Belmont Uncle Sam Mining Company has a fiscal year ended December 31, that the annual report for its fiscal year ended December 31, 1941, was due to be filed not later than April 30, 1942; that the registrant made no request for extension of time within which to file such report; that the time for filing was not extended by the Commission; that the annual report for the fiscal year ended December 31, 1941 was not filed within the time prescribed for filing said report or at any later date;

II. The Commission having reasonable cause to believe that:

Belmont Uncle Sam Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941, within the date prescribed for filing said report and (2) it has failed to file such annual report at any later date; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended:

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Belmont Uncle Sam Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth

above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the common stock, 10¢ par value of Belmont Uncle Sam Mining Company on said San Francisco Mining Exchange.

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 12th day of February 1943, at 10:00 A. M. Pacific War Time at the Regional Office of the Securities Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1133; Filed, January 22, 1943;
3:14 p. m.]

[File Nos. 31-130 and 30-203]

**STANDARD OIL COMPANY AND CONSOLIDATED
NATURAL GAS COMPANY**

ORDER EXTENDING EFFECTIVE DATE, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of January, 1943.

Order extending effective date of order denying exemption and extending time within which to file form U5B.

The Commission, on February 5, 1942, having issued its Findings, Opinion and Order denying the application of Standard Oil Company, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, for an exemption from the provisions of said Act, but having extended the effective date of said Order to August 4, 1942; and

Standard Oil Company having caused Consolidated Natural Gas Company (a) to be organized and file on July 31, 1942, pursuant to section 5 (a) of the Act, a notification of registration as a person purposing to become a holding company, and (b) to file applications and declarations regarding the proposed acquisition from Standard Oil Company of all the voting securities of certain natural gas utility companies concerning which hearings have been held and are not yet completed; and

The Commission, on August 3, 1942, having issued its order granting the application of Standard Oil Company for a further extension to February 4, 1943,

of the effective date of the Order of February 5, 1942; and

Standard Oil Company having now requested that the effective date of the Commission's Order of February 5, 1942, as extended, be further extended for an additional period of six months from February 4, 1943, on the grounds that, although it has proceeded diligently in working out a program for the disposition of securities of the gas utility companies owned by it and has caused applications and declarations to be filed with respect thereto and has participated in hearings held thereon, which are still pending, it is the company's opinion that it will be impossible to complete its plans by February 4, 1943; and

Consolidated Natural Gas Company having now requested that the time within which it is required to file its registration statement on Form U5B pursuant to Rule U-1 (b), promulgated under the Act, be extended to August 4, 1943; and

It appearing to the Commission that such requests for further extensions are reasonable and are not detrimental to the public interests or the interests of investors and consumers;

It is hereby ordered, That the effective date of the order of the Commission dated February 5, 1942, denying the application of Standard Oil Company for exemption, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, be, and the same hereby is, extended to August 4, 1943; and

It is further ordered, That the time within which Consolidated Natural Gas Company is required to file its registration statement on Form U5B pursuant to Rule U-1 (b), promulgated under the Public Utility Holding Company Act of 1935, be, and the same hereby is, extended to August 4, 1943, *Provided, however,* That in the event the contemplated transactions between Standard Oil Company and Consolidated Natural Gas Company, as set forth in the pending applications and declarations, be consummated before August 4, 1943, the extension herein granted Consolidated Natural Gas Company shall terminate on such date without further order of this Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1134; Filed, January 22, 1943; 3:15 p. m.]

[File Nos. 54-45 and 59-48]

SOUTHERN UNION GAS CO., ET AL.

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of January, A. D. 1943.

In the matter of Southern Union Gas Company, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company, Southern Union Production Company; File No. 54-45.

In the matter of Southern Union Gas Company, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company, Southern Union Production Company, Angels Peak Oil Company, Congress Oil Company, Summit Oil Company; File No. 59-48.

Southern Union Gas Company, a registered holding company, and its principal subsidiaries, including Southern Union Production Company, having filed applications and declarations, and amendments thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, and the Rules and Regulations of the Commission promulgated thereunder, whereby said applicants and declarants requested approval of a plan submitted pursuant to said section 11 (e) and authorization for certain particular transactions, constituting component parts of such plan, and actions incidental thereto, including, among other things, the divestment by Texas Southwestern Gas Company, the surviving company under said plan, of all ownership and control over that certain oil well and the oil and gas lease upon which said oil well is situated, known as United States Oil and Gas Lease, Las Cruces Serial No. 058728, embracing the E½ of the NW¼, — T17S.R.32E.N.M.P.M. Lea County, New Mexico, and owned by Southern Union Production Company, a wholly-owned subsidiary of Southern Union Gas Company; and

The Commission having, on September 19, 1942, after having issued its notice of and order for hearing and held a hearing upon said applications and declarations for such plan, made and entered its order approving such plan, ordering Texas Southwestern Gas Company, the surviving company under said plan, to divest itself of all interest in, and of all ownership and control of said oil well owned by Southern Union Production Company; and

The Commission by its said order of September 19, 1942 having reserved jurisdiction to make such further and supplemental findings, to approve the terms and conditions, and to take such additional and further action as may be found by it to be appropriate in the premises, in connection with the dispositions of assets, by the surviving company and its subsidiaries; and

There having been filed on January 1, 1943, an amendment to the plan, by southern Union Gas Company (formerly Texas Southwestern Gas Company), and its wholly-owned subsidiary, Southern Union Production Company, requesting approval of the proposed sale of all interest in said oil well and the said lease upon which said oil well is located to a non-affiliate, the Kewanee Oil Company, a Delaware corporation, for the sum of \$40,000, less a certain unpaid balance on drilling costs of said well of approximately the sum of \$7,670, and the proposed application of the proceeds of the sale to the reduction of Southern Union Production Company's indebtedness to The Northern Trust Company; and

It appearing to the Commission that sale of said oil well and lease and the application of said proceeds, as proposed, are appropriate steps in accordance with the Commission's order of September 19, 1942, ordering the divestment of all ownership and control of said oil well within one year of said order, and that jurisdiction should be released with respect thereto:

It is ordered, That the jurisdiction heretofore reserved to this Commission in respect to the disposition and sale of said oil well and the lease upon which it is located is hereby released.

It is further ordered, That in all other respects the provisions of the order of the Commission entered herein on September 19, 1942, are continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1135, Filed, January 22, 1943; 3:15 p. m.]

[File No. 70-664]

STANLEY CLARKE, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of January 1943.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company; Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation

Notice is hereby given that an application and declaration has been jointly filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, a registered holding company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company; and

All interested persons are referred to the said application-declaration, which is on file in the office of the said Commission, for a statement of the transaction therein proposed, which is summarized below:

The applicants-declarants have entered into agreements to compromise their claims and those of their direct and indirect subsidiaries and affiliates against Daniel Starch and against Travis, Brownback & Paxson. As part of such agreements (1) Travis, Brownback & Paxson will deliver to applicants-declarants the following debentures of Associated Gas and Electric Corporation:

| | |
|--------------------------------|-------------|
| 4½ percent debentures due 1973 | \$16,500.00 |
| 5 percent debentures due 1973 | 6,800.00 |
| 3¾ percent debentures due 1978 | 3,000.00 |

26,300.00

which are to be delivered to the Trustees of Associated Gas and Electric Corporation for cancellation; and the following Associated Gas and Electric Company stock:

| |
|--------------------------------------------------|
| 64 shares original series preferred stock. |
| 5 shares \$6.50 dividend series preferred stock. |

13 shares common stock.
1 share class A stock.

which are to be delivered to said Trustee of Associated Gas and Electric Company for cancellation; and (2) Daniel Starch will deliver to applicants-declarants the following securities:

\$1,000 principal amount of Associated Electric Company 4½% Gold Bonds, due 1953,
\$3,000 principal amount of Associated Gas and Electric Company Gold Debenture Consolidated Refunding 4½% Series, due 1958,
\$7,000 principal amount of Associated Gas and Electric Corporation 3¾% Income Debentures, due 1978.
\$20,800 principal amount of Utilities Employees Securities Company Income Notes due 1981,
96 shares of Common Stock of Associated Gas and Electric Company,
13½ Optional Stock Purchase Warrants of Associated Gas and Electric Company,
40 shares of Common Stock, Class A, of General Gas & Electric Corporation.

The foregoing securities of Associated Gas and Electric Company, Associated Gas and Electric Corporation and certain subsidiaries and affiliate companies, together with certain other assets, will be delivered to applicants-declarants. After payment therefrom of the expenses of investigation, negotiation, settlement, and distribution, applicants-declarants will, with the approval of the United States District Court for the Southern District of New York, having jurisdiction over the reorganization proceedings of Associated Gas and Electric Company and Associated Gas and Electric Corporation, and such regulatory bodies as have jurisdiction with respect thereto, allocate and distribute said securities and other assets to or among the Trustee of Associated Gas and Electric Company and the Trustees of Associated Gas and Electric Corporation, and their subsidiaries and affiliates, in such proportions as may be determined by agreement, arbitration, judicial proceedings, or other appropriate method. The proposed transaction which is the subject matter of this application-declaration is the initial delivery to applicants-declarants of the securities referred to. Neither the subsequent determination of the persons for whose account, including their own, applicants-declarants will hold said securities, nor the eventual distribution thereof to such persons as may ultimately be determined to be entitled thereto, constitutes any part of the proposed transaction.

Applicants-declarants have indicated sections 9 (a), 9 (c) (3) and 12 (c) of the Act, and Rules U-42 and U-100 of the General Rules and Regulations promulgated thereunder, as possibly being applicable to the said transactions.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter, that said application-declaration shall not be granted or become effective except pursuant to further order of this Commission;

It is hereby ordered, That a hearing on such matters, under the applicable provisions of the said Act and the rules of the Commission thereunder be held on February 10, 1943, at 10:00 a. m.

at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

At such hearing cause shall be shown why such application-declaration shall be granted or become effective. Notice is hereby given of said hearing to the above-named applicants-declarants and to all interested persons.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 8, 1943, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed acquisition of securities complies with the requirements of the applicable provisions of section 10 of the Public Utility Holding Company Act of 1935, and more especially with the provisions of subsection 10 (c) (2).
2. What, if any, terms and conditions should be prescribed in the public interest or for the protection of investors.
3. Whether in any respect the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or any rules, regulations or orders thereunder.
4. Whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 generally, together with the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1136; Filed, January 22, 1943;
3:14 p. m.]

[File No. 59-10]

THE NORTH AMERICAN COMPANY AND ITS
SUBSIDIARY COMPANIES

ORDER CONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of January, 1943.

The Commission having on June 25, 1942 entered its order that the record herein be reopened and a hearing convened at a date to be set by further order

for the limited purpose of receiving such evidence as Northern Natural Gas Company may proffer respecting the retainability of certain pipe line facilities owned by its subsidiary, Argus Natural Gas Company Inc., and

Northern Natural Gas Company, a subsidiary of The North American Company and a respondent in the above entitled proceeding, having requested that an order be entered directing a hearing pursuant to our said order of June 25, 1942 and that said hearing be convened on or about February 17, 1943, and

It appearing to the Commission that said request should be granted:

It is ordered, That a hearing be convened in this proceeding for the purpose of receiving evidence as to the retainability of certain pipe line facilities owned by Argus Natural Gas Company, Inc., a subsidiary of Northern Natural Gas Company, and that said hearing be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m. on the 17th day of February, 1943 in such room as may be designated by the hearing room clerk. Notice is hereby given of said hearing to all interested persons said notice to be given to The North American Company, North American Light & Power Company, Northern Natural Gas Company and Argus Natural Gas Company, Inc. by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding, or proposing to intervene herein, shall file with the Secretary of the Commission on or before February 15, 1943, his request or application therefor, as provided by Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1209; Filed, January 23, 1943;
2:43 p. m.]

[File Nos. 59-39, 54-50, 59-10]

NORTH AMERICAN LIGHT & POWER CO.
HOLDING-COMPANY SYSTEM, ET AL.

ORDER DENYING MOTION AND GRANTING
APPLICATION IN PART

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of January, A. D. 1942.

In the matter of North American Light & Power Company Holding-Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50;

The North American Company, et al., File No. 59-10.

A claim having been filed herein by Illinois Iowa Power Company against North American Light & Power Company, a registered holding company in liquidation under section 11 (b) (2) of the Public Utility Holding Company Act of 1935, and North American Light & Power Company having moved to dismiss the hearing on said claim for want of jurisdiction in the Commission to hear and determine the same;

North American Light & Power Company having applied under section 11 (c) of the Act for additional time in which to comply with the order of the Commission requiring it to liquidate;

Hearings and oral argument having been held after appropriate notice, and the Commission being duly advised and having this day filed its opinion on both the foregoing matters;

On the basis of said opinion, and pursuant to the provisions of section 11 of the Act, *It is ordered*, That said motion to dismiss be and it hereby is denied; and *further ordered*, Upon the application for additional time, that the time for compliance with said liquidation order be and it hereby is extended for a period of six months from the date hereof, without prejudice to the right of North American Light & Power Company to apply for additional time at the end of such period.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1210; Filed, January 23, 1943;
2:43 p. m.]

[File No. 1-2617]

REORGANIZED BOOTH MINING Co.

ORDER FOR HEARING AND DESIGNATING
OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 21st day of January, A. D. 1943.

In the matter of Proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration of Reorganized Booth Mining Company of Goldfield Capital Stock, \$1.00 Par Value, Assessable, should be suspended or withdrawn.

I. It appearing to the Commission:

That Reorganized Booth Mining Company of Goldfield, a corporation organized under the laws of the State of Nevada, is the issuer of Capital Stock, \$1.00 Par Value, Assessable; and

That said Reorganized Booth Mining Company of Goldfield registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about May 21, 1936, an application on Form 10, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application hav-

ing become effective on June 1, 1936, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Reorganized Booth Mining Company of Goldfield; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Reorganized Booth Mining Company of Goldfield has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that the time for filing was extended to June 15, 1942; that the annual report for the fiscal year ended December 31, 1941 was not filed either within such extended period or at any later date; and

II. The Commission having reasonable cause to believe that:

The said Reorganized Booth Mining Company of Goldfield has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Reorganized Booth Mining Company of Goldfield has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary

or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Capital Stock, \$1.00 Par Value, Assessable, of said Reorganized Booth Mining Company of Goldfield on said San Francisco Mining Exchange.

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 12th day of February, 1943, at 2:00 P. M., Pacific War Time at the Regional Office of the Securities and Exchange Commission, Room 1301, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1211; Filed, January 23, 1943;
2:44 p. m.]

[File No. 30-175]

WALNUT ELECTRIC AND GAS CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22nd day of January, A. D. 1943.

In the matter of W. C. Gilman, as liquidating trustee of Walnut Electric & Gas Corporation.

Notice is hereby given that an application has been filed with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 by W. C. Gilman, as Liquidating Trustee of Walnut Electric & Gas Corporation, for an order that he has ceased to be a holding company. The application states that, on December 31, 1942, said W. C. Gilman disposed of all of the common stock of Walnut Electric & Gas Corporation and that said stock constituted all of the assets held by him as liquidating trustee of such company. Previously, on December 28, 1942, this Commission permitted to become effective the declaration of said W. C. Gilman regarding this disposition, General Water Gas & Electric Company and W. C. Gilman, as liquidating Trustee of Walnut Electric & Gas Corporation, File No. 70-639, Holding Company Act Release No. 4022.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application

shall not be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and rules and regulations of the Commission thereunder be held on February 3, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause will be shown why such application shall be granted. Notice is hereby given to said above-named applicant and to all interested persons, said notice to be given to said applicant by registered mail and to all other persons by publication in the **FEDERAL REGISTER**.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted of the Commission designated by it for of said Act and to a Trial Examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1208; Filed, January 23, 1943;
2:43 p. m.]

[File No. 70-667]

NEW ENGLAND INDUSTRIES, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of January, 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Industries, Inc. ("Industries"), a subsidiary of New England Public Service Company, a registered holding company, which in turn is a subsidiary of Northern New England Company, likewise a registered holding company; and

Notice is hereby given that any interested party may, not later than February 1, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Industries proposes, by an agreement between it and The First National Bank of Boston, to subordinate indebtedness in the sum of \$1,922,075.28 due it from its subsidiary, Bates Manufacturing Company, to indebtedness of Bates Manufacturing Company owing to The First National Bank of Boston in the sum of \$600,000, now represented by an overdue note which is to be renewed.

