

THE NATIONAL ARCHIVES  
LITTEA  
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MANET  
1934  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 8                      NUMBER 88

*Washington, Wednesday, May 5, 1943*

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter VII—Agricultural Adjustment Agency

##### PART 729—PEANUT MARKETING QUOTA REGULATIONS

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (52 Stat. 31, 7 U.S.C. 1940 ed. 1301 et seq.), as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the regulations pertaining to marketing quotas for peanuts of the crop planted in the calendar year 1941 (Form PN-514), issued June 7, 1941, as amended on June 28, August 25, October 11, 1941; March 12, August 7, and December 23, 1942, are hereby further amended as follows:

Section 729.33 is amended by deleting the last sentence thereof.

(55 Stat. 88, 7 U.S.C. 1357-1359)

Done at Washington, D. C., this 4th day of May, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CHESTER C. DAVIS,  
War Food Administrator.

[F. R. Doc. 43-6974; Filed, May 4, 1943; 11:33 a. m.]

#### Chapter IX—War Food Administration

##### PART 963—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND THE PRODUCTS PRODUCED FROM SUCH HOPS

###### SUSPENSION OF PROVISIONS

Pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. § 601 et seq.), hereinafter referred to as the "act", it is hereby found and determined that the provisions in §§ 963.9, 963.10, and 963.11 of the order regulating (1) the handling of hops grown in the

States of Oregon, California, Washington, and Idaho, and (2) the handling of hop products produced from such hops, effective September 1, 1942, pursuant to the provisions of the aforesaid act, obstruct or do not tend to effectuate until August 1, 1943, the declared policy of the said act.

*It is, therefore, ordered,* That the provisions in §§ 963.9, 963.10, and 963.11 of the aforesaid order regulating (1) the handling of hops grown in the States of Oregon, California, Washington, and Idaho, and (2) the handling of hop products produced from such hops, be, and the same hereby are, suspended, effective at 12.01 a. m., P. w. t., May 1, 1943, and such suspension shall remain effective until August 1, 1943.

*It is further ordered,* That the suspension of said provisions shall not (a) affect or waive any right, duty, obligation, or liability which has arisen or which, prior to the time that the suspension becomes effective, may arise under the aforesaid provisions of the order, or (b) release or extinguish any violation of the said order which has occurred or which, prior to the time that the suspension becomes effective, may occur, or (c) affect or impair any right or remedy of the United States, the Secretary, or any other person with respect to any such violation which has occurred or which, prior to the time that such suspension becomes effective, may occur.

Issued at Washington, D. C., this 30th day of April 1943. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 43-6936; Filed, May 3, 1943; 11:16 a. m.]

#### Chapter X—War Food Administration

[FPO 12]

##### PART 1206—FERTILIZER

###### ORGANIC NITROGENOUS MATERIAL

Pursuant to Executive Order No. 9280 (7 F.R. 10179) dated December 5, 1942, Executive Order No. 9322 (8 F.R. 3807)

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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.

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dated March 26, 1943, and Executive Order 9334 (8 F.R. 5423) dated April 19, 1943, and in order to assure an adequate production of food to meet war and civilian needs, *It is hereby ordered*, That:

§ 1206.601 *Organic nitrogenous material*—(a) *Definitions*. For the purposes of this order:

(1) "Organic nitrogenous material" means nitrogenous material derived from any plant or animal organism containing nitrogen, including, but not limited to, animal, fish and other tankages, dried or processed animal, poultry and other manures, castor pomace, tobacco stems, cottonseed meal, peanut meal, soy bean meal, sewage sludge, cocoa shell meal, peat, and humus.

(2) "Acquire" means to purchase, obtain by barter, exchange or otherwise, accept delivery of, or contract to do any of the foregoing.

(3) "Intra-company delivery" means delivery from a processing plant to a fertