

reference



FEDERAL REGISTER

VOLUME 8

NUMBER 146

Washington, Saturday, July 24, 1943

The President

EXECUTIVE ORDER 9362

TRANSFERRING CERTAIN LAND FROM THE JURISDICTION OF THE FEDERAL COMMUNICATIONS COMMISSION TO THE JURISDICTION OF THE NAVY DEPARTMENT

WHEREAS a certain tract of land of the United States located in the District of Wahiawa, Island of Oahu, Territory of Hawaii, and more particularly described below, is now subject to the jurisdiction and control of the Federal Communications Commission; and

WHEREAS the Federal Communications Commission and the Navy Department have agreed that the said tract of land should be transferred to the Navy Department as a site for a naval radio station or for other naval purposes:

NOW, THEREFORE, by virtue of the authority vested in me by the act of August 29, 1916, ch. 417, 39 Stat. 556, 606 (U.S.C., title 34, sec. 523), and as President of the United States, it is ordered that the following-described tract of land, together with all buildings thereon, located in the District of Wahiawa, Island of Oahu, Territory of Hawaii, now under the control and jurisdiction of the Federal Communications Commission, be, and it is hereby, transferred to the jurisdiction and control of the Navy Department for use as a naval radio station site or for other naval purposes:

Land located in Grant 973, District of Wahiawa, Island of Oahu, Territory of Hawaii, beginning at a pipe marking the Northwesterly corner of that portion of Grant 973 acquired by the United States of America for Naval Radio Station Site and being the end of Course No. 1 of said site, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Mall" being 474.44 feet North and 30.020.15 feet East, and running by azimuths measured clockwise from true South:

1. 358°50'30" 1,299.0 feet along the West side of the Naval Radio Station Site to a stake;
2. 53°55' 83.10 feet along the North top edge of a small gulch and the remainder of Grant 973, to a stake;
3. 17°05' 63.8 feet along same to a pipe;

4. 46°55' 44.20 feet along same to a pipe;
5. 143°54' 62.3 feet along same to a pipe;
6. 104°48' 61.5 feet along same to a stake;
7. 77°16' 92.2 feet along same to a pipe;
8. 196°14' 152.2 feet along same to a stake;
9. 185°31' 88.5 feet along same to a pipe;
10. 181°31' 195.3 feet along same to a pipe;
11. 192°05' 186.10 feet along same to a pipe;
12. 216°10' 114.10 feet along same to a pipe;
13. 242°49' 108.0 feet along same to a pipe;
14. 175°45' 82.9 feet along same to a pipe;
15. 132°01' 33.9 feet along same to a pipe;
16. 59°05' 294.8 feet along same, crossing a plantation road, to a stake;
17. 24°05' 95.9 feet along the North top edge of a small gulch, along the remainder of Grant 973 to a stake;
18. 16°49' 133.0 feet along same to a stake;
19. 10°21' 314.4 feet along same to a stake;
20. 62°32' 93.9 feet along same to a pipe;
21. 92°05' 138.4 feet along same to a stake;
22. 85°59' 116.7 feet along same to a stake;
23. 120°15' 56.4 feet along same to a stake;
24. 173°48' 122.9 feet along same to a stake;
25. 136°32' 84.2 feet along same to a stake;
26. 111°56' 149.4 feet along same to a pipe;
27. 187°52' 242.5 feet along same to a stake;
28. 202°00' 110.10 feet along same to a stake;
29. 173°02' 75.5 feet along same to a pipe;
30. 182°25'30" 757.67 feet along the remainder of Grant 973, crossing a plantation road, to a pipe;
31. 227°32' 200.0 feet along the Easterly side of plantation road and the remainder of Grant 973, to a pipe;
32. 214°19' 71.9 feet along same to a stake;
33. 171°38' 57.3 feet along same to a stake;
34. 129°03' 77.2 feet along same to a pipe;
35. 219°01' 53.5 feet along the South top edge of Poamoho Gulch and the remainder of Grant 973, to a stake;
36. 276°34' 52.5 feet along same to a stake;
37. 348°27' 92.5 feet along same to a stake;
38. 306°39' 92.3 feet along same to a stake;
39. 347°48' 108.3 feet along same to a stake;
40. 317°17' 231.2 feet along same to a stake;
41. 259°15' 106.4 feet along same to a stake;
42. 293°15' 83.8 feet along same to a stake;
43. 235°04' 99.7 feet along same to a pipe;
44. 298°02' 111.3 feet along same to a stake;
45. 312°45' 132.9 feet along same to the point of beginning, containing an area of 29.88 acres, together with any rights of easement with respect to the use of such tract of land.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
July 21, 1943.

[F. R. Doc. 43-11791; Filed, July 22, 1943; 3:48 p. m.]

CONTENTS

THE PRESIDENT

| | |
|--|-------|
| EXECUTIVE ORDER: | Page |
| Hawaii, transfer of certain lands from Federal Communications Commission to Navy Department..... | 10339 |

REGULATIONS AND NOTICES

| | |
|--|-------|
| ALIEN PROPERTY CUSTODIAN: | |
| I. G. Farbenindustrie, A. G., vesting order..... | 10375 |
| BITUMINOUS COAL DIVISION: | |
| City of Cincinnati, Ohio; order of Director..... | 10369 |
| COMMODITY CREDIT CORPORATION: | |
| Rye, barley, and grain sorghums, loan instructions.. | 10340 |
| FEDERAL COMMUNICATIONS COMMISSION: | |
| Hearings, etc.: | |
| Public Utilities California Corp..... | 10372 |
| Western Union Telegraph Co. and Postal Telegraph-Cable Co..... | 10371 |
| FEDERAL POWER COMMISSION: | |
| Cities Service Gas Co., et al., order to show cause and fixing hearing date..... | 10372 |
| FEDERAL SAVINGS AND LOAN SYSTEM: | |
| Conservators and receivers.... | 10346 |
| FEDERAL TRADE COMMISSION: | |
| Cease and desist orders: | |
| American Rug and Carpet Co., Inc..... | 10344 |
| Atlantic Packing Co., etc.... | 10346 |
| Central Sales Co..... | 10345 |
| Dearborn Supply Co..... | 10343 |
| Rhode Island Plush Mills, Inc.. | 10344 |
| GENERAL LAND OFFICE: | |
| Land withdrawals: | |
| Alaska, modification to permit coal mining..... | 10371 |
| Utah (2 documents)..... | 10371 |
| INTERNAL REVENUE BUREAU: | |
| Income tax, time for performing certain acts postponed by reason of war..... | 10347 |
| INTERSTATE COMMERCE COMMISSION: | |
| Demurrage on flat cars..... | 10369 |
| OFFICE OF DEFENSE TRANSPORTATION: | |
| Breyer Ice Cream Co. and Supplee-Wills-Jones Milk Co., joint action plan..... | 10378 |

(Continued on next page)
10339



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

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

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CONTENTS—Continued

| OFFICE OF PRICE ADMINISTRATION: | Page |
|--|-------|
| Adjustments, exceptions, etc.: | |
| Gerosa Haulage and Warehouse Corp..... | 10364 |
| Lists of orders filed (2 documents)..... | 10379 |
| Molitero Bros., Inc..... | 10363 |
| Standard Trucking Co..... | 10364 |
| Stores Delivery Service, Inc..... | 10363 |
| Cider vinegar (MPR 428)..... | 10358 |
| Flour, from wheat, semolina and farina, sold by millers and blenders (MPR 296, Am. 4)..... | 10362 |
| Gasoline rationing: | |
| (RO 5C, Am. 68)..... | 10364 |
| (RO 5C, Am. 69)..... | 10365 |
| Meat, beef and veal carcasses and wholesale cuts: | |
| (Rev. MPR 169, Am. 20)..... | 10362 |
| (Rev. MPR 169, Am. 22)..... | 10363 |
| Oahu defense-rental area (Designation and Rent Declaration 32)..... | 10365 |
| Regional, state, and district office orders: | |
| Bagged coal, Richmond and Henrico County, Va..... | 10379 |
| Community ceiling prices, lists of orders filed (2 documents)..... | 10384 |
| Firewood, Lawrenceburg, Tenn..... | 10384 |
| Florida caught salt cured herring..... | 10383 |
| Fluid milk: | |
| Georgia: | |
| Bartow and Gordon Counties..... | 10382 |
| Monroe County..... | 10382 |
| Troup County..... | 10381 |

| CONTENTS—Continued | Page |
|--|-------|
| OFFICE OF PRICE ADMINISTRATION—Continued. | |
| Regional, state, and district office orders—Continued. | |
| Fluid milk—Continued. | |
| Virginia, Blackstone, Nottaway County..... | 10381 |
| Ice, Anson County, N. C..... | 10379 |
| Malt beverages, Oklahoma restaurants..... | 10385 |
| Syrup barrels, W. B. Roddenberry Co..... | 10380 |
| Solid fuels: | |
| Miscellaneous, delivered from producing facilities (MPR 121, Am. 20)..... | 10358 |
| Sold and delivered by dealers (Rev. MPR 122, Am. 9)..... | 10358 |
| RECLAMATION BUREAU: | |
| Colorado River Storage Project, first form withdrawals (2 documents)..... | 10370 |
| SECURITIES AND EXCHANGE COMMISSION: | |
| Indiana Hydro-Electric Co., hearing postponed..... | 10386 |
| TREASURY DEPARTMENT (see also component agencies): | |
| National Youth Administration property, loans to non-Federal vocational education authorities..... | 10366 |
| Payment through depository banks of funds withheld as taxes, miscellaneous amendments..... | 10347 |
| WAGE AND HOUR DIVISION: | |
| Learner employment certificates, issuance to various industries..... | 10371 |
| WAR FOOD ADMINISTRATION: | |
| Farm machinery and equipment, new (FPO 3, Supp. Order 5)..... | 10343 |
| WAR PRODUCTION BOARD: | |
| Bendix Aviation Corp. and American Bosch Corp., proposed agreement (Certificate 97)..... | 10387 |
| Benzene (M-137)..... | 10350 |
| Breyer Ice Cream Co. and Supplee-Wills-Jones Milk Co., joint action plan (Certificate 98)..... | 10387 |
| Cocoa (M-145, revocation)..... | 10352 |
| Communication equipment, wire; transfer restrictions (U-5)..... | 10357 |
| Containers, wooden shipping (L-232)..... | 10355 |
| Cotton textile production (L-99-a)..... | 10350 |
| Cotton yarn, combed (M-155, revocation)..... | 10352 |
| Electronic equipment (L-265)..... | 10352 |
| Papers, specialty (M-286)..... | 10353 |
| Powercycles (L-301)..... | 10357 |
| Suspension orders: | |
| Brook Electrical Supply Co. and L. J. Segil Co..... | 10349 |
| Connecticut Heat and Fuel Co., revocation..... | 10349 |
| Hoffman, Michael, Fuel Co., Inc., revocation..... | 10349 |
| Toluene (M-34)..... | 10348 |

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Instructions: 1943 C. C. Rye Form 1, Barley Form 1, Grain Sorghums Form 1]

PART 238—1943 RYE, BARLEY, AND GRAIN SORGHUMS LOANS

INSTRUCTIONS

Commodity Credit Corporation has authorized the making of loans and the purchase of eligible paper secured by 1943 rye, barley, or grain sorghums, stored on farms or in approved public grain warehouses.

| Sec. | |
|--------|---|
| 238.1 | Definitions. |
| 238.2 | Areas in which loans will be made. |
| 238.3 | Amount of loans. |
| 238.4 | Maturity and interest rate. |
| 238.5 | Determination of quantity of grain. |
| 238.6 | Farm storage. |
| 238.7 | Public warehouses. |
| 238.8 | Warehouse receipts. |
| 238.9 | Liens. |
| 238.10 | Insurance. |
| 238.11 | County agricultural conservation committees. |
| 238.12 | Source of loans. |
| 238.13 | Purchase of loans. |
| 238.14 | Offices of Commodity Credit Corporation. |
| 238.15 | Release of collateral held by Commodity Credit Corporation. |

AUTHORITY: §§ 238.1 to 238.15, inclusive, are issued under sec. 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302).

§ 238.1 *Definitions.* For the purpose of these instructions and the notes and notes and loan agreements or chattel mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Grain.* Rye, barley, and grain sorghums.

(b) *Producer eligibility.* Any person, partnership, association, or corporation producing rye, barley, or grain sorghums, in 1943, upon whose farm no deductions from payments have been or will be made under the 1943 Agricultural Conservation Program for failure to meet 90 percent of the 1943 war crop goal.

(c) *Eligible grain*—(1) *Eligible rye* shall be rye produced in 1943 grading U. S. No. 2 or better, or grading U. S. No. 3 solely on the factor of test weight, or otherwise grading No. 2 or better, the beneficial interest to which is and always has been in the eligible producer. Rye grading tough, light smutty, smutty, light garlicky, garlicky, weevily, or rye containing in excess of 1 percent of ergot, shall not be eligible for loan. Rye containing in excess of 0.3 percent, but not in excess of 1 percent of ergot, shall be eligible for loan at the discounts set out in § 238.3 (a) hereof.

(2) *Eligible barley* shall be barley of any class grading No. 5 or better, the beneficial interest to which is and always has been in the eligible producer. Barley grading tough, stained, blighted, smutty, garlicky, weevily, ergotty, or bleached, shall not be eligible for a loan.

(3) *Eligible grain sorghums* shall be grain sorghums grading No. 4 or better, except that grain sorghums grading weevily or smutty, or containing in excess of 13 percent moisture when stored on the farm, or in excess of 14 percent when stored in a warehouse, shall not be eligible for loan.

(d) *Eligible storage.* Eligible storage shall include public grain warehouses and farm storage meeting the following requirements:

(1) Public grain warehouses which have met the requirements of Commodity Credit Corporation and have executed the Uniform Grain Storage Agreement.

(2) Farm storage shall consist of farm bins and granaries which are of such firm structure, as determined by the county agricultural conservation committee, as to afford safe storage for the grain for a period of 2 years, permit effective fumigation for the destruction of insects, and to afford protection against rodents, other animals, thieves, and weather.

(e) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person, making loans in accordance with these instructions, which has executed the Contract to Purchase on 1940 C. C. C. Form E.

(f) *Eligible paper.* Eligible paper shall consist of notes of the producer, secured by chattel mortgages or warehouse receipts representing grain in existence and undamaged, executed in accordance with these instructions and approved by a member of the county agricultural conservation committee, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee, will be acceptable only where acceptable in law.

§ 238.2 *Areas in which loans will be made.* Loans will be made on eligible grain stored in approved public grain warehouses wherever located.

Loans are available on eligible grain stored on farms in the following areas:

All counties in the States of California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and in the following counties of the following States:

Oklahoma. Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Mayes, McClain, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

Texas. Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cottle, Crosby, Dallas, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Serman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoskum, and Young.

§ 238.3 *Amount of loans.* The following loan rates apply to grain stored on the farm, or in approved grain warehouses, when evidence is submitted that handling and storage charges have been prepaid through the maturity date of the note. Evidence of prepaid storage must be a stamped or typed certification, signed by the warehouseman, on or attached to the warehouse receipt, which shall read as follows:

Handling and storage charges for the period ending (April 30, 1944, for rye and barley)— (June 30, 1944, for grain sorghums), on the grain represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of this warehouse receipt.

----- Signed -----
Address Warehouseman

7 cents per bushel will be deducted from the applicable loan rate for grain stored in warehouses for which evidence of prepaid storage is not submitted.

(a) The loan value for eligible rye grading No. 2 or better, or rye grading No. 3 solely on test weight, but otherwise grading No. 2 or better, shall be 75 cents per bushel, except that the loan value for eligible rye containing in excess of 0.3 percent, but not in excess of 1 percent of ergot shall be discounted 1 cent for each 0.1 percent of ergot in excess of 0.3 percent.

(b) The loan value for barley, except Mixed Barley (Class IV), shall be based for all classes on the numerical grades as provided in the Official Grade Standards of the United States, in accordance with the following:

| | For all states except when stored in California, Idaho, Oregon, and Washington | Stored in California, Idaho, Oregon, and Washington |
|-------------------|--|---|
| | Cents per bushel | Cents per bushel |
| No. 1 Barley..... | 75 | 80 |
| No. 2 Barley..... | 73 | 78 |
| No. 3 Barley..... | 70 | 75 |
| No. 4 Barley..... | 67 | 72 |
| No. 5 Barley..... | 60 | 65 |

Mixed Barley shall be discounted 2 cents per bushel in all States.

(c) Loan values on grain sorghums will be based on the numerical grade irrespective of subclass, except mixed grain sorghums (Class V), in accordance with the following:

| | For all States except when stored in Arizona and California | Stored in Arizona and California |
|---------------------------|---|----------------------------------|
| No. 2 or Better Grain | Cents per bushel | Cents per bushel |
| Sorghums..... | 85 | 90 |
| No. 3 Grain Sorghums..... | 80 | 85 |
| No. 4 Grain Sorghums..... | 70 | 75 |

Mixed grain sorghums shall be discounted 2 cents per bushel in all States.

§ 238.4 *Maturity and interest rate.* Rye and barley loans will mature on demand, but not later than April 30, 1944. Grain sorghums loans will mature on demand, but not later than June 30, 1944. Rye and barley loans must be dated on or prior to December 31, 1943. Grain sorghums loans must be dated on or prior to February 29, 1944. All loans will bear interest at the rate of 3 percent per annum.

§ 238.5 *Determination of quantity of grain.* Loans shall be made at values expressed in cents per bushel. A bushel shall be determined to be 48 pounds of clean barley and 56 pounds of clean rye or grain sorghums, free of dockage, when determined by weight, or 1.25 cubic feet of grain having test weight of 48 pounds for barley, or 56 pounds for rye or grain sorghums when determined by measurement. In determining the quantity of grain in farm storage by measurement, fractional pounds of the bushel test weight will be disregarded, and the quantity determined shall be adjusted by the following respective percentages:

(a) *Rye and grain sorghums.*

| | Percent |
|--|---------|
| For rye or grain sorghums testing 56 lbs. or over..... | 100 |
| For rye or grain sorghums testing 55 lbs. or over, but less than 56 lbs..... | 98 |
| For rye or grain sorghums testing 54 lbs. or over, but less than 55 lbs..... | 96 |
| For rye or grain sorghums testing 53 lbs. or over, but less than 54 lbs..... | 95 |
| For rye or grain sorghums testing 52 lbs. or over, but less than 53 lbs..... | 93 |
| For rye or grain sorghums testing 51 lbs. or over, but less than 52 lbs..... | 91 |
| For rye or grain sorghums testing 50 lbs. or over, but less than 51 lbs..... | 89 |
| For rye or grain sorghums testing 49 lbs. or over, but less than 50 lbs..... | 87 |

(b) *Barley.*

| | Percent |
|---|---------|
| For barley testing 48 lbs. or over..... | 100 |
| For barley testing 47 lbs. or over, but less than 48 lbs..... | 98 |
| For barley testing 46 lbs. or over, but less than 47 lbs..... | 96 |
| For barley testing 45 lbs. or over, but less than 46 lbs..... | 94 |
| For barley testing 44 lbs. or over, but less than 45 lbs..... | 92 |
| For barley testing 43 lbs. or over, but less than 44 lbs..... | 90 |
| For barley testing 42 lbs. or over, but less than 43 lbs..... | 88 |
| For barley testing 41 lbs. or over, but less than 42 lbs..... | 85 |
| For barley testing 40 lbs. or over, but less than 41 lbs..... | 83 |
| For barley testing 39 lbs. or over, but less than 40 lbs..... | 81 |

| | Percent |
|--|---------|
| For barley testing 38 lbs. or over, but less than 39 lbs.----- | 70 |
| For barley testing 37 lbs. or over, but less than 38 lbs.----- | 77 |
| For barley testing 36 lbs. or over, but less than 37 lbs.----- | 75 |
| For barley testing 35 lbs. or over, but less than 36 lbs.----- | 73 |

§ 238.6 *Farm storage.* Grain stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling and sealing. In accordance with regulations issued by the Secretary of Agriculture the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing of the collateral grain. Chattel mortgages covering the grain must be executed and filed in accordance with the applicable State law. Where the borrower is a tenant farmer and the collateral grain is stored on the farm, the expiration date of the lease must be shown in the chattel mortgage. If the expiration date of the lease is prior to June 30, 1944, in the case of rye and barley, or August 30, 1944, in the case of grain sorghums, the Consent for Storage section of the chattel mortgage must be executed by the owner of the premises and any other party that might be entitled to possession of the premises. Each producer must designate in the chattel mortgage a shipping point reasonably convenient for the delivery of the collateral grain as determined by the county committee. A separate note and chattel mortgage must be submitted for grain stored on each quarter section of land.

§ 238.7 *Public warehouses.* Commodity Credit Corporation will accept only insured negotiable warehouse receipts, covering eligible grain pledged as collateral to notes on C. C. C. Grain Form B, issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement, as amended, and has been approved by the Commodity Credit Corporation. Warehousemen desiring approval are advised to communicate with the Regional Director of Commodity Credit Corporation serving the area in which the warehouse is located, at which office a list of approved warehouses and their locations is available. A list of approved warehouses for the area may also be obtained at any State or county agricultural conservation office. All grain pledged as security for a loan must be stored in the same warehouse. Grain moved by rail freight to a warehouse will not command a higher loan value than grain stored on farms or in warehouses located at country points.

§ 238.8 *Warehouse receipts.* Warehouse receipts must be issued in the name of the producer, must be dated on or prior to the date of the related note, must be properly assigned by an endorsement in blank so as to vest title in the holder, and must be issued by an approved warehouseman. Unless the warehouse receipts are stamped or printed "insured" there must be attached and included in the certificate of the

warehouseman a statement that the grain is insured for not less than the market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for handling and storage charges, unless prepaid through maturity, will be recognized only from June 1, 1943, or the date of the warehouse receipt, whichever is later. Such receipts must set out in their written or printed terms the gross weight or bushels, the grade, test weight, and all other factors and statements required to be stated in the written or printed terms of the negotiable warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act, or be accompanied by a certificate of the warehouseman, identified to such warehouse receipt, setting out such information, and shall be based on the inbound movement or delivery of the grain to an approved warehouse. To be eligible, warehouse receipts for No. 3 rye must contain a statement that the rye grades No. 2 or better except for test weight.

§ 238.9 *Liens.* The grain collateral must be free and clear of all liens, or if liens exist on the collateral, proper waivers must be secured from each lienholder. The names of the holders of all existing liens on the pledged or mortgaged grain such as landlord, laborers, threshers, or mortgages, must be listed in the space provided in the chattel mortgage or note and loan agreement. The waiver and consent to pledge or mortgage the grain and the payment of the proceeds of the loan and the proceeds of the sale of the grain solely to the producer, as contained in the mortgage or note and loan agreement, must be signed personally by all lienholders listed or by their duly authorized agents; or, if a corporation, by an officer authorized to execute such instruments. Lienholders may sign C. C. C. Form AB, completely identifying the related note, in lieu of signing the appropriate section of the chattel mortgage or note and loan agreement. The proceeds of the loan shall be made payable to the producer and/or such other person or concern as the producer may direct in the space provided on the note. Producers should be sure that grain offered as collateral for a loan is not covered by previous real estate or other mortgages. The producer shall be held personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code for any fraudulent representation made in the execution of the note and related forms.

§ 238.10 *Insurance*—(a) *Grain stored on farms.* Commodity Credit Corporation will not require producers to insure their 1943 farm-stored grain placed under loan. In case of a total loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the Commodity Credit Corporation will mark the note "paid" and return it to the borrower. In case of partial loss of collateral

resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the note will be credited at the loan value, plus interest, for the number of bushels on which the loss occurred. No loss will be assumed by the Corporation if it is determined that there is fraudulent representation on the part of the borrower in connection with the loan.

(b) *Grain stored in approved warehouses.* Warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, for the full market value of grain stored in their warehouses, as long as receipts are outstanding.

§ 238.11 *County agricultural conservation committees.* Forms will be furnished county agricultural conservation committees in the areas designated in § 238.2 hereof, and copies for the purpose of information may be obtained from such committees or from the offices of the regional directors serving the areas listed in § 238.14 hereof. The producers' notes contain approvals which should not bear a date prior to the date of the note and loan agreement and which must be signed in each instance by a member of the county agricultural conservation committee of the county in which the grain was produced for warehoused grain, and the county in which the farm is located on which the grain is stored for farm-stored grain. Pursuant to regulations issued by the Secretary of Agriculture, the State and county committees will determine, or cause to be determined, the quantity and grade of the grain collateral and the amount of the loan. All loan documents will be completed and approved by the county committee who will retain copies of all documents. In order to meet the cost of local expenses county agricultural conservation committees will collect a service fee for all loans.

§ 238.12 *Source of loans.* Loans may be obtained from banks and local lending agencies which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans direct from Commodity Credit Corporation on notes made payable to the Corporation, which shall be delivered (or postmarked) prior to January 1, 1944, for rye and barley, and March 1, 1944, for grain sorghums, to the office serving the area in which the grain is stored. Upon approval of the loan by Commodity Credit Corporation, payment will be made pursuant to the directions of the producer as set forth in the note.

§ 238.13 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined above, only from lending agencies which have executed, and delivered to the office of Commodity Credit Corporation to which notes are submitted, Contract to Purchase, 1940 C. C. C. Form E, obtainable only from such offices. Notes held by lending agencies must be tendered to Commodity Credit Corporation for immediate or deferred purchase within 10 days of written request or at least 10 days prior to maturity in the

absence of written demand. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from the respective dates to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly, on 1940 C. C. C. Form F, all payments or collections on producers' notes held by them, and to remit, with such report, to Commodity Credit Corporation, an amount equivalent to 1½ percent interest per annum on the principal amount collected from the date of the note to the date of payment.

§ 238.14 *Offices of Commodity Credit Corporation.* The offices of the Regional Directors previously referred to herein and the areas served by them are:

| Address | Area |
|--|---|
| 208 South LaSalle Street, Chicago, Ill. | Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia. |
| Dwight Building, 1004 Baltimore Avenue, Kansas City, Mo. | Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, and Wyoming. |
| 326 McKnight Building, Minneapolis, Minn. | Minnesota, Montana, North Dakota, South Dakota, and Wisconsin. |
| Artisans Building, 225 Southwest Broadway, Portland, Oreg. | Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. |

§ 238.15 *Release of collateral held by Commodity Credit Corporation.* A producer may obtain release of the collateral by paying to the lending agency or the Commodity Credit Corporation, whichever holds the note, the principal amount of the note, plus interest. If the note is held by an out-of-town lending agency or the Commodity Credit Corporation, the producer may request the note be forwarded to a local bank for collection. In such case, the local bank should be instructed to return the note to the sender if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of the farm storage loan, the county agricultural conservation committee should be requested to release the mortgage by filing an instrument of release with the county recorder, or by a margin release on the county recorder's records.

Partial releases of collateral will be made as follows:

(a) In the case of farm-stored grain, producers may obtain release of all or

part of the collateral in a bin by paying to the holder of the note the loan value and accrued interest, for the grain released. Form Commodity Loan 29 must be executed in accordance with instructions issued by the Agricultural Adjustment Agency for each partial redemption, and one copy must be submitted to the office of the regional director serving the area.

(b) In case of warehouse-stored grain, each partial release must cover all the grain under one warehouse receipt number. Producers may obtain release of one or more warehouse receipts by paying to the holder of the note the amount of the loan, plus interest, for the grain represented by the warehouse receipt. If the notes are held by an out-of-town lending agency or Commodity Credit Corporation, or if the grain is stored in a terminal warehouse, the warehouse receipt(s) may be forwarded to an approved lending agency, as directed by the producer, for collection.

(c) Commodity Credit Corporation will purchase notes on which partial releases have been made by lending agencies provided the note is credited by the lending agency for the full amount of the loan on the grain released, plus interest at the rate of 3 percent per annum, and 1½ percent interest per annum on such principal amount collected has been submitted to the regional director serving the area.

Dated: June 10, 1943.

J. B. HUTSON,
President.

[F. R. Doc. 43-11819; Filed, July 23, 1943; 11:16 a. m.]

TITLE 7—AGRICULTURE

Chapter X—War Food Administration [FPO 3, Supp. Order 5]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Pursuant to § 1202.212 of Food Production Order 3, as amended (8 F.R. 5963, 7625, 8045, 9100, 9101), *It is hereby ordered, That:*

§ 1202.255 *Supplementary Order 5—*(a) *Purpose.* This Supplementary Order 5 is issued to permit the distribution and sale, until a permanent rationing program to replace Food Production Order 3 is promulgated, of a percentage of the farm machinery and equipment produced under the authority of War Production Board Order L-257 (8 F.R. 8163).

(b) *Scope.* This order deals with new farm machinery and equipment produced under War Production Board Order L-257 and listed in Food Production Order 3. Such equipment shall be deemed to be Schedule I equipment as defined in Food Production Order 3 and is hereinafter referred to as L-257 equipment. It includes the subdivisions as listed in Order L-257 of items which are listed in Food Production Order 3. For example, L-257 equipment includes items 108-108n, inclusive, listed in Order L-257, even though item 108 appears without subdivisions in Food Production Order 3.

(c) *Authority granted.* (1) Any manufacturer may transfer not more than 40 percent of the L-257 equipment which he is authorized to produce: *Provided, That:*

(i) Until a manufacturer has filled distribution orders and directives issued to him for any type of equipment under Food Production Order 3, he shall not transfer L-257 equipment of the same type except to fill such orders and directives.

(ii) Any person may make or accept a transfer of equipment which is distributed by a manufacturer in accordance with this Supplementary Order 5, but nothing in this order shall be construed to alter the requirement of Food Production Order 3 for a purchase certificate when a transfer is made for use.

(d) *Records.* Each manufacturer shall maintain records which will enable him, upon request from time to time by the Deputy Administrator, to report the number of items of any type of L-257 equipment which such manufacturer has transferred and the States in which such equipment has been or is intended by such manufacturer to be transferred for the purpose of retransfer for use. If a manufacturer has transferred for use any item of such equipment, he shall report the State to which such transfer was made, rather than the information required by the preceding sentence. This record keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) This Supplementary Order 5 shall be added to and become a part of Food Production Order 3, as amended, and any violation of this Supplementary Order 5 shall constitute a violation of Food Production Order 3.

(f) This Supplementary Order 5 shall become effective July 22, 1943.

Issued this 22d day of July 1943.

M. LEE MARSHALL,
Deputy Administrator.

[F. R. Doc. 43-11820; Filed, July 23, 1943; 11:16 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3593]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DEARBORN SUPPLY COMPANY

§ 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Mercolized Wax" or "Mercolized Wax Cream" cosmetic preparation, or any other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparation, which advertisements fail to reveal that said preparation should not be applied to an area of the skin larger than the face and neck at any one time,

that too frequent applications and use over excessive periods of time should be avoided, that adequate rest periods between series of treatments should be observed, that the preparation should not be used where the skin is cut or broken, and that in all cases a proper patch test should be made to determine whether the patient is allergic or sensitive to the preparation; prohibited, subject to provision, however, that such advertisements need contain only the statement, "Caution: use only as directed", if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Supplemental cease and desist order, Dearborn Supply Company, Docket 3593, July 14, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of July, A. D. 1943.

This proceeding having heretofore been reopened by the Commission for the purpose of taking testimony and other evidence in support of and in opposition to certain allegations of the complaint, and such testimony and other evidence having thereafter been introduced before trial examiners of the Commission theretofore duly designated by it; and the proceeding having come on for hearing before the Commission on such testimony and other evidence, report of the trial examiners upon the evidence, briefs in support of and in opposition to such allegations of the complaint, and oral argument; and the Commission having made its supplemental findings as to the facts and its conclusion that such allegations of the complaint have been sustained and that the respondent has, in respect thereof, violated the provisions of the Federal Trade Commission Act:

It is ordered. That the respondent, Dearborn Supply Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's cosmetic preparation designated "Mercolized Wax" or "Mercolized Wax Cream," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to reveal that said preparation should not be applied to an area of the skin larger than the face and neck at any one time, that too frequent applications and use over excessive periods of time should be avoided, that adequate rest periods between series of treatments should be observed, that the preparation should not be used where the skin is cut or broken, and that in all cases a proper patch test should be

made to determine whether the patient is allergic or sensitive to the preparation: *Provided, however,* That such advertisement need contain only the statement, "Caution: use only as directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain warning to the above effect.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to comply with the requirements set forth in paragraph 1 hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11821; Filed, July 23, 1943;
11:30 a. m.]

[Docket No. 4499]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

AMERICAN RUG AND CARPET CO. INC.

§ 3.66 (c 20) *Misbranding or mislabeling—Manufacture or preparation:* § 3.63 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Manufacture:* § 3.96 (a) *Using misleading name—Goods—Nature:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of rugs, (1) using the words "Saroukan", or "Iran" or any other combination of words or syllables, coined or otherwise, which are indicative of the Orient to designate or describe rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of Oriental rugs; or (2) using the words "Kashan", "Ardavan", or "Sarouk", or any other name of any genuine Oriental rug, alone or in combination with other words or syllables, coined or otherwise, to designate or describe rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of the particular Oriental rugs indicated by the use of such name; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, American Rug and Carpet Co., Inc., Docket 4499, July 13, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of July, 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 it waives all intervening procedure and further hearing 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, American Rug and Carpet Co., Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of rugs in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "Saroukan", or "Iran" or any other combination of words or syllables, coined or otherwise, which are indicative of the Orient to designate or describe rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of Oriental rugs.

(2) Using the words "Kashan", "Ardavan", or "Sarouk" or any other name of any genuine Oriental rug, alone or in combination with other words or syllables, coined or otherwise, to designate or describe rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of the particular Oriental rugs indicated by the use of such name.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11824; Filed, July 23, 1943;
11:30 a. m.]

[Docket No. 4881]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

RHODE ISLAND PLUSH MILLS, INC.

§ 3.7 *Aiding, assisting and abetting unfair or unlaful act or practice:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of textile fabrics, and among other things, as in order set forth, (1) using the words "Bokahara-Lam", "Alla po-Curl", "Arabakurl", "Bokahara-Curl", "Mara-Kurl", or any similar term, to designate fabrics which resemble or simulate in appearance the color, pattern, or texture of peltries of the Karakul breed of sheep or lambs, or fabrics made from the fleece of such sheep or lambs; or (2) representing or implying in any manner that textile

fabrics are made from the fleece of the Karakul breed of sheep or lamb, when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Rhode Island Plush Mills, Inc., Docket 4881, July 13, 1943]

§ 3.66 (a 7) *Misbranding or mislabeling—Composition*: § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Composition*. In connection with the introduction or manufacture for introduction of textile fabrics into commerce, or the sale, transportation, or distribution of textile fabrics therein, and among other things, as in order set forth, misbranding fabrics which contain, purport to contain, or in any way are represented as containing, wool, reprocessed wool, or reused wool, as those terms are defined in the Wool Products Labeling Act of 1939, by failing to place on or affix to said fabrics a stamp, tag, label or other means of identification showing (a) the percentage of the total fiber weight of the fabric, exclusive of ornamentation not exceeding 5 percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of the said fabric of non-fibrous loading, filling, or adulterating matter; (c) the name of the manufacturer of the said fabric; or the manufacturer's registered identification number and the name of a subsequent seller of the fabric; or the name of one or more persons subject to Section 3 of said Wool Products Labeling Act of 1939 with respect to such fabric; and (d) the percentages, in words and figures plainly legible, by weight of the wool contents where said fabric contains a fiber other than wool; prohibited, subject to the proviso, however, that said subsections (a), (b), (c) and (d) are subject to the provisions of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and are not to be construed as limiting applicable provisions of said Act or said Rules and Regulations. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 68) [Cease and desist order, Rhode Island Plush Mills, Inc., Docket 4881, July 13, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into by the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon, and an order disposing of the proceeding; 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 and the Wool Product Labeling Act of 1939:

It is ordered, That the respondent, Rhode Island Plush Mills, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Bokahara-Lam", "Allapo-Curl", "Arabakurl", "Bokahara-Curl", "Mara-Kurl", or any similar term, to designate fabrics which resemble or simulate in appearance the color, pattern; or texture of peltries of the Karakul breed of sheep or lambs, or fabrics made from the fleece of such sheep or lambs.

2. Representing or implying in any manner that textile fabrics are made from the fleece of the Karakul breed of sheep or lamb, when such is not the fact.

It is further ordered, That the respondent, Rhode Island Plush Mills, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction of textile fabrics into commerce, or the sale, transportation, or distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding fabrics which contain, purport to contain, or in any way are represented as containing, wool, reprocessed wool, or reused wool, as those terms are defined in the Wool Products Labeling Act of 1939, by failing to place on or affix to said fabrics a stamp, tag, label or other means of identification showing:

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

(b) The maximum percentage of the total weight of the said fabric of non-fibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of the said fabric; or the manufacturer's registered identification number and the name of a subsequent seller of the fabric; or the name of one or more persons subject to Section 3 of said Wool Products Labeling Act of 1939 with respect to such fabric.

(d) The percentages, in words and figures plainly legible, by weight of the wool contents where said fabric contains a fiber other than wool.

Paragraphs (a), (b), (c), and (d) of this order are subject to the provisions of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and are not to be construed as limiting applicable provi-

sions of said Act or said Rules and Regulations.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 6-11822; Filed, July 23, 1943; 11:30 a. m.]

[Docket No. 4948]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CENTRAL SALES COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. In connection with offer, etc., in commerce, of smokers' articles, sporting goods, novelties, or any other merchandise, (1) selling, etc., any merchandise so packed and assembled that sales of such merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondents, may be made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which are to be used or may be used in selling and distributing respondents' merchandise or any merchandise to the public; or (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, Central Sales Company, Docket 4948, July 13, 1943]

In the Matter of John H. Fling and William B. Mahaney, Individuals Trading as Central Sales Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1943.

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

It is ordered, That the respondents, John H. Fling and William B. Mahaney, individually and trading as Central Sales Company, or trading under any other name, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of smokers' articles, sporting goods, novelties or any other merchandise in commerce, as "commerce" is de-

ined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling and distributing any merchandise so packed and assembled that sales of such merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondents, may be made by means of a game of chance, gift enterprise, or lottery scheme.

2. Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which are to be used or may be used in selling and distributing respondents' merchandise or any merchandise to the public.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11823; Filed, July 23, 1943;
11:30 a. m.]

[Docket No. 4822]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

ATLANTIC PACKING COMPANY, ETC.

§ 3.66 (g) *Misbranding or mislabeling—Producer status of dealer or seller*: § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller*. In connection with offer, etc., in commerce, of respondent's food products, (1) using the trade name "Atlantic Packing Co.," or any trade name containing the word "Packing" or any other word of similar import, in connection with any product which is not in fact packed by respondents; or (2) representing, directly or by implication, that any product is packed by respondents when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Atlantic Packing Company, etc., Docket 4822, July 10, 1943]

In the Matter of Samuel Perloff, Harry Perloff, Earl Perloff, and Morris Perloff, Individuals and Copartners, Trading as Atlantic Packing Company and Atlantic Packing Company, Distributors

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the allegations of the complaint taken before a trial examiner of the Commission there-

fore duly designated by it (no testimony or other evidence having been offered on behalf of respondents), report of the trial examiner upon the evidence, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Samuel Perloff, Harry Perloff, Earl Perloff, and Morris Perloff, individually and trading as Atlantic Packing Company and as Atlantic Packing Company, Distributors, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondents' food products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the trade name "Atlantic Packing Co.," or any trade name containing the word "Packing" or any other word of similar import, in connection with any product which is not in fact packed by respondents.

2. Representing, directly or by implication, that any product is packed by respondents when such is not the fact.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-11848; Filed, July 23, 1943;
11:57 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan
System

[Bulletin 26]

CONSERVATORS AND RECEIVERS

JULY 21, 1943.

No hearing having been requested in accordance with the provisions of paragraph (d) of § 201.2 of the rules and regulations for the Federal Savings and Loan System after opportunity therefor was allowed in accordance with paragraph (b) thereof, the rules and regulations for the Federal Savings and Loan System are hereby amended, effective July 22, 1943, as follows:

PART 205—APPOINTMENT OF CONSERVATOR
OR RECEIVER FOLLOWING REQUEST¹

1. By striking out in § 205.2 *Possession by examiner* the following language:

If the association is turned over to an examiner, he shall forthwith post a notice, in substantially the following form on the door of the home office of the association:

¹ 8 F.R. 1181.

By request of the board of directors of this Association, the undersigned is temporarily in charge of _____ Federal Savings and Loan Association _____

Date _____ Examiner, Federal Home
Loan Bank Administration

PART 206—APPOINTMENT OF CONSERVATOR
OR RECEIVER¹

2. By amending § 206.1 *Receiver or conservator, appointment* as follows:

a. By striking out in subparagraph numbered (2) the language "or has a person or persons in a position or situation of dominance or control, or exercising dominance or control, who is or are an unsafe or improper person or persons to be in such position or situation or to exercise such dominance or control", and the comma immediately preceding said language, and inserting in lieu thereof the following: "to manage a Federal savings and loan association"; and

b. By striking out in subparagraph numbered (10) the words "failed or refused" and inserting in lieu thereof the words "refused or failed";

PART 207—POWERS OF CONSERVATOR AND
CONDUCT OF CONSERVATORSHIPS²

3. By amending § 207.2 *Procedure upon taking possession* as follows:

a. By striking out all of paragraph (a);
b. By relettering paragraph (b) as paragraph (a) and by striking out the word "and" at the end of said paragraph; and

c. By striking out all of paragraph (c) and inserting in lieu thereof the following:

(b) File with the Secretary of the Federal Home Loan Bank Administration a statement (1) that he has taken possession, pursuant to § 207.1 of these rules and regulations, of such Federal association and (2) of the time of such taking of possession; and such statement shall be conclusive evidence of such taking of possession and of the time of such taking of possession, and

(c) If the ground, or one of the grounds, of his appointment is the ground set forth in subparagraph numbered (4) of § 206.1 of these rules and regulations, post a notice in substantially the following form on the door of the home office of such association:

----- Federal Savings and Loan
Association, -----
-----, is in the possession
and charge of the undersigned as Con-
servator under appointment by the Federal
Home Loan Bank Administration.

Date _____ Conservator

4. By striking out in § 207.3 *Succession* the language "the posting of the notice on the door of such Federal association as provided in paragraph (a) of § 207.2 of these rules and regulations" and inserting in lieu thereof the following: "taking possession, pursuant to § 207.1 of these rules and regulations, of such Federal association"; and

5. By striking out in § 207.5 *Powers and duties of conservator* the language "post-

² 8 F.R. 1182.

ing notice pursuant to paragraph (a) of § 207.2" and inserting in lieu thereof the following: "taking possession pursuant to § 207.1".

(Sec. 5 (a), (d), of H.O.L.A. of 1933, 48 Stat. 132, 133; 12 U.S.C. 1464 (a), (d); E.O. 9070, 7 F.R. 1529)

JOHN H. FAHEY,
Federal Home Loan Bank
Commissioner.

[F. R. Doc. 43-11781; Filed, July 22, 1943;
2:21 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5285]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF WAR

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 507 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. Section 19.53-1, as amended by Treasury Decision 5266, approved May 15, 1943, is further amended by striking out the last sentence and inserting in lieu thereof the following:

For provisions relating to certain cases in which the time for filing income tax returns is postponed by reason of a member (whether or not the taxpayer) of the military or naval forces of the United States serving on sea duty or outside the continental United States, by reason of any other individual (whether or not the taxpayer) being outside the Americas, or by reason of a locality being an area of enemy action or control, see section 3804 and the regulations prescribed thereunder. See such provisions also for the circumstances under which the time for filing income tax returns of the spouses of such members or of such other individuals is in certain cases postponed. As to the time for filing income tax returns of China Trade Act corporations for taxable years beginning after December 31, 1940, see section 3805.

PAR. 2. Section 19.53-4, as amended by Treasury Decision 5149, approved May 11, 1942, is further amended by striking out the first sentence and inserting in lieu thereof the following:

The due date is the date on or before which a return is required to be filed in accordance with the provisions of the Internal Revenue Code, including, in the case of certain taxpayers to which section 3804 or 3805 is applicable, the provisions of such section and the regulations prescribed thereunder, or the last day of the period covered by an extension of time granted by the Commissioner or a collector.

PAR. 3. The caption "Public Law 490 (77th Congress), Approved March 7, No. 146—2

1942." and the provisions of law thereunder, immediately preceding § 19.56-1, which were added by Treasury Decision 5149, are stricken out.

PAR. 4. Section 19.56-1, as amended by Treasury Decision 5266, is further amended by striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Postponement in certain cases by reason of war.* For provisions relating to certain cases in which the date otherwise prescribed for the payment of the tax or an installment thereof is postponed by reason of a member (whether or not the taxpayer) of the military or naval forces of the United States serving on sea duty or outside the continental United States, by reason of any other individual (whether or not the taxpayer) being outside the Americas, or by reason of a locality being an area of enemy action or control, see section 3804 and the regulations prescribed thereunder. See such provisions also for the circumstances under which the date otherwise prescribed for the payment of the tax or an installment thereof of the spouses of such members or of such other individuals is in certain cases postponed. As to the time for payment of the tax by China Trade Act corporations for taxable years beginning after December 31, 1940, see section 3805.

PAR. 5. Section 19.217-1, as amended by Treasury Decision 5149, is further amended by striking out the second sentence and inserting in lieu thereof the following:

For provisions relating to certain cases in which the time for filing the return is postponed by reason of the war, see section 3804 and the regulations prescribed thereunder.

PAR. 6. Section 19.218-1, as amended by Treasury Decision 5149, is further amended by striking out the last sentence and inserting in lieu thereof the following:

For provisions relating to certain cases in which the date otherwise prescribed for the payment of the tax or an installment thereof is postponed by reason of the war, see section 3804 and the regulations prescribed thereunder.

PAR. 7. Section 19.235-1, as amended by Treasury Decision 5165, approved August 13, 1942, is further amended by adding at the end of paragraphs (a) and (b) thereof the following:

For provisions relating to certain cases in which the time for filing the return is postponed by reason of the war, see section 3804 and the regulations prescribed thereunder.

PAR. 8. Section 19.236-1, as amended by Treasury Decision 5165, is further amended by adding at the end of paragraphs (a) and (b) thereof the following:

For provisions relating to certain cases in which the date otherwise prescribed for the payment of the tax or an installment thereof is postponed by reason of the war, see section 3804 and the regulations prescribed thereunder.

(Secs. 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U.S.C. 62, 3791) and sec. 507 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner.

Approved: July 22, 1943.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-11792; Filed, July 22, 1943;
4:27 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

PART 212—PAYMENT THROUGH DEPOSITORY BANKS OF FUNDS WITHHELD AS TAXES IN ACCORDANCE WITH THE PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943

MISCELLANEOUS AMENDMENTS

JULY 22, 1943.

The first paragraph of § 212.4 *Designation of Government depositaries in connection with payment of taxes* of Title 31 of the Code of Federal Regulations (8 F. R. 9045), appearing also as the first paragraph of section 5 of Treasury Department Circular No. 714, dated June 25, 1943, is hereby amended to read as follows:

All incorporated insured banks, within the meaning of section 10 of the Act of June 11, 1942, referred to in § 212.2 of this part and all incorporated uninsured banks and trust companies designated as "Special Depositaries of Public Moneys" under the Act of Congress approved September 24, 1917, as amended (Second Liberty Bond Act, as amended),¹ are hereby designated, subject to the provisions of this part, as depositaries and financial agents of the Government for receiving from employers or other persons, hereinafter referred to as employers, funds withheld as taxes pursuant to the Current Tax Payment Act of 1943; *Provided*, That no such bank shall perform any of the acts covered by this designation until it has qualified so to act in the manner herein prescribed.

The first sentence of § 212.5 *Qualification of Government depositaries in connection with payment of taxes* of Title 31 of the Code of Federal Regulations (8 F.R. 9045), appearing also as the first sentence of section 6 of Treasury Department Circular No. 714, dated June 25, 1943, is hereby amended to read as follows:

Any designated bank which desires to qualify, under the terms of this part, for receiving from employers funds withheld as taxes pursuant to the Current Tax Payment Act of 1943, should apply for qualification through the Federal Reserve bank of the district in which it is located.

¹ See Part 203 of Title 31 of the Code of Federal Regulations (8 F.R. 5141), appearing also as Treasury Department Circular No. 92 (Revised), dated April 14, 1943.

The fifth paragraph of § 212.7 *Provision for offsetting costs of depositaries for withheld taxes* of Title 31 of the Code of Federal Regulations (8 F.R. 9046), appearing also as the fifth paragraph of section 8 of Treasury Department Circular No. 714, dated June 25, 1943, is hereby amended to read as follows:

In case a bank qualifies as a depositary for withheld taxes on or before July 31, 1943, its initial 2% depositary bond allotment or Treasury balance under the method elected by the depositary will be calculated on the basis of the business transacted under this part by the depositary during the month of August 1943. The same general rule will be applied in the case of banks qualifying during each month after July 1943. For example, in the case of a bank qualifying as a depositary during the month of August 1943, the initial 2% depositary bond allotment or Treasury balance will be based upon the business such depositary transacts under this part during the month of September 1943.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 43-11833; Filed, July 23, 1943;
11:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 974—TOLUENE (TOLUOL)

[Allocation Order M-34, as Amended
July 23, 1943]

The order title "General Preference Order No. M-34" is hereby amended to read, "Allocation Order M-34".

Section 974.1 is hereby amended to read as follows:

§ 974.1 *Allocation Order M-34—(a) Definitions.* For the purpose of this order:

(1) "Toluene" means toluene from whatever source derived, except that it shall not include petroleum solvents and diluents of Kauri-butanol values less than 85 Kauri-butanol number.

(2) "Nitration grade toluene" means toluene which meets the requirements of Grade "A" in United States Army Specification No. 50-11-38C, as the same may from time to time be revised.

(3) "Commercial grade toluene" means toluene other than nitration grade toluene.

(4) "Supplier" means any person who produces toluene, or who purchases toluene for resale as toluene.

(b) *Restrictions on delivery and acceptance of delivery.* (1) No supplier shall deliver toluene to any person, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A annexed.

(2) No person shall accept delivery of toluene from a supplier, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed.

(c) *Restrictions on use.* No person shall use toluene except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed.

(d) *Production requirements.* Unless specifically authorized or directed by the War Production Board:

(1) No person shall use or deliver oils containing commercially extractable toluene, except for the purpose of distillation or refining;

(2) Each person processing oil for the extraction of toluene shall produce therefrom the maximum quantity of nitration grade toluene which his equipment and facilities are capable of producing.

The above requirements are in addition to the requirements of Order M-137 with respect to oils containing commercially extractable benzene, and shall not apply to oils derived from petroleum.

(e) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of toluene and oils containing toluene (except oils derived from petroleum); or

(2) Production of toluene and processing of oils containing toluene (except oils derived from petroleum); or

(3) Preparation and filing of forms and certificates to be furnished in accordance with Appendices A and B annexed.

(f) *Laboratory exemption.* (1) Any laboratory may use and accept delivery of 5 gallons or less of toluene in the aggregate from all suppliers in any calendar month, without the specific authorization required by paragraph (b) (2).

(2) Any supplier principally engaged in supplying laboratories may deliver 5 gallons or less of toluene to each laboratory in any calendar month without the specific authorization required by paragraph (b) (1).

(g) *Government plant exemption.* (1) Any Government owned plant may use toluene in the production of explosives, may accept delivery of toluene from any person for use in the production of explosives, and may deliver toluene to a Government owned explosives plant, without application under this order and without the specific authorization required by paragraphs (b) and (c).

(2) The above exemption does not apply to any privately owned plant delivering toluene to, or accepting delivery of toluene from, any Government owned plant.

(h) *Special provisions for July and August, 1943.* Notwithstanding the provisions of paragraphs (b) and (c), and of Appendices A and B annexed:

(1) During July, 1943, applications for authorization to deliver or accept delivery of toluene may be made in accordance with the provisions of this order as in effect prior to July 23, 1943;

(2) Any person may, without specific authorization, accept delivery of, and use

for the purpose stated in his application to the War Production Board, any toluene which he received on or before August 31, 1943, or which was in transit to him on that date.

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

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

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of toluene shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(3) *Approval of reporting requirements.* Forms WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *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 priority assistance.

(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 25, D. C., Ref.: M-34.

Issued this 23d day of July 1943.

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

APPENDIX A

INSTRUCTIONS TO SUPPLIERS FOR FILING APPLICATION FOR AUTHORIZATION TO DELIVER TOLUENE

Each supplier seeking authorization to deliver toluene shall file application on Form WPB-2946 (Formerly PD-601) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601). Copies of Form WPB-2946 (Formerly PD-601) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which one may be retained by

the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-34.

Heading. Under name of chemical, specify toluene; under War Production Board order number, specify M-34; specify gallons as unit of measure; and otherwise fill in as indicated.

Table I. Fill in as indicated. If the applicant-supplier is also filing application on Form WPB-2945 (formerly PD-600) for authorization to use toluene, he should list his own name as a customer.

Specify grade as nitration or commercial. **Rolling stock.** Fill in as indicated.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks of toluene not authorized for delivery on the dates specified.

APPENDIX B

INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF TOLUENE

Each person (including any supplier) seeking authorization to use or accept delivery of toluene, shall file application on Form WPB-2945 (formerly PD-600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

WPB-2945 (formerly PD-600). Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 5th day of the month preceding the month for which authorization for delivery or use is sought.

Five copies shall be prepared, of which one copy may be retained by the applicant, one copy shall be forwarded to the supplier, and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-34.

Number of sets. A separate set of application forms shall be submitted for each supplier and for each delivery destination or plant of the applicant.

Heading. Under name of chemical, specify toluene; under War Production Board order number, specify M-34; under unit of measure, specify gallons; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for acceptance of delivery or use is sought.

Column 1. Specify as grade nitration or commercial.

Column 2. Specify separately the quantities (in gallons) required for each primary product and product use specified in Columns 3 and 4 of the application.

Column 3. Specify primary products in terms of the following:

- Para Cresol.
- Quinacrine.
- Explosives.
- Zinc Chromate Primer.
- Petroleum additives.
- Aviation oils.
- Neoprene solvent.
- Other primary product (specify).
- Export (as toluene).
- Resale (as toluene).
- Inventory (as toluene).

Column 4. Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, in the case of para cresol, Order M-27; in the case of quinacrine, Order M-306).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army

or Navy or Lend-Lease specification and contract numbers when available.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom, or for whose account, the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale" in Column 3, write in Column 4 "upon further authorization".

Opposite "Inventory" in Column 3, write into Column 4 "subject to further authorization".

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for each grade of toluene referred to in Column 1 of the application.

Suppliers shall report only quantities of toluene which have been allocated to them for their own use.

Table III. Fill in as indicated.

Table IV. Fill in as indicated for each primary product specified in Column 3 of the application, except for primary products under direct allocation (such as para cresol or quinacrine).

[F. R. Doc. 43-11834; Filed, July 23, 1943; 11:52 a. m.]

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-336]

CONNECTICUT HEAT AND FUEL CO.

Connecticut Heat and Fuel Company, 324 Congress Avenue, New Haven, Connecticut, has appealed from the provisions of Suspension Order S-336, issued June 23, 1943. After a review of the case it has been determined by the Chief Compliance Commissioner that Suspension Order S-336 should be modified so as to expire at an earlier date than now is specified.

In view of the foregoing: *It is hereby ordered*, That § 1010.336 Suspension Order S-336, issued June 23, 1943, be revoked.

Issued this 23d day of July, 1943.

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

[F. R. Doc. 43-11836; Filed, July 23, 1943; 11:52 a. m.]

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-337]

MICHAEL HOFFMAN FUEL CO., INC.

Michael Hoffman Fuel Company, Inc., 156 East Washington Avenue, Bridgeport, Connecticut, has appealed from the provisions of Suspension Order S-337 issued June 23, 1943. Pending the determination of the appeal, the provisions of Suspension Order S-337 were stayed by the Chief Compliance Commissioner. After a review of the case, it has been determined by the Chief Compliance Commissioner that Suspension Order S-337 should be modified so as to expire at an earlier date than now is specified.

In view of the foregoing: *It is hereby ordered*, That § 1010.337 Suspension Or-

der S-337, issued June 23, 1943, be revoked.

Issued this 23d day of July, 1943.

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

[F. R. Doc. 43-11835; Filed, July 23, 1943; 11:52 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-363]

BROOK ELECTRICAL SUPPLY CO. AND L. J. SEGIL CO.

Leon J. Segil, Miriam Segil, Harold T. Segil, Louis J. Segil, Jane Segil and Gladys Segil are engaged as partners in the business of selling electric lighting fixtures under the names of Brook Electrical Supply Company and L. J. Segil Company, at 2510 West North Avenue and on Clark Street, Chicago, Illinois. When investigated by the War Production Board in December of 1942, and at other times, respondents were found to have kept no production records, nor to have maintained adequate records showing a correlation between preference ratings assigned to them and those extended by them, and not to have differentiated between sale at retail and at wholesale. These failures to maintain proper records made it difficult to ascertain whether their handling of materials conformed to rules and regulations of the War Production Board, and constituted violations of Priorities Regulation No. 1, as amended.

Between May 1, 1942, and December 31, 1942, respondents extended to their suppliers preference ratings AA-1 to A-1-j which were not supported by equivalent preference ratings assigned them on related customers' orders, and during said period of time, respondents placed orders for approximately 103,000 feet of copper wire in excess of the quantity required to fill the rated orders received by them, and they also placed orders for 28,725 feet of copper wire to fill unrated orders, both actions being in violation of Priorities Regulation No. 3, as amended. Between September 30, 1942, and December 10, 1942, respondents sold and delivered approximately 99 new complete fluorescent lighting fixtures on orders bearing preference ratings lower than A-2 in violation of General Limitation Order L-78, as amended. Between June 25, 1942, and September 12, 1942, respondents accepted delivery of approximately 100,000 feet of copper wire on unrated orders in violation of General Preference Order M-9-a. Between May 4, 1942, and December 10, 1942, respondents improperly applied ratings given them under Preference Rating Order P-100. Respondents were aware of the said orders, and their acts must be deemed wilful violations.

These wilful violations of Priorities Regulation No. 1, Priorities Regulation No. 3, General Limitation Order L-78, General Preference Order M-9-a, and Preference Rating Order P-100 have diverted scarce materials to uses unau-

thorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.363 *Suspension Order No. S-363.* (a) Leon J. Segil, Miriam Segil, Harold T. Segil, Louis J. Segil, Jane Segil and Gladys Segil, doing business as Brook Electrical Supply Company and L. J. Segil Company, or otherwise, their and its successors and assigns shall not purchase, order, or accept delivery of any materials in order to manufacture or assemble electrical fixtures, fluorescent or otherwise, or component parts; nor shall they manufacture, assemble, sell or otherwise dispose of electric fixtures, fluorescent or otherwise, unless hereafter specifically authorized in writing by the War Production Board.

(b) The provisions of this order shall not apply to orders bearing a preference rating of AA-2X or higher.

(c) Nothing in this order shall be deemed to relieve Leon J. Segil, Miriam Segil, Harold T. Segil, Louis J. Segil, Jane Segil and Gladys Segil, doing business as Brook Electrical Supply Company and L. J. Segil Company, or otherwise, their and its successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on July 23, 1943, and shall expire on November 23, 1943.

Issued this 16th day of July 1943.

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

[F. R. Doc. 43-11837; Filed, July 23, 1943;
11:52 a. m.]

PART 1193—COTTON TEXTILE PRODUCTION
[Supplementary Limitation, Order L-99-a, as Amended July 23, 1943]

§ 1193.2 *Supplementary Limitation Order L-99-a—(a) 80 squares.* No producer or converter of cotton textiles shall sell or deliver any 39" 80/80 4.00 yard print cloth or pro rata widths thereof, gray or finished, except to fill orders bearing a preference rating of AA-5 or better. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(b) *Bandage cloth.* No producer or converter of cotton textiles shall process or convert any 38½" 44/36 8.60 yard or 38½" 44/40 8.20 yard print cloth, or pro rata widths thereof, gray or finished, except to render the same suitable for manufacture into surgical dressings or cheese bandages. No producer, converter, or jobber (one who sells to a manufacturer, or for resale) shall sell or deliver such cloth, knowing or having reason to believe that such cloth will be used other than for manufacture into such dressings or bandages. These restrictions shall not apply to specific

orders for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(c) *Bandage cloth loom assignment.* No producer of cotton textiles, who on July 3, 1943, assigned or operated a loom for the production of 38½" 44/36 8.60 yard print cloth, or pro rata widths thereof, shall operate that loom on any other construction. No producer of cotton textiles, who on July 3, 1943 assigned or operated a loom for the production of 38½" 40/32 9.80 or 38½" 48/44 7.46 yarn print cloths, or pro rata widths thereof, shall operate that loom on any other than one of the three constructions mentioned in this paragraph (c), or pro rata widths thereof.

(d) *Diaper cloth.* No person shall sell, deliver, buy or accept any gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers, knowing or having reason to believe that the same will be used for industrial purposes, and no manufacturer or processor of any product shall use gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers for industrial purposes. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or manufacturer's production of diaper cloth and diapers.

(e) *Spindle assignment.* No producer of cotton textiles, who on July 3, 1943, assigned or operated a spindle for the production of cotton sale yarn or any other cotton product, referred to in one of the items numbered "1" to "13" inclusive, "16" to "20", inclusive, "2", "23", "25" to "29" inclusive, or "38" to "78", inclusive, on Form WPB 658-E (6-28-43), shall operate that spindle for the production of any product not within that item. The operation may be in any count within the range referred to in the item. (For example, if on July 3, 1943, a spindle was operated on or was assigned to "17's" single carded weaving sale yarn—which falls within Item No. "3" on said form—it may be operated only on such a yarn within the range of "15's" to "20's", inclusive.)

Issued this 23d day of July 1943.

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

[F. R. Doc. 43-11838; Filed, July 23, 1943;
11:52 a. m.]

PART 1195—BENZENE

[Allocation Order M-137, as amended July 23, 1943]

The order title "Conservation Order No. M-137" is hereby amended to read, "Allocation Order M-137".

Section 1195.1 is hereby amended to read as follows:

§ 1195.1 *Allocation Order M-137.—*
(a) *Definitions.* For the purpose of this order:

(1) "Benzene" means the chemical compound known by that name or by the name "benzol", from whatever source derived.

(2) "Supplier" means any person who produces benzene, or who purchases benzene for resale as benzene.

(b) *Restrictions on delivery and acceptance of delivery.* (1) No supplier, shall deliver benzene to any person, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A annexed.

(2) No person shall accept delivery of more than 50 gallons of benzene in the aggregate from all suppliers during any calendar month, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed.

(3) Each person seeking to have 50 gallons or less of benzene in the aggregate delivered to him by all suppliers in any calendar month, shall furnish each supplier with a certificate in accordance with Appendix C annexed.

(c) *Restrictions on use.* No person shall use benzene except as follows:

(1) As specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B annexed; or

(2) For any purpose (subject, however, to the use restrictions of paragraph (d) below), by any person using 50 gallons or less of benzene in the aggregate during any calendar month.

(d) *Additional restrictions on use.* No person shall use or consume benzene, or any blend or mixture containing added benzene, as motor or other fuel, or for the manufacture or preparation of motor or other fuel, except aviation fuel having an octane number higher than 87 A. S. T. M.

(e) *Production requirements.* Unless specifically authorized or directed by the War Production Board:

(1) No person shall use or deliver oils containing commercially extractable benzene, except for the purpose of distillation or refining;

(2) Each person processing oil for the extraction of benzene shall produce therefrom the maximum quantity of 2 degrees Centigrade benzene which his equipment and facilities are capable of producing.

The above requirements are in addition to the requirements of Order M-34 with respect to oils containing commercially extractable toluene, and shall not apply to oils derived from petroleum.

(f) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of benzene and oils containing benzene (other than oils derived from petroleum); or

(2) Production of benzene and processing of oils containing benzene (other than oils derived from petroleum); or

(3) Preparation and filing of forms and certificates to be furnished in accordance with Appendices A, B and C, annexed.

(g) *Special provisions for July and August, 1943.* Notwithstanding the provisions of paragraphs (b) and (c), and of Appendices A and B annexed:

(1) During July, 1943, applications for authorization to deliver or accept delivery of benzene may be made in accordance with the provisions of this order as in effect prior to July 23, 1943;

(2) Any person may, without specific authorization, accept delivery of, and use for the purpose stated in his application to the War Production Board, any benzene which he received on or before August 31, 1943, or which was in transit to him on that date.

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

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

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(3) *Approval of reporting requirements.* Forms WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *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 priority assistance.

(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 25, D. C., Ref.: M-137.

Issued this 23d day of July 1943.

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

APPENDIX A

INSTRUCTIONS TO SUPPLIERS FOR FILING APPLICATION FOR AUTHORIZATION TO DELIVER BENZENE

Each supplier seeking authorization to deliver benzene shall file application on Form

WPB-2946 (formerly PD-601) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601). Copies of Form WPB-2946 (formerly PD-601) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to make delivery is requested.

Number of copies. Four copies shall be prepared, of which one may be retained by the applicant and three copies (one certified), shall be sent to the War Production Board, Chemicals Division, Washington, 25, D. C., Ref: M-137.

Heading. Under name of chemical, specify benzene; under War Production Board order number, specify M-137; specify gallons as unit of measure; and otherwise fill in as indicated.

Table I. Fill in as indicated. If the applicant supplier is also filing application on Form WPB-2945 (formerly PD-600) for authorization to use benzene, he should list his own name as customer.

An aggregate quantity may be requested for delivery on certified orders of 50 gallons or less, without listing individual customers. Specify grade as one-degree nitration, two-degree pure, or other specified grade.

Rolling stock. Fill in as indicated.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks of benzene not authorized for delivery on the dates specified.

Special instructions for small distributors. Any distributor may deliver benzene on certified small orders of 50 gallons or less without application to, or specific authorization from, the War Production Board, if he himself acquired such benzene on a certified small order of 50 gallons or less, or if he acquired it upon application in accordance with Appendix B annexed for the purpose of filling certified small orders of 50 gallons or less.

APPENDIX B

INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF MORE THAN 50 GALLONS OF BENZENE PER MONTH

Each person (including any supplier) seeking authorization to use or accept delivery from all suppliers of more than 50 gallons of benzene during any calendar month, shall file application on Form WPB-2945 (formerly PD-600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

WPB-2945 (formerly PD-600). Copies of Form WPB-2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 5th day of the month preceding the month for which authorization for delivery or use is sought.

Number of copies. Five copies shall be prepared, of which one copy may be retained by the applicant, one copy shall be forwarded to the supplier, and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington, 25, D. C., Reference M-137.

Number of sets. A separate set of application forms shall be submitted for each supplier and for each delivery destination or plant of the applicant.

Heading. Under name of chemical, specify benzene; under War Production Board order number, specify M-137; under unit of measure, specify gallons; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for acceptance of delivery or use is sought.

Column 1. Specify one degree nitration, two degrees pure, or other specified grade.

Column 2. Specify separately the quantities (in gallons) required for each primary product and product use specified in Columns 3 and 4.

Column 3. Specify primary products in terms of the following:

Phenol
Styrene
Cumene
Aniline
Monochlorobenzene
Diphenyl
Solvents and thinners
Other primary products (specify)
Export (as benzene)
Resale (as benzene)
Inventory (as benzene)

Column 4. Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, in the case of styrene, Order M-170; in the case of phenol, Order M-27; and, in the case of aniline, Order M-184).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army or Navy or Lend-Lease specification and contract numbers when available.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom, or for whose account, the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for certified small orders of 50 gallons or less".

Opposite "Inventory" in Column 3, write into Column 4 "subject to further authorization".

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated for the grade of benzene referred to in Column 1 of the application.

Suppliers shall report only quantities of benzene which have been allocated to them for their own use.

Table III. Fill in as indicated.

Table IV. Fill in as indicated for each primary product specified in Column 3 of the application, except for primary products under direct allocation (such as aniline, phenol, and styrene).

APPENDIX C

INSTRUCTIONS FOR FILING CERTIFICATES WITH PURCHASE ORDERS FOR DELIVERY OF 50 GALLONS OR LESS OF BENZENE PER MONTH FROM ALL SUPPLIERS

Each person seeking delivery of 50 gallons or less of benzene from all suppliers in any calendar month, shall, when placing any purchase order for any such delivery, furnish the supplier with a certificate in substantially the following form:

"The undersigned hereby certifies to the supplier and to the War Production Board that the amount of benzene ordered herewith, taken together with all other benzene ordered for delivery in the same month, will not exceed 50 gallons.

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

The above certificate shall be endorsed on or attached to the purchase order and shall

be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to, but shall not be filed with, the War Production Board.

[F. R. Doc. 43-11839; Filed, July 23, 1943; 11:52 a. m.]

PART 1217—COCOA

[Revocation of Conservation Order M-145 and Supplements Thereto]

The following orders having been superseded by Food Distribution Order 25, War Food Administration, are hereby revoked:

Conservation Order M-145, as amended (§ 1217.1).
Supplementary Order M-145-a (§ 1217.2).
Supplementary Order M-145-b (§ 1217.3).

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-145 or supplements thereto.

Issued this 23d day of July 1943.

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

[F. R. Doc. 43-11840; Filed, July 23, 1943; 11:52 a. m.]

PART 1235—COMBED COTTON YARN

[Revocation of General Preference Order M-155, as Amended]

INCLUDING SALES YARN AND YARN FOR PRODUCERS' OWN USE

Section 1235.1 *General Preference Order M-155* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty, accrued or incurred under said General Preference Order M-155.

Issued this 23d day of July 1943.

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

[F. R. Doc. 43-11841; Filed, July 23, 1943; 11:53 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L-265 as Amended July 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 electronic equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3037.8 *General Limitation Order L-265*—(a) *Definitions*. For the purpose of this order:

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

(2) "Manufacture" means produce, fabricate or assemble electronic equip-

ment, or perform any act or operation upon electronic equipment so as to modify or convert it from one to another type, use or mode of operation, but shall not include acts incidental to the maintenance or repair of electronic equipment.

(3) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and any associated or supplementary device, apparatus or component part therefor, and shall include any acoustic phonograph and component parts therefor. The term shall not include:

- (i) Hearing aid devices;
- (ii) Wire telephone and telegraph equipment;
- (iii) Electric batteries;
- (iv) Power and light equipment;
- (v) Medical, therapeutic, x-ray and fluoroscopic equipment other than replacement-electron tubes therefor;
- (vi) Phonograph records and needles;
- (vii) Automotive maintenance equipment as defined in Limitation Order L-270;
- (viii) Incandescent, fluorescent and other electric discharge lamps, as defined in Limitation Order L-28; and rectifier tubes, as defined in Limitation Order L-264.

(4) "Preferred order" means any order for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, 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 any order bearing a preference rating of AA-4 or higher.

(5) "Transfer" means sell, lease, trade, give, deliver, or physically transfer in any way so as thereby to make available for the use of a person other than the transferor, but shall not include the transfer of electronic equipment by one person to another person for repair or storage thereof nor the return of such equipment to the owner thereof (or his agent).

(6) "Producer" means any person to the extent engaged in the manufacture of electronic equipment for transfer or for commercial use.

(7) "Supplier" means any person to the extent that his business consists in whole or in part of the sale, distribution or transfer from stock or inventory of electronic equipment, and includes wholesalers, distributors, jobbers, dealers, retailers, servicemen, branch warehouses or other distribution outlets controlled by producers and other persons performing a similar function.

(8) "Consumer" means any person who owns, operates or purchases electronic equipment for his own use.

(b) *Restrictions*. (1) No producer shall manufacture any electronic equipment except:

(i) To fill preferred orders, or
(ii) To fulfill, under the Controlled Materials Plan, an authorized production schedule or authorized program, as defined in CMP Regulation 1.

(2) No producer or supplier (other than Defense Supplies Corporation) shall transfer any electronic equipment to any consumer, nor shall any consumer accept the transfer of any electronic equipment from any producer or supplier (other than Defense Supplies Corporation) except:

- (i) To fill preferred orders, or
- (ii) To fill orders bearing a preference rating of A-1-a or higher, or
- (iii) To fill an order for any component part of electronic equipment provided the consumer delivers to the producer or supplier concurrently with the transfer a used, defective or exhausted part of similar kind and size which cannot be repaired or reconditioned; or, when circumstances render the delivery of a part for a part impractical, provided the consumer's purchase order (or written confirmation thereof) is accompanied by a certificate in substantially the following form signed by the consumer:

CONSUMER'S CERTIFICATE

I hereby certify that the part(s) specified on this order are essential for presently needed repair of electronic equipment which I own or operate.

Signature and Date

(3) No producer or supplier shall transfer any electronic equipment to any supplier, nor shall any supplier accept the transfer of any electronic equipment from any producer or supplier, except:

- (i) To fill preferred orders, or
- (ii) To fill orders bearing a preference rating of A-1-a or higher or
- (iii) To fill an order for component parts of electronic equipment required by the receiving supplier for the repair of electronic equipment then in his possession, or to replace in the inventory of the receiving supplier parts similar in kind and equal in number which have been delivered on or after the 24th day of April 1943 by the receiving supplier to consumers against defective or exhausted parts or consumer's certificates, or to other suppliers against supplier's certificates, as specified in this order; provided the purchase order is accompanied by a certificate in substantially the following form signed by the receiving supplier:

SUPPLIER'S CERTIFICATE

I hereby certify that I am entitled to purchase the items specified on the accompanying purchase order under the provisions of Limitation Order L-265, with the terms of which I am familiar.

Signature and Date

The producer or supplier to whom the above certificate is furnished shall be

entitled to rely thereon as evidence that the purchase order is within the provisions of this paragraph (b) (3) (iii), unless he has knowledge or reason to believe that it is false.

(4) No producer or supplier shall retain in his inventory, possession or control, for more than sixty (60) days, any used, defective, exhausted or condemned parts which cannot be reconditioned; but must dispose of them for salvage where practical, or destroy such parts as have no practical salvage value.

(5) After June 30, 1943, no person shall mark radio receiving type tubes with the symbol "MR" except when authorized or directed to do so by the War Production Board. No person shall use radio receiving type tubes which are marked "MR" in the manufacture of electronic equipment to fill any preferred order. No person shall transfer or accept the transfer of such tubes on any preferred order or any other order bearing a preference rating, except rated purchase orders for export. No producer shall transfer for export in any calendar quarter a quantity in excess of fifteen (15%) percent of his production of such tubes during that calendar quarter. Producers of such tubes may transfer them to each other without restriction.

(c) *Exceptions.* (1) The provisions of this order shall not apply:

(i) To the transfer of any finished product of the following kinds which was produced and designed for home use and the manufacture of which was completed on or before the 24th day of April 1943, to wit: radio receiving sets; phonographs and record players; sound motion picture projectors.

(ii) To transfers of electronic equipment which transfers are made on or before the 23d day of June 1943 pursuant to purchase orders placed prior to the 24th day of April 1943.

(iii) To the lease of electronic equipment to any person by any person: *Provided*, That the lessor was actually engaged in the leasing of such equipment as a normal incident and part of his established business prior to the 24th day of April 1943.

(iv) To the transfer of any finished product of the following kinds, the manufacture of which was completed on or before the 24th day of April 1943: automobile radio receiving sets designed for the reception of standard broadcasts; automatic phonographs as defined in Limitation Order L-21.

(v) To transfers of radio antennae; antenna couplers; power supplies and battery cables for battery type home radio receivers; automobile radio control assemblies, loudspeakers and cables; electric fence exciters; or musical instruments (other than phonographs and ra-

dios) which involve the use of vacuum or gaseous tubes and the manufacture of which was completed on or before the 24th day of April 1943.

(2) The War Production Board may from time to time specifically authorize in writing exceptions to the provisions and restrictions of paragraphs (b) (2) and (b) (3) hereof.

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

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

(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 material under priorities control and may be deprived of priorities assistance.

(g) *Communications.* All reports to be filed, appeals and other communications, concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: L-265.

Issued this 23d day of July 1943.

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

[F. R. Doc. 43-11842; Filed, July 23, 1943;
11:52 a. m.]

PART 3192—SPECIALTY PAPERS

[General Conservation Order M-286 as
Amended July 23, 1943]

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

§ 3192.1 *General Conservation Order M-286*—(a) *Definitions.* For the purpose of this order:

(1) "Manufacturer" means any person engaged in the business of manufacturing any grade or type of paper listed in column 2 on List A.

(2) "Distributor" means any person engaged in the business of buying for resale or of ordering for the account of others any grade or type of paper listed in column 2 on List A.

(3) "Prohibited use" means, with respect to each grade or type of paper listed in column 2 on List A, the uses described for such grade or type of paper in column 3 on List A.

(4) "Grade or type of paper" designated in column 2 on List A includes all the sorts and varieties of paper commonly regarded by the trade as included within such designation.

(b) *Manufacturers' and distributors' obligation to examine orders.* From and after the respective dates shown in column 1 on List A for the various types of paper and uses listed in columns 2 and 3:

(1) No manufacturer or distributor shall accept any order for any grade or type of paper listed in column 2, or sell or deliver any such paper, if, by virtue of the identity of the person placing the order or the nature of his business (so far as known to the manufacturer or distributor) or the specifications of the order, or otherwise, the manufacturer or distributor knows or has reason to know that such paper will be used for any prohibited use, as specified for such paper in column 3.

(c) *Limitation on use of papers shown in column 2 on List A.* From and after the respective dates shown in column 1 on List A for the various types of paper and uses shown in columns 2 and 3 no person who accepts delivery of any grade or type of paper shown in column 2 shall use the same for any prohibited use, as specified for such grade or type of paper in column 3.

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this order any manufacturer or distributor may deliver, and any person may use, any quantity of any type or grade of paper shown in column 2 on List A (unless restricted in the use thereof by virtue of some other order of the War Production Board) for any use required by any contract with or order from the Army or Navy of the United States or any other agency or government referred to in (b) (1) and (2) of § 944.1 of Priorities Regulation No. 1, as amended.

(2) In case of doubt as to whether a particular use falls within the uses prohibited by the descriptions in column 3 on List A, any manufacturer, distributor or user may apply (by letter in triplicate) to the War Production Board for a specific ruling. The War Production Board may, either in response to such request or on its own motion, by letter or telegram addressed to a particular manufacturer, distributor or user, issue spe-

cific rulings determining whether or not a particular use or particular uses of a particular grade or type of paper are included within the prohibited uses for such grade or type.

(3) In case of doubt as to whether any particular paper is included by a particular designation, any manufacturer, distributor or user affected by this order may apply to the War Production Board for a specific ruling, by letter in triplicate, describing such paper in detail, the common designation thereof or of similar papers in the trade, the general uses for which such paper is designed or commonly used, and enclosing a sample of such paper. The War Production Board may, either in response to such request or on its own motion, by letter or telegram to a particular manufacturer, distributor or user, issue specific rulings determining which designation applies to any particular paper or papers or whether or not a particular paper or papers are included in any designation on List A.

(4) No restrictions contained in paragraphs (b) and (c) shall apply to any stocks which on July 23, 1943, were:

(i) In the hands of a user,

(ii) In transit to a user,

(iii) In the hands of a manufacturer or distributor and so cut, processed or printed as to render impracticable their use in a manner not subject to restriction by this order.

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

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

(g) *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 the same if required.

(h) *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, Pulp and Paper Division, Washington 25, D. C., Ref: M-286.

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

Issued this 23d day of July 1943.

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

NOTE: List A amended July 23, 1943.

| 1 | 2 | 3 | 1 | 2 | 3 |
|----------------|---|---|----------------|---|--|
| Effective Date | Grade or type of paper | Prohibited uses | Effective date | Grade or type of paper | Prohibited uses |
| July 23, 1943 | Glassine and greaseproof, also vegetable parchment. | For wrapping or packaging at the point of manufacture or assembly, the following products: Textile and textile products woven and/or knitted except when oil impregnated or when sterilized in the package Paper and paper products printed or unprinted except oil impregnated Metals and metal products except when oiled, greased or otherwise coated with a like substance or except when sterilized in the package Wood and wood products except if sterilized in the package Candles and wax products Cosmetics, dentifrices, toilet materials and soap. Laundry and dry cleaned products Rubber and rubber goods except when sterilized in the package Leather goods and supplies Plastics and plastic products except when sterilized in the package Playing cards Bottled and canned goods, all kinds, except glassine may be used for the covering protection of labels on bottles and cans of industrial and professional packages of drugs and pharmaceuticals or for the affixing of descriptive matter required by law in the instance of drugs and pharmaceuticals providing that the glassine so used is in the nature of a strip or band not exceeding in width the width of the bottle or can label. This paragraph shall not be construed to prohibit closure inserts, closure liners or closure gaskets. Candy and candy products when used as follows: (1) As a container overwrap, a container liner or a container layer sheet; (2) In conjunction with, or in addition to, any other greaseproof paper wrapper; (3) In conjunction with, or in addition to, any wrapper of cellophane or similar transparent material derived from cellulose; (4) In conjunction with, or in addition to, more than one other paper wrapper of any kind except that the exterior printed label shall not be considered a wrapper in those instances where common practice in the past has been to use the label as a band or sleeve rather than a full protective wrapper. | July 23, 1943 | Glassine and Greaseproof, also vegetable parchment. | In the manufacture of or for wrapping or packaging, at the point of manufacture or assembly, the following products: Greeting cards, valentines and novelties Lamp shades Advertising displays Florist supplies Package, gift wraps Decorations, novelties, toys, games, hair nets, jewelry, brushes and other toilet products For wrapping or packaging at the point of manufacture or assembly, the following products: Tobacco and tobacco products when used as follows: (1) In conjunction with, or in addition to, any wrapper of cellophane or similar transparent material derived from cellulose. (2) In laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment. (3) In laminated form containing cellophane or similar transparent material derived from cellulose. (4) In any fashion in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment. Yarns and threads, except oil impregnated. Twines and cordage, except oil impregnated. Coffee, if used in a laminated form containing more than one sheet of glassine, greaseproof and/or vegetable parchment; or if otherwise used, in any fashion, in conjunction with, or in addition to, other glassine, greaseproof or vegetable parchment. Chewing gum when employed as follows: (1) As the wrapper for package combinations of more than one stick or piece, except that one sheet of glassine, greaseproof or vegetable parchment may be used as one wrapper for package combinations in those instances where no glassine, greaseproof or vegetable parchment is used for wrapping the individual sticks or pieces which form such package combinations. (2) As the wrapper for individual sticks or pieces if the wrapper is in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used, in any fashion, in conjunction with, or in addition to, other glassine, grease- |

| 1 Effective Date | 2 Grade or type of paper | 3 Prohibited uses |
|---------------------|--|--|
| July 23, 1943 | Glassine and greaseproof also vegetable parchment. | <p>proof of vegetable parchment paper.</p> <p>(3) A carton or container overwrap of any type.</p> <p>Smokers supplies, such as lighters, lighter flints, lighter wicks, pipe cleaners, filters, pipes, cigarette holders and cigar holders.</p> <p>Household dyes.</p> <p>Faces for watches, clocks and other instruments.</p> <p>Sponges.</p> <p>All foods for consumption by animals.</p> <p>Insecticides, rodenticides and other pest control products.</p> <p>Tea, if used in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used in addition to, other glassine, greaseproof or vegetable parchment paper.</p> <p>Macaroni, noodles and similar paste goods.</p> <p>Potato chips, corn chips and popcorn, if used in a laminated form containing more than one sheet of glassine, greaseproof or vegetable parchment; or if otherwise used in addition to other glassine, greaseproof or vegetable parchment.</p> <p>Dried foods such as peas, beans, popcorn, rice lentils and barley. This paragraph shall not be construed to include dehydrated products.</p> <p>Sugar, flour (excluding flour mixes containing shortening) and unshelled nuts.</p> <p>Whole spices, excluding cloves and mixed pickling spices.</p> <p>Drink powders, excluding milk, malted milk, chocolate and cocoa or combinations thereof when packaged in units containing one half pound or more.</p> <p>In the manufacture of or for wrapping or packaging at the point of manufacture or assembly, the following products:</p> <p>Albums, scrap-books, filing and storage devices for such as, photographs, snapshots, stamps, negatives.</p> <p>General printed products, not otherwise named in this order, excluding diplomas for schools, colleges and State Boards, when the end use is one which does not require the protective packaging characteristics of the grade involved. For the purpose of this paragraph, the protective characteristics are defined as greaseproofness or wet strength.</p> |

PART 3270—CONTAINERS

[Limitation Order L-232 as Amended July 23, 1943]

WOODEN SHIPPING CONTAINERS

Section 3270.5 *Limitation Order L-232* is hereby amended to read as follows:

§ 3270.5 *Limitation Order L-232*—(a) *Definitions.* For the purposes of this order:

(1) "Wooden shipping container" means any new shipping container made wholly or partially of wood.

(b) *Restrictions*—(1) *Manufacture and assembly of containers.* No person shall commercially manufacture or assemble any wooden shipping container which does not meet the specifications of any of the several tables of Schedule A applicable to that kind of container. The restrictions of this paragraph shall not apply to barrels.

(2) *Manufacture of container parts.* No person shall commercially manufacture any wooden parts designed for any wooden shipping container which, when assembled, will not conform with the specifications of any of the several Tables of Schedule A applicable to that kind of container.

(3) *Coloring.* No manufacturer, dealer in, or commercial user of wooden shipping containers shall dye, stain, or otherwise color containers or parts.

(4) *Printing.* All stamping, printing and labeling, unless otherwise required by law, shall be placed on only one outside surface of any wooden shipping container covered by the Schedules of this order, whether it be an end, a side, bottom, top or cover. The restrictions of this paragraph (b) (4) shall not apply to paper, labels or markings which only:

(i) State the capacity of the container in terms of whole or fractional pints, quarts, pecks, or bushels; or

(ii) in the case of baskets and hampers are identifying markings provided for in regulations of the Secretary of Agriculture issued under the United States Standard Container Act of 1928; or

(iii) are designed for the purpose of encouraging salvage and reuse of the container, provided the label or printing does not include the name, brand, trade-mark or other reference to any person, firm, partnership or corporation.

(5) *Restrictions on shipping.* (i) No person shall commercially ship in any wooden shipping container any of the commodities listed in Table I of Schedule B. This shall not, however, restrict the shipment of any commodity listed which has already been packed on the date it was included in this Table.

(ii) No person shall commercially ship any of the commodities listed in Table II of Schedule B in wooden shipping containers to an extent greater than that designated.

(c) *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 appeal.

(d) *Violations.* Any person who willfully violates any provision of this order,

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

(e) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: L-232.

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

Issued this 23d day of July 1943.

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

SCHEDULE A—SPECIFICATIONS FOR WOODEN SHIPPING CONTAINERS

TABLE 1—HAMPER, BASKETS, BERRY CUPS FOR FRESH FRUITS AND VEGETABLES

NOTE: Table 1 amended in its entirety July 23, 1943.

(a) Specifications for the types and dry capacities of permitted hampers, baskets, and berry cups are as follows:

| Type—(1) | Dry capacity (2) |
|-----------------------------|------------------------|
| 1. Hampers..... | ½, ¾, 1 bu. |
| 2. Round stave baskets..... | ½, 1 bu. |
| 3. Splint baskets..... | 8, 12, 16, 24, 32 qts. |
| 4. Climax baskets..... | 4, 12 qts. |
| 5. Till baskets..... | 1, 2, 3, 4 qts. |
| 6. Berry cup..... | ½, 1 pt., 1 qt. |

(b) *Exceptions.* The restrictions of paragraph (b) (3) and (4) of this order and of paragraph (a) above shall not apply to:

(1) The manufacture or assembly of wooden shipping containers referred to in this Table by any person from wooden parts cut to size by him before March 4, 1943, provided such manufacture or assembly is completed by August 31, 1943;

(2) The assembly of wooden shipping containers referred to in this Table by any person from cut-to-size wooden parts bought and received by him before April 1, 1943, provided such assembly is completed by August 31, 1943.

(c) "Hamper", "round stave basket", and "splint basket" have the same meanings as in rules and regulations¹ of The Secretary of Agriculture issued under the United States Standard Container Act of 1928.² "Climax basket", "till basket", and "berry cup" mean baskets and containers of the type subject to rules and regulations³ of The Secretary of Agriculture issued under the United States Standard Container Act of 1916,⁴ as amended.⁵

¹ U. S. Department of Agriculture Service and Regulatory Announcements No. 116, as amended.

² 45 Stat. 685; 15 U.S.C. 257.

³ U. S. Department of Agriculture Service and Regulatory Announcements No. 104, revised.

⁴ 39 Stat. 673; 15 U.S.C. 251.

⁵ 45 Stat. 930; 15 U.S.C. 251.

TABLE II—WOODEN SHIPPING CONTAINERS FOR FRESH FRUIT AND VEGETABLES

NOTE: Items 24, 58, 59 amended; items 24a, 31a, and Footnote 2 added, July 28, 1943.

| Usual name (1) | Inside depth (inches) (2) | Inside width (inches) (3) | Inside length (inches) (4) |
|---|---------------------------------|------------------------------|----------------------------------|
| 1. Apple box..... | 10½ ¹ | 11½ | 18. |
| 2. Apple box..... | 11. | 12½ | 16. |
| 3. Apple box..... | 11. | 13. | 17. |
| 4. Apricot lug..... | 4½ | 12½ | 16. |
| 5. Artichoke box..... | 9¾ | 11. | 20½. |
| 6. Asparagus crate..... | 10½ | 9 or 9½ top, 11 bottom. | 17½ or 18. |
| 7. Asparagus crate..... | 12½ | 9¼ top, 10½ bottom. | 17¼. |
| 8. Asparagus crate..... | 11. | 9¾ top, 12 bottom. | 16¼. |
| 9. Avocado box..... | 4½ | 13½ | 16. |
| 10. Berry crate..... | 2¾ | 16½ | 21¼. |
| 11. Berry crate..... | 2½ | 13½ | 18. |
| 12. Berry crate..... | 3½ or 3¾ | 13½ | 18. |
| 13. Berry crate..... | 9 or 9½ | 9. | 18. |
| 14. Berry crate..... | 7½ | 11. | 22. |
| 15. Berry crate..... | 9. | 11. | 22. |
| 16. Berry crate..... | 11. | 11. | 21¼ to 22. |
| 17. Bushel crate..... | 12. | 12. | 15. |
| 18. Cantaloupe pony crate..... | 11. | 11. | 22. |
| 19. Cantaloupe standard crate..... | 12. | 12. | 22. |
| 20. Cantaloupe jumbo crate..... | 13. | 13. | 22. |
| 21. Cauliflower crate..... | 8½ | 18. | 21¾ to 22. |
| 22. Cauliflower crate..... | 12½ | 14½ | 23. |
| 23. Celery crate..... | 20. | 11. | 20½. |
| 24. Celery crate..... | 9¾ | 16. | 20. |
| 24a. Celery crate..... | 10. | 16. | 22. |
| 25. Celery crate..... | 5¾ | 18. | 12½. |
| 26. Celery crate..... | 8. | 8. | 12¾. |
| *27. Cherry, apricot, prune lug..... | 3¾ | 11½ | 14. |
| *28. Cherry, apricot, prune lug..... | 3¾ | 10½ | 14. |
| *29. Cherry, apricot, prune lug..... | 3¾ | 10½ | 15. |
| 30. Cranberry box..... | 9¼ | 10½ | 15. |
| 31. Cranberry box..... | 9½ | 11. | 13½½. |
| 31a. Date box..... | 2¾ | 13½ | 16. |
| 32. Fig box..... | 1¾ | 11. | 16. |
| *33. Fruit box..... | 3. | 11½ | 16. |
| *34. Fruit box..... | 4. | 11½ | 16. |
| *35. Fruit box..... | 4½ | 11½ | 16. |
| *36. Fruit box..... | 5. | 11½ | 16. |
| *37. Four-basket crate..... | 4¾ | 16. | 16. |
| *38. Four-basket crate..... | 4½ | 16. | 16. |
| *39. Four-basket crate..... | 4¾ | 16. | 16. |
| *40. Four-basket crate..... | 5. | 16. | 16. |
| 41. Honey dew standard crate..... | 6¾ | 16. | 22. |
| 42. Honey dew jumbo crate..... | 7¾ | 16. | 22. |
| 43. Lemon box..... | 9¾ | 13. | 25. |
| 44. Lettuce crate..... | 13¾ | 17½ | 21½ to 22. |
| 45. Lime box..... | 6. | 12. | 12. |
| *46. Lug box..... | 5¾ | 13½ | 16. |
| *47. Lug box..... | 4¾ | 13½ | 16. |
| *48. Lug box..... | 3¾ | 13½ | 16. |
| 49. Melon crate..... | 6¾ | 12. | 22. |
| 50. Melon crate..... | 7¾ | 14. | 22. |
| 51. Orange and grapefruit box..... | 11½ | 11½ | 24. |
| 52. Orange and grapefruit box..... | 12. | 12. | 24. |
| 53. Half orange and grapefruit box..... | 9½ | 9½ | 19. |
| 54. Pear box..... | 8½ | 11½ | 18. |
| 55. Half pear box..... | 5½ | 11½ | 18. |
| *56. Pear lug..... | 6½ | 13½ | 20½. |
| 57. Pepper crate..... | 13¾ | 11. | 22. |
| 58. Produce box (1 bushel)..... | 7½ | 17½ | 17½. |
| 59. Produce box (½ bushel)..... | 7½ | 12¾ | 12¾. |
| 60. Pineapple crate..... | 10½ | 12. | 37. |
| 61. Rhubarb box..... | 9. | 11½ | 24¾. |
| 62. Rhubarb box..... | 3½ | 11½ | 24¾. |
| 63. Sweet potato crate..... | 12½ | 12¾ top, 13¾ bottom. | 15 top, 16 bottom. |
| 64. Sweet potato crate..... | 12. | 12. | 16¾. |
| 65. Vegetable crate..... | 13. | 17½ | 21¾ to 22. |
| 66. Vegetable crate..... | 9. | 13. | 21¾ to 22. |
| 67. Vegetable crate..... | 8. | 12. | 22. |
| 68. Vegetable crate..... | 7½ | 15 or 15½ | 18¾. |

¹The inside depth of this box may be increased up to 11½", either by the addition of cleats of any thickness or by the use of a solid end.

²The inside depth of this box may be increased up to 7½½" by the addition of cleats of any thickness or by the use of a solid end.

*Wherever an asterisk appears, cleats may be used for such items, as provided for in paragraph (c) of the text of Table II.

(a) The designation in column (1) of Table II is merely for identification and shall not be construed as restricting usage. 'Inside width' and 'Inside depth' of the container are the width and length, respectively, of the end pieces or end frames, exclusive of any cleats. 'Inside length' of the container shall be its outside length minus the combined thickness of both ends and of the center piece (if any).

(b) An optional variation of up to ¼" under or up to ¼" over the specified inside lengths is allowed. A tolerance of up to ⅛", plus or minus, in the specified inside depths and inside width is allowed for shrinkage and manufacture.

(c) No cleats may be so used as to increase inside dimensions except where an asterisk appears in Column (1) of Table II or where, and as, specified in any footnote after that

table. Where an asterisk appears in Column (1) of Table II, one or more cleats of ¼", ⅜", ½", ⅝", 11/16", or ¾" thickness may be attached to the top of each end piece, or end frame, provided such cleat or cleats do not increase the inside dimensions of the container by more than the specified thickness of the cleat or cleats.

(d) *Exceptions.* (1) The restrictions of paragraphs (b) (3) and (4) of this order and of this Table II shall not apply to:

(i) The manufacture or assembly of wooden shipping containers by any person from wooden parts cut to size by him before March 4, 1943; provided, such manufacture or assembly is completed by August 31, 1943;

(ii) The assembly of wooden shipping containers by any person from cut-to-size wooden parts bought and received by him before April

1, 1943; provided, such assembly is completed by August 31, 1943;

(2) The restrictions of this Table II shall not apply to the manufacture or assembly of wooden shipping containers, or the manufacture of wooden parts for wooden shipping containers, to be delivered:

(i) To or for the account of the Army, the Navy, the Coast Guard, the Maritime Commission, the War Shipping Administration, or the Department of Agriculture (for Lend-Lease purposes), provided, the government agency's specifications require wooden shipping containers which do not comply with Table II.

(ii) To any person for use in packing fresh fruits or vegetables for delivery to or for the account of such government agencies; provided, the government agency's specifications require wooden shipping containers which do not comply with Table II; and provided further, such person furnishes the container or container-parts supplier with a written certification in substantially the following form, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7:

"This is to certify that specifications of orders received by the undersigned from (designate government agency) require wooden containers not conforming with Order L-232. The material ordered herewith is for that purpose only.

Company.....
By.....
Title..... Date....."

Such certification shall constitute a representation to the supplier and to the War Production Board as to the truth of the facts stated therein. The supplier may rely upon such representation unless he has knowledge or reason to believe that it is not true.

TABLE III—WOODEN SHIPPING CONTAINERS FOR DRESSED CHICKENS & TURKEYS

NOTE: Table III added July 23, 1943.

| Chicken boxes (approximate weight) (1) | Inside length (inches) (2) | Inside width (inches) (3) | Inside depth (inches) (4) |
|--|----------------------------------|---------------------------------|---------------------------------|
| 101. 36 lbs..... | 18 | 14 | 7½ |
| 102. 42 lbs..... | 19 | 14½ | 7½ |
| 103. 48 lbs..... | 20 | 15½ | 7½ |
| 104. 54 lbs..... | 21 | 16½ | 7½ |
| 105. 60 lbs..... | 22 | 17 | 8 |
| 106. 72 lbs..... | 24 | 18 | 8½ |
| TURKEY BOXES | | | |
| 111. Small..... | 28 | 24 | 6¼ |
| 112. Large..... | 32 | 28 | 7¼ |
| 113. Very large..... | 31 | 19 | 8 |
| 114. West Coast..... | 30 | 22 | 8½ |

(a) *Exceptions.* The restrictions of paragraph (b) (3) and (4) of this order and of this Table III shall not apply to:

(1) The manufacture or assembly of wooden chicken and turkey boxes by any person from wooden parts cut to size by him before July 30, 1943, provided such manufacture or assembly is completed by September 30, 1943;

(2) The assembly of wooden chicken and turkey boxes by any person from cut-to-size wooden parts bought and received by him before August 15, 1943, provided such assembly is completed by September 30, 1943.

SCHEDULE B—RESTRICTIONS IN USE OF WOODEN SHIPPING CONTAINERS

NOTE: Schedule B added July 23, 1943.

TABLE I—COMMODITIES WHICH MAY NOT BE SHIPPED IN WOODEN SHIPPING CONTAINERS

Soda Ash
Bicarbonate of Soda

(a) The restrictions of this Table I shall not apply to shipments (1) to the Army or Navy, (2) to a destination outside of the 48 States, the District of Columbia or Canada.

TABLE II—COMMODITIES WHOSE SHIPMENT IN WOODEN SHIPPING CONTAINERS IS RESTRICTED

| Commodities: | Shipping quota |
|---------------------------------|----------------|
| Table grapes..... | 100% of 1942. |
| Juice grapes ¹ | 50% of 1942. |

NOTE 1: Juice grapes are grapes of the following varieties:

- Alicante Bouschet
- Alicante Ganzin
- Aramon
- Barbera
- Beclan
- Black Prince
- Carbernet Sauvignon
- Carignane
- Charbono
- Crabb's Black Burgundy
- Friesa
- Gamay
- Grand Noir
- Grenache
- Grignolino
- Gros Colman
- Lenoir
- Limberger
- Malbec
- Malvoisie
- Mataro
- Mission
- Mondeuse
- Mourastel
- Nebbiola
- Petit Bouschet
- Petite Sirah
- Portuguese Blue
- Ribier
- Salvador
- St. Macaire
- Tannat
- Teoulier
- Trousseau
- Valdepenas
- Zinfandel

[F. R. Doc. 43-11844; Filed, July 23, 1943; 11:52 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-301]

POWERCYCLES

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

§ 3291.291 *Limitation Order L-301*—(a) *Definitions.* For the purposes of this order:

(1) "Powercycle" means any two or three wheeled vehicle (with or without side car or similar attachment) commonly known as a motor bike, motor scooter or motor glide, propelled by an internal combustion engine having a displacement of less than 25 cubic inches. It shall not include motorcycles.

(2) "Powercycle manufacturer" means any person engaged in the business of producing or assembling powercycles or parts specifically designed for incorporation into powercycles.

(3) "Repair part" means any part that is produced to replace a used or worn part, in a used powercycle.

(b) *Restrictions upon production.* (1) No powercycle manufacturer shall produce or assemble any powercycle, except

(i) From fabricated parts contained in his inventory before July 1st, 1943;

(ii) Pursuant to the specific authorization of the War Production Board granted in response to a letter of application.

(2) During the six months period beginning July 1st, 1943, and during each six months period thereafter, no powercycle manufacturer shall produce repair parts containing more weight of metal in the aggregate than 62½% of the aggregate weight of metal contained in the repair parts produced by him during 1942.

(c) *Restrictions on transfer.* No powercycle manufacturer shall transfer the physical possession of or legal title to any powercycle which has never been sold to an ultimate consumer, except:

(1) In fulfillment of an order, contract or subcontract placed by or for the account of the Army or Navy of the United States, the War Shipping Administration, the United States Maritime Commission, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) and government agencies or other persons acquiring powercycles for export to any foreign country.

(2) Pursuant to specific authorization of the War Production Board on Form WPB-1319 (formerly PD-556).

(3) The War Production Board will not, in the absence of special circumstances, grant any authorizations for transfers to any persons unless they are directly engaged in the production of war material or require powercycles for intraplant or emergency use.

(d) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of powercycles inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production of powercycles at the rates permitted by this order.

(e) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of powercycles to a greater extent than this order does, the other order shall govern unless it states otherwise.

(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) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers

Durable Goods Division, Washington 25, D. C., Ref: L-301.

Issued this 23d day of July 1943.

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

[F. R. Doc. 43-11845; Filed, July 23, 1943; 11:52 a. m.]

Subchapter C—Director, Office of War Utilities
PART 4501¹—COMMUNICATIONS

[Utilities Order U-5, as Amended July 23, 1943]

ORDER RESTRICTING TRANSFER OF WIRE COMMUNICATION EQUIPMENT

- (a) Definitions.
- (b) General restrictions.
- (c) Existing contracts.
- (d) Applicability of regulations.
- (e) Communications to War Production Board.
- (f) Appeals.
- (g) Violations.
- (h) Reports.

NOTE: Heading and index added July 23, 1943.

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

§ 4501.16¹ *Utilities Order U-5*—(a) *Definitions.* For the purposes of this order:

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

(2) "Manufacturer" means any person manufacturing wire communication equipment, parts or attachments thereto, of the kinds listed in Schedule A, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said manufacturer.

(3) "Distributor" means any person other than a manufacturer regularly engaged in the business of leasing or selling wire communication equipment, parts or attachments thereto, to dealers.

(4) "Dealer" means any person (other than one engaged in rendering wire or radio communication service), regularly engaged in the business of offering wire communication equipment, parts or attachments thereto for sale or lease at retail to the consumer.

(5) "Wire communication equipment" shall include, but not by way of limitation, new and used wire telephone and telegraph communication equipment, parts and attachments thereto of the kinds listed in Schedule A.

(b) *General restrictions.* (1) Regardless of the terms of any contract of sale, purchase, rental or other commit-

¹ Formerly Part 4504, § 4504.1

ment, no manufacturer, distributor or dealer shall accept any purchase, rental or other order for wire communication equipment, parts or attachments thereto including, but not limited to, those included in Schedule A which is attached and made a part of this order, except a purchase, rental or other order bearing a preference rating of AA-5 or higher, or an authorized controlled material order; and no manufacturer, distributor or dealer shall sell, lend, lease, rent, deliver or otherwise transfer any such wire communication equipment, parts or attachments thereto, nor shall any person receive or accept deliveries of any such equipment, parts or attachments thereto, from a manufacturer, distributor or dealer except to fill a purchase, rental or other order bearing a preference rating of AA-5 or higher, or an authorized controlled material order. *Provided, however,* That this paragraph shall not prohibit the transfer or delivery of wire communication equipment to a manufacturer for repair or storage or the return of said equipment to the owner thereof after repair has been effected or storage terminated.

(2) Notwithstanding the provisions of paragraph (b) (1), wire communication equipment, the order for which bears a preference rating of A-7 or higher and has been accepted by a manufacturer, distributor or dealer prior to January 2, 1943 or which bears a preference rating of A-1-a or higher and has been accepted by a manufacturer, distributor or dealer prior to April 1, 1943, may be manufactured and/or transferred and/or delivered.

(3) [Revoked July 23, 1943.]

(c) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after September 8, 1942. No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with the terms of this order.

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

(e) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U-5.

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

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

deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(h) *Reports.* All persons affected by this order shall execute and file such reports as the War Production Board shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act, 1942.

Issued this 23d day of July 1943.

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

SCHEDULE A

NOTE: Items 10, 14 amended July 23, 1943.

General categories of wire communication equipment, parts or attachments thereto, to the extent used for and/or in conjunction with wire communication, limited by Utilities Order U-5.

1. Switchboards and switching systems including local telephone, central office, toll telephone, PBX telephone and telegraph.
2. Telephones including transmitters, receivers, dials, subscriber sets.
3. Relays, condensers, repeaters, coils, filters and carrier systems.
4. Testing apparatus.
5. Wire and strand.
6. Cable.
7. Cable terminals.
8. Pole line hardware.
9. Plugs, jacks, cords, keys.
10. Wire intercommunicating sets not using electronic tubes as an essential part.
11. Varioplex, multiplex, facsimile and teleradiograph equipment.
12. Teletypewriters, printing telegraph machines, tape perforating apparatus and accessories.
13. Appliances used for manual telegraph.
14. Time clocks, time switches, call boxes, signaling and selector equipment, and protective alarm devices used in wire telephone and telegraph systems.
15. Motors, generators, storage batteries, rectifiers, transformers, power panels and associated equipment.

[F. R. Doc. 43-11846; Filed, July 23, 1943; 11:53 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 121, Amdt. 20]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

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

Maximum Price Regulation 121 is amended in the following respects:

1. Section 1340.247a (c) is amended by deleting the phrase "other than coke."
2. Section 1340.247a (d) is amended to read as follows:

(d) In connection with any application for adjustment filed under the pro-

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

¹ 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948, 10529; 8 F.R. 1895, 2756, 4179, 5757, 6261, 6951, 6957, 7599, 8065.

visions of this section, full data on costs, profits, price history and other relevant factors are required. Except in cases involving coke, the following forms must be used for filing the required data. Applicants operating a mine must use OPA Form No. 653-331, applicants operating a briquette or packaged coal plant must use OPA Form No. 653-330. Two copies of each form used must be filed with each application. Copies of these forms may be obtained from the Office of Price Administration or any regional office thereof.

This amendment shall become effective July 28, 1943.

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

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11793; Filed, July 22, 1943; 4:42 p. m.]

PART 1340—FUEL

[Rev. MPR 122, Amdt. 9]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

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

Revised Maximum Price Regulation No. 122 is amended in the following respect:

1. In § 1340.260, a new paragraph is added to read as follows:

§ 1340.260 *Provision for specific ceiling prices.* * * *

If, after such specific maximum prices are established by order, the maximum prices of the dealers' suppliers are increased or decreased by the Price Administrator, the Office of Price Administration or the regional office which issued the order may, after clearance with the Solid Fuels Branch in Washington, D. C., adjust the specific maximum prices so established to correspond generally with such increase or decrease.

This Amendment No. 9 shall become effective July 28, 1943.

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

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11794; Filed, July 22, 1943; 4:42 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 428]

CIDER VINEGAR

This regulation is issued in order to establish maximum prices for cider vinegar at levels which are generally fair

¹ 8 F.R. 440, 1200, 3524, 4510, 5632, 6543, 7198, 8179, 8754.

and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1341.601 *Maximum prices for processors, secondary packers, and certain distributors.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 428 (Cider Vinegar), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1341.601 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 428—CIDER VINEGAR

CONTENTS

- Sec.
1. Purpose of the regulation.
 2. Maximum prices for cider vinegar sold by processors and secondary packers.
 3. Maximum prices for distributors other than wholesalers and retailers.
 4. Relationship between this regulation and the General Maximum Price Regulation.
 5. Geographical applicability.
 6. Export and import sales.
 7. Records which sellers covered by this regulation must keep.
 8. Information which processors and secondary packers must disclose to primary distributors.
 9. Customary discounts and allowances.
 10. Position of brokers.
 11. When a maximum price chosen or figured under section 2 or section 3 is established.
 12. Compliance with regulation.
 13. General amendments.
 14. Adjustable pricing.
 15. Definitions.

SECTION 1. *Purpose of the regulation.* The purpose of this regulation is to establish maximum prices for cider vinegar in sales by processors, secondary packers, primary distributors, wagon wholesalers and other distributors, but not including wholesalers and retailers. (As used in this regulation, the word "wholesaler" does not include a wagon wholesaler.) Maximum prices for the wholesalers and retailers of cider vinegar are governed respectively by Maximum Price Regulation No. 421¹ and Maximum Price Regulations Nos. 422² and 423.³

SEC. 2. *Maximum prices for cider vinegar sold by processors and secondary packers—(a) Maximum prices for persons who are primarily producers.* The pricing method of this paragraph applies to any person who produced 50 percent or more of the cider vinegar which, during the one-year period ending April 30, 1943, he sold either in bulk or in containers actually filled by him. (For convenience, he will be called a "processor".) Maximum prices which he figures under this paragraph are applicable to all of his sales of cider vinegar except those

in which he is selling branded cider vinegar no part of which he produces or repackages himself.

(1) *General rule.* In sales to persons other than independent retail stores and institutional users and other than ultimate consumers (except that this pricing method applies to sales to commercial and industrial users), the processor's maximum prices per gallon, barrel or other unit for cider vinegar shall be either:

(i) The processor's maximum prices under the General Maximum Price Regulation⁴ or, at his election

(ii) The respective prices listed for each grade and quantity in the following table:

| The prices listed in this table are f. o. b. factory | 60 grain basis | 50-60 grain | 40-50 grain |
|--|----------------|-------------|-------------|
| Tank car or tank truck lots, per gallon..... | \$0.16 | ----- | ----- |
| Barrels, per gallon, cooperage included..... | ----- | \$0.19½ | \$0.17 |
| Half-barrels, per gallon, cooperage included..... | ----- | 0.22½ | 0.20 |
| Gallons, per dozen..... | ----- | 3.80 | 3.60 |
| Half-gallons, per dozen..... | ----- | 2.20 | 2.10 |
| Quarts, per dozen..... | ----- | 1.10 | 1.05 |
| Pints, per dozen..... | ----- | 0.70 | 0.675 |

A processor who chooses the maximum prices listed in subdivision (ii) may establish a uniform maximum delivered price for any item by zone or area, in each case by adding to the f. o. b. factory price named his weighted average transportation charge from factory to purchasers' receiving points. For any zone or area this "weighted average transportation charge" shall be figured by him as follows: he shall (1) determine the total transportation charges, at rates in effect on July 22, 1943, for all shipments of the item during the six-month period ending April 30, 1943, to purchasers in that zone or area; (2) divide that figure by the total number of gallons or dozens of the item included in those shipments. (Where more than one means of transportation is used, averages may be taken separately for each.) The processor shall refigure his weighted average transportation charge at the end of each subsequent six-month period on the basis of shipments made since the last calculation, but at rates in effect on July 22, 1943.

The processor shall either figure all of his maximum prices under the General Maximum Price Regulation or take as his maximum prices those listed in subdivision (ii). However, his maximum price per unit for a container size which was not one of those he sold prior to July 22, 1943, shall be the price listed therefor in subdivision (ii), and his maximum prices for a container size not listed in subdivision (ii) shall be figured under the General Maximum Price Regulation.

(2) *Processors who also perform a wholesale service.* A processor who chooses the maximum prices listed in the table, and who sells cider vinegar under any of the circumstances outlined below, shall figure his maximum price in each case by adding together the following three factors:

(i) The maximum price named for the item, f. o. b. factory.

(ii) The following markup over the f. o. b. factory price:

(a) 12 per cent, if he is a "retailer-owned cooperative" that is either a non-profit organization or a corporation, 50 per cent of the stock of which is owned by its retailer customers, and which distributes the brand, if any, and grade of cider vinegar being priced to its retailer members. This markup may be added only in sales to its retailer members. In sales to institutional users or independent retail stores which are not members of the cooperative, he may add the markup provided in subdivision (b) or (c) according to whether or not delivery is made to these classes of purchasers.

(b) 16 per cent, if he is not a "retailer-owned cooperative", but he distributes the brand, if any, and grade of cider vinegar being priced for resale by independent retail stores or to institutional users and he does not deliver to these purchasers. This markup may be added only when the processor is selling to these classes of purchasers.

(c) 23 per cent, if he is not a "retailer-owned cooperative" but he distributes the brand, if any, and grade of cider vinegar being priced for resale by independent retail stores or to institutional users and he does deliver to these purchasers. This markup may be added only for the particular quantities of the item which are actually delivered to these classes of purchasers.

(iii) The freight, if any, incurred from factory to local distribution point. (Processors who have more than one factory or distribution point may average freight from factory to distribution point in the same manner as processors are allowed under paragraph (a) (1) to average outgoing freight.)

(3) *Processors who also perform the retail service.* A processor who chooses the maximum prices listed in the table and sells cider vinegar directly to ultimate consumers other than commercial, industrial or institutional users, shall figure separate maximum prices for sales to these purchasers, by adding in each case the following three factors: (i) the maximum price named for the item, f. o. b. factory; (ii) a markup over the f. o. b. factory price of 26 per cent; and (iii) the freight, if any, incurred from factory to local distribution point. (Processors who have more than one factory or distribution point may average freight from factory to distribution point in the same manner as processors are allowed under paragraph (a) (1) to average outgoing freight.) Maximum prices figures in this way are applicable only to sales to ultimate consumers other than commercial, industrial or institutional users.

(b) *Maximum prices for secondary packers and other persons who produce, cut or package some cider vinegar but who are not primarily producers.* The pricing method of this paragraph applies to any person who produces, cuts or packages some cider vinegar but who produced less than 50 per cent of the cider vinegar which, during the one-year period ending April 30, 1943, he sold either in bulk or in containers actually filled by him. (For convenience, he will be called a "secondary packer".) Maxi-

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

¹ 8 F.R. 9388.

² 8 F.R. 9395.

³ 8 F.R. 9407.

⁴ 8 F.R. 3096, 3849, 4347, 4486, 4848, 6047, 6962, 8511, 9025, 4724, 4978.

imum prices which he figures under this paragraph are applicable to all his sales of cider vinegar except those in which he is selling branded cider vinegar no part of which he produces or repackages himself.

(1) *General rule.* In sales to persons other than independent retail stores and institutional users and other than ultimate consumers (except that this pricing method applied to sales to commercial and industrial users), the secondary packer's maximum prices per gallon, barrel or other unit for cider vinegar shall be either:

(i) The secondary packer's maximum prices under the General Maximum Price Regulation or, at his election,

(ii) The respective f. o. b. factory prices listed for each grade and quantity in the table in paragraph (a), plus an amount figured by him as follows:

(a) He shall first determine what the freight charges would be, at rates in effect on July 22, 1943, for transportation of a customary quantity of cider vinegar in bulk, of a customary grainage strength, from the factory of his customary supplier to his customary receiving point, by the customary means of transportation. "Customary quantity" means the unit of cider vinegar in bulk (as in tank car or 50-gallon barrel lots, etc.) of which he received the largest number of shipments during the one-year period ending April 30, 1943. "Customary grainage strength", "customary supplier" and "customary means of transportation" mean respectively the grainage strength in which, the supplier from whom, and the means of transportation (like railroad, tank truck, etc.) by which, he received the greatest volume of cider vinegar in bulk during that period.

(b) He shall next divide these freight charges by the number of gallons in the customary quantity. The resulting figure will be his "base freight cost," and once determined it shall not be changed.

(c) He shall next multiply his base freight cost by the number of gallons in the unit being priced. The resulting figure will be his "adjusted base freight cost."

(d) Finally, he shall divide the grainage strength of the cider vinegar being priced by his customary grainage strength, and multiply his adjusted base freight cost by the percentage so obtained. The resulting figure will be the amount to be added to the listed price, in arriving at the secondary packer's maximum price f. o. b. plant.

Example. During the one-year period ending April 30, 1943, the secondary packer received the largest volume from supplier A; shipments of 1,250 gallons in 50-gallon barrels more often than any other quantity; 50 grain cider vinegar in larger volume than any other grade; and the greatest volume by railroad.

The cost of freight for transportation by railroad of 1,250 gallons of 50 grain cider vinegar in 50-gallon barrels, from supplier A's factory, is now \$25. The secondary packer divides \$25 by 1,250 and obtains a base freight cost of \$.02 per gallon. For a unit of one dozen gallons, he multiplies \$.02 by 12 and obtains an adjusted base freight cost of \$.24. If the unit being priced is 40 grain cider vinegar, he divides 40 by 50 (the customary grainage strength) and obtains a percentage of .80, which multiplied by \$.24

results in \$.192, the amount to be added to the listed price for a unit of one dozen gallons of 40 grain strength. If any maximum price figured under this subdivision (ii) includes a fraction of a cent, the seller shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the product.

A secondary packer who figures maximum prices under subdivision (ii) may establish a uniform maximum delivered price for any item by zone or area, in each case by adding to the f. o. b. plant price his weighted average transportation charge from plant to purchasers' receiving points. For any zone or area this "weighted average transportation charge" shall be figured by him as follows: he shall (1) determine the total transportation charges, at rates in effect on July 22, 1943, for all shipments of the item during the six-month period ending April 30, 1943, to purchasers in that zone or area; (2) divide that figure by the total number of gallons or dozens of the item included in those shipments. (When more than one means of transportation is used, averages may be taken separately for each.) The secondary packer shall refigure his weighted average transportation charge at the end of each subsequent six-month period on the basis of shipments made since the last calculation, but at rates in effect on July 22, 1943.

The secondary packer shall either figure all of his maximum prices under the General Maximum Price Regulation or figure all of his maximum prices in accordance with subdivision (ii). However, his maximum price per unit for a container size which was not one of those he sold prior to July 22, 1943, shall be figured in accordance with subdivision (ii), and his maximum prices for cider vinegar in a container size not listed in paragraph (a) (1) (ii) of this section shall be figured under the General Maximum Price Regulation.

(2) *Secondary packers who also perform a wholesale service.* A secondary packer who figures his maximum prices under subdivision (ii) of subparagraph (1), and who sells cider vinegar under any of the circumstances outlined below, shall figure his maximum price in each case by adding together the following three factors:

(i) The maximum price figured for the item, f. o. b. plant.

(ii) The following markup over the f. o. b. plant price:

(a) 12 per cent, if he is a "retailer-owned cooperative," that is, either a non-profit organization or a corporation, 51 per cent of the stock of which is owned by its retailer customers, and which distributes the brand, if any, and grade of cider vinegar being priced to its retailer members. This markup may be added only in sales to its retailer members. In sales to institutional users or independent retail stores which are not members of the cooperative, he may add the markup provided in subdivision (b) or (c) according to whether or not delivery is made to these classes of purchasers.

(b) 16 per cent, if he is not a "retailer-owned cooperative," but he distributes the brand, if any, and grade of cider vinegar being priced for resale by independent retail stores or to institutional

users and he does not deliver to these purchasers. This markup may be added only when the secondary packer is selling to these classes of purchasers.

(c) 23 per cent, if he is not a "retailer-owned cooperative," but he distributes the brand, if any, and grade of cider vinegar being priced for resale by independent retail stores or to institutional users and he does deliver to these purchasers. This markup may be added for the particular quantities of the item which are actually delivered to these classes of purchasers.

(iii) The freight, if any, incurred from plant to local distribution point. (Secondary packers who have more than one plant or distribution point may average freight from plant to distribution point in the same manner as secondary packers are allowed under paragraph (b) (1) to average outgoing freight.)

(3) *Secondary packers who also perform the retail service.* A secondary packer who figures his maximum prices in accordance with subdivision (ii) of subparagraph (1) and who sells cider vinegar directly to ultimate consumers other than commercial, industrial or institutional users, shall figure separate maximum prices for sales to these purchasers, by adding in each case the following three factors: (i) the maximum price figures for the item, f. o. b. plant; (ii) a markup over the f. o. b. plant price of 26 per cent; and (iii) the freight, if any, incurred from plant to local distribution point. (Secondary packers who have more than one plant or distribution point may average freight from plant to distribution point in the same manner as secondary packers are allowed under paragraph (b) (1) to average outgoing freight.)

SEC. 3 Maximum prices for distributors other than wholesalers and retailers—(a) *Primary distributors.* The primary distributor's maximum price per gallon, barrel or other unit of an item of cider vinegar, shall be determined as follows:

(1) If his supplier's maximum price under this regulation is greater than the supplier's maximum price under the General Maximum Price Regulation, he shall add the difference to the maximum price which he had under the General Maximum Price Regulation.

(2) If his supplier's maximum price under this regulation is less than the supplier's maximum price under the General Maximum Price Regulation, he shall subtract the difference from the maximum price which he had under the General Maximum Price Regulation.

The resulting figure in each case is the primary distributor's maximum price for the item.

If the primary distributor's maximum price for an item cannot be determined in this manner, his maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "primary distributor" is one who purchases the brand, if any, and grade of cider vinegar being priced in carload lots and who customarily receives shipment of at least 50% of the item in car-

load lots into a warehouse or other receiving station not owned or controlled by any of his customers, for resale in less than carloads.

(b) *Distributors who are not primary distributors, wagon wholesalers, wholesalers, or retailers.* The maximum price, f. o. b. shipping point, of a distributor who is not a primary distributor, wagon wholesaler, wholesaler, or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases the brand, if any, and grade of cider vinegar being priced and resells it without processing, packaging or cutting it.

(c) *Wagon wholesalers.* The maximum price per gallon, barrel, or other unit which a wagon wholesaler may charge for an item of cider vinegar shall be his net delivered cost plus a markup of 25 per cent. He shall figure his maximum price on the basis of the most recent purchase of that item, and shall refigure it after each new purchase. The maximum price so figured is the seller's maximum price for his entire inventory of that item, and it is effective until his first sale after he receives the next lot.

A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale. His "net cost" means the amount he pays for the item delivered at his customary point, less all discounts allowed him, except the discount for prompt payment. However, no expense of local trucking or unloading shall be included.

SEC. 4. Relationship between this regulation and the General Maximum Price Regulation. (a) Except as provided in paragraph (b) of this section, this regulation supersedes the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) The following sections of the General Maximum Price Regulation, as well as amendments to them, apply to sales covered by this regulation:

- (1) Special deals (§ 1499.4b).
- (2) Transfers of business or stock in trade (§ 1499.5).
- (3) Federal and state taxes (§ 1499.7).
- (4) Sales slips and receipts (§ 1499.14).
- (5) Definitions (§ 1499.20).

SEC. 5. Geographical applicability. This regulation applies to the forty-eight states of the United States and the District of Columbia.

SEC. 6. Export and import sales. The maximum prices at which a processor, secondary packer, or distributor other than a wholesaler or retailer, may export any product covered by this regulation shall be determined in accordance with the provisions of the Second Revised

Maximum Export Price Regulation,¹ and amendments issued by the Office of Price Administration. Sales of cider vinegar produced, packaged or cut outside the geographical area to which this regulation applies are not covered by this regulation except in cases where the goods being priced are located within this area.

SEC. 7. Records which sellers covered by this regulation must keep. (a) Every seller covered by this regulation who makes sales of any cider vinegar after July 21, 1943, for which specific maximum prices have been established herein, shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he customarily kept, relating to the prices which he charges for such product after the effective date of this regulation.

(b) Every seller covered by this regulation who makes sales of any cider vinegar after July 21, 1943, for which maximum prices are to be figured by him 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 figuring 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).

SEC. 8. Information which processors and secondary packers must disclose to primary distributors. Every processor or secondary packer who makes sales of a brand, if any, and grade of cider vinegar any part of which was produced, cut, or packaged by him shall, in the case of any such item which is being sold by him to a primary distributor for the first time after the seller's maximum price for it has been established under this regulation, send the primary distributor (before or at the time of delivery) a written notice stating, for each item included in the sale (a) his maximum price established under this regulation, and (b) his maximum price established under the General Maximum Price Regulation.

SEC. 9. Customary discounts and allowances. No person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers if the change results in a higher net price to that purchaser or class.

SEC. 10. Position of brokers. In accordance with the existing custom, every broker taking part in a sale governed by this regulation, in which the seller is a processor, secondary packer or distributor other than a wholesaler or retailer shall be considered as the agent of the seller and not of the buyer. In each case, the amount paid by the buyer to the broker plus the amount paid by the buyer

to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

SEC. 11. When a maximum price chosen or figured under section 2 or section 3 is established. On and after July 22, 1943, a price chosen or figured for any item under section 2 or section 3, as the case may be, becomes "established" (that is, fixed) as the seller's maximum price as soon as he has disclosed it to any prospective customer, whether by sale, delivery, offer or notice of any kind, provided that the chosen or figured price is not higher than the applicable pricing method allows. Except for the refiguring by processors and secondary packers which is authorized by section 2 in connection with maximum delivered prices, and the refiguring by wagon wholesalers which is authorized by Section 3, a maximum price for an item may be established only once, and having been established it may not be changed by the seller except (1) with the written permission of the nearest district or state office of the Office of Price Administration having jurisdiction over the seller in cases where the seller has chosen or figured his maximum price lower than the applicable pricing method provides, or (2) in cases where a change in the regulation changes the seller's applicable pricing method.

If the seller is disclosing a price lower than the one he chose or figured under section 2 or section 3, as the case may be, he may establish the higher chosen or figured price as his maximum price at the time of disclosure only by recording it, and naming it as such, in ink on his books, before he discloses the lower price. A seller who has not chosen or figured a price for an item, or has figured a price higher than the applicable pricing method allows, may not sell the item until he has established a maximum price for the item in accordance with the rules of this section.

SEC. 12. Compliance with the regulation.—(a) No selling and buying above maximum prices. On and after July 22, 1943, regardless of any contract or other obligation, no processor, secondary packer or distributor other than a wholesaler or retailer shall sell or deliver any cider vinegar, for which maximum prices are established by this regulation, at a price higher than the maximum prices established herein; no person in the course of trade or business shall buy or receive any cider vinegar, for which maximum prices are established by this regulation, from a processor, secondary packer or distributor other than a wholesaler or retailer, at a price higher than the maximum prices established herein; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 428 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agree-

¹ F. R. 4132.

ment, sale delivery, purchase or receipt of, or relating to cider vinegar, along or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise. However, prices lower than the maximum prices established by this regulation may be charged, demanded, paid or offered.

(c) *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 428 is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

Sec. 13. *General amendments.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1^o and amendments, issued by the Office of Price Administration.

SEC. 14. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 15. *Definitions.* When used in this regulation, the term:

"Cider vinegar" means the commodity sold and designated as cider vinegar or apple cider vinegar. The term does not include white (distilled) vinegar, wine vinegar, tarragon vinegar, malt vinegar or any other variety of vinegar.

"Container" means a receptacle no larger in capacity than one gallon.

"In bulk" means in a receptacle larger in capacity than one gallon.

"Cuts" refers to the operation of reducing the grainage strength of cider vinegar by the addition of water.

"Grade" refers to the grainage strength of cider vinegar.

"60 grain basis", "grainage strength", or words of similar import refer to the acetic acid content of cider vinegar.

Example: "40 grain basis" refers to a content of 4 grams of acetic acid (40 grains) per 100 cubic centimeters at 20° C.

"Maximum price established by this regulation", or words of similar import, include maximum prices figured under the General Maximum Price Regulation at the election of a processor or secondary packer pursuant to paragraph (a)

^o 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

or paragraph (b), as the case may be, of section 2 of this regulation.

To "repackage" means to transfer cider vinegar from one receptacle to another.

Effective date. This regulation shall become effective July 22, 1943.

NOTE: All record-keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 22d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11795; Filed, July 22, 1943;
4:43 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 296,¹ Corr. to Amdt. 4]

FLOUR FROM WHEAT, SEMOLINA AND FARINA
SOLD BY MILLERS AND BLENDERS

The figure (xii) in paragraph (b) of § 1351.1666 (XVI) is hereby corrected to read (vii).

This correction shall become effective July 28, 1943.

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

Issued this 22d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11796; Filed, July 22, 1943;
4:42 p. m.]

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH

[Rev. MPR 169,¹ Amdt. 20]

BEEF AND VEAL CARCASSES AND WHOLESALE
CUTS

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

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.406 (b) (4) is amended to read as follows:

(4) Selling or invoicing fabricated beef cuts and/or fabricated veal cuts to buyers, other than purveyors of meals.

2. Section 1364.407 (e) (1) is amended to read as follows:

(1) Every separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) of § 1364.452 or paragraph (n) of § 1364.467 shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, is in effect, a complete and accurate record of each such sale and/or delivery showing the date of

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

¹ 8 F.R. 158, 612, 2598, 3703, 7567, 7599, 8544, 9159.

² 8 F.R. 5097, 4786, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066.

sale, the name and address of the buyer, the weight and grade of each type of fabricated cut sold, the price charged and the total cost thereof. All sales of kosher meats are to be shown separately.

3. Section 1364.407 (e) (2) is amended to read as follows:

(2) On or before June 15, 1943, (or July 26, 1943, with respect to subparagraph (iii) hereof), each selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (o) of section 452 or paragraph (n) of section 467 shall file with the nearest district or state office of the Office of Price Administration a statement showing:

(i) The total volume by weight, of all meats (fresh, frozen, cured, smoked, cooked, dried, canned or otherwise processed), variety meats, and edible byproducts sold and delivered by such selling establishment from September 15, 1942 through December 15, 1942, other than sales to war procurement agencies, and

(ii) The total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) of meat, variety meats (e. g. liver, tongue, kidney, etc.) and edible byproducts and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment during such period to purveyors of meals other than war procurement agencies, and/or

(iii) The total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) of meat, variety meats (e. g. liver, tongue, kidney, etc.) and edible byproducts and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment from June 1, 1942, to August 31, 1942, to purveyors of meals other than war procurement agencies.

4. Section 1364.415 (a) is amended to read as follows:

(a) No hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment shall sell and deliver to purveyors of meals, during any three month period beginning June 1, September 1, December 1, or March 1, a volume of fabricated meat cuts of all kinds in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (e. g. fresh, frozen, cured, smoked, cooked, canned, dried, etc.) of meats, variety meats (e. g. liver, tongue, kidney, etc.), edible byproducts, and all other processed meat items not specifically set forth herein, sold and delivered to purveyors of meals by such selling establishment from September 15, 1942 through December 15, 1942.

5. Section 1364.415 (b), (c), and (d) are redesignated 415 (c), (d), and (e) respectively.

6. Section 1364.415 (b) is added to read as follows:

(b) Each hotel supply house, packer or slaughtering plant, packer's branch house, wholesaler's or other selling establishment may sell and deliver to purveyors of meals during the three month

period from June 1, to August 31, a volume of fabricated meat cuts of all kinds not in excess of 70% of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (fresh, frozen, cured, smoked, cooked, dried, canned or otherwise processed) of meats, variety meats (e. g. liver, tongue, kidney, etc.) and edible byproducts and all other processed meat items not specifically set forth herein, sold and delivered to purveyors of meals by such selling establishment from June 1, 1942 through August 31, 1942.

7. Section 1364.415 (c) is amended to read as follows:

(c) Not later than the tenth day following each three month period ending August 31, November 30, February 28 or 29, or May 31, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (c) of § 1364.452 or paragraph (n) of § 1364.467 shall file with the nearest district or state office of the Office of Price Administration a statement showing, for such three month period, the total volume by weight of all kinds of fabricated meat cuts (e. g. lamb, mutton, beef, veal and pork) sold and delivered during such period to purveyors of meals.

8. Section 1364.452 (c) (3) is amended to read as follows:

(3) The applicable prices in zones 1 and 2 and 5 to 10 for fabricated beef cuts and for ground beef and miscellaneous beef items shall be the prices specified in subparagraphs (4) or (5), and (6) hereof, respectively (the applicable zone 3 and 4 price) plus the following:

| | |
|---------------|--------|
| Zone 1 ----- | \$1.75 |
| Zone 2 ----- | 1.00 |
| Zone 5 ----- | .50 |
| Zone 6 ----- | .75 |
| Zone 7 ----- | 1.00 |
| Zone 8 ----- | 1.25 |
| Zone 9 ----- | 1.50 |
| Zone 10 ----- | 1.75 |

9. Section 1364.455 (b) (2) (ii) is amended to read as follows:

(ii) War Shipping Administration of the United States Government.

This amendment shall become effective July 28, 1943.

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

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11797; Filed, July 22, 1943; 4:44 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH
[Rev. MPR 169, Amdt. 22]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously here-

¹ 8 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066.

with and has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.410 (c) is redesignated as § 1364.405 (c).

2. Section 1364.405 (d) is added to read as follows:

(d) The Office of Price Administration in Washington, D. C., may, by order, adjust the maximum prices established by § 1364.452 (c) and § 1364.467 (n) for the sale by a seller of fabricated beef and/or fabricated veal cuts to the War Shipping Administration in any case in which such seller requests such an adjustment on or before July 20, 1943, and alleges and proves the following:

(1) That during the month of April 1943, at least 50 percent of its total weight volume of sales of fabricated beef and/or fabricated veal cuts was sold and delivered to the War Shipping Administration.

(2) That during or prior to the month of May 1943, such seller was requested by the War Shipping Administration to accumulate an inventory of fabricated beef and/or fabricated veal cuts meeting War Shipping Administration specifications for delivery to the War Shipping Administration in anticipation of their requirements.

(3) That such seller, in reliance upon such request by the War Shipping Administration, did fabricate beef and/or veal in accordance with War Shipping Administration specifications and did accumulate an inventory of such fabricated beef and/or veal cuts for future delivery to the War Shipping Administration.

(4) That a portion of such accumulated inventory remained in the possession of the seller, undelivered, on June 1, 1943.

Upon proof of the foregoing, the Office of Price Administration may authorize such seller to sell and/or deliver such fabricated beef and/or fabricated veal to the War Shipping Administration at the maximum prices in line with the maximum prices for fabricated beef and/or veal cuts.

This amendment No. 22 shall become effective July 28, 1943.

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

Issued this 22d day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11798; Filed, July 22, 1943; 4:43 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 75 Under SR 15 to GMPR]

STORES DELIVERY SERVICE, INC.

Order No. 75 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3254.

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

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

§ 1499.1375 *Adjustment of maximum prices for contract carrier services furnished by Stores Delivery Service, Inc.*

(a) Stores Delivery Service, Inc., 1033 Beaver Avenue, Pittsburgh, Pennsylvania, and its Trustee in Bankruptcy, may sell and deliver contract carrier services to department and specialty stores in Pittsburgh, Pennsylvania, from, to and between points in Pennsylvania, Ohio and West Virginia at prices not to exceed those set forth in the schedule of rates annexed to its application for adjustment, which schedule is identified as Freight Tariff, P. U. C. No. 6, issued May 12, 1943 and effective June 14, 1943 and filed with the Pennsylvania Public Utility Commission.

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

(c) This Order No. 75 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 75 (§ 1499.1375) shall become effective as of June 14, 1943.

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

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11802; Filed, July 22, 1943; 4:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 76 Under SR 15 to GMPR]

MOLITERNO BROTHERS, INC.

Order No. 76 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3298.

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

§ 1499.1376 *Adjustment of maximum prices for contract carrier services by Moliterno Brothers, Inc., of New York, New York.* (a) Moliterno Brothers, Inc. of New York, New York, may sell and deliver contract carrier services to National Gypsum Company on and after

May 27, 1943, at rates not to exceed those set forth in the schedule of rates annexed to its application for adjustment and identified as Supplement No. 5 to PSC-NY-MT No. 1, which cancels Supplement No. 4 thereto, issued April 14, 1943, and effective May 27, 1943.

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

(c) This Order No. 76 (§ 1499.1376) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 76 (§ 1499.1376) shall become effective as of May 27, 1943.

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

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11803; Filed, July 22, 1943; 4:44 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 77 Under SR 15 to GMPR]

GEROSA HAULAGE AND WAREHOUSE CORP.

Order No. 77 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3297.

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

§ 1499.1377 *Adjustment of maximum prices for contract carrier services by Gerosa Haulage and Warehouse Corporation of New York City, New York.* (a) Gerosa Haulage and Warehouse Corporation of New York, New York, may sell and deliver contract carrier services to National Gypsum Company on and after May 27, 1943, at rates not to exceed those set forth in the schedule of rates annexed to its application for adjustment and identified as Supplement No. 5 to PSC-NY-MT No. 1, which cancels Supplement No. 4 thereto, issued April 14, 1943 and effective May 27, 1943.

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

(c) This Order No. 77 (§ 1499.1377) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 77 (§ 1499.1377) shall become effective as of May 27, 1943.

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

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11804; Filed, July 22, 1943; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 78 Under SR 15 to GMPR]

STANDARD TRUCKING CO.

Order No. 78 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3316.

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

§ 1499.1378 *Adjustment of maximum prices for contract carrier services by Standard Trucking Company, Perth Amboy, New Jersey.* (a) Standard Trucking Company, a corporation with its principal place of business in Perth Amboy, New Jersey, may sell and deliver contract carrier services to National Gypsum Company on and after June 5, 1943, at rates not to exceed those set forth in the schedule of rates annexed to its application for adjustment and identified as Supplement No. 4 to MF-ICC No. 6, issued on April 14, 1943 and effective June 5, 1943.

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

(c) This Order No. 78 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 78 (§ 1499.1378) shall become effective July 23, 1943.

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

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11805; Filed, July 22, 1943; 4:46 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C; Amdt. 68]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.7652 is amended to read as follows:

§ 1394.7652 *Basic ration books.* Class A coupon books, and Class D coupon books marked "basic", shall be issued as basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Subject to the provisions of § 1394.7653 (d) each Class A and Basic Class D book issued in the gasoline shortage area for use during a period before November 22, 1943, or issued outside the gasoline shortage area for use during a period before July 22, 1943, shall contain thirty-two coupons. Subject to the provisions of § 1394.7653 (d) each Class A and Basic Class D book issued outside the gasoline shortage area for use after July 21, 1943 shall contain forty-eight coupons. Each coupon contained in a basic ration book shall have a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below.

Coupons numbered Valid period

- | | |
|---|--|
| 3 | November 22, 1942, to January 21, 1943, inclusive. |
| 4 | January 22, 1943, to March 21, 1943, inclusive. |
| 5 | March 22, 1943, to May 21, 1943, inclusive, outside the gasoline shortage area, and from March 22, 1943 to July 21, 1943, inclusive in the gasoline shortage area. |
| 6 | May 22, 1943, to July 21, 1943, inclusive, outside the gasoline shortage area, and from July 22, 1943 to November 21, 1943 inclusive, in the gasoline shortage area. |
| 7 | July 22, 1943, to September 21, 1943, inclusive, outside the gasoline shortage area. |
| 8 | September 22, 1943, to November 21, 1943, inclusive, outside the gasoline shortage area. |
| 9 | November 22, 1943, to January 21, 1944, inclusive, outside the gasoline shortage area. |

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

7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6887, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

Coupons numbered Valid period

- | | |
|----|---|
| 10 | January 22, 1944, to March 21, 1944, inclusive, outside the gasoline shortage area. |
| 11 | March 22, 1944, to May 21, 1944, inclusive, outside the gasoline shortage area. |
| 12 | May 22, 1944, to July 21, 1944, inclusive, outside the gasoline shortage area. |

Coupons in Basic Class D books shall be valid for the transfer of gasoline to a consumer at any time prior to July 22, 1944.

2. In § 1394.7653 (d) the last sentence is amended to read as follows:

In the case of a Basic D book issued after December 1, 1942, for use before July 22, 1943, one coupon shall be removed for each full eight days which have elapsed since December 1, 1942, and in the case of a Basic Class D book issued for use after July 21, 1943, one coupon shall be removed for each full eight days which have elapsed between July 21, 1943 and the date of issuance.

3. Section 1394.8004 (c) is hereby revoked.

4. In § 1394.8010 the text preceding paragraph (a) is amended by deleting the phrase "on Part B of Form OPA R-534".

5. Section 1394.8051 (b) (4) is amended to read as follows:

(4) In the case of a basic ration, the owner or person entitled to the use of the registered vehicle, or the agent of either shall execute an application on Form OPA R-570. The applicant shall file such application with a Board and shall submit therewith the back cover of the current basic ration book issued for use with the vehicle. If such back cover is submitted, no registration certificate or registration card need be presented. If the applicant is unable to submit such back cover, he shall establish to the satisfaction of the Board that: (i) he is a person entitled to make such application; (ii) the vehicle is currently registered and in use; and (iii) no renewal of the basic ration has been issued for the vehicle and no application for such a renewal is pending at any Board. He must also submit the registration certificate or registration card issued for such vehicle. If the required documents are presented and the Board is satisfied that the vehicle is in use and that the applicant has complied with the requirements of this subparagraph and of § 1394.8010, it shall issue a renewal of such ration in the manner prescribed in § 1394.7653 (d) and shall also issue a tire inspection record on Part "B" of Form OPA R-570 with the notations required in § 1394.8004 (g). If the registration certificate or registration card has been submitted, the Board upon issuing a renewal of the basic ration shall note upon such certificate or card the same notations as are required in the case of an original issuance of a basic ration.

6. Section 1394.8165 is amended by substituting for the first sentence a sentence to read as follows:

No person may use a Class A, B, C, T-1 or T-2 book coupon, bulk coupon or a ration check drawn upon ration credits which represent such classes of rations.

issued for use with a registered or commercial motor vehicle (other than a coupon or check representing a Special ration), unless a sticker identifying the class of ration issued for use with such vehicle, in such form as may be prescribed by the Office of Price Administration, is permanently affixed to and conspicuously displayed on such vehicle.

This amendment shall become effective July 22, 1943.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 22d day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11800; Filed, July 22, 1943;
4:45 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,¹ Amdt. 69]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.7653 (f) is amended to read as follows:

(f) No more than one basic ration may be issued for a vehicle, except as provided in §§ 1394.7654, 1394.8007 and 1394.8103, and no person, except as provided in § 1394.7654, shall be entitled to receive more than one basic ration for the same vehicle, with respect to Basic A rations outside the gasoline shortage area and Basic D rations, during the period from July 22, 1942 to July 21, 1943, or during the period from July 22, 1943 to July 21, 1944, or, with respect to Basic A rations within the gasoline shortage area, during the period from July 22, 1942, to November 21, 1943: *Provided*, That any person may apply for reissuance of a basic ration in any of the following cases:

(1) If he has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued;

(2) If he has surrendered a basic ration to a Board by reason of having removed such motor vehicle from the limitation area prior to November 22, 1942;

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

¹ 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

(3) If he has brought a passenger automobile into the gasoline shortage area after May 21, 1943, with the intention of keeping such automobile in that area for four or more months. In such event the applicant, at the time of application, shall surrender to the Board the basic ration originally issued to him for use with such automobile.

(4) If he has brought a passenger automobile outside the gasoline shortage area after July 21, 1943, with the intention of keeping such automobile outside the gasoline shortage area for four or more months. In such event the applicant, at the time of application, shall surrender to the Board the basic ration originally issued to him for use with such automobile.

Application for reissuance shall be made on part A of Form OPA R-534. In case the application is made for either of the reasons specified in Items (1) or (2) of this paragraph, the applicant shall attach thereto a statement in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof and the reason therefor. In the event that the Board is satisfied that the applicant surrendered such a ration in good faith the Board shall issue a basic ration book to the applicant pursuant to the provisions of § 1394.7653: *Provided*, That no coupon book reissued for the reasons specified in this paragraph shall contain coupons in excess of the number prescribed in paragraph (d) of this section.

2. Section 1394.7654 is added to read as follows:

§ 1394.7654 *Class B coupons issued as a basic ration in exchange for Class A coupons.* (a) Any holder of a basic A ration who desires to drive the vehicle for which such ration was issued for a period of less than four months outside the area in which the vehicle is normally garaged or stationed and who does not have Class A coupons valid for use outside such area may apply to any Board to exchange one or more legally issued Class A coupons issued for use with such vehicle and currently valid for transfers of gasoline in the area in which such vehicle is normally garaged or stationed for a ration book containing Class B coupons upon a basis of one Class A coupon for one Class B coupon.

(b) If the applicant satisfies the requirements of this section the Board shall issue as a basic ration one Class B book containing the same number of coupons as the number of Class A coupons surrendered and shall remove from such book and cancel all coupons in excess of such number. The Board shall note on the outside cover of such book the date of issuance, the date on which the ration expires (which shall be the expiration date of the surrendered coupons) and that the book will expire on that date. The Board shall also mark such book "basic". The ration so issued shall be a basic ration for all purposes under Ration Order No. 5C.

3. In § 1394.8161 (f) (3) the first sentence is amended by deleting the final period and by adding the provisions "or

by the Plant Area Board serving the establishment at which the ration holder is employed, or, in the case of a vehicle normally garaged or stationed outside the restricted area, by any Board located in the States of Kentucky, North Carolina, Ohio, or Tennessee, or in the portion of the State of West Virginia lying outside the restricted area."

4. In § 1394.8165 the parenthetical phrase in the first sentence is amended by adding after the words "special ration" the words "or Class B coupons issued as a basic ration".

This amendment shall become effective July 23, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 22d day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11801; Filed, July 22, 1943;
4:45 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 32]

OAHU DEFENSE-RENTAL AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area designated in § 1388.1351 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the reduction and stabilization of rents for defense-area housing accommodations within the defense-rental area designated in § 1388.1351;

Therefore, under the authority vested in the Price Administrator by the said Act, this designation and rent declaration is issued.

§ 1388.1351 *Designation.* The following area is hereby designated by the Price Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Oahu Defense-Rental Area": In the Territory of Hawaii, the Island of Oahu.

§ 1388.1352 *Necessity.* The necessity for the reduction and stabilization of rents for defense-area housing accommodations in the Oahu Defense-Rental Area is as follows:

The Oahu Defense-Rental Area is the location of establishments of the armed forces of the United States and war production industries. The increase in employment reflecting the expansion of defense activities, the influx of production workers and their families, and of the families of military and naval personnel have resulted in an acute shortage of rental housing accommodations in the area.

Defense activities have resulted in substantial and widespread increases in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942. By reason of these increases, the rents prevailing in the Oahu area are not generally fair and equitable.

§ 1388.1353 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Oahu Defense-Rental Area inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about June 1, 1941. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the reduction and stabilization of rents for housing accommodations within the Oahu Defense-Rental Area are as follows:

(a) The maximum rent for housing accommodations rented on June 1, 1941 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on June 1, 1941. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents for housing ac-

commodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the Oahu Defense-Rental Area on June 1, 1941.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1354 *Rent regulation.* If within sixty days after issuance of this designation and rent declaration, rents for housing accommodations within the Oahu Defense-Rental Area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1355 *Effective date.* This designation and rent declaration shall become effective July 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 22d day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11799; Filed, July 22, 1943; 4:44 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Procurement Division, Department of the Treasury

PART 38—LOANS TO NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES OF SURPLUS PERSONAL PROPERTY OF THE NATIONAL YOUTH ADMINISTRATION

The following regulations are issued to carry out the provisions of the Second Deficiency Appropriation Act, 1943, reading as follows:

* * * *Provided*, That all real and personal property of the National Youth Administration is hereby declared surplus, and all equipment, materials, and supplies shall be assembled, inventoried, and turned over to the Director of Procurement, Treasury Department, under Executive Order 9235 by the Administrator of the National Youth Administration as expeditiously as possible, and all real property shall be disposed of by the Commissioner of Public Buildings in accordance with the Act of August 27, 1935 (40 U.S.C. 304 (a) and 304 (b)): *Provided further*, That under commitment to return such property to the United States at borrower's expense, any real or personal property of the National Youth Administration in use on June 30, 1943, by any non-Federal vocational education authority within any State may continue to be so used during the period of the present war and for not to exceed six months after the termination thereof, without compensation, but in no event beyond the date such property ceases to be used for vocational education purposes: *Provided further*, That during such period, the Director of Procurement, in the case of personal property, and the Commissioner of Public Buildings, in the case

of real property, upon certificate of the United States Commissioner of Education that such property is to be used for vocational education and training, may loan, without compensation, to any such existing non-Federal vocational education authority, if applied for within ninety days after the date of enactment of this Act, any real or personal property of the National Youth Administration not required by any other Federal Agency (excepting the Lend-Lease Administration) or otherwise loaned under the authority of this paragraph, if such borrower agrees, in the case of personal property, to pay all expenses incident to obtaining and returning such property.

DEFINITIONS

Sec.

38.1 Definitions.

CONTINUED USE OF PROPERTY IN USE ON JUNE 30, 1943, BY NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES

- 38.100 Applications.
- 38.101 Time for filing application.
- 38.102 Action on applications.
- 38.103 Deliveries of property not in possession of applicant.
- 38.104 Receipts for property.
- 38.105 Period of and conditions upon continued use.
- 38.106 Treatment of application as one for loan under § 38.200.
- 38.107 Failure to file or to secure approval of application.

LOANS TO NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES OF PROPERTY NOT IN USE BY THEM ON JUNE 30, 1943

- 38.200 Applications.
- 38.201 Time for filing application.
- 38.202 Action on applications.
- 38.203 Deliveries to applicants.
- 38.204 Receipts for property loaned.
- 38.205 Period of and conditions upon loans.

PERIOD OF USE OR LOAN AND CONDITIONS APPLICABLE THERETO

- 38.300 Maximum period.
- 38.301 Use limited to vocational education purposes.
- 38.302 Locations of use.
- 38.303 Continuance of use for vocational education purposes.
- 38.304 Maintenance, inspection, and inventories.
- 38.305 Termination of use or loan.
- 38.306 Return of property on expiration or termination of permitted use or loan.
- 38.307 Exception as to expendable property.
- 38.308 Approved application to constitute commitment.

AUTHORITY: §§ 38.1 to 38.308, inclusive, issued under Pub. Law 140, 78th Cong.

DEFINITIONS

§ 38.1 *Definitions.* As used in the regulations in this part:

(a) The term "Act" means the Second Deficiency Appropriation Act, 1943, Public Law 140, 78th Congress, approved July 12, 1943.

(b) The term "property" means personal property of the National Youth Administration declared surplus by the Act, including articles, materials, supplies, equipment, farm products or animals, buildings or other structures of any type erected by such Administration on leased land, and other buildings or structures of a portable or temporary nature.

(c) The term "authority" means (1) a State, county, municipality, or other political subdivision of a State, acting through its appropriate board of education, or such board of education if au-

thorized to incur obligations in its own name, where such board operates a vocational education program or controls the acquisition of supplies and equipment by any institution which operates such a program under its jurisdiction, and (2) a school district, school, college, or university which is either a public body or institution or is exempt from taxation under section 101 (6) of the Internal Revenue Code, which operates a vocational education program, and which is not subject to the control of a State or local board of education in its acquisition of supplies and equipment for vocational education purposes.

(d) The term "vocational education program" means a program which substantially meets the standards established by the State plan for vocational education prepared by the appropriate State board for vocational education and approved by the United States Commissioner of Education under the Smith-Hughes Act¹ or the George-Deen Act² or under the regulations governing the education and training of war workers pursuant to Public Law 647, 77th Congress, approved July 2, 1942, or Public Law 135, 78th Congress, approved July 12, 1943.

(e) The term "vocational education purposes" means the purposes of a vocational education program.

(f) The terms "use," "used," and "in use," when such terms are employed with reference to the utilization of property for vocational education purposes, shall be deemed to include the holding of such property for utilization in a vocational education program, notwithstanding the intervention of any recess or vacation period during which such program was or is not actively in session.

(g) The term "person" includes any State or political subdivision thereof and any individual, corporation, partnership, trust, association, or other legal entity.

(h) The term "State" includes the District of Columbia.

(i) The term "Procurement Division" means the Procurement Division of the Treasury Department.

(j) The term "regional officer" means a regional procurement officer of the Procurement Division or, if a Regional procurement officer has not been assigned to a region, the regional property officer of the Procurement Division for such region.

CONTINUED USE OF PROPERTY IN USE ON
JUNE 30, 1943, BY NON-FEDERAL VOCA-
TIONAL EDUCATION AUTHORITIES

§ 38.100 *Applications.* (a) Any authority within any State may apply to the Procurement Division to establish its eligibility to continue the use of any property in use by such authority for vocational education purposes on June 30, 1943. To permit application for any property under this section, such property must have been in use by the authority on that date for the training of

students or trainees of the authority in a course or courses forming part of a vocational education program, whether or not such use was on a part-time basis only, or jointly with the National Youth Administration on a project of that Administration, or jointly with another authority. Property which on June 30, 1943, was in use exclusively by youth workers of the National Youth Administration on a work project of that Administration may be applied for under this section only if youth workers using such property on that date were enrolled with the applicant authority for vocational instruction and used such property during some portion of their time for vocational education purposes under instructors furnished by the applicant, in which event the applicant may be considered to have jointly used the property.

(b) Application forms shall be obtained from the regional office of the Procurement Division for the region in which the property is located, as shown by Schedule A hereto attached, and each application shall be filed with such regional office on the prescribed form. Applications must be executed in accordance with the instructions and must be complete, except that they are not required to contain the information called for on the reverse of the prescribed form. In view of the provisions of § 38.103, however, it will be desirable in all cases to furnish such information.

(c) If available, there shall be attached to each application copies of such documents as evidence any agreement under which the National Youth Administration permitted use by the applicant of the property applied for.

§ 38.101 *Time for filing application.* Applications under § 38.100 should be filed as promptly as possible and in any event must be filed on or before October 11, 1943, unless the time for filing is extended by the Director of Procurement.

§ 38.102 *Action on applications.* (a) Upon receipt of an application prepared in accordance with these regulations, the regional officer will secure such verification as he may deem necessary from the appropriate field office of the National Youth Administration and, except as provided in paragraph (b) of this section, will approve the application if it is certified to be from an authority and if he finds that it otherwise meets the requirements of § 38.100 (a). He will then transmit a copy of the approved application to the authority as evidence of the permission granted it by the Act to continue the use of the property, without compensation, during the period specified by the Act and these regulations.

(b) If two or more authorities apply for the same property, and if the regional officer cannot secure agreement among them as to the action to be taken, the regional officer will forward their applications to the Director of Procurement with his recommendation, and the Director of Procurement will take such action as he may deem appropriate under the circumstances of the particular case.

(c) If an application is not certified to be from an authority, or the regional

officer is not satisfied that it otherwise meets the requirements of § 38.100 (a), he will advise the authority of his reasons therefor. The authority may then submit such supplemental information as it deems appropriate, and the regional officer will approve the application if such information satisfies him that such requirements have been met. If such requirements have not been met, he will proceed under § 38.106 or, if that section is inapplicable, will notify the authority that its application is disapproved. If such requirements have been met as to only a portion of a number of items applied for, he will approve the application as to such portion and, if the original application was filed prior to October 12, 1943, will allow the authority to file a supplemental application under § 38.200 for the balance of the items originally applied for, such supplemental application to be filed on or before October 11, 1943, or within thirty days after the authority receives notification of its right to file such application, whichever is later.

§ 38.103 *Deliveries of property not in possession of applicant.* Upon approval of any application under § 38.102, property to be used thereunder which is not in the possession of the applicant will be delivered to the applicant at the project site or other place where it is located at the time of such approval. It will be the responsibility of the applicant to arrange promptly for any necessary packing and transportation, at the expense of the applicant, if use of the property by the applicant is to be at another location.

§ 38.104 *Receipts for property.* In any case in which the application of an authority shows that the property applied for is in the possession of the applicant, the approved application will itself constitute a receipt for the property. Otherwise, the authority shall, upon delivery of the property, furnish a receipt to the representative of the Procurement Division having charge of such delivery, on the receipt form furnished by him for that purpose.

§ 38.105 *Period of and conditions upon continued use.* Any property which applicants are permitted to use under §§ 38.100 to 38.104 of these regulations will be subject to the provisions of §§ 38.300 to 38.308.

§ 38.106 *Treatment of application as one for loan under § 38.200.* Any application not approved under § 38.102 will be treated as an application filed under § 38.200 unless such application was filed after October 11, 1943, or unless it is otherwise clear that the authority is not eligible to apply under that section. If the applicant has not theretofore furnished the information called for on the reverse of the application form, the regional officer will transmit to the applicant a new form for that purpose. Such form shall be completed as to the information called for on the reverse of the application form, signed on behalf of the applicant, and returned for attachment to the original application.

§ 38.107 *Failure to file or to secure approval of application.* If any authority

¹ Act of February 23, 1917, 39 Stat. 929, as amended (U.S.C. title 20, secs. 11-15, 16-28).

² Act of June 8, 1936, 49 Stat. 1488 (U.S.C. title 20, secs. 15h-15p).

or other person having possession of property does not file application within the time prescribed by § 38.101, or if the application of any such authority or other person is not approved under § 38.102 or § 38.202, it will be considered that such authority or other person does not desire to continue the use of such property for vocational education purposes, or that such authority or other person has not established its eligibility under the Act to continue such use. Property in the possession of any such authority or other person shall thereupon be returned promptly to the United States, by delivery to a representative of the Procurement Division at the place where it was located on June 30, 1943, or, if required by the Procurement Division, at any other place to which such authority or other person may have agreed to return the property.

LOANS TO NON-FEDERAL VOCATIONAL EDUCATION AUTHORITIES OF PROPERTY NOT IN USE BY THEM ON JUNE 30, 1943

§ 38.200 *Applications.* (a) Any authority in existence on July 12, 1943, may apply to the Procurement Division for the loan to such authority, without compensation, of any property not transferred to a Federal agency under Executive Order No. 9235 and not otherwise loaned under the authority of the Act. Application may be made either for specified property at a particular location or for any property meeting a given description, and applications will be considered of the latter type if the present location of the property is not stated or the property is so described that either or any of two or more items would fit the description. If application is made for specified property or property at a particular location, the application should indicate whether or not other property of the same type would be acceptable to the applicant in case the specified property or property at the specified location should not be available for loan to the applicant.

(b) Application forms shall be obtained from the regional office of the Procurement Division for the region in which the property is located, or, if the application is not for specified property, the region in which the authority is located, as shown by Schedule A hereto attached, and each application shall be filed with such regional office on the prescribed form. Applications must be complete, must be executed in accordance with the instructions, and must contain the information required on the reverse of the prescribed form.

§ 38.201 *Time for filing application.* Applications under § 38.200 should be filed as promptly as possible and in any event must be filed on or before October 11, 1943. The Act does not permit consideration of applications filed after that date.

§ 38.202 *Action on applications.* (a) Applications will be held in the regional office until it is determined under the regulations pursuant to Executive Order No. 9235 that the property applied for is not to be transferred to a Federal agency or agencies (excepting the Lend-Lease

Administration). If the property has been transferred or will be required for such transfer in whole or in part, or if in whole or in part it will be used by an authority under §§ 38.100-38.105 or is not available in any event, the regional officer will advise the authority to that effect and will ascertain from the authority whether or not it wishes the application to be considered as to any remainder of the property applied for. Otherwise, further action will not be taken.

(b) Except as provided in paragraph (a) of this section, the regional officer will then transmit the application, noting thereon such items as are not available for the purposes of § 38.200-38.205 of these regulations, to the appropriate State board for vocational education for transmittal with its recommendation to the United States Commissioner of Education, or, if the applicant so requests, will so transmit it directly to the United States Commissioner of Education.

(c) Upon receipt from the United States Commissioner of Education of an application bearing his certificate that the property applied for is to be used for vocational education and training, the Director of Procurement will approve such application if and to such extent as he determines that it is appropriate to do so in fulfillment of the purposes of the Act, taking into consideration the application of any other authority for the same property, the character of the property, and the interests of the war effort. If the Director approves an application in whole or in part, a copy of the approved application will be transmitted to the authority as evidence of the loan agreement.

(d) If the United States Commissioner of Education declines to certify any application as required by the Act, such application must be disapproved.

§ 38.203 *Deliveries to applicants.* Property loaned under §§ 38.200-38.205 will be delivered to the applicant at the project site or other place where it is located on the date of approval of the application. It will be the responsibility of the applicant to arrange promptly for any necessary packing and transportation, at the expense of the applicant if use of the property by the applicant is to be at another location.

§ 38.204 *Receipts for property loaned.* Upon delivery, the applicant shall furnish a receipt to the representative of the Procurement Division in charge of such delivery, on the receipt form furnished by him for that purpose.

§ 38.205 *Period of and conditions upon loans.* Property loaned under §§ 38.200-38.204 of these regulations will be subject to the provisions of §§ 38.300-38.308.

PERIOD OF USE OR LOAN AND CONDITIONS APPLICABLE THERETO

§ 38.300 *Maximum period.* The maximum period of continued use of any property by any authority and the maximum period of any loan of property to any authority are limited by the Act to the period of the present war and not exceeding six months after the termina-

tion thereof. In no event may either such period extend beyond the date when such property ceases to be used for vocational education purposes. These basic limitations apply both to property as to which continued use is permitted under §§ 38.100-38.105 and to property loaned under §§ 38.200-38.205 of these regulations.

§ 38.301 *Use limited to vocational education purposes.* Property which any authority is permitted to continue to use or which is loaned to any authority under these regulations shall be used for vocational education purposes only.

§ 38.302 *Locations of use.* Property in the possession of an authority under §§ 38.200-38.205 may be used in a community other than that indicated by the application of the authority only if the written approval of the Director of Procurement is first obtained. The regional officer with whom the application of an authority was filed shall be promptly notified in writing of any change in the location of property in its possession under §§ 38.100-38.105 or §§ 38.200-38.205.

§ 38.303 *Continuance of use for vocational education purposes.* It is the responsibility of regional officers to ascertain from time to time that property in the possession of authorities is being used by them for vocational education purposes. To facilitate the discharge of such responsibility by regional officers, each authority having property in its possession under these regulations shall furnish to the regional officer in whose region the property is located, as shown by Schedule A hereto attached, statements from time to time certifying that such property is being used by the authority for vocational education purposes. Unless otherwise agreed by the regional officer, such statements shall be furnished to him on or promptly after the first day of October, the first day of March, and the first day of June of each year in which the property remains in the possession of the authority. The regional officer may rely upon such statements or may secure such verification or make such independent investigation as he deems necessary.

§ 38.304 *Maintenance, inspection, and inventories.* (a) Property in the possession of authorities under these regulations shall be maintained in good repair at their expense and shall be returned to the United States in accordance with § 38.306 in its condition as of the date when possession was obtained by the authority, ordinary wear and tear excepted, or, if possession was obtained by the authority on or prior to June 30, 1943, in its condition as of that date, ordinary wear and tear excepted, unless prior to that date the authority made a commitment imposing upon it a greater responsibility with respect to the maintenance and return of the property, in which event the terms of such prior commitment shall govern.

(b) Property in the possession of authorities shall at all times be subject to inspection and inventory by the Director of Procurement, or his representative.

§ 38.305 Termination of use or loan.

(a) Any authority which ceases to use for vocational education purposes property in its possession for continued use or on loan under the authority of these regulations shall promptly report such cessation of use to the regional officer specified in § 38.303. Permission to continue the use of such property, or the loan of such property, as the case may be, shall thereupon terminate.

(b) In the absence of a report from the authority under paragraph (a) of this section, the regional officer in whose region the property is located may at any time report to the Director of Procurement that he has found property in the possession of any authority to be no longer in use by such authority for vocational education purposes. If the Director of Procurement, on the basis of such report and any further investigation that he deems necessary, is satisfied that the property is no longer being used for vocational education purposes, he may by notification to the authority having possession of the property terminate its right of continued use or the loan of the property, as the case may be.

(c) In his discretion, the Director of Procurement may at any time terminate continued use by or the loan of any property to any authority which fails to comply with the requirements of these regulations, and may at any time terminate for any other reason any loan under §§ 38.200 to 38.205 of these regulations.

§ 38.306 Return of property on expiration or termination of permitted use or loan. Upon expiration of the period of maximum use or loan of any property under § 38.300 of these regulations, or upon termination of the permitted use or loan of any property under § 38.305, and unless such expiration or termination affects only the use of the property by another authority, the authority having possession of such property shall promptly return such property to the United States in accordance with such instructions as may be issued by the Procurement Division, providing at its own expense any necessary transportation and preparation for domestic shipment. The authority shall not, however, be obliged to incur a greater expense than would be incurred in preparing for shipment and shipping the property to the Procurement Division warehouse nearest the point from which the property is returned.

§ 38.307 Exception as to expendable property. The obligation of authorities to return property in their possession in accordance with these regulations shall not extend to property which by nature is consumed through use, except to the extent that such property has not been so consumed prior to expiration or termination of the period of permitted use or loan, as the case may be.

§ 38.308 Approved application to constitute commitment. Any application submitted under these regulations, upon approval in accordance with these regulations, and upon the mailing of a copy of the approved application to the applicant, shall become a commitment bind-

ing the applicant to compliance with the applicable provisions of these regulations. Any application approved without certification by the United States Commissioner of Education shall be considered to have been approved under § 38.102 and shall bind the applicant to compliance with §§ 38.103, 38.104, and §§ 38.300 to 38.308. Any application approved after such certification shall be considered to have been approved under § 38.202 and shall bind the applicant to compliance with §§ 38.203, 38.204, and §§ 38.300 to 38.308.

[SEAL]

CLIFTON E. MACK,
Director of Procurement.

JULY 22, 1943.

SCHEDULE A—REGIONAL AREAS AND REGIONAL OFFICES

Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; Regional Procurement Officer, U. S. Treasury Department, Park Square Building, Boston, Mass.

Region II—Pennsylvania, New Jersey, and New York; Regional Procurement Officer, U. S. Treasury Department, 76 Ninth Avenue, New York, N. Y.

Region III—District of Columbia, Delaware, Maryland, North Carolina, and Virginia; Regional Property Officer, U. S. Treasury Department, 1229—20th Street NW. Washington, D. C.

Region IV—Indiana, Kentucky, Ohio, and West Virginia; Regional Property Officer, U. S. Treasury Department, 235 West 12th Street, Cincinnati, Ohio.

Region V—Illinois, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; Regional Procurement Officer, U. S. Treasury Department, 222 West North Bank Drive, Chicago, Ill.

Region VI—Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee; Regional Procurement Officer U. S. Treasury Department, 10 Forsyth Street Building, Atlanta, Ga.

Region VII—Arkansas, Louisiana, Oklahoma, and Texas; Regional Property Officer, U. S. Treasury Department, 609 Neil P. Anderson Building, Fort Worth, Tex.

Region VIII—Iowa, Kansas, Missouri, and Nebraska; Regional Property Officer, U. S. Treasury Department, 6th Floor, Porter Building, Kansas City, Mo.

Region IX—Colorado, New Mexico, Utah, and Wyoming; Regional Procurement Officer, U. S. Treasury Department, 1630 Wazee Street, Denver, Colo.

Region X—Arizona, California, and Nevada; Regional Procurement Officer, U. S. Treasury Department, 335 Fell Street, San Francisco, Calif.

Region XI—Idaho, Oregon, Montana, and Washington; Regional Property Officer, U. S. Treasury Department, Alaska Building, Seattle, Wash.

[F. R. Doc. 43-11832; Filed, July 23, 1943; 11:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

• [Service Order 113, Amdt. 3]

DEMURRAGE ON FLAT CARS

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 22d day of July, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 113 of March 3, 1943, as amended by Amendment No. 1 of March 26, 1943, and as amended by Amendment No. 2 of June 10, 1943; and in order to clarify the application of paragraph (d):

It is ordered, That paragraph (d) of Service Order No. 113, as amended, be and it is hereby amended to read as follows:

§ 95.501 Demurrage on flat cars. * * *

(d) (1) The provisions of this order shall not apply to loaded or empty flat cars shipped by or consigned to any organization or installation of the United States War Department or Navy Department, including the United States Marine Corps and the United States Coast Guard, while held for loading, unloading, or any other purpose by such organization or installation. (2) Each railroad affected, on or before the effective date of this paragraph (d), as amended, and upon not less than one day's notice to the Commission and to the public, shall file and post a supplement to each of its tariffs affected hereby, establishing the substitute provisions above set forth. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this amendment shall become effective August 1, 1943, and shall remain in force until further order of the Commission; that copies of this amendment shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-11817; Filed, July 23, 1943; 10:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1239]

CITY OF CINCINNATI, OHIO

ORDER OF THE DIRECTOR

In the matter of a review of the minimum prices effective for shipment of coals by rail and by river for delivery in the City of Cincinnati, Ohio (Market Area 19), pursuant to section 4 II (b) of the Bituminous Coal Act of 1937.

Charles S. Mitchell, a duly designated Examiner of the Division, has submitted to me his Report and recommendations, dated July 15, 1943 in the above-entitled proceeding. The Bituminous Coal Act of 1937 will expire (except as provided in

section 19 thereof) August 24, 1943. In order that the Director may take timely and appropriate action on the report and recommendations of the Examiner it is necessary that interested parties who desire to file exceptions and supporting briefs do so promptly.

Accordingly, exceptions and briefs in support of exceptions to the Examiner's report should be filed not later than August 4, 1943. No exceptions or briefs will be considered by the Director in this matter if received by the Division later than 11:59 p. m., August 4, 1943.

It is so ordered.

Dated: July 20, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11818; Filed, July 23, 1943;
11:16 a. m.]

Bureau of Reclamation.

COLORADO RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 17, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be 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), and that departmental orders of June 22, 1935 and September 15, 1939 establishing Utah Grazing Districts Nos. 8 and 9, and departmental orders of July 9 and July 11, 1935, and October 12, 1940, establishing Colorado Grazing Districts Nos. 1, 6 and 7 be modified and made subject to the withdrawal effected by this order.

COLORADO RIVER STORAGE PROJECT

ECHO PARK RESERVOIR SITE

Salt Lake Meridian, Utah

- T. 1 N., R. 24 E.,
Sec. 1.
T. 2 N., R. 24 E.,
Sec. 26, NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30.
T. 2 N., R. 25 E.,
Sec. 29.

ECHO PARK RESERVOIR SITE

Sixth Principal Meridian, Colorado

- T. 9 N., R. 102 W.,
Secs. 23, 26, and 27.
T. 10 N., R. 102 W.,
Sec. 35.
T. 6 N., R. 103 W.,
Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{2}$.
T. 8 N., R. 103 W.,
Sec. 11, W $\frac{1}{2}$.
T. 10 N., R. 104 W.,
Sec. 24.

SPLIT MOUNTAIN RESERVOIR SITE

Salt Lake Meridian, Utah

- T. 4 S., R. 24 E.,
Sec. 33.
T. 5 S., R. 24 E.,
Secs. 4 and 9.

DEWEY RESERVOIR SITE

Salt Lake Meridian, Utah

- T. 21 S., R. 22 E.,
Secs. 34 and 35, unsurveyed.
T. 22 S., R. 22 E.,
Sec. 23.
T. 21 S., R. 23 E.,
Sec. 4.
T. 23 S., R. 23 E.,
Secs. 1, 11, 14, and 23.
T. 20 S., R. 24 E.,
Secs. 24, 25, 26, and 29.
T. 22 S., R. 25 E.,
Secs. 5, 8, and 17.
T. 24 S., R. 25 E.,
Sec. 10.
T. 23 S., R. 26 E.,
Sec. 33.
T. 24 S., R. 26 E.,
Sec. 4.

DEWEY RESERVOIR SITE

Ute Meridian, Colorado

- T. 1 N., R. 3 W.,
Sec. 7, lots 1, 2, 6, 7, 8, 9, N $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8, lot 3, NE $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, lot 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 18.

DEWEY RESERVOIR SITE

Sixth Principal Meridian, Colorado

- T. 10 S., R. 103 W.,
Secs. 9, 10, and 15;
Sec. 16, lots 1, 2, 3, 4, 6, 7, 8, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 17, lots 2, 3, 5, 6, 7, NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 21, 22, and 27, partly unsurveyed.
T. 10 S., R. 104 W.,
Secs. 1, 12, 13, 14, and 21.
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ -
SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30;
Sec. 31, lots 1, 2, 3, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.
T. 11 S., R. 104 W.,
Sec. 9.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: June 18, 1943.

ARCHIE D. RYAN,
Acting Director of the
Grazing Service.

I concur: July 2, 1943.

JOEL DAVID WOLFSON,
Acting 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.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 13, 1943.

[F. R. Doc. 43-11813; Filed, July 23, 1943;
9:40 a. m.]

COLORADO RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 17, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936

(49 Stat. 1976), it is recommended that the following described lands be 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).

COLORADO RIVER STORAGE PROJECT

ECHO PARK RESERVOIR SITE

Sixth Principal Meridian, Colorado

- T. 6 N., R. 100 W.,
Secs. 16 to 20, inclusive.
T. 6 N., R. 101 W.,
Secs. 5 to 11, inclusive;
Secs. 13, 14, 15, 17, and 24, partly unsurveyed.
T. 7 N., R. 101 W.,
Sec. 32, unsurveyed.
T. 6 N., R. 102 W.,
Secs. 1 and 2, unsurveyed;
Secs. 4 to 14, inclusive, partly unsurveyed;
Secs. 15 and 16, those parts exclusive of Tract No. 38, unsurveyed;
Sec. 17, partly unsurveyed;
Sec. 18, lots 5 to 8, inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Secs. 19 and 20;
Sec. 21, lots 2 and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 22, lots 1 and 4, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 23, 29, and 30.
T. 7 N., R. 102 W.,
Secs. 30 and 31, unsurveyed.
T. 8 N., R. 102 W.,
Secs. 6 and 7, unsurveyed.
T. 9 N., R. 102 W.,
Sec. 28.
T. 6 N., R. 103 W.,
Secs. 1 to 3, inclusive, partly unsurveyed;
Sec. 4, lot 5, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 6, lots 9 to 14, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 7 to 14, inclusive;
Sec. 24.
T. 7 N., R. 103 W.,
Secs. 3, 4, 5, 8, 9, 10, 15, and 16, unsurveyed;
Sec. 17, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$
SW $\frac{1}{4}$, unsurveyed;
Secs. 19 to 31, inclusive, unsurveyed;
Sec. 32, lot 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$
NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Secs. 33 to 36, inclusive, unsurveyed.
T. 8 N., R. 103 W.,
Sec. 1, unsurveyed;
Sec. 11, E $\frac{1}{2}$, partly unsurveyed;
Secs. 12, 13, 14, 22, 23, partly unsurveyed;
Sec. 24, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
partly unsurveyed;
Secs. 26, 27, secs. 32 to 35, inclusive, partly
unsurveyed.
T. 6 N., R. 104 W.,
Secs. 1 and 12, partly unsurveyed.
T. 7 N., R. 104 W.,
Secs. 23 to 26, inclusive.

SPLIT MOUNTAIN RESERVOIR SITE

Salt Lake Meridian, Utah

- T. 4 S., R. 23 E.,
Secs. 24, 25, and 26, unsurveyed;
Sec. 27, lot 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 28, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 3 S., R. 24 E.,
Secs. 25 and 35.
T. 4 S., R. 24 E.,
Sec. 1, lots 3, 4, 7, 8, 10, and 11, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 2, lot 5, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3, lots 1 and 4, S $\frac{1}{4}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Secs. 10 to 23, inclusive, secs. 29 and 30,
partly unsurveyed.
T. 3 S., R. 25 E.,
Secs. 22 to 29, inclusive, partly unsurveyed;
Sec. 30, lots 1 to 8, inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 31, lots 1 to 8, inclusive, lots 12 to 16,
inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 32 to 35, inclusive, partly unsurveyed.

T. 4 S., R. 25 E.,
Secs. 4, 5, and 6, partly unsurveyed.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: July 2, 1943.

JOEL DAVID WOLFSOHN,
Acting 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.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 13, 1943.

[F. R. Doc. 43-11812; Filed, July 23, 1943;
9:40 a. m.]

General Land Office.

[Public Land Order 130]

UTAH

WITHDRAWING PUBLIC LANDS FOR
CLASSIFICATION

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered*, As follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby temporarily withdrawn from settlement, location, sale, and entry, and reserved for classification and for prospecting and development under the mineral-leasing laws:

SALT LAKE MERIDIAN

- Tps. 21 to 24 S., R. 15 E.
- Tps. 21 to 26 S., R. 16 E., partly unsurveyed.
- Tps. 21 to 32 S., R. 17 E., partly unsurveyed.
- Tps. 21 to 32 S., R. 18 E., partly unsurveyed.
- Tps. 21 to 32 S., R. 19 E., partly unsurveyed.
- Tps. 21 to 32 S., R. 20 E., partly unsurveyed.
- Tps. 21 to 32 S., R. 21 E., partly unsurveyed.
- Tps. 22 to 32 S., R. 22 E., partly unsurveyed.
- Tps. 22 to 37 S., R. 23 E.
- Tps. 23 and 24 S., R. 24 E., partly unsurveyed.
- Tps. 29 to 38 S., R. 24 E.
- Tps. 23 and 24 S., R. 25 E.
- Tps. 29 to 38 S., R. 25 E.
- Tps. 23 and 24 S., R. 26 E.
- Tps. 29 to 38 S., R. 26 E.

The areas described, including both public and non-public lands, aggregate approximately 2,977,700 acres.

ABE FORTAS,
Acting Secretary of the Interior.

MAY 26, 1943.

[F. R. Doc. 43-11809; Filed, July 23, 1943;
9:39 a. m.]

[Public Land Order 149]

ALASKA

MODIFYING EXECUTIVE ORDER SO AS TO
PERMIT COAL MINING FROM PORTION OF
RESERVED LANDS

By virtue of the authority contained in the Act of June 25, 1910, c. 421, 36

Stat. 847, as amended by the Act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and pursuant to Executive Order No. 9146 of April 24, 1942, *It is ordered*, As follows:

Executive Order No. 6957 of February 4, 1935, withdrawing certain public lands and reserving them for classification and in aid of legislation, is hereby modified so as to permit mining, under prospecting permits or leases issued pursuant to section 3 of the Act of October 20, 1914, c. 330, 38 Stat. 742, as amended by the Act of March 4, 1921, c. 152, 41 Stat. 1363 (U.S.C., title 48, sec. 444), of coal from the following described lands:

SEWARD MERIDIAN

- T. 18 N., R. 1 W.,
- Sec. 8;
- Sec. 9;
- Sec. 16;
- Sec. 17.

The areas described aggregate 2,560 acres.

ABE FORTAS,

Acting Secretary of the Interior.

JULY 17, 1943.

[F. R. Doc. 43-11810; Filed, July 23, 1943;
9:39 a. m.]

[Public Land Order 150]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE IN
CONNECTION WITH THE PROSECUTION OF
THE WAR

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered*, As follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

SALT LAKE MERIDIAN

- T. 16 S., R. 14 E.,
 - Sec. 4, lots 3, 4, 5, 6, 11, 12, N $\frac{1}{2}$ SW $\frac{1}{4}$.
- The areas described contain 294.81 acres.

The order of the Secretary of the Interior of May 7, 1935 establishing Utah Grazing District No. 7 is hereby modified to the extent necessary to permit the use of the lands as herein provided.

ABE FORTAS,

Acting Secretary of the Interior.

JULY 17, 1943.

[F. R. Doc. 43-11811; Filed, July 23, 1943;
9:39 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of

learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 23 and July 27, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Canvas Products Corporation, 19-23 E. McWilliams Street, Fond du Lac, Wisconsin; Awnings, canvas specialties; 12 learners (T); Hand sewer, Sewing Machine Operator and Presser for a learning period of 320 hours at 35 cents per hour until January 24, 1944.

H. J. Fleischhauer's Sons, 68 North 4th Street, Philadelphia, Pa., Cigar Labels; 1 learner (T); Leaf layer for a learning period of 480 hours at 30 cents per hour until January 22, 1944.

Signed at New York, N. Y., this 20th day of July, 1943.

MERLE D. VINCENT,

Authorized Representative
of the Administrator.

[F. R. Doc. 43-11806; Filed, July 23, 1943;
9:19 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6527]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH-CABLE CO.

ORDER CONCERNING HEARINGS

In the matter of The Western Union Telegraph Company and the Postal Telegraph-Cable Company "RX" Service for Tourate Messages.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July, 1943:

The Commission, having under consideration its order of July 9, 1943, herein, suspending the operation of, and ordering a hearing with respect to, tariff schedules filed by the Western Union Telegraph Company providing for the application of "RX" service to Tourate messages; and

It appearing that Postal Telegraph-Cable Company has also filed with the Commission new tariff schedules, effective August 9, 1943, revising its presently effective tariff schedules to provide for the application of "RX" service to mes-

sages in the Tourate classification, such new schedules being designated as follows:

Postal Telegraph-Cable Company

Tariff F. C. C. No. 54
2nd Revised Page 51
Tariff F. C. C. No. 63
2nd Revised Page 104-A

It is ordered, That the hearing ordered by the order of July 9, 1943, herein, for the 12th day of August 1943 shall include the matter of the above-cited tariff schedules, filed by the Postal Telegraph-Cable Company, insofar as they provide for the application of "RX" service to messages in the Tourate classification;

It is further ordered, That insofar as the above-cited tariff schedules of the Postal Telegraph-Cable Company provide for the application of "RX" service to messages in the Tourate classification, the operation of such schedules shall be suspended, and the effectiveness thereof shall be deferred, until November 9, 1943, unless otherwise ordered by the commission, and that during such period of suspension, no changes shall be made in the provisions whose operation is hereby so suspended, or in the provisions sought to be altered thereby, unless authorized by the Commission;

It is further ordered, That a copy of this order shall be filed in the offices of the Federal Communications Commission with the above-cited tariff schedules herein suspended in part; that Postal Telegraph-Cable Company, and all other carriers which participate in the rendition of the service provided under such tariff schedules be, and they are hereby, each made a party respondent to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11825; Filed, July 23, 1943;
11:35 a. m.]

[Docket No. 6528]

PUBLIC UTILITIES CALIFORNIA CORPORATION
ORDER FOR INVESTIGATION

In the matter of Public Utilities California Corporation charges for channels for teletypewriter service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of July, 1943:

The Commission, having under consideration charges filed by the Public Utilities California Corporation, effective July 15, 1943, for channels for teletypewriter service between Burney, California and Redding, California, for use by agencies of the United States Government; and

It appearing, that such rates and charges may be unjustly and unreasonably high, or otherwise unjust and unreasonable, or unlawful;

It is ordered, That an investigation be, and the same is hereby, ordered into the lawfulness of the charges of the Public Utilities California Corporation for channels for teletypewriter service;

It is further ordered, That the Public Utilities California Corporation, the American Telephone and Telegraph Company, the Pacific Telephone and Telegraph Company, and all other carriers participating in the furnishing of teletypewriter service using channels furnished by the Public Utilities California Corporation be, and they are hereby, each made a party respondent in this proceeding; and that a copy of this Order shall be served upon each such respondent and upon the Civil Aeronautics Administration;

It is further ordered, That the matters covered by this order be, and the same are hereby, assigned for hearing at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 25th day of August, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11826; Filed, July 23, 1943;
11:35 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-487]

CITIES SERVICE GAS CO., ET AL.

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING THEREON

JULY 20, 1943.

In the matter of Cities Service Gas Company, Cities Service Transportation and Chemical Company and Cities Service Company.

It appearing to the Commission that:

(a) On July 17, 1943, the Commission received from the State Corporation Commission of the State of Kansas a letter reciting in substance, among other matters, that Cities Service Gas Company proposes to construct a pipeline from the Oklahoma end of the Hugoton gas field across Oklahoma, to connect with and become a part of its pipeline system; that, to its knowledge, no application for authority to construct and operate such line has been filed with any regulatory commission; that Cities Service Gas Company, or its affiliated distributing companies, have advertised in the Kansas City, Missouri, and Topeka, Kansas, newspapers that the supply of gas this coming winter will not be increased by reason of the construction of the proposed pipeline; that, in its opinion, there is available in the Hugoton field more than sufficient natural gas to meet the requirements of the areas now served by Cities Service Gas Company and by other companies that purchase gas from it; that it would be appropriate to determine whether a different location for the proposed pipeline

might not better serve the public need; and stating:

We are vitally concerned in the matter of having a sufficient supply of gas for the areas involved. The delay on the part of the Cities Service Gas Company to make application to your Commission for authority to construct and operate the proposed line may seriously affect the supply of gas for the coming winter. In the light of these circumstances, we are wondering if your Commission might not initiate an investigation into the matter of this proposed line and determine what the real situation is so that all interested parties may be fully informed, and some solution worked out that will assure an adequate supply of gas this coming winter in the affected areas. We suggest such an investigation.

(b) On June 19, 1943, Cities Service Gas Company filed a notice of intention to cancel, effective August 22, 1943, its Rate Schedule FPC No. 51, providing for the sale of natural gas to Union Gas System, Inc., for resale to certain industrial consumers; and by letter to the Commission, dated June 30, 1943, Union Gas System, Inc., protested such cancellation of service, requested a hearing, and stated among other things:

We would further like to present evidence to show that the material being granted Cities Service Gas Company by the War Production Board, is being so located in connection with the supply of gas and with their system as to prevent its complete use, and thus continue in force an inadequate supply of gas which will cause an unnecessary shortage in the area, thus permitting them to cancel their lower price contracts and to secure for themselves a complete monopoly of gas distribution in this area.

(c) Cities Service Gas Company, a Delaware corporation having its principal office in Bartlesville, Oklahoma, and authorized to do business in the States of Texas, Oklahoma, Missouri, Kansas, and Nebraska, produces natural gas in the States of Texas, Kansas, and Oklahoma, and purchases natural gas in the States of Kansas, Oklahoma, and Missouri, transports said natural gas from the States in which it is produced or purchased, through, or into other States, and sells such natural gas either directly to consumers or to other gas companies for resale for ultimate public consumption for domestic, commercial, industrial, or other uses, in the States of Texas, Oklahoma, Missouri, Kansas and Nebraska, and is, therefore, a natural-gas company within the meaning of the Natural Gas Act;

(d) Cities Service Gas Company is a wholly-owned subsidiary of Empire Gas and Fuel Company (Delaware), whose outstanding voting stock is in turn controlled by Cities Service Company, the top holding company in the Cities Service system;

(e) On April 6, 1943, Cities Service Gas Company filed a formal application with the War Production Board seeking priority assistance and a preference rating certificate for materials for the purpose of constructing the following facilities:¹

¹ Hereinafter referred to as the "proposed project."

(1) 240 miles of 26-inch diameter main transmission pipeline extending from a proposed field station in the Hugoton gas field (situated in northwestern Oklahoma, southwestern Kansas, and northeastern Texas) to its Blackwell, Oklahoma, compressor station, having an initial capacity of 140,000 M. c. f. daily;

(2) A compressor station of 8,000 rated horsepower at the Hugoton field terminus of the main outlet transmission line capable of compressing 140,000 M. c. f. daily at a discharge pressure of 720 pounds gauge;

(3) Looping of its existing pipeline system from Burbank, Oklahoma, to Tallant, Oklahoma, with 35.25 miles of single 12-inch line to deliver increased quantities of gas to the "East Side" of the present pipeline system;

(4) Looping of the existing 18-inch tie-over immediately south and southeast of Wichita, Kansas, with 11.25 miles of 20-inch pipeline to permit the service of increased demands in the Wichita area and to augment gas deliveries to the "East Side" of the existing system;

(5) Reconditioning of 16 miles of 16-inch line south of Wichita to permit carrying higher pressures for increased throughputs to markets in the Wichita and Hutchinson, Kansas, areas;

(6) 3 miles of 6-inch pipeline to serve the increased fuel requirements of the Socony Oil Refinery at Augusta, Kansas;

(7) Addition of 340 horsepower to Saginaw compressor station in Newton County, Missouri, to "fortify" deliveries of gas to Camp Crowder, Missouri, and to Springfield Gas and Electric Company for resale to consumers in Springfield, Missouri;

(8) Telephone communication facilities to the Hugoton field;

(f) By letter of May 1, 1943, the War Production Board advised Cities Service Gas Company and Cities Service Company that favorable action could not be taken on the application for priority assistance and a preference rating certificate unless assurance could first be given that the following conditions, among others, would be met:

That you will proceed with the entire project immediately upon receipt of our preference rating certificate, acquiring rights of way, placing all necessary orders for pipe and equipment, prosecuting required applications for approval of regulatory bodies, including the Federal Power Commission, contracting for construction and taking all other reasonable steps to assure completion

of the project in time for service during the coming winter.

(g) Cities Service Company, by letter of May 11, 1943, indicated its willingness to make the commitments called for by the War Production Board's letter of May 1, 1943, referred to in paragraph (f) above;

(h) Pursuant to the request of Cities Service Gas Company, made May 19 and May 20, 1943, the application for priority assistance and a preference rating certificate was treated by the War Production Board as amended so that Cities Service Transportation and Chemical Company, a newly formed organization in the Cities Service system, should receive the priority assistance and preference rating certificate originally requested by Cities Service Gas Company;

(i) The War Production Board, in a letter dated May 24, 1943, addressed to Cities Service Company, Cities Service Transportation and Chemical Company, and Cities Service Gas Company, transmitted a preference rating certificate for the proposed project, and stated:

While as requested by you we have issued the preference rating certificate to the Cities Service Transportation and Chemical Company, it is understood that the Cities Service Company, and, to the extent that it is concerned, the Cities Service Gas Company also assume responsibility for compliance with the stated conditions.

(j) The War Production Board, in its letter of May 24, 1943, stated that the preference rating certificate was being issued subject to the "understanding" embodied in its letter of May 1, 1943, to Cities Service Company and in that Company's response of May 11, 1943, and to the following "essential conditions":

(1) That you will proceed with the entire project immediately upon receipt of our preference rating certificate, acquiring rights of way, placing all necessary orders for pipe and equipment, taking all steps necessary with the Federal Power Commission to comply with any applicable requirements of the Natural Gas Act and with all other regulatory commissions having jurisdiction over any phase of this matter, contracting for construction and taking all other reasonable steps to assure completion of the project in time for service during the coming winter.

(2) That you will be prepared to enter into contracts with such neighboring utility systems as may apply to you for assistance in meeting threatened deficiencies during the war, such contracts to extend for the duration of the war and for one year thereafter, or such shorter time as will enable the other

systems to augment their supply by alternative measures.

(3) That you will make deliveries of gas pursuant to allocations or directives of the War Production Board irrespective of whether or not contracts have been concluded covering such deliveries.

(k) By letter dated June 3, 1943, addressed to the president of Cities Service Gas Company, the Commission stated among other things that:

In view of the obvious intention of the WPB, and your representations of the urgent necessity for the early construction of the additional pipeline facilities in your area, a proper application for a certificate of convenience and necessity covering the proposed pipe line, in accordance with section 7 (c) of the Natural Gas Act, as amended, should be immediately filed with the Commission.

Mr. W. Alton Jones, President of the Cities Service Company, has stated to us that when priorities were granted, "we hope we can confidently count on your helpful cooperation in the furtherance of this project." This cooperation can be obtained, and delay avoided, by prompt filing of an application for a certificate to the end that we may take the action required here as expeditiously as possible. Your prompt cooperation in this matter would be greatly appreciated.

(1) By letter dated June 12, 1943, the Commission again advised Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company of the provisions of the Natural Gas Act, stating among other things that:

Although several months have elapsed since you expressed a desire to construct a pipeline to the Hugoton field to relieve the emergency in your area, you have refrained from filing an application for a certificate of convenience and necessity pursuant to section 7 (c) of the Natural Gas Act. The Congress in requiring the issuance of such a certificate, as a prerequisite to undertaking the construction or operation of a natural gas pipe line, subject to the jurisdiction of this Commission, thereby provided an opportunity for State regulatory agencies and other interested parties to be heard in the matter. Responsibility for any delay in such proceedings, resulting from your failure to file a timely application, will rest squarely with your company,

and requested that said companies promptly file with the Commission the following information and data:

A copy of all contracts, arrangements and understandings between Cities Service Transportation and Chemical Company, Cities Service Company, Cities Service Gas Company and others, pursuant to which it is proposed to construct, finance and operate the proposed Hugoton line project, including agreements to purchase, transport, process

and sell natural gas, and a copy of the articles of incorporation, together with the names and addresses of the officers, directors and stockholders of the Cities Service Transportation and Chemical Company;

(m) Neither an application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, nor such information and data have been filed with this Commission; and said companies have failed and refused to file an application for a certificate of public convenience and necessity or furnish the data and information heretofore requested;

(n) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company are proceeding with the construction of the proposed project in that:

An order for the pipe required for the proposed project was placed on or about June 8, 1943, to be delivered according to the following schedule: 15,000 tons in September, 22,000 to 25,000 tons in October, and the balance of 46,000 tons in November 1943; a field construction office has been established in Ponca City, Oklahoma; engineering and other construction organization has been assembled; reconnaissance of the pipeline route has been completed and the river crossing sites have been selected; negotiations with contracting firms for the laying of the pipeline are proceeding; and right-of-way work at three river crossings and on the eastern end of the line is in progress;

(o) Cities Service Transportation and Chemical Company and Cities Service Company may become natural-gas companies upon completion of the proposed project, and such companies and Cities Service Gas Company may have undertaken the construction or extension of facilities for the transportation or sale of natural gas subject to the jurisdiction of the Commission in violation of section 7 (c) of the Natural Gas Act, as amended; and such companies may undertake to construct or operate facilities, or engage in the transportation or sale of natural gas, subject to the jurisdiction of this Commission, without having first obtained a certificate of public convenience and necessity as required by said section 7 (c);

The Commission finds that:

(1) It is necessary and appropriate, in the public interest, to carry out and aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission, as hereinafter provided, into the facts, conditions, practices and matters herein referred to, and to determine whether:

(i) Cities Service Gas Company, Cities Service Transportation and Chemical Company, Cities Service Company, or any other individual, association, or corporation has violated or is about to violate the provisions of the Natural Gas Act;

(ii) Such companies or any of them should be required to obtain a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended;

(iii) A certificate of public convenience and necessity should be issued to such companies;

(2) The documents, data and information hereinafter required to be filed with the Commission are relevant and material to such investigation;

Wherefore, the Commission orders that:

(A) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company, at a public hearing to be held commencing August 11, 1943, at 9:45 a. m., in Room No. 527 in the U. S. Court House, Kansas City, Missouri, show cause, if any there be, why:

(i) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company should not be ordered to file immediately an appropriate application for a certificate of public convenience and necessity for the proposed construction, operation, transportation and sale of natural gas, pursuant to section 7 (c) of the Natural Gas Act, as amended, and the rules and regulations thereunder;

(ii) The Commission should not forthwith proceed to determine whether said companies are qualified to receive a certificate of public convenience and necessity for the proposed service, sale, operation, construction, and extension, and are able and willing properly to do the acts and to perform the service pro-

posed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder; whether the proposed service, sale, operation, construction, and extension is or will be required by the present or future public convenience and necessity; and whether the public convenience and necessity will require that terms and conditions be attached to any grant of certificate and exercise of rights thereunder;

(iii) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company should not be determined to have violated or are about to violate section 7 (c) of the Natural Gas Act, as amended.

(B) The hearing shall also be held for the purpose of affording to said companies an opportunity to be heard with respect to all matters hereinabove referred to, and for the purpose of investigating and determining the facts and circumstances surrounding such matters;

(C) Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company shall file, under oath, with the Commission, on or before August 4, 1943, the following:

A true copy of all contracts, arrangements and understandings, between Cities Service Transportation and Chemical Company, Cities Service Gas Company, Cities Service Company, and between said companies and others, pursuant to which it is proposed to construct, finance, and operate the proposed project, including agreements to purchase, transport, process and sell natural gas; and a true copy of the articles of incorporation of Cities Service Transportation and Chemical Company, together with the names and addresses of its officers, directors and stockholders;

(D) Interested State commissions may participate in this proceeding, as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11827; Filed, July 23, 1943; 11:59 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1787]

I. G. FARBENINDUSTRIE, A. G.

Re: Patents and patent applications of I. G. Farbenindustrie, A. G., standing of record in the United States Patent Office in the name of Walter H. Duisberg.

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:

1. That I. G. Farbenindustrie A. G. is a corporation organized under the laws of and having its principal place of business in Germany and therefore is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie A. G.;

3. That the property described as follows: (a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Part I of Exhibit A attached hereto and made a part hereof;

(b) Patent applications identified in Part II of said Exhibit A;

(c) Patent applications identified in Part III of said Exhibit A, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such applications;

(d) All interests and rights (including all royalties or other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie A. G. by virtue of an agreement dated May 4, 1940 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie A. G. and Walter H. Duisberg, which agreement relates, among other things, to patent number 1,630,406, issued May 31, 1927, inventor H. Prillwitz, for mixing apparatus;

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany).

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be

determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. 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 Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 12, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

PART I

Patents identified as follows, which stand of record in the United States Patent Office in the name of Walter H. Duisberg (or Walther H. Duisberg).

| Patent No. | Date | Inventor | Title |
|------------|----------|--|--|
| 1,564,410 | 12/8/25 | Carl Eyer et al., R. Griessbach | Manufacturing solid calcium nitrate. |
| 1,565,691 | 12/15/25 | Franz Vorlander, Hermann Weber | Electrode for use in the contact process of making sulphuric acid. |
| 1,567,312 | 12/29/25 | Rudolf Wletzel | Manufacture of formamide. |
| 1,582,675 | 4/27/26 | Reinhold Fick | Production of formamide. |
| 1,630,406 | 5/31/27 | Hans Prillwitz | Mixing apparatus. |
| 1,639,585 | 8/16/27 | Carl Bosch | Manufacture of fertilizers. |
| 1,666,694 | 4/17/28 | Wilhelm Gaus, W. Wild | Producing mixtures of nitrogen and hydrogen. |
| 1,663,441 | 11/27/28 | Friedrich A. Henglein | Process for the production of iodates. |
| 1,658,793 | 1/15/29 | Heinrich Heimann | Artificial fertilizer. |
| 1,712,297 | 5/7/29 | Reinhold Fick | Manufacture of hydrocyanic acid. |
| 1,727,152 | 9/3/29 | Kurt Winkler | Multistage turbomixer. |
| 1,735,407 | 11/12/29 | Eduard Munch | Process for vaporizing formamid. |
| 1,736,080 | 11/19/29 | Heinrich Heimann, H. Seefried, Kreis Bitterfeld, A. Bayerl, and I. Petersen. | Process for opening up materials containing cellulose. |
| 1,754,345 | 4/15/30 | Otto Balz and R. Reuser | Catalytic oxidation of ammonia. |
| 1,754,909 | 4/15/30 | Carl G. Schwalbe and Hermann Wenzl | Process of rapidly bleaching vegetable fibers of any kind. |
| 1,783,647 | 12/2/30 | Friedrich A. Henglein | Process for the manufacture of metallic nitrates. |
| 1,784,066 | 12/9/30 | Ernst Heimze | Producing hydroxides of alkali metals. |
| 1,788,828 | 1/13/31 | Heinhard Goldberg and Karl O. Schmitt | Production of fertilizers. |
| 1,790,220 | 1/27/31 | Otto Balz, W. Wagner | Conversion of calcium compounds. |
| 1,797,804 | 3/24/31 | Fritz Stoewener | Manufacture of active masses. |
| 1,798,533 | 3/31/31 | Friedrich A. Henglein | Process for the manufacture of nitrates. |
| 1,809,926 | 6/16/31 | Otto Einsler and H. Tietz | Apparatus for condensing condensable vapors. |
| 1,826,369 | 10/6/31 | Curt Schoenburg and G. von der Bruck | Recovery of phenols from gas liquors. |
| 1,824,664 | 9/22/31 | John Eggert and R. Schmidt | Sound box membrane. |
| 1,829,821 | 11/3/31 | Fritz Doeringel and M. Schliemann | Manufacture of hollow articles of quartz and similar bodies of high melting point and the furnace thereof. |
| 1,835,420 | 12/8/31 | Karl Neundlinger | Manufacture of silicic acid sols. |
| 1,837,680 | 12/22/31 | Eduard Schnitzler | Adhesive strip. |
| 1,839,220 | 1/5/32 | Friedrich A. Henglein and Friedrich W. Stauf | Purification of metallic salt solutions. |
| 1,840,162 | 1/5/32 | Heinrich Heimann, Erich Oppermann, Infried Petersen, and Alfons Bayerl. | Process of opening up the resiniferous wood. |
| 1,840,198 | 1/5/32 | Heinrich Heimann, Infried Petersen, Alfons Bayerl, and Hermann Seefried. | Process of the extraction of cellulose from materials containing cellulose. |
| 1,846,221 | 2/23/32 | Wilhelm Michael and Wilhelm Goetz | Manufacture of hydrocyanic acid. |
| 1,849,682 | 3/15/32 | Carl Eyer | Production of solid calcium nitrate. |
| 1,851,475 | 3/29/32 | Max Zimmermann | Process for the manufacture of aluminum fluoride. |
| 1,857,296 | 5/10/32 | Carl Eyer, F. Frowein, and F. Korn | Producing ballast-free solid fertilizers. |
| 1,858,413 | 5/17/32 | Erich Noack and Friedrich Schubert | Calcium boride. |
| 1,861,915 | 6/7/32 | Max Hagedorn and Adolf Jung | Safety glass. |
| 1,865,204 | 6/28/32 | Michael Otto and L. Bub | Production of volatile fluorides. |
| 1,865,991 | 7/5/32 | Kurt Winkler | Centrifugal multistage mixing apparatus. |
| 1,868,890 | 7/26/32 | Carl Eyer and F. Korn | Mixed fertilizer. |
| 1,873,475 | 8/23/32 | Ernst Pokorny | Calcium molybdate. |
| 1,877,002 | 9/13/32 | Fritz Melsm | Apparatus for the manufacture of artificial threads. |
| 1,878,108 | 9/20/32 | Hans Carstens and C. Kroner | Decolorizing silicic acid. |
| 1,883,846 | 10/18/32 | Helmut Korte | Process of bleaching bast fibers, especially bast fibers of linen, hemp, and the like. |
| 1,887,098 | 11/8/32 | Friedrich Klopp | Apparatus for hardening the flanks of spindle and worn threads. |
| 1,887,412 | 11/8/32 | Erich Kayser | Method of bleaching vegetable fibrous substances. |
| 1,892,970 | 1/3/33 | Curt Schumann, Reinhold Fick, and Erwin Oberreit | Production of cyanides of calcium. |
| 1,896,483 | 2/7/33 | Hans Dohse | Production of sulphur dioxide. |
| 1,897,725 | 2/14/33 | Wilhelm Gaus, K. Hochschwender, and W. Schunck | Extracting carbon dioxide from gaseous mixture and forming alkaline carbonates. |
| 1,898,532 | 2/21/33 | Max Hardtmann, W. Schepes, and E. Tietze | Preparing boron trifluoride. |
| 1,901,486 | 3/14/33 | Karl Wurster and Max Gruber | Pure anhydrous aluminum chloride. |
| 1,904,604 | 4/18/33 | Hans Baehr | Producing ammonium sulphate. |
| 1,909,903 | 5/16/33 | Curt Schumann, Reinhold Fick, and Erwin Oberreit | Production of compounds of calcium and magnesium cyanides. |
| 1,914,425 | 6/20/33 | Friedrich A. Henglein and Friedrich W. Stauf | Process of dehydrating fluorine compounds. |
| 1,916,797 | 7/4/33 | Friedrich Horner | Process of preparing antimonates. |
| 1,916,803 | 7/4/33 | Paul Ley and Ludwig Teichmann | Production of sodium sulphide. |
| 1,922,492 | 8/15/33 | Eduard Munch, Fritz Nicolai, Reinhold Fick, and Walter Reppe | Process of producing hydrocyanic acid. |
| 1,927,108 | 9/19/33 | Max Zimmermann | Process for preparing alkaline metal fluorides. |
| 1,931,819 | 10/24/33 | Leopold Hecht | Mixed fertilizer. |
| 1,934,823 | 11/14/33 | Curt Schumann, Reinhold Fick, and Erwin Oberreit | Production of compounds of calcium cyanide. |
| 1,934,838 | 11/14/33 | Leonid Andrusow | Production of hydrocyanic acid. |
| 1,945,565 | 2/6/34 | Ernst Pokorny and Kurt Schneider | Process of producing heavy metal. |
| 1,947,952 | 2/20/34 | Oswin Nitzschke | Preparing alkaline earth-metal oxides. |
| 1,949,082 | 2/27/34 | Ernst Pokorny | Method of obtaining heavy-metal beryllium alloys. |

| Patent No. | Date | Inventor | Title | Patent No. | Date | Inventor | Title |
|------------|----------|--|---|------------|----------|---|---|
| 1,940,112 | 2/27/34 | Gustav Schreiber | Riveted plated aluminum article. | 2,003,604 | 9/21/37 | Hans Zirnhubl | Manufacture of sulphides. |
| 1,951,520 | 3/20/34 | Edmund Munch and Fritz Nicolai | Process of producing hydrocyanic acid. | 2,004,844 | 10/05/37 | Siegfried Kiesskalt and W. Mejer | Apparatus for purifying gases. |
| 1,952,849 | 3/27/34 | Albert Eyrer and F. Korn | Mixed fertilizer. | 2,005,363 | 10/12/37 | Ernst Kaessmann | Drum type drier. |
| 1,954,605 | 4/17/34 | Julius Lampe | Coloring ceramic materials. | 2,006,604 | 10/19/37 | Karl Erb | Process and apparatus for obtaining noble gases. |
| 1,955,229 | 4/17/34 | Julius Lampe, P. Laug, and P. Weise | Manufacture of alkali metal cyanides. | 2,007,120 | 1/26/37 | Heinrich Fink and R. Stahn | Manufacture of nitrogenous cellulose derivatives. |
| 1,956,138 | 4/24/34 | Karl Stahl | Production of anhydrous fused caustic soda. | 2,100,151 | 11/23/37 | Hans Tietze | Apparatus for producing ice. |
| 1,956,920 | 5/1/34 | Aired Hartmeier | Liquid level indicator. | 2,103,224 | 12/21/37 | Eugen Schweitzer and Siegfried Kiesskalt | Apparatus for testing magnetizable workpieces. |
| 1,957,749 | 5/6/34 | Georg Andrusow and Karl Huberich | Catalytic production of hydrocyanic acid. | 2,104,957 | 1/11/38 | Kurt Thinius | Process of reducing the viscosity of cellulose derivatives. |
| 1,958,005 | 5/29/34 | Philip Oswald and O. Scherer | Process of producing hydrogen fluoride. | 2,105,831 | 1/18/38 | Leonid Andrusow | Production of hydrogen cyanide. |
| 1,959,344 | 7/9/34 | Udo Ehrhardt | Process of producing chlorates and perchlorates. | 2,105,852 | 1/18/38 | Zetsche and Erich Graumann | Manufacture of threads from viscose. |
| 1,965,457 | 7/9/34 | Udo Ehrhardt | Process of producing chlorates and perchlorates. | 2,116,167 | 5/3/38 | Hermann Espig | Process of preparing a phosphorescent material. |
| 1,966,947 | 7/17/34 | Carl Eyer, G. Baetz, and A. Hertelich | Noncaking mixed fertilizer. | 2,117,210 | 5/10/38 | Herbert Rein | Manufacture of shaped articles of polymeric acrylic acid nitrile. |
| 1,971,627 | 8/25/34 | Hans H. Stuhlmann and O. Wellermann | Process of and apparatus for treating artificial threads. | 2,117,811 | 5/17/38 | Gustav Mauthe and Hermann Noerr | Tanning. |
| 1,972,419 | 9/4/34 | Robert Grützbach | Base-exchanging substance. | 2,117,965 | 5/17/38 | Siegfried Kiesskalt and W. Mejer | Grinding device. |
| 1,975,482 | 10/2/34 | Rudolf Schmitz and W. Brause | Process of producing beryllium fluoride. | 2,120,513 | 6/14/38 | Richard Stahn | Manufacture of nitrogenous cellulose derivatives. |
| 1,981,126 | 11/20/34 | Rudolf Schütze | Decomposition of rare earth metal-bearing ores. | 2,122,869 | 7/5/38 | Otto Nues | Process for the production of acetylene. |
| 1,982,104 | 11/27/34 | Johannes Brode and C. Wurster | Manufacture of anhydrous metal chlorides. | 2,123,250 | 7/12/38 | Wilhelm Müller and Gerhard Schaufner | Process for the production of depolarizing compositions from native manganese dioxide e. g. pyrolusite. |
| 1,984,763 | 12/18/34 | Adolf Beck | Manufacture of wurtzite from zinc blends. | 2,127,263 | 8/16/38 | Heinz van Beck and Thomas Clapham | Production of extensible bundles of artificial threads. |
| 1,988,863 | 1/22/35 | Heinrich Fink and E. Rosner | Seaplane float. | 2,127,304 | 8/16/38 | Gustav Mauthe and Hermann Noerr | Tanning. |
| 1,988,005 | 1/22/35 | Heinrich Fink and E. Rosner | Solutions of fibroin. | 2,129,854 | 9/13/38 | Gustav Mauthe and Hermann Noerr | Manufacture of leather. |
| 1,989,005 | 1/22/35 | Heinrich Fink and E. Rosner | Process of sintering and fusing quartz. | 2,131,145 | 9/27/38 | Paul Schlaack | Increasing the reactivity of naturally or artificially shaped articles or materials and product obtained thereby. |
| 1,992,594 | 2/26/35 | Fritz Winkler | Apparatus for charging, discharging and turning the material in rotary-hearth furnaces. | 2,131,146 | 9/27/38 | Paul Schlaack | Treatment of materials for varying their affinity. |
| 1,993,688 | 3/9/35 | Heinrich Speckter and Ludwig Hebel | Apparatus for utilizing heat of condensates. | 2,131,533 | 9/27/38 | Karl Dalmier and Heinz Thron | Centrifugal apparatus for surface hardening metal articles. |
| 2,001,784 | 5/21/35 | Wilhelm Hofmann | Apparatus for carrying out electrometric analysis. | 2,132,110 | 10/4/38 | Hermann Holler | Apparatus for surface hardening metal articles. |
| 2,005,997 | 6/26/35 | Carl Krauch, Carl Eyer, Gottwald Baetz and Friedrich Korn | Production of hydrocyanic acid. | 2,136,264 | 11/8/38 | Siegfried Kiesskalt, Hans Tamples, Ernst Weingaertner, and Karl Winnacker | Knitting apparatus. |
| 2,006,981 | 7/2/35 | Theodor Wallis and Oskar Falek | Apparatus for drying vapors or gases. | 2,136,246 | 12/6/38 | Paul Spitaler | Casting of aluminum alloys. |
| 2,009,569 | 7/20/35 | Carl Fahn | Purification of gases derived from roasting. | 2,140,020 | 12/6/38 | Erich Noack and Friedrich Schubert | Heating of boron compounds. |
| 2,013,753 | 9/10/35 | Rudolf Schütze | Treating rare-earth metal compounds. | 2,140,340 | 12/13/38 | Friedrich Vogel | Production of granular fertilizer. |
| 2,013,767 | 9/10/35 | Erich Opfermann and Gustav-Adolf Feldmann | Manufacture of cellulose. | 2,141,275 | 12/13/38 | Herbert Muench and Hermann Loewe | Tanning agents and process of producing the same. |
| 2,017,965 | 10/22/35 | Walter Strathmeyer | Sodium nitrate. | 2,141,388 | 12/27/38 | Heinrich Fink and Richard Hofstadt | Process of preparing solutions of cellulose in sulfuric acid. |
| 2,021,927 | 11/26/35 | Walter Strathmeyer | Apparatus for carrying out electrometric analysis. | 2,142,007 | 12/27/38 | Paul Schlaack | Manufacture of artificial silk. |
| 2,024,819 | 12/17/35 | Udo Ehrhardt | Furnace for sintering and fusing quartz. | 2,142,386 | 1/3/39 | Hans Tietze | Apparatus and process for producing ice. |
| 2,026,370 | 12/31/35 | Ernst Winkler | Manufacture of alkali dichromate. | 2,142,475 | 1/3/39 | Karl Schumann | Device for cutting endless bands of artificial fibers. |
| 2,027,477 | 1/14/36 | Ernst Hackhofer and A. Reuther | Carrying out exothermic catalytic gas reactions. | 2,143,388 | 1/10/39 | Paul Schlaack | Manufacture of hydroxyl kyalated nitrogen bases. |
| 2,029,604 | 2/4/36 | Joseph Bayer, A. Halmeyer, and K. Hencky | Glass permeable to ultraviolet rays. | 2,145,108 | 1/24/39 | Siegfried Kiesskalt | Device for mechanically treating thixotropes. |
| 2,031,958 | 2/25/36 | Waldemar Kaufmann and Everhard Bungartz | Process and apparatus for the manufacture of bleaching powder. | 2,148,194 | 2/21/39 | Julius Drucker | Knitting pump. |
| 2,032,632 | 3/3/36 | Eugen Reuschler and Adolf Remele | Production of oleum. | 2,148,205 | 2/21/39 | Siegfried Kiesskalt | Knitting pump. |
| 2,034,554 | 3/17/36 | Josef Bayer | Envelope for gas cells. | 2,148,969 | 2/28/39 | Walter Meier | Manufacture of thiazolidine derivatives. |
| 2,036,526 | 4/7/36 | Max Hagedorn and A. Jung | Manufacture of films. | 2,149,708 | 3/7/39 | Hans von Recklinghausen and Paul Saftert | Manufacture of bundles of artificial fibers. |
| 2,037,292 | 4/14/36 | Adolf Weihe | Peat fertilizer. | 2,150,134 | 3/7/39 | Philipp Stedler, Erich Kayser, Helmut Korte, and Wilhelm Walbel | Method for the bleaching of bast fibers. |
| 2,038,994 | 4/28/36 | Waldemar Kaufmann, Ludwig Eckstein, and Konrad Rosenberger | Photoluminescent glass. | 2,150,775 | 3/14/39 | Georg Messner | Electrolytic cell. |
| 2,042,425 | 5/26/36 | Emil Hubert and Arno Matthies | Manufacture of artificial silk. | 2,151,971 | 3/29/39 | Hermann Holler | Apparatus for surface hardening the teeth of double helical gears. |
| 2,042,787 | 6/2/36 | Johannes Kleine, Hugo Pfannenstiel, and Warner Matthes | Spinning artificial silk. | 2,154,830 | 4/18/39 | Franz Bencker | Electrolytic cell. |
| 2,044,885 | 6/23/36 | Fritz Overdieck and Herbert Gorke | Process of purifying alkaline metal hydroxide solutions. | 2,155,934 | 4/25/39 | Otto Eisenhut, H. Rein, and E. Kaupp | Manufacture of artificial silk. |
| 2,044,888 | 6/23/36 | Fritz Overdieck and Herbert Gorke | Process of purifying alkaline metal hydroxide solutions. | 2,154,893 | 4/18/39 | Otto Eisenhut, H. Rein, and Hugo Waldmann | Manufacture of artificial threads or the like. |
| 2,047,492 | 7/14/36 | Erik Reissmann and Hermann Wolff | Process of manufacturing anhydrous alkali polysulphides. | 2,156,422 | 5/27/39 | Otto Bescher | Apparatus for carrying out reactions with wire gauze catalysts. |
| 2,057,959 | 10/20/36 | Waldemar Kling | Process of removing the odor from bleached alkali metal salts of fatty acids. | 2,156,727 | 5/2/39 | Erich Korinth and Georg Meder | Blue pigment colors and a process of preparing them. |
| 2,059,632 | 11/3/36 | Paul Esselman and K. Kosslinger | Fertilizer in granular form. | 2,158,523 | 5/16/39 | Georg Pfeleider | Process of preparing alkyl xanthic disulphides. |
| 2,061,534 | 11/17/36 | Otto Balz, A. Leber, and H. Dickmann | Process of improving the resistance to corrosion of aluminum base alloys. | 2,158,956 | 6/27/39 | August Moeller | Process of preparing alkyl xanthic disulphides. |
| 2,063,022 | 12/8/36 | Adolf Beck | Aluminum alloys. | 2,164,024 | 6/27/39 | Kurt Schneider and Herman Schunck | Electric arc furnace. |
| 2,063,023 | 12/8/36 | Adolf Beck | Aluminum alloys. | 2,166,441 | 7/19/39 | Adolf Beck and Hans Bohner | Free-cutting aluminum alloy. |
| 2,075,370 | 3/30/37 | Walter Strathmeyer | Process of manufacturing polyvinyl derivatives containing nitrogen. | 2,166,565 | 7/19/39 | Herbert Rein | Treatment of cellulose material. |
| 2,076,131 | 4/6/37 | Herbert Rein | Weed killing preparations. | 2,170,594 | 8/29/39 | Helmut von Zeppelin | Treating metal mixtures. |
| 2,076,917 | 4/13/37 | Georg Pfuetzer and Hermann Losen | Transparent phosphate glass. | 2,171,435 | 8/29/39 | Siegfried Kiesskalt and W. Mejer | Grinding device. |
| 2,077,481 | 4/20/37 | Paul Humper and H. Wolff | Manufacture of artificial silk. | 2,171,435 | 8/29/39 | Siegfried Kiesskalt and W. Mejer | Grinding device. |
| 2,078,339 | 4/22/37 | Hugo Pfannenstiel and Werner Matthes | Container having a high resistance to corrosion by alkaline and soda ash solutions. | 2,171,435 | 8/29/39 | Siegfried Kiesskalt and W. Mejer | Grinding device. |
| 2,078,786 | 5/11/37 | Adolf Beck | Process for making a substitute for wool from viscose. | 2,171,435 | 8/29/39 | Kurt Schneider and Hermann Schunck | Electric arc furnace. |
| 2,082,514 | 6/8/37 | Walter Zetsche and Hermann Faber | Preparation of alkali metal hydroxide solutions. | | | | |
| 2,083,648 | 6/15/37 | Herbert Gorke | Dehydrating organic liquids. | | | | |
| 2,084,419 | 6/22/37 | Theodor Wallis and Oskar Falek | Manufacture of a substitute for wool. | | | | |
| 2,086,888 | 7/13/37 | Walter Zetsche, Eric Graumann, Hermann Faber, and Edmund Suk | Production of sulphur. | | | | |
| 2,092,366 | 9/7/37 | Hans Boer and H. Nienpfebl | | | | | |

| Patent No. | Date | Inventor | Title | Patent No. | Date | Inventor | Title |
|-------------|----------|---|--|-------------|----------|---|---|
| 2, 171, 435 | 8/29/39 | Kurt Schneider and Hermann Schunck | Electric arc furnace. | 2, 231, 890 | 2/18/41 | Paul Esselmann and J. Dusing. | Improving the dyeing properties of artificial fibers, foils, ribbons, and the like, and products obtained therefrom. |
| 2, 171, 439 | 8/29/39 | Helmut Von Zepelin | Process for the production of beguline beryllium and beryllium alloys. | 2, 231, 891 | 2/18/41 | Paul Esselmann and Josef Dusing. | Producing natural or artificial fibers having dyeing properties resembling those of wool and products obtained thereby. |
| 2, 171, 966 | 9/5/39 | Hans Zirngibl and Robert Griessbach | Process for reducing kieserite. | 2, 231, 892 | 2/18/41 | Paul Esselmann and J. Dusing. | Annihilating textile product. |
| 2, 171, 966 | 10/3/39 | Georg Messner | Process for removing magnesium from aluminum alloys containing magnesium. | 2, 232, 259 | 2/18/41 | Walter Zetzsche and Franz Schiele. | Manufacture of extensible silvers of artificial fibers. |
| 2, 176, 444 | 10/17/39 | Hans Zirngibl | Process of preparing aluminates. | 2, 232, 318 | 2/18/41 | Paul Esselmann and J. Dusing. | Improving the dyeing properties of artificial fibers, foils, ribbons, and the like and products obtained therefrom. |
| 2, 178, 102 | 10/31/39 | Werner Huehl | Iron tanned leather and process of making same. | 2, 232, 327 | 3/11/41 | Bernhard Hubal. | Electric heating element. |
| 2, 180, 085 | 11/14/39 | Hermann Holler and Otto Mues | Apparatus for the preparation of acetylene. | 2, 234, 216 | 3/11/41 | Walter Zetzsche, Franz Schiele and Richard Hartmuth. | Apparatus for producing extensible silver or rayon staple fibers. |
| 2, 183, 226 | 12/12/39 | Herbert Rein | Sizing of textile materials. | 2, 234, 330 | 3/11/41 | Walter Zetzsche, Franz Schiele, and Richard Hartmuth. | Method of producing extensible silvers or rovings and means therefor. |
| 2, 183, 754 | 12/19/39 | Paul Schlack | Process of dyeing. | 2, 235, 508 | 3/18/41 | Richard Hartmuth. | Producing Alloys containing zirconium. |
| 2, 184, 477 | 12/26/39 | Philipp Siedler, Erich Kayser, Helmut Korte, and Wilhelm Waibel | Apparatus for carrying out the bleaching of bast fibers. | 2, 237, 017 | 4/1/41 | Walter Zetzsche, Franz Schiele, and Richard Hartmuth. | Improvements in attaching gelatin layers to supports of polymerized vinylchloride. |
| 2, 184, 692 | 12/26/39 | Adolf Beck and Hans Bohner | Free cutting of ays. | 2, 238, 730 | 4/15/41 | Kurt Thinius. | Manufacture of sheets of films of artificial materials. |
| 2, 184, 693 | 12/26/39 | Adolf Beck and Hans Bohner | Process of recovering ammonia from used cupranonium artificial silk precipitation liquors. | 2, 238, 949 | 4/22/41 | Paul Schlack. | Process of modifying the electro-chemical properties of shaped articles. |
| 2, 184, 923 | 12/26/39 | Alfred Halmeyer | Castings of aluminum alloys. | 2, 241, 493 | 5/13/41 | Heinrich Van Thiel. | Protecting internal surfaces of iron containers. |
| 2, 186, 394 | 1/9/40 | Paul Spitaler | Crimping device. | 2, 242, 477 | 5/29/41 | Oswald Philipp and Walter Geiser. | Preparing hydroxylamine hydrochloride. |
| 2, 187, 867 | 1/16/40 | Paul Esselmann, P. Kosslinger, and P. Saffert. | Artificial filaments capable of being dyed with wool and chrome dyes. | 2, 242, 492 | 5/29/41 | Helmut Von Zepelin. | Producing beryllium compounds. |
| 2, 187, 822 | 1/23/40 | Hugo Quereingasser | Manufacture of pigments. | 2, 242, 493 | 5/29/41 | Helmut Von Zepelin. | Producing beryllium compounds. |
| 2, 191, 296 | 2/20/40 | Johannes Kleine, Walther Zetzsche, and Paul Saffert | Manufacture of artificial fibers for spinning. | 2, 242, 497 | 5/29/41 | Eduard Zintl, Walter Krings, and Wilhelm Brauning. | Removing silica from minerals. |
| 2, 193, 173 | 3/12/40 | Karl Jollineh | Bleaching of cellulose fibers in peroxide baths. | 2, 242, 759 | 5/30/41 | Helmut Schlecht and Michael Jahrstorfer. | Reducing oxides of chromium, etc. |
| 2, 195, 210 | 3/26/40 | Erich Graumann and Gustav-Adolf Schroter | Artificial filaments capable of being dyed with wool and chrome dyes. | 2, 243, 501 | 5/27/41 | Karl Dammier and Heinz Thron. | Cement mass. |
| 2, 198, 153 | 4/2/40 | Josef M. Michel | Process of regenerating fused saltwater baths. | 2, 243, 501 | 5/27/41 | Josef M. Michel. | Producing stable fused saltwater baths. |
| 2, 198, 046 | 4/23/40 | Robert Suchy and Georg Messner | Process for the electrolysis of sulphate solutions. | 2, 243, 515 | 6/10/41 | Gerhard Hirschberg. | Worn press for separation of viscous resinous substances. |
| 2, 199, 313 | 4/30/40 | Hermann Holler and Willi Flasskamp | Apparatus for surface hardening toothed wheels. | 2, 246, 045 | 6/17/41 | Paul Schlack. | Manufacture of basic substituted shaped materials. |
| 2, 200, 134 | 5/7/40 | Paul Schlack | Process for producing shrinkage effects in textiles. | 2, 246, 070 | 6/17/41 | Paul Schlack. | Materials. |
| 2, 200, 135 | 5/7/40 | Paul Schlack | Process for producing crepe effects in textiles. | 2, 246, 511 | 6/24/41 | Paul Kosslinger, K. Kosslinger and J. Dusing. | High frequency sound generators. |
| 2, 200, 140 | 5/7/40 | Adolf Wilke | Apparatus for unwinding loose windings of threads. | 2, 248, 459 | 7/8/41 | Eduard Zintl, Wilhelm Brauning, and Walter Krings. | Removing silica from alumino-silicates. |
| 2, 200, 478 | 5/14/40 | Kurt Schirmeister | Preparing antimony trioxide pigments. | 2, 250, 687 | 7/29/41 | Helmut Von Zepelin. | Producing alloys of a base metal. |
| 2, 200, 520 | 5/14/40 | Fritz Kusch and Paul Sander | Head of convex barrel. | 2, 251, 088 | 7/29/41 | Helmut Von Zepelin. | Producing beryllium. |
| 2, 200, 529 | 5/14/40 | Hans Baehr and K. Braus | Production of sulphur. | 2, 251, 089 | 7/29/41 | Helmut Von Zepelin. | Producing alloys containing beryllium. |
| 2, 201, 111 | 5/14/40 | Josef M. Michel | Heat treatment of metals. | 2, 252, 279 | 8/12/41 | Heinrich Zur Strassen and Hans Zirngibl. | Manufacture of sulphur dioxide and Portland cement. |
| 2, 202, 233 | 5/28/40 | Konrad Schlad | Stabilizing luminescent alkaline earth metal sulfides. | 2, 252, 280 | 8/12/41 | Otto Balz, H. Hamacher, and W. Wagner. | Decomposition of water-insoluble phosphates. |
| 2, 202, 234 | 5/28/40 | Konrad Schlad and Robert Ketter | Stabilizing luminescent alkaline earth metal sulfides. | 2, 252, 281 | 8/12/41 | Otto Balz and H. Hamacher. | Decomposing water-insoluble phosphates. |
| 2, 204, 005 | 6/11/40 | Robert Suchy | Hardening steel wires. | 2, 252, 361 | 8/12/41 | Hans Bothmann and Walter Mannehen. | Aluminum base alloys, especially for rivets. |
| 2, 204, 454 | 6/11/40 | Ludwig Teichmann and Hans Martini | Method of obtaining zirconium ores. | 2, 254, 777 | 9/9/41 | Paul Esselmann and Fritz Davidshofer. | Process for producing artificial silk. |
| 2, 204, 501 | 6/11/40 | Alwin Krauss | Method of obtaining pure noble gases. | 2, 255, 107 | 9/9/41 | Reinhold Fiek and K. Wintersberger. | Manufacture of pure sodium cyanide. |
| 2, 204, 522 | 6/11/40 | Max Werner | Operation of steam turbines. | 2, 255, 114 | 9/9/41 | Alfred Haltmeier. | Recovering ammonia from spent Cuprammonium silk precipitation liquors. |
| 2, 207, 383 | 7/9/40 | Wolf Rodenacker and Emil Baumann | Apparatus for producing rayon. Staple fibers from continuous rayon filaments. | 2, 257, 162 | 9/30/41 | Paul Esselmann and Josef Dusing. | Synthetic resins. |
| 2, 208, 095 | 7/16/40 | Paul Esselmann | Producing insoluble condensation. | 2, 257, 163 | 9/30/41 | Paul Esselmann and J. Dusing. | Synthetic resin stable against dilute acids and alkalis. |
| 2, 208, 101 | 7/16/40 | K. Kosslinger and J. Dusing | Products containing sulphur and nitrogen. | 2, 257, 988 | 10/7/41 | Robert Suchy and Hellmuth Seliger. | Producing aluminum calcium alloys. |
| 2, 208, 857 | 7/23/40 | Paul Schlack | Preventing corrosion in cooling or heating systems. | 2, 259, 393 | 10/14/41 | Helmut Schlecht and Leo Schlecht. | Recovering oxides of titanium, etc. |
| 2, 208, 867 | 7/23/40 | Hermann Hofer and Otto Mues | Indicating quantity of calcium carbide in acetylene generators. | 2, 259, 403 | 10/14/41 | Wilhelm Wenzel and Erich Hayek. | Reactivating desulphurizing masses |
| 2, 211, 547 | 8/13/40 | Joseph Reichart | Purifying calcium hydroxide masses. | 2, 259, 697 | 10/21/41 | Kurt Jehle and Karl Schmander. | Apparatus for making continuous silver or rayon staple fibers. |
| 2, 213, 131 | 8/27/40 | Karl Wintersberger and Walter Spormann | Manufacture of materials resembling crepe. | 2, 260, 513 | 10/23/41 | Hermann Deile. | Manufacture of curled artificial fibers. |
| 2, 213, 125 | 8/27/40 | Emil Hulbert and Herbert Rein | Producing zirconium metal. | 2, 261, 210 | 11/4/41 | Adolf Beck, Gustav Siebel, and Hugo Voss. | Aluminum alloys. |
| 2, 214, 211 | 9/10/40 | Heinz von Zepelin | Apparatus for producing a uniform sliver of continuous rayon filaments. | 2, 261, 240 | 11/4/41 | Paul Esselmann, K. Kosslinger, and J. Dusing. | Treating textile materials. |
| 2, 215, 112 | 9/17/40 | Heinz von Beck, Ernest Wern, Karl Sohuann, and Reinhard Jesse | Manufacture of hydrogen, alkali metal and alkali metal peroxides. | 2, 261, 257 | 11/4/41 | Siegfried Klesskalt and Wilhelm Schatch. | Machine for squeezing and beating plastic masses. |
| 2, 215, 856 | 9/24/40 | Georg Pfeleider | Producing hydrogen peroxide. | 2, 261, 313 | 11/4/41 | Kurt Thinius and Fritz Lohlein. | Process for uniting materials of polymerized vinylchloride with wool, leather or the like. |
| 2, 215, 883 | 9/24/40 | Hans-Josef Riedl and Georg Pfeleider | Synthetic resinous composition. | 2, 261, 259 | 11/4/41 | Karl Kosslinger and Paul Saffert. | Extensible silver and the method of its production. |
| 2, 220, 441 | 11/14/40 | Paul Esselmann and J. Dusing | Sheet material. | 2, 261, 294 | 11/4/41 | Paul Schlack. | Process of increasing the affinity of fibers and filaments. |
| 2, 222, 532 | 11/19/40 | John Eggert and B. Wendt | Apparatus for introducing gases into liquids. | 2, 261, 295 | 11/4/41 | Paul Schlack. | Artificial textile materials. |
| 2, 223, 348 | 12/3/40 | Karl Biedeker and O. Kolber | Process of producing sundry articles. | | | | |
| 2, 224, 994 | 12/17/40 | Kurt Thinius | Cooling means for metal hands for the purpose of heat treating the same. | | | | |
| 2, 224, 997 | 12/17/40 | Ernst Weiss | Phosphate glass. | | | | |
| 2, 227, 082 | 12/31/40 | Hans G. Grimm and Paul Huppert | Composition of matter containing an iron phosphate pigment. | | | | |
| 2, 227, 528 | 1/7/41 | Julius Drucker | Preparing boron carbides. | | | | |
| 2, 228, 923 | 1/14/41 | Waldemar Kaufmann and Alwin Krauss | Preparing boron carbides. | | | | |
| 2, 230, 592 | 2/4/41 | Robert Griessbach, Walter Sutterlin, and Hans Zirngibl. | Preparing magnesia and sulphur dioxide. | | | | |
| 2, 231, 497 | 2/11/41 | Fritz Gajewski, F. Meims, and K. Jehle | Apparatus for producing a continuous sliver composed of rayon staple fibers from end-less rayon filaments. | | | | |

| Patent No. | Date | Inventor | Title |
|------------|----------|--|---|
| 221,712 | 7/28/38 | Emil Hubert, Heinrich Demus, and Herbert Rein | Process of improving the properties of resin threads. |
| 226,597 | 18/24/38 | Franz Koehler | Recovery of nitrogen and oxygen. |
| 230,428 | 9/17/38 | Fritz Osterloh, Karl Frank, and Karl Erb | Process of preparing exchangeable linings for metallic vessels. |
| 232,086 | 9/28/38 | Max Hagendorf | Process of producing film, foil, threads and the like from brittle high polymers. |
| 232,102 | 9/28/38 | Michael Jahrstorfer, Hanns Spohn, and Helmut Schlecht | Lead dioxide. |
| 236,013 | 10/20/38 | Ludwig Hunsloker | Welding burners. |
| 238,706 | 11/14/38 | Georg Pfeleider and Hans Joachim Riedel | Production of peroxides. |
| 239,062 | 11/5/38 | S. Klosskalt, Josef Nuesslein, K. Wimmaker, Josef Chundermann, | Method of fibrous materials and the like. |
| 239,318 | 11/7/38 | Georg Bohner and Josef Dusing | Process of producing pigmented synthetic fibers. |
| 245,674 | 12/14/38 | Julius Drueker and Paul Wolsti | Manufacture of a zinc white pigment. |
| 249,232 | 1/4/39 | Heinrich Kircher and Georg Meder | Process for the purification of metal salt solutions. |
| 253,775 | 1/31/39 | Hans Wolff | Manufacture of colored coatings capable of indicating temperatures. |
| 253,782 | 1/31/39 | Wilhelm Muller, Gerhard Schaufler | Electrolytic production of permanganates. |
| 253,214 | 3/1/39 | Emil Hubert and Erwin Heisenberg | Water-repellent cellulose textile materials. |
| 252,776 | 3/18/39 | Emil Hubert, Erwin Heisenberg, and Hans Stenzel | Water-repellent cellulose textile material. |
| 253,878 | 3/24/39 | Robert Stueby and Georg Messner | Cell for the production of metals by electrolysis of fused electrolytes. |
| 257,340 | 4/11/39 | Max Otto Schurmann, Johann D. Holtz | Artificial fibers. |
| 271,504 | 5/3/39 | Oswin Nitzsche and Jakob G. Zahn | Manufacture of hypосульфite. |
| 273,046 | 5/11/39 | Wilhelm Muller and Leonhard Spies | Process for the production of a highly dispersive pigment. |
| 274,166 | 5/17/39 | Werner Honsberg | Process and apparatus for the electrolytic decomposition of alkali metal or alkaline earth metal compounds. |
| 275,397 | 5/24/39 | Fritz Loblein | Process for the continuous production of polyiso-olefine-folils by rolling. |
| 280,571 | 6/22/39 | Josef M. Mielch, Fritz Henneberger | Anodic oxidation treatment. |
| 283,176 | 7/17/39 | Heinrich Fink and Hans von Recklinghausen | Method of spinning artificial fibers and apparatus therefor. |
| 286,034 | 7/22/39 | Emil Hubert and Herbert Rein | Shaped articles of rubber or resins. |
| 286,869 | 7/27/39 | Rudolf Schulze | Process for the production of hydroxyamine salts. |
| 291,895 | 8/25/39 | Georg Kalb | Recovery of sulphur dioxide from gases. |
| 318,938 | 5/4/40 | Paul Esselmann | Animalizing of artificial filaments. |
| 333,420 | 5/4/40 | Paul Esselmann and Josef Dusing | Process for the improvement of fibers, filaments, ribbons, yarns, knitted structures and other structures animalized with synthetic resins. |
| 336,773 | 5/23/40 | Paul Schinack | Process for producing fibers foils or the like from highly polymeric compounds. |
| 337,790 | 9/21/40 | Kurt Riess, Friedrich Endress, and Adolf Knodel | Process of continuously ripening alkali cellulose. |

[F. R. Doc. 43-11729; Filed, July 22, 1943; 9:33 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.
BREYER ICE CREAM CO. AND SUPPLEMENTARY-JONES MILK CO., PHILADELPHIA, PA.
RECOMMENDATION OF JOINT ACTION PLAN
 Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377). Breyer Ice Cream Company and Supplec-Wills-

Philadelphia, Pennsylvania, both of Philadelphia, Pennsylvania, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of ice cream and related products, between points in Pennsylvania and New Jersey.
 The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of ice cream and related products in special refrigerator trucks, by pooling the use of these trucks. They plan to pool deliveries on their routes from Philadelphia to Atlantic City, Trenton, and Wildwood, New Jersey, and to retailers within the areas

| Patent No. | Date | Inventor | Title |
|------------|----------|---|---|
| 2,263,626 | 11/18/41 | Kurt Thinius | Method of combinedly working nitrocellulose and polyvinylacetates and composition of matter obtained thereby. |
| 2,267,842 | 12/30/41 | Paul Schlack | Manufacture of artificial materials. |
| 2,268,656 | 1/6/42 | Alfred Hallmeier | Steam jet elevator. |
| 2,291,061 | 7/28/42 | Paul Schlack | Method of improving the dyeing properties of artificial textile materials. |
| 2,291,718 | 8/4/42 | Emil Hubert, Adolf Hamann, and Karl Weisbrod | Viscose spinning process. |
| 2,292,275 | 8/4/42 | Siegfried Kiesskalt | Crushing mill. |
| 2,293,297 | 8/18/42 | Siegfried Kiesskalt, Karl Winnacker, and Karl Erb | Squeezing device for plastic masses. |
| 2,297,613 | 9/29/42 | Heinrich Fink and Gaston Penn | Process of producing viscose rayon. |
| 2,301,003 | 11/3/42 | Walther Zetzsche and Erich Graumann | Method of producing rayon fibers or filaments. |

PART II

Patent applications which are identified as follows, and which stand of record in the United States Patent Office in the name of Walter H. Duisberg (or Walther H. Duisberg):

| Serial No. | Filing date | Inventor | Title |
|------------|-------------|---|--|
| 202,907 | 4/19/38 | Karl Frank | Process of preparing a fitted foundation for the channelling of metallic articles. |
| 216,072 | 6/21/38 | Alfred Friederich and Reinhold Wieland | Mechanical-electrical drive for bobbin-spinning machines. |
| 270,203 | 4/26/39 | Karl Borner | Treatment of casein fibers. |
| 281,880 | 6/29/39 | Ernst Pottschus and Georg Meder | Manufacture of antimony trioxide pigments. |
| 292,254 | 8/29/39 | Heinrich Fink, Gustav Rath, and Rich. Hofstad | Continuous spinning of cellulose solutions in strong mineral acids. |
| 306,446 | 12/15/39 | Franz Koehler | Recovery of nitrogen and oxygen. |
| 309,007 | 12/16/39 | Rich. Hofstad and Heinrich Fink | Delustered articles. |
| 313,937 | 2/14/40 | Paul Esselmann | Production of synthetic resins fast to acids and alkali. |

PART III

Patent applications which are identified as follows, and which stand of record in the United States Patent Office in the name of Walter H. Duisberg (or Walther H. Duisberg):

| Serial No. | Filing date | Inventor | Title |
|------------|-------------|---|--|
| 55,946 | 12/24/35 | Adolf Beck | Aluminum alloys. |
| 57,524 | 11/4/36 | Paul Schlack | Manufacture of shaped articles. |
| 111,283 | 11/17/36 | Paul Schlack | Process of modifying organophilic highly polymeric bodies. |
| 136,790 | 4/14/37 | Hans Dohse and K. Wintersberger | Production of alkali metal sulphides. |
| 140,171 | 6/1/37 | Adolf Beck | Process of improving the resistance to corroding agents of aluminum base alloys. |
| 145,065 | 6/27/37 | Hans Wolff | Temperature indicating colored coatings. |
| 163,744 | 9/14/37 | Paul Esselmann and Josef Dusing | Cellulose fibers resembling wool. |
| 167,533 | 10/6/37 | Herbert Rein | Treatment of textile materials. |
| 173,070 | 11/6/37 | Kurt Riess, F. Endress, and Adolf Knodel | Process for ripening alkali cellulose and apparatus therefor. |
| 187,220 | 1/27/38 | P. Esselmann, K. Jehle and Fritz Davidshofer | Rubber fabrics for tyres, conveyor bands, and the like. |
| 191,954 | 2/29/38 | Paul Esselmann, K. Kossinger, and Willy Beiser | Production of artificial wool from viscose. |
| 195,945 | 3/15/38 | Georg Messner | Mercury electrodes. |
| 197,970 | 3/24/38 | Karl Borner and Heinrich Fink | Process for hardening casein fibers. |
| 206,118 | 5/5/38 | Heinrich Fink and Hans von Recklinghausen | Method of spinning artificial fibers and apparatus therefor. |
| 207,573 | 5/12/38 | Werner Huehn and Walfrid Haufe | Production of water soluble basic aluminum compounds. |
| 210,166 | 5/26/38 | Walther Zetzsche and W. Bart Holome | Method of producing delustered viscose rayon. |
| 218,761 | 7/12/38 | Wilhelm Muller and G. Schaufler | Depolarizing compositions. |
| 221,354 | 7/26/38 | Hanns Rein, Otto Eisenbut, H. Gansser, and Hans Kabbe | Process of spinning viscose. |

served by them from Atlantic City, Trenton, and Wildwood, and Allentown, Pennsylvania, and elsewhere. They estimate that effectuation of the plan will result in a minimum saving of 4,000 truck-miles a month. The plan contemplates no joint selling activities or any other change in trade practices.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 17th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-11814; Filed, July 23, 1943;
10:31 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 21, 1943.

| Order number: | Name |
|-----------------------|------------------------|
| MPR 120, Order 224... | Martin Sewell Coal Co. |
| MPR 186, Order 4... | Bay City Box Co. |
| MPR 239, Order 5... | Armour & Co. |

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11829; Filed, July 23, 1943;
11:45 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 22, 1943.

| Order number: | Name |
|-----------------------|----------------|
| MPF 114, Order 4..... | Rayonier, Inc. |
| MPR 246 Order 8..... | New Idea, Inc. |

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11828; Filed, July 23, 1943;
11:45 a. m.]

Regional, State and District Office Orders.

[Region IV Order G-1 Under MPR 122]

BAGGED COAL IN RICHMOND AND HENRICO COUNTY, VA.

Order No. G-1 under Maximum Price Regulation No. 122—Miscellaneous Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers. Adjustment of maximum prices for bagged coal for the City of Richmond and the County of Henrico, Virginia. (Formerly Price Order No. 122-257 (b) (3)-1-Temporary.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of coal sold in 12 lb. bags, both at wholesale and retail, exists in the independent city of Richmond, Virginia, and in Henrico County, Virginia. The Regional Administrator has further found that supply of such coal is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in such area will be eliminated by adjusting the maximum prices of sellers of such coal in such area to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage or a need for increase in prices in other localities and will effectuate the purposes of the Emergency Price Control Act of 1942, as Amended.

Therefore, under the authority vested in the Regional Administrator by § 1340.257 (b) (3) of Maximum Price Regulation No. 122, *It is hereby ordered*. That:

I. *Adjusted maximum prices for coal sold in 12 pound bags.* On and after December 30, 1942, the maximum price for coal in 12 lb. bags sold and delivered within the boundaries of the independent city of Richmond, Virginia and within the boundaries of Henrico County, Virginia, by any person at wholesale shall be 7½¢ per bag; and the maximum price for coal in 12 lb. bags sold and delivered within the boundaries of the independent city of Richmond, Virginia and Henrico County, Virginia, by any person at retail shall be 9¢ per bag, 3 bags for 25¢.

II. *Definitions.* For the purpose of this order:

(1) "The independent city of Richmond, Virginia" shall mean the area included within the established boundaries of such city.

(2) "Henrico County, Virginia" shall mean the area included within the established boundaries of such county.

(3) "Coal sold in 12 lb. bags" and "coal in 12 lb. bags" means a paper or other similar bag containing 12 lbs. of coal net weight.

(4) The terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

(5) All the terms used, unless the context otherwise requires, shall be construed in accordance with § 1340.258 of Maximum Price Regulation No. 122.

III. *Requirements of notification.*

(1) All persons making sales at wholesale pursuant to this order shall, in writ-

ing, notify each purchaser of the maximum prices established by this order for sales at wholesale, within 5 days after the first delivery of such product to such purchaser after the effective date hereof. The written notifications required in this subparagraph shall contain the following statement:

By order No. G-1 issued by the Atlanta Regional Office December 29, 1942, and effective December 30, 1942, the Regional Administrator of the Office of Price Administration for Region IV, established maximum prices for coal sold in 12 pound bags in the city of Richmond, Virginia, and in Henrico County, Virginia, as follows:

Wholesale ----- 7½¢ per bag.
Retail..... 9¢ per bag, 3 bags for 25¢.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(2) Every person making sales and deliveries at wholesale or retail pursuant to this order shall keep posted a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of Maximum Price Regulation No. 122.* Except as otherwise provided herein all transactions subject to this order remain subject to all of the provisions of Maximum Price Regulation No. 122, together with all amendments that have been heretofore or may be hereafter issued.

V. *Effective date.* This order shall become effective December 30, 1942.

This order may be revoked or amended by the Regional Administrator at any time.

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

Issued this 29th day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-11783; Filed, July 22, 1943;
11:19 a. m.]

[Region IV Order G-1 Under MPR 154, as Amended]

ICE IN ANSON COUNTY, N. C.

Order No. G-1 under Maximum Price Regulation No. 154, As Amended—Ice. Adjustment of maximum prices for ice for Anson County, North Carolina. (Formerly Price Order No. 154-1.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of ice is threatened in Anson County, North Carolina. The Regional Administrator has further found that a supply of ice is essential to a standard of living consistent with the prosecution of the war; that the threatened shortage in Anson County, North Carolina, will be eliminated by adjusting the maximum prices of ice to the extent permitted by this order; and that such adjustment will not create or tend to create a need for increase in prices in another locality, and will effectuate the purposes of the Emer-

agency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1393.8 (e) of Maximum Price Regulation No. 154, as amended, *It is hereby ordered, That:*

I. *Adjusted maximum prices for ice.* On and after the 11th day of February 1943, regardless of any contract or other obligation, no person shall sell or deliver in Anson County, North Carolina, any ice to consumers, and no person in the course of trade or business shall buy ice for consumption at prices higher than the maximum prices set forth below:

| Size or quantity: | Maximum prices |
|-----------------------------|----------------|
| 200 lb. blocks..... | \$1.25 |
| 200 lb. blocks..... | .90 |
| 150 lb. blocks..... | .75 |
| 100 lb. blocks..... | .60 |
| 75 lb. blocks..... | .45 |
| 50 lb. blocks..... | .30 |
| 25 lb. blocks..... | .15 |
| 15 lb. blocks..... | .10 |
| 5,000 lb. coupon books..... | 22.50 |
| 1,000 lb. coupon books..... | 5.25 |
| 500 lb. coupon books..... | 2.65 |

The prices established in this Atlanta Regional Order No. G-1 include delivery at the purchaser's premises and the other services incident to the sale of such ice customarily performed by the seller in April, 1942.

All credit terms, discounts, allowances, and price differentials, offered by the seller during April, 1942, shall be maintained.

II. *Definitions.* (a) "The sale of ice to consumers" or "the sale of ice for consumption" means the sale of or selling of ice to domestic, commercial, or industrial consumers, but does not include sales to persons for resale the maximum prices for which sales shall be as heretofore established by the terms of Maximum Price Regulation No. 154, as amended.

(b) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1393.10 of Maximum Price Regulation No. 154 as amended.

III. *Records and reports.* (a) Every seller whose maximum prices are established by this order must keep posted at a conspicuous place in his place of business a copy of this order.

(b) Every seller whose maximum prices are established by this order shall post in a manner visible to the public on the right hand side of each truck or delivery wagon a list of the maximum prices established by this order containing the statement that these maximum prices were established by Order No. G-1 effective February 11th, 1943.

(c) Every seller whose maximum prices are established by this order shall keep for inspection by the Office of Price Administration a record of each sale of ice made by him on and after the effective date of this order. Such record must show the date of delivery, quantity of ice sold, the name of the purchaser, and the amount charged for the sale.

IV. *Applicability of Maximum Price Regulation No. 154, as amended.* Except as otherwise provided herein all transactions subject to this order remain

subject to all of the provisions of Maximum Price Regulation No. 154 as amended, together with all amendments and supplementary regulations and orders that have been heretofore or may be hereafter issued.

V. *Effective date.* This order No. G-1 shall become effective the 11th day of February, 1943.

This order may be revoked or amended at any time.

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

Issued this 10th day of February 1943.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 43-11782; Filed, July 22, 1943; 11:16 a. m.]

[Region IV Order G-1 Under 3 (c)]

SYRUP BARRELS FOR THE W. B. RODDENBERY CO.

Order No. G-1 under § 1499.3 (c) of the General Maximum Price Regulation. Adjustment of reconditioned used syrup barrels for the W. B. Roddenbery Co., Cairo, Georgia, and retail outlets purchasing from such company. (Formerly Price Order No. 3 (c)-1).

The W. B. Roddenbery Company, Cairo, Georgia, has made application under § 1499.3 (c) of General Maximum Price Regulation for determination of a maximum price for reconditioned used standard half barrels of approximately 35 gallons capacity, mainly of cypress construction used in the packaging of raw sugar cane syrup, and known to the trade as "syrup barrels". Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith. For the reasons set forth in the opinion under the authority vested in the Regional Administrator of the Office of Price Administration for Region IV by Administrative Order 25, (redesignated as General Order No. 32) issued and effective September 1, 1942, and in accordance with § 1499.3 (c) of General Maximum Price Regulation, *It is hereby ordered, That:*

I. *Authorization of a maximum price for reconditioned used syrup barrels for the W. B. Roddenbery Company and other persons.* (1) On and after November 7, 1942, regardless of any contract or other obligation, the W. B. Roddenbery Company may sell or deliver to any retail dealer for resale, and any retail dealer may, from the W. B. Roddenbery Company, buy or receive for resale a reconditioned used syrup barrel at a price no higher than \$2.80 per barrel.

(2) On and after November 7, 1942, regardless of any contract or other obligation, the W. B. Roddenbery Company, any retail dealer or other person, may sell or deliver to an ultimate consumer a reconditioned used syrup barrel at a price no higher than \$2.85 per barrel.

(3) The stated maximum prices shall include the furnishing of all services customarily performed by the seller during the 1941 selling season incidental to the

sale of reconditioned used syrup barrels, including, but not limited to, terms of delivery and replacement and adjustment of defective units.

(4) All credit terms, discounts, allowances and price differentials offered by the seller during the 1941 selling season shall be maintained.

II. *Requirements of marking.* All reconditioned used syrup barrels sold pursuant to this order shall be marked by the W. B. Roddenbery Company prior to sale and delivery by branding, stencil or other customary permanent means in such a manner that such unit shall be capable of immediate identification as a Roddenbery barrel.

III. *Requirements of notification and posting.* (1) The W. B. Roddenbery Company shall on or before the effective date of this order, deliver a copy of such order to each retail dealer to whom deliveries of any reconditioned used syrup barrels have been made during the 1941 selling season, or during that portion of the 1942 selling season prior to the effective date hereof; and shall deliver a copy of such order to any other retail dealer on or before the first delivery of any such barrel to such other retail dealer after the effective date hereof.

(2) Every person making sales subject to this order shall post a copy of this order in a conspicuous place in his place of business, and shall make such order available during business hours for examination by any person requesting to see same.

IV. *Definitions.* For purposes of this order:

(1) "Retail dealer" shall mean any person who buys and receives reconditioned used syrup barrels for resale to the ultimate consumer.

(2) "Ultimate consumer" shall include any person who buys or receives reconditioned used syrup barrels for purposes of packaging raw sugar cane syrup at the place of production thereof, and such person for purposes of this regulation shall not be considered to be an industrial or commercial user.

(3) "Selling season" shall mean the months of October, November and December.

(4) "Reconditioned used syrup barrel" shall mean a standard half barrel of approximately 35 gallons capacity, mainly of cypress construction, to which all operations of cleaning by steam, reconditioning and of other reconditioning customary to the trade have been fully performed prior to the time of sale and delivery and which bears the marking required by paragraph II of this order.

(5) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

V. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

VI. *Effective date.* This order shall become effective November 7, 1942.

This order may be revoked or amended by the Regional Administrator at any time.

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

Issued this 31st day of October 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-11784; Filed, July 22, 1943; 11:19 a. m.]

[Region IV Order G-1 Under 18 (c)]

FLUID MILK IN BLACKSTONE, NOTTOWAY COUNTY, VA.

Order No. G-1 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for the municipality of Blackstone, Nottoway County, Virginia. (Formerly Price Order No. 18 (c)-1, Revised).

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, is threatened in the municipality of Blackstone, Nottoway County, Virginia. The Regional Administrator has further found that supply of fluid milk is essential to a standard of living consistent with the prosecution of the war; that the threatened shortage in the municipality of Blackstone, Nottoway County, Virginia will be eliminated by adjusting the maximum prices of sellers of fluid milk in the municipality to the extent permitted by this Order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered, That:*

I. *Adjusted maximum price for Grade A pasteurized milk.* On and after December 30, 1942, the maximum price for Grade A pasteurized milk sold and delivered in the municipality of Blackstone, Nottoway County, Virginia, by any person at wholesale shall be 16¢ per quart, 9¢ per pint and 5¢ per half-pint; and the maximum price for Grade A pasteurized milk sold and delivered in the municipality of Blackstone, Nottoway County, Virginia by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 17¢ per quart and 10¢ per pint.

II. *Definitions.* (1) "Municipality of Blackstone, Nottoway County, Virginia" shall mean the area included within the established municipal boundaries of such municipality.

(2) "Grade A pasteurized milk" shall mean liquid Grade A Pasteurized milk containing 3.5 to 3.6 butter-fat content, in half-pint, pint and quart glass bottle containers.

(3) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs II (1) and (2) shall contain the following statement:

By Order No. G-1 issued by the Atlanta Regional Office on December 23rd and effective on December 30th, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A pasteurized milk in the municipality of Blackstone, Nottoway County, Virginia, as follows:

| | Quart | Pint | Half-pint |
|----------------|----------|---------|-----------|
| | Cents 16 | Cents 9 | Cents 5 |
| Wholesale..... | 16 | 9 | 5 |
| Retail..... | 17 | 10 | ----- |

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller."

(4) Every person making sales and deliveries of Grade A pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and the opinion in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Revocation of Atlanta Regional Price Order No. 18 (c)-1.* Atlanta Regional Price Order No. 18 (c) issued by the Atlanta Regional Office on November 16th and effective November 16th is hereby revoked.

VI. *Effective date.* This order No. G-1 shall become effective December 30th, 1942. This order No. G-1 may be revoked or amended by the Regional Administrator at any time.

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

Issued this 23d day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-11785; Filed, July 22, 1943; 11:16 a. m.]

[Region IV Order G-2 Under 18 (c)]

FLUID MILK IN TROUP COUNTY, GA.

Order No. G-2 under § 1499.18 (c), as amended of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Troup County, Georgia. Formerly Price Order No. 18 (c)-2.

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of pasteurized Grade A milk, both at wholesale and at retail, exists in Troup County, Georgia. The Regional Administrator has further found that a supply of pasteurized Grade A milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Troup County, Georgia, will be eliminated by adjusting the maximum prices of sellers of Grade A pasteurized milk in Troup County, Georgia, to the extent permitted by this Order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c), as amended, of General Maximum Price Regulation, as amended, *It is hereby ordered, That:*

I. *Adjusted maximum prices for Grade A pasteurized milk.* On and after December 8, 1942, the maximum price for Grade A pasteurized milk sold and delivered within the boundaries of Troup County, Georgia, by any person at wholesale shall be 14¢ per quart, 7¢ per pint, and 3½¢ per half-pint; and the maximum price for Grade A pasteurized milk sold and delivered within the boundaries of Troup County, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment of consumption on the premises, shall be 16¢ per quart, 8¢ per pint, and 5¢ per half-pint.

II. *Definitions* for purposes of this order:

(1) "Troup County, Georgia," shall mean the area included within the established boundaries of such county.

(2) "Grade A pasteurized milk" shall mean liquid Grade A Pasteurized Milk in half-pint, pint and quart glass bottle containers.

(3) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before

the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G-2 issued by the Atlanta Regional Office on November 28, and effective December 8, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A pasteurized milk within the boundaries of Troup County, Georgia, as follows:

| | Wholesale | Out of retail store | Retail home delivered |
|-----------------|-----------|---------------------|-----------------------|
| | Cents | Cents | Cents |
| Quarts..... | 14 | 16 | 16 |
| Pints..... | 7 | 8 | 8 |
| Half-pints..... | 3½ | 5 | 5 |

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of Grade A pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G-2 shall become effective December 8, 1942.

This order No. G-2 may be revoked or amended by the Regional Administrator at any time.

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

Issued this 28th Day of November 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-11786; Filed, July 22, 1943; 11:17 a. m.]

[Region IV Order G-3 Under 18 (c)]

FLUID MILK IN BARTOW AND GORDON COUNTIES, GA.

Order No. G-3 under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Adjustment of certain fluid milk prices for Bartow and Gordon Counties, Georgia (formerly Price Order No. 18 (c)-3).

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of Grade A raw and pasteurized milk, both at wholesale and at retail, exists in Bartow and Gordon Counties, Georgia. The Regional Administrator has further found that a supply of Grade A raw and pasteurized milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Bartow and Gordon Coun-

ties, Georgia, will be eliminated by adjusting the maximum prices of sellers of Grade A raw and pasteurized milk in Bartow and Gordon Counties, Georgia, to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered, That:*

I. *Adjusted maximum prices for Grade A raw milk.* On and after December 14, 1942, the maximum price for Grade A raw milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at wholesale shall be 12¢ per quart, 6¢ per pint, and 3½¢ per half-pint; and the maximum price for Grade A raw milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 14¢ per quart, 7¢ per pint, and 5¢ per half-pint.

II. *Adjusted maximum prices for Grade A pasteurized milk.* On and after December 14, 1942, the maximum price for Grade A Pasteurized milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at wholesale shall be 13¢ per quart, 7¢ per pint, and 3½¢ per half-pint; and the maximum price for Grade A pasteurized milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 15¢ per quart, 8¢ per pint, and 5¢ per half-pint.

III. *Definitions* for purposes of this order:

(1) "Bartow and Gordon Counties, Georgia" shall mean the areas included within the established boundaries of such counties.

(2) "Grade A pasteurized milk" shall mean liquid Grade A pasteurized milk in half-pint, pint and quart glass containers.

(3) "Grade A raw milk" shall mean liquid Grade A raw milk in half-pint, pint and quart glass containers.

(4) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

IV. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons

making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G-3 issued by the Atlanta Regional Office on December 7, and effective December 14, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A raw and pasteurized milk within the boundaries of Bartow and Gordon Counties, Georgia, as follows:

| | Quart | Pint | Half-pint |
|----------------------------|-------|-------|-----------|
| | Cents | Cents | Cents |
| Pasteurized: | | | |
| Wholesale..... | 13 | 7 | 3½ |
| Out of retail store..... | 15 | 8 | 5 |
| Retail home delivered..... | 15 | 8 | 5 |
| Raw: | | | |
| Wholesale..... | 12 | 6 | 3½ |
| Out of retail store..... | 14 | 7 | 5 |
| Retail home delivered..... | 14 | 7 | 5 |

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of Grade A raw and pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

V. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

VI. *Effective date.* This Order No. G-3 shall become effective December 14, 1942.

This Order No. G-3 may be revoked or amended by the Regional Administrator at any time.

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

Issued this 7th day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-11787; Filed, July 22, 1943; 11:17 a. m.]

[Region IV Order G-11 Under 18 (c)]

FLUID MILK IN MONROE COUNTY, GA.

Order No. G-11 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Monroe County, Georgia. (Formerly Price Order No. 18 (c)-12).

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of raw and pasteurized fluid milk both at wholesale and at retail exists in Monroe County, Georgia. The Regional Administrator has further found

that a supply of raw milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Monroe County, Georgia, will be alleviated by adjusting the maximum prices of sellers of raw and pasteurized fluid milk in said county to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage or a need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered, That:*

I. *Adjusted maximum prices for whole milk, raw and pasteurized.* On and after the 12th day of January 1943, the maximum price of raw and pasteurized whole milk in glass bottles sold and delivered within the boundaries of Monroe County, Georgia, by any person at wholesale or retail shall be the prices set out in either subdivision (a) or subdivision (b), whichever is higher:

(a) The maximum price already established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this order established such maximum price), or

(b) Raw and pasteurized milk sold in glass containers

| | Wholesale | Retail |
|-------------|-----------|--------|
| | Cents | Cents |
| Quarts..... | 12 | 14 |
| Pints..... | 6 | 7 |

This order shall have no application to sales at retail of raw or pasteurized milk in a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises.

II. *Definitions.* For purposes of this order:

(1) "Monroe County, Georgia," shall mean the area included within the established boundaries of this county.

(2) "Fluid milk" shall mean whole milk, both raw and pasteurized, packaged in quart and pint glass containers.

(3) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation as amended shall apply to other terms used herein.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale within five days after the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail within five days after the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraph III (1) and (2) shall contain the following statement:

By Order No. G-11 issued by the Atlanta Regional Office on the 9th day of January, 1943, and effective on the 12th day of January, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for raw and pasteurized fluid milk within the boundaries of Monroe County, Georgia, as follows:

(a) The maximum prices already established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this order, established such maximum prices), or

(b) Raw and pasteurized milk sold in glass containers at wholesale: quarts, 12¢; pints, 6¢; retail: quarts, 14¢; pints, 7¢.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of raw and pasteurized milk at wholesale or retail pursuant to this order shall post a copy of this order and accompanying opinion involved in the issuance thereof at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this Order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G-11 shall become effective on the 12th day of January, 1943.

This order No. G-11 may be revoked or amended by the Regional Administrator at any time.

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

Issued this 9th day of January 1943.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-11788; Filed, July 22, 1943; 11:17 a. m.]

[Region IV Order G-14 Under 18 (c)]

FLORIDA CAUGHT SALT CURED HERRING

Order No. G-14 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. (Formerly Price Order No. 18 (c)-16).—Adjustment of Florida caught salt cured herring prices.

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of salt cured herring is threatened in Virginia, North Carolina and South Carolina. The Regional Administrator has further found that a supply of salt cured herring is essential to the standard of living consistent with the prosecution of the war and that the threatened shortage in these states will be eliminated by adjusting the maximum prices of sellers of salt cured herring in these

states to the extent permitted by this order and that such adjustment will not create or tend to create a shortage or a need for increase in prices in any other locality and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, as amended, *It is hereby ordered, That:*

I. *Adjusted maximum prices for Florida caught salt cured herring.* On and after the 29th day of January, 1943, no person shall sell or deliver Florida caught, salt cured herring within the boundaries of Virginia, North Carolina and South Carolina at prices higher than the maximum prices set forth below:

| | |
|----------------------|-------------------------------|
| Sales by processor | |
| to wholesaler.... | \$18.00 per M. |
| All wholesale | |
| sales..... | \$21.00 per M. |
| All retail sales.... | \$0.03 each or 34¢ per dozen. |

II. *Definitions.* (a) Virginia, North Carolina and South Carolina shall mean the areas included within the established boundaries of these respective states.

(b) The "processor" means any person who manufactures salt cured herring.

(c) "Florida caught salt cured herring" means Atlantic sea herring, known popularly under the Department of Agriculture nomenclature as fresh river herring caught in Florida waters.

All other terms used, unless the context otherwise requires, including the terms "wholesale" and "retail" shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Notification requirement.* (a) All processors and persons making sales, other than at retail, shall in writing notify each purchaser of the maximum prices established by this order. Such notice shall accompany the first delivery of salt cured herring to such purchaser after the effective date hereof.

(b) The written notice required in subparagraph (a) shall contain the following statement:

The Atlanta Regional Administrator, under the authority of § 1499.18 (c) of the General Maximum Price Regulation as amended, has ordered that on and after the 29th day of January 1943 no person shall sell or deliver Florida caught, salt cured herring within the boundaries of Virginia, North Carolina and South Carolina at prices higher than the maximum prices set forth below:

| | |
|-----------------------|--------------------------------|
| Sales by processor to | |
| wholesaler.... | \$18.00 per M. |
| All wholesale | |
| sales..... | \$21.00 per M. |
| All retail sales.... | \$0.03 each, or 34¢ per dozen. |

IV. *Definitions.* (a) Virginia, North Carolina and South Carolina shall mean the areas included within the established boundaries of these respective states.

V. *Effective date.* This order No. G-14 shall become effective the 29th day of January 1943.

This order is subject to revocation or amendment at any time.

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

Issued this 26th day of January 1943.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-11789; Filed, July 22, 1943;
11:18 a. m.]

[Region IV Order G-15 Under 18 (c)]

FIREWOOD FOR LAWRENCEBURG, TENN.

Order No. G-15 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of firewood prices for Lawrenceburg, Tenn. (Formerly Price Order No. 18 (c)-19).

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of firewood exists in Lawrenceburg, Tennessee. The Regional Administrator has determined upon his own motion that, in his judgment, the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in Lawrenceburg, Tennessee. The Regional Administrator has ascertained and given due consideration to the increased costs of production and transportation which sellers of firewood in this area must incur in order to produce such firewood compared with such costs in March 1942 and in any earlier months in which firewood was generally produced in said area. It has likewise been determined that former producers of firewood have been diverted from this production into other industries because of more lucrative returns due to the fact that present maximum prices for firewood are so low. So far as practicable the Regional Administrator has advised and consulted with sellers of firewood who will be affected by this order.

In the judgment of the Regional Administrator maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in Lawrenceburg, Tennessee, and within a radius of three miles from the corporate limits of said town.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, Order No. G-15 is hereby issued.

1. *Maximum prices for firewood.* On and after the 11th of February, 1943, regardless of any contract or other obligations, no person shall sell or deliver in Lawrenceburg, Tennessee, or in the area within a radius of three miles of the corporate limits of Lawrenceburg, Tennessee, any firewood, and no person shall buy or receive in the course of trade or business in said area, any firewood at prices higher than the maximum prices set forth below:

(a) The maximum prices for sales or deliveries at retail of firewood shall be:

1. Firewood cut in lengths of from 14" to 16", \$9.00 per cord, and \$3.00 per rick.
2. Firewood sold as split stove wood \$10.50 per cord and \$3.50 per rick.

(b) The maximum prices for sales or deliveries of firewood other than at retail shall be:

1. Firewood cut in 4' lengths \$5.00 per cord.
2. Firewood cut in rick lengths of from 14" to 16", \$6.00 per cord.

The prices established in this Order G-15 include delivery at the purchaser's premises and other services incident to the sale of firewood customarily performed by the seller in March 1942.

All credit terms, discounts, allowances and price differentials offered by the seller during March 1942, shall be maintained.

2. *Definitions.* When used in this Order No. G-15, the term: (a) "Firewood" means oak, hickory, beech, gum, or other kind of wood, exclusive of slabs, prepared and intended for consumption as fuel and cut to the dimensions for which maximum prices are hereinabove established.

(b) "A cord." A cord shall contain 128 cubic feet of firewood.

(c) "A rick" shall mean one-third of a cord.

(d) All other terms used, unless the context otherwise requires, shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

3. *Records and reports* (a) Every seller at retail whose maximum prices are established by this order must keep posted at a conspicuous place in his place of business a copy of this order.

(b) Every seller whose maximum prices are established by this order shall keep for inspection by the Office of Price Administration a record of each sale of firewood made by him on and after the effective date of this order. Such record must show the date of delivery, the kind and quantity of wood sold, the name of the purchaser and the amount charged for the sale.

(c) Every seller at retail whose maximum prices are established by this order shall deliver to the purchaser with respect to each sale thereof a written bill or invoice which shall contain (1) the date on which the sale or contract of sale was made; (2) a description of the size, kind, quantity of firewood involved in the transaction; (3) the price charged; and (4) the following statement: By Order No. G-15 issued by the Atlanta Regional Office on February 10, 1943 and effective February 11, 1943, the Office of Price Administration established maximum prices for oak, hickory, beech, gum, or other kind of firewood, exclusive of slabs, sold or delivered in Lawrenceburg, Tennessee, at \$9.00 per cord, and \$3.00 per rick, on fire wood cut in lengths of from 14" to 16"; and \$10.50 per cord and \$3.50 per rick on firewood sold as split stove wood. Copy of said order may be inspected at the place of business of the above named seller.

4. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions

subject to this order remain subject to all of the provisions of the General Maximum Price Regulation, together with all amendments and supplementary regulations or orders that have been heretofore or may be hereafter issued.

5. *Effective date.* This Order No. G-15 shall become effective the 11th of February, 1943.

This order may be revoked or amended at any time.

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

Issued this 10th day of February, 1943.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 43-11790; Filed, July 22, 1943;
11:19 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 22, 1943.

REGION II

Scranton Order 1, Amendment 3, Filed 1:44 p. m.

REGION III

Indianapolis Order 6, Amendment 1, Filed 1:38 p. m.

Detroit Order 4, Amendment 4, Filed 1:38 p. m.

North Indiana Order 6, Filed 1:39 p. m.

Lexington Order 5, Filed 1:40 p. m.

Lexington Order 6, Filed 1:40 p. m.

Louisville Order 5, Filed 1:42 p. m.

REGION VI

Des Moines Order 5, Filed 1:44 p. m.

REGION VIII

Seattle Order 3, Amendment 4, Filed 12:46 p. m.

Seattle Order 3, Amendment 5, Filed 12:46 p. m.

Seattle Order 4, Amendment 4, Filed 12:46 p. m.

Seattle Order 4, Amendment 5, Filed 12:46 p. m.

Seattle Order 8, Amendment 1, Filed 12:45 p. m.

Seattle Order 8, Amendment 2, Filed 12:45 p. m.

Seattle Order 9, Filed 12:45 p. m.

Seattle Order 10, Filed 1:46 p. m.

Phoenix Order 2, Amendment 1, Filed 12:48 p. m.

Phoenix Order 3, Amendment 2, Filed 12:47 p. m.

Phoenix Order 4, Amendment 1, Filed 12:47 p. m.

Fresno Order 5, Filed 12:48 p. m.

Fresno Order 6, Filed 12:47 p. m.

San Diego Order 4, Amendment 1, Filed 12:48 p. m.

Spokane Order 5, Filed 12:47 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11831; Filed, July 23, 1943;
11:45 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 21, 1943.

REGION II

Syracuse Order 3, Amendment 2, Filed 11:50 a. m.
 Syracuse Order 4, Amendment 1, Filed 11:50 a. m.
 Syracuse Order 6, Filed 1:48 p. m.
 Maryland Order 1, Amendment 2, Filed 11:54 a. m.
 Maryland Order 6, Filed 11:54 a. m.
 Philadelphia Order 1-A, Filed 11:53 a. m.
 Philadelphia Order 3, Amendment 3, Filed 11:53 a. m.
 Trenton Order 3, Amendment 3, Filed 11:52 a. m.
 Trenton Order 4, Amendment 1, Filed 11:51 a. m.
 Erie Order 3, Amendment 2, Filed 11:51 a. m.
 Erie Order 4, Filed 11:51 a. m.
 Buffalo Order 3, Amendment 2, Filed 11:52 a. m.
 Camden Order 6, Filed 11:51 a. m.
 New York Order 4, Amendment 1, Filed 11:52 a. m.
 Scranton Order 5, Amendment 1, Filed 1:46 p. m.
 Williamsport Order 1, Filed 1:48 p. m.

REGION VI

Des Moines Order 3, Filed 2:08 p. m.
 Des Moines Order 3, Amendment 1, Filed 2:07 p. m.
 Sioux Falls Order 3, Amendment 3, Filed 1:56 p. m.
 Sioux Falls Order 4, Filed 1:55 p. m.
 Chicago Order 3, Amendment 3, Filed 1:46 p. m.
 Chicago Order 3, Amendment 4, Filed 11:54 a. m.
 Springfield Order 9, Filed 1:57 p. m.
 Springfield Order 10, Filed 1:57 p. m.
 Twin Cities Order 3, Amendment 2, Filed 11:47 a. m.
 Omaha Order 4, Filed 11:49 a. m.
 Green Bay Order G-5, Filed 11:49 a. m.
 Sioux City Revised Order 3, Filed 2:06 p. m.
 Fargo-Moorhead Order 7, Filed 1:51 p. m.
 La Crosse Order 7, Filed 1:53 p. m.
 Rockford Order 3, Amendment 2, Filed 1:46 p. m.
 LaCrosse Order 6, Filed 1:53 p. m.

REGION VII

Denver Revised Order 9, Filed 11:49 a. m.
 Colorado Order 13, Filed 11:48 a. m.
 Colorado Order 14, Filed 11:47 a. m.
 Colorado Order 15, Filed 11:48 a. m.
 Boise Order 10, Filed 11:48 a. m.
 Montana Order 20, Filed 11:47 a. m.
 Montana Order 21, Filed 11:50 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,

Head, Editorial and Reference Section.

[F. R. Doc. 43-11830; Filed, July 23, 1943; 11:45 a. m.]

[Region V Order G-1 Under Gen. Order 50]

MALT BEVERAGES FOR RESTAURANTS IN CERTAIN OKLAHOMA COUNTIES

Tulsa Order No. G-1 under General Order No. 50. Filing of prices by restaurants and similar establishments: delegation of authority to fix maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Tulsa, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order dated April 13, 1943, it is hereby ordered:

SECTION 1. What this order does. In accordance with the provisions of General Order No. 50, this order establishes in section 9 hereof, "dollars-and-cents maximum prices for certain beverage items offered for sale or sold by any "person" owning or operating an "Eating or drinking place" located in the Tulsa District: composed of the following counties in the State of Oklahoma:

Adair, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Latimer, LeFlore, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Rogers, Sequoyah, Tulsa, Wagoner, and Washington.

SEC. 2. What this order covers. The beverage items to which this order applies are:

(a) Domestic malt beverages as defined in section 7 hereof and commonly known as beer or ale.

SEC. 3. Prohibition against sales of beverage items above maximum prices. (a) On and after the effective date of this order, regardless of any contract, agreement, lease or other obligation:

(1) No person shall sell or deliver any beverage item subject to this order at higher prices than the maximum prices set forth in this order.

(2) No person shall buy or receive any beverage item subject to this order in the course of trade or business at higher prices than the maximum prices set forth in this order.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. Posting—(a) Selling prices. All persons subject to this order must post in the "Eating or drinking place", plainly visible to their customers, their selling prices for the beverage items listed in section 9 hereof, at or near the place where the beverage item is offered for sale.

(b) *Maximum prices.* All persons subject to this order must post in a conspicuous place in the "Eating or drinking place" a list of the "dollars-and-cents" maximum prices of the beverage items offered for sale, so that such list will be plainly visible to their customers.

SEC. 5. Applicability of General Order No. 50. This order is subject to all the provisions of General Order No. 50 which are hereby made a part of this order.

SEC. 6. Applicability of General Maximum Price Regulation. The following sections of the General Maximum Price Regulation, as well as amendments thereto, shall be applicable to all "Eating or drinking places", subject to this order:

- (a) Sales slips and receipts—§ 1499.14.
- (b) Registration—§ 1499.15.
- (c) Licensing—§ 1499.16.

SEC. 7. Definitions. (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion or decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of

unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverage sold on draught" means domestic malt beverage dispensed from a barrel, keg, or other container by a "person" owning or operating an "Eating or drinking place" subject to this order.

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

(d) "Eating or drinking place" means any place, establishment, business, or location, whether temporary or permanent, stationary or movable, including, but not limited to, a restaurant, hotel, cafe, boarding house, diner, coffee shop, tea room, private club, dining car, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage item subject to this order is offered for sale or sold, except those places which are specifically exempted in section 8 hereof.

(e) "Beverage items" listed herein shall include all domestic malt beverages sold or served by "Eating or drinking places" for consumption in or about the place or to be taken out for consumption, without additional preparation other than cooling.

(f) "Hotel room service sale" means sale to a guest or guests in a hotel room when delivery is made to a guest's hotel room.

(g) "Hotel" means any establishment generally regarded as such in its community and used predominately for transient occupancy.

(h) *Other definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 8. Exempt sales. Sales by the following "Eating or drinking places" are specifically exempt from the provisions of this order:

(a) Eating and drinking places (when operated as such) located on board common carriers, including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(b) Hospitals, except for beverage items served to persons other than patients.

(c) Hotel room service sales.

Such aforesaid sales, not otherwise exempt from price control, shall remain subject to the appropriate maximum price regulation or order.

Sec. 9. Maximum "dollars-and-cents" prices. (a) The maximum "dollars-and-cents" prices which may be charged for

the beverage items subject to this order, are:

(1) In bottles:

| Brand or trade name | Maximum price per bottle (cents) | |
|--|----------------------------------|----------|
| | 12 ounce | 32 ounce |
| Barbarossa domestic malt beverage (beer)..... | 16 | 36 |
| Blatz domestic malt beverage (beer)..... | 16 | 36 |
| Budweiser domestic malt beverage (beer)..... | 16 | 36 |
| Coors domestic malt beverage (beer)..... | 16 | 36 |
| Country Club domestic malt beverage (beer)..... | 16 | 36 |
| Grain Belt domestic malt beverage (beer)..... | 16 | 36 |
| Millers-High Life domestic malt beverage (beer)..... | 16 | 36 |
| Muehlebaeh domestic malt beverage (beer)..... | 16 | 36 |
| Old Style Lager domestic malt beverage (beer)..... | 16 | 36 |
| Pabst Blue Ribbon domestic malt beverage (beer)..... | 16 | 36 |
| Pom-Roy domestic malt beverage (beer)..... | 16 | 36 |
| Schlitz domestic malt beverage (beer)..... | 16 | 36 |
| Zollers-Topping domestic malt beverage (beer)..... | 16 | 36 |
| Algen Brau domestic malt beverage (beer)..... | 11 | 26 |
| Faistaff domestic malt beverage (beer)..... | 11 | 26 |
| Gold Seal domestic malt beverage (beer)..... | 11 | 26 |
| Griesdick domestic malt beverage (beer)..... | 11 | 26 |
| Old King domestic malt beverage (beer)..... | 11 | 26 |
| Progress domestic malt beverage (beer)..... | 11 | 26 |
| Millers-Export domestic malt beverage (beer)..... | 11 | 26 |
| Stag domestic malt beverage (beer)..... | 11 | 26 |
| State domestic malt beverage (beer)..... | 11 | 26 |
| Stern Brau domestic malt beverage (beer)..... | 11 | 26 |
| Zollers-Blackhawk domestic malt beverage (beer)..... | 11 | 26 |
| Zollers-Pilsener domestic malt beverage (beer)..... | 11 | 26 |
| Red Top Ale domestic malt beverage (ale)..... | 16 | 36 |

(2) On draught. All brands domestic malt beverage (beer or ale) ten (10) fluid ounces, exclusive of foam, for ten cents (10¢).

Other quantities of any or all brands of domestic malt beverage (beer or ale), sold on draught, may be sold by any "Eating or drinking place" to which this order applies: *Provided*, That such "Eating or drinking place" dispenses no less than one (1) fluid ounce, exclusive of foam, of domestic malt beverage (beer or ale) for each one cent (1¢) charged.

(3) *Non-labeled bottles*. Any domestic malt beverage item (beer or ale), offered for sale or sold in bottles by any "eating or drinking place" subject to this order, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved, or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

Sec. 10. *Less than maximum prices*. Lower prices than those established by this order may be charged, demanded, paid or offered.

Sec. 11. *Other brands of domestic malt beverages*. Any person subject to this order desiring to sell any other trade name or brand of domestic malt beverage not specifically priced by section 9 herein, shall, before offering such domestic malt beverage for sale, apply to and receive from the Tulsa District Office of the Office of Price Administration a maximum price for such beverage.

Such application need not be in any particular form, but must contain the following information: Name and address of applicant; location and type of "eating and drinking place"; trade name or brand of domestic malt beverage, size of bottle, and cost per case, delivered. The Tulsa District Office of the Office of Price Administration shall then fix the maximum price for such trade name or

brand of domestic malt beverage, and shall notify such applicant accordingly. The price so fixed shall be the maximum price for which such trade name or brand of domestic malt beverage may be sold by such applicant.

Sec. 12. *Taxes*. The dollars-and-cents maximum prices for the beverage items listed in section 9 hereof, include municipal, state, and Federal taxes in effect as of the effective date of this order. In the event of an increase in an existing tax or of the levy of a new or additional tax, not in effect on the effective date of this order, the Tulsa District Director of the Office of Price Administration may make such adjustment in the maximum prices provided for herein, as may appear equitable and just.

Sec. 13. *Evasion*. The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of any beverage item, alone or in connection with any other commodity or by way of commission, service, transportation, or any charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means, manner, method, device, scheme, or artifice, or otherwise.

Sec. 14. *Enforcement*. "Persons" violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

Sec. 15. *Petition for amendment*. Any person seeking an amendment of any provision of this order, may file a petition for amendment, in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

Sec. 16. *Effective date*. This order becomes effective at 12:01 a. m., central war time, July 16, 1943.

Sec. 17. *Revocation*. This order may

be amended, corrected, revised, or revoked at any time.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871) (E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4803)

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Tulsa, Oklahoma, this 10th day of July 1943.

BEN O. KIRKPATRICK,
District Director.

[F. R. Doc. 43-11807; Filed, July 23, 1943; 9:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-64, 59-60]

INDIANA HYDRO-ELECTRIC COMPANY AND MIDLAND UNITED COMPANY

ORDER POSTPONING 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 July, A. D. 1943

In the matter of Indiana Hydro-Electric Power Company, File No. 54-64. In the matter of Indiana Hydro-Electric Power Company; Hugh M. Morris, trustee, of the estate of Midland United Company, File No. 59-60.

Indiana Hydro-Electric Power Company, a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of the plan of recapitalization of said Indiana Hydro-Electric Power Company; and the Commission having instituted proceedings under sections 11 (b) (2), 15 (f) and 20 (a) with respect to Indiana Hydro-Electric Power Company and Hugh M. Morris, Trustee of the Estate of Midland United Company, and having consolidated said matters for hearing; and certain hearings having been held on said matters, and said hearings having been continued to July 27, 1943; and

Indiana Hydro-Electric Power Company having requested that the continued hearing in this matter be postponed to September 8, 1943, and the Commission deeming it appropriate that the continued hearing be postponed to September 8, 1943;

It is ordered, That the continued hearing in this matter previously scheduled for July 27, 1943, at 10:30 a. m., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be and hereby is postponed to September 8, 1943, at the same hour and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-11808; Filed, July 23, 1943; 9:40 a. m.]

WAR PRODUCTION BOARD.

[Certificate 97]

**BENDIX AVIATION CORP. AND AMERICAN
BOSCH CORP.**

APPROVAL OF PROPOSED AGREEMENT

The ATTORNEY GENERAL:

I submit herewith a letter from the Secretary of the Navy dated July 12, 1943, describing a proposed agreement between Bendix Aviation Corporation and American Bosch Corporation for the exchange of information and the granting of patent licenses and other collaboration in the production of certain naval equipment.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the proposed agreement; and after consultation with you, I hereby find and so certify to you that the doing

of any act or thing, or the omission to do any act or thing, by any person in compliance with such approval is requisite to the prosecution of the war.
Dated: July 17, 1943.

**DONALD M. NELSON,
Chairman.**

[F. R. Doc. 43-11815; Filed, July 23, 1943;
10:31 a. m.]

[Certificate 98]

**BREYER ICE CREAM CO. AND SUPPLEE
WILLS-JONES MILK CO., PHILADELPHIA,
PA.**

APPROVAL OF PROPOSED AGREEMENT

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for

joint action by the persons named therein with respect to the transportation and delivery by motor vehicle of ice cream and related products, between points in Pennsylvania and New Jersey.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: July 17, 1943.

**DONALD M. NELSON,
Chairman.**

[F. R. Doc. 43-11816; Filed, July 23, 1943;
10:31 a. m.]

¹ *Supra.*