Industries also seeks present approval to subordinate the indebtedness owed to it by its subsidiaries, Androscoggin Mills, Bates Manufacturing Company, The Edwards Manufacturing Company, Hill Manufacturing Company and York Manufacturing Company, or any of them, in the event that any of such subsidiary companies shall issue promissory notes to any bank or trust company under the authority of an order of this Commission dated November 4, 1942 (File No. 70-599, Holding Company Act Release No. 3884), such subordination to be effected in any case by agreement between Industries and the lending bank or trust company, or by pledge of the note or notes from such issuer payable to Industries, with any lending bank or trust company.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1206; Filed, January 23, 1943;
2:43 p. m.]

[File No. 1-2555]

BROUGHER DIVIDE MINING CO.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of January, A. D. 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration of Brougher Divide Mining Company capital stock, par value \$1.00, assessable, should be suspended or withdrawn.

I. It appearing to the Commission:

That Brougher Divide Mining Company, a corporation organized under the laws of the State of Nevada, is the issuer of Capital Stock, Par Value \$1.00, Assessable; and

That said Brougher Divide Mining Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about April 6, 1936 an application on Form 10 pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on June 1, 1936 and remaining

in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Brougher Divide Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Brougher Divide Mining Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that the time for filing was extended to July 15, 1942; that the annual report for the fiscal year ended December 31, 1941 was not filed either within such extended period or at any later date; and

II. The Commission having reasonable cause to believe that:

The said Brougher Divide Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Brougher Divide Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Capital Stock, Par Value \$1.00, Assessable, of

said Brougner Divide Mining Company on said San Francisco Mining Exchange:

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 10th day of February, 1943, at 10:00 A. M., Pacific War Time, at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1207; Filed, January 23, 1943;
2:43 p. m.]

[File No. 70-662]

CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23rd day of January, 1943.

In the matter of Consolidated Electric and Gas Company, Central Indiana Gas Company, and Hoosier Gas Corporation.

Notice is hereby given that applications or declarations (or both) pursuant to the Public Utility Holding Company Act of 1935 have been filed by Consolidated Electric and Gas Company, a registered holding company, and its subsidiary companies. Central Indiana Gas Company and Hoosier Gas Corporation; and

Notice is further given that any interested person may, not later than February 5, 1943 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such applications and declarations, as filed or as amended may be granted and permitted to become effective, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and 100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said applications and declarations which are on file in the office of said Commission for a statement of the transactions

therein proposed, which are summarized below:

Central Indiana Gas Company proposes to reduce its stock capital by \$648,969.62 from \$4,648,969.62 to \$4,000,000, through reclassifying its outstanding stock, consisting of 54,000 common shares without par value, all of which is held by Consolidated Electric and Gas Company, into 40,000 common shares of \$100 par value. In accordance with the order of the Commission, *In the Matter of Consolidated Electric and Gas Company, et al.*, File No. 70-571, Holding Company Act Release No. 3939, December 2, 1942, Central Indiana Gas Company will eliminate a utility plant acquisition adjustment account of \$2,238,527 from its property account and charge the same to earned surplus; the earned surplus deficit thus created will be eliminated by a charge to capital surplus, part of which will be created through the proposed reduction in capital.

Hoosier Gas Corporation proposes to reduce its stock capital by \$35,199.96 from \$535,199.96 to \$500,000, through reclassifying its outstanding 18,257 shares of no par common stock and 400 shares of \$100 par value preferred stock, all of which shares of common and preferred are held by Consolidated Electric and Gas Company, into 10,000 shares of \$50 par value common stock. This action is being taken to comply with an agreement contained in their applications and declarations filed in *In the Matter of Consolidated Electric and Gas Company, et al.*, supra.

The new common shares of Central Indiana Gas Company and Hoosier Gas Corporation to be received by Consolidated Electric and Gas Company in the reclassification will be pledged under the indenture securing the Collateral Trust Bonds of Consolidated Electric and Gas Company, in substitution for the old shares of preferred and common stocks of Central Indiana Gas Company and Hoosier Gas Corporation which will be surrendered and cancelled.

No change will be made in the aggregate carrying value on the books of Consolidated Electric and Gas Company of its investment in Central Indiana Gas Company and Hoosier Gas Corporation as a result of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1247; Filed, January 25, 1943;
10:20 a. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC CO., ET AL.

ORDER RECONVENING HEARING

In the matter of Associated Electric Company, Metropolitan Edison Company and Staten Island Edison Corporation.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of January 1943.

Associated Electric Company, a registered holding company, and Staten

Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company, having filed a joint declaration pursuant to sections 12 (b), 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-45 promulgated thereunder, wherein Associated Electric Company proposes to acquire \$2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of \$955,460, plus accrued interest, and Staten Island Edison Corporation proposes to advance the sum of \$1,050,000 to its subsidiary, Richmond Light and Railroad Company, to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of \$1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952; and

A hearing in the above entitled matter having been held, which hearing, on December 28, 1942, was continued subject to call; and

The Public Service Commission of the State of New York having requested that the hearing be reconvened; and

It appearing that the hearing should be reconvened;

It is ordered That the hearing in the above matter be reconvened under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules of the Commission thereunder, on January 29, 1943, at 10 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room designated on said day by the hearing room clerk in room 318.

It is further ordered That Willis E. Monty, who has heretofore been designated, or any other officer or officers of the Commission designated by it for that purpose shall preside at any such hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1248; Filed, January 25, 1943;
10:20 a. m.]

[File No. 70-668]

SOUTHERN-HENKE ICE & STORAGE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of January, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act

of 1935 by Southern-Henke Ice & Storage Company; and

Notice is further given that any interested person may, not later than February 8, 1943, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the General Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed which are summarized below:

Southern-Henke Ice & Storage Company, a non-utility subsidiary of The Middle West Corporation, a registered holding company, proposes to issue and deliver its unsecured promissory note in the principal amount of \$50,000 to be dated February 9, 1943, payable to the order of City National Bank and Trust Company of Chicago on or before nine months after the date thereof, and to bear interest at the rate of 4% per annum to maturity, and at the rate of 6% per annum after maturity; all or any part of the principal of such note may be prepaid prior to maturity without premium. The proposed note is to be issued for the purpose of refunding or renewing the outstanding unsecured promissory note of Southern-Henke Ice & Storage Company in the original principal amount of \$125,000, dated February 9, 1942 and due February 9, 1943, held by said City National Bank and Trust Company of Chicago, of which \$50,000 principal amount is unpaid; such note is to be surrendered to Southern-Henke Ice & Storage Company for cancellation upon the issuance and delivery of the proposed new note.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1249; Filed, January 25, 1943;
10:20 a. m.]

[File No. 31-411]

NEW BRUNSWICK POWER COMPANY
NOTICE OF HEARING, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of January, A. D. 1943.

Notice of filing, order for hearing, and order temporarily extending exemption.

Notice is hereby given that an application has been filed with this

Commission pursuant to the Public Utility Holding Company Act of 1935 and particularly section 3 (b) thereof by New Brunswick Power Company for an extension of the effective date of a previous order of this Commission, and of an order supplemental thereto granting it a limited exemption as a subsidiary of Federal Light & Traction Company, Cities Service Power & Light Company, and Cities Service Company, each a registered holding company. All interested parties are referred to said document, which is on file in the office of this Commission.

On October 18, 1938 this Commission, after a public hearing, issued its order with respect to an application filed by New Brunswick Power Company, exempting it to the extent therein specified from certain provisions of the Public Utility Holding Company Act of 1935 applicable to it as a subsidiary company of Federal Light & Traction Company and Cities Service Power & Light Company. On January 8, 1941 the Commission extended the time during which such order of exemption should be effective to January 31, 1943, without prejudice to the right of New Brunswick Power Company to apply for a further extension thereof.

On March 3, 1941, the Commission entered its supplemental order exempting the New Brunswick Power Company, as a subsidiary of Cities Service Company, to the same extent and for the same period of time and subject to the same conditions as provided in its original order of exemption of October 18, 1938 and the order of extension thereof of January 8, 1941.

The present application seeks an extension of the exemption heretofore granted from January 31, 1943 to January 31, 1945, or to such other date as to the Commission may seem proper.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 11, 1943 at 10 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

On said date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such application should be granted. Notice of said hearing is hereby given to New Brunswick Power Company and to all interested persons, said notice to be given to said applicant by registered mail and to all other interested persons by publication in the **FEDERAL REGISTER**.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so desig-

nated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That all persons desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided by Rule XVII of the Commission's Rules of Practice, on or before February 5, 1943.

It appearing to the Commission that the issues raised herein will not be finally disposed of prior to January 31, 1943, after which date the present order granting the exemption will not be effective, and it appearing appropriate that a temporary extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interest of investors or consumers;

It is further ordered, That the time during which such order of exemption shall be effective be, and the same hereby is, temporarily extended pending final determination of the issues raised herein, subject to the same conditions as provided in the original order of exemption dated October 18, 1938 and the order of extension thereof dated January 8, 1941.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1250; Filed, January 25, 1943;
10:20 a. m.]

[File No. 1-2235]

OPERATOR CONSOLIDATED MINES CO.
ORDER FOR HEARING, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of January, A. D. 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration of Operator Consolidated Mines Company, Common Stock, 10¢ par value, should be suspended or withdrawn.

Order for hearing and designating officer to take testimony.

I

It appearing to the Commission:

That Operator Consolidated Mines Company, a corporation organized under the laws of the State of Nevada, is the issuer of Common Stock, 10¢ par value; and

That said Operator Consolidated Mines Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about November 13, 1935 an application on Form 10 pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934 as amended, and Rule X-12B-1 as amended, promulgated by the Commission thereunder, registration pursuant to such application having

become effective on June 1, 1936 and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Operator Consolidated Mines Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Operator Consolidated Mines Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that the time for filing was extended to July 15, 1942; that the annual report for the fiscal year ended December 31, 1941 was not filed either within such extended period or at any later date; and

II

The Commission having reasonable cause to believe that:

The said Operator Consolidated Mines Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1, and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941 within the time prescribed for filing said report; and (2) it has failed to file such annual report at any later date; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement

of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Operator Consolidated Mines Company has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 10¢ par value, of said Operator Consolidated Mines Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 11th day of February, 1943, at 10:00 A. M. Pacific War Time at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1251; Filed, January 25, 1943;
10:21 a. m.]

WAR PRODUCTION BOARD.

[Preference Rating Order P-19-h, Serial
24077]

STANDARD OIL COMPANY OF LOUISIANA,
BATON ROUGE, LA.

REVOCATION OF SPECIAL DIRECTION

On December 8, 1942, the War Production Board issued a certain Special Direction supplementary to Preference Rating Orders P-19-h assigning urgency numbers to projects in the high octane gasoline and synthetic rubber facilities construction programs in the order of their importance, said special directions providing for delivery of materials and

equipment at such times and in such amounts as provided.

The project of the Standard Oil Company of Louisiana to which Special Direction 17HH was assigned has been determined to be of less urgency in the high octane gasoline facilities construction program than other plants in said program to which higher urgency numbers have been assigned. Accordingly, the following order is deemed necessary and appropriate in the public interest and to promote the national defense. *It is therefore ordered*:

1. *Revocation of Special Direction No. 17HH.* Special Direction No. 17HH supplementary to Preference Rating Order P-19-h Serial Number 24077 heretofore issued under date of December 8, 1942, to the above named builder is hereby revoked.

2. *Effect of revocation.* This revocation revokes said special direction wherever applied by the builder or any of his suppliers, except with respect to purchase orders and contracts which have been filled completely. Orders or contracts not completely filled shall have the status of orders or contracts rated by the Preference Rating Order P-19-h, Serial No. 24077 only and without regard to the provisions of the Special Direction hereby revoked.

3. *Notice to suppliers.* The builder shall promptly advise its suppliers of the terms of this revocation, and each supplier shall in turn notify his suppliers to whom a copy of the special direction hereby revoked has been delivered.

4. *Application for exception.* The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him, may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief so requested; Whereupon, the Director General for Operations may take such action as he deems appropriate. Applications for exception under this paragraph shall be addressed to The Integration and Scheduling Branch; Facilities Bureau; War Production Board; Room 3514, Social Security Building; Washington, D. C.

(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 23d day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1243; Filed, January 23, 1943;
4:30 p. m.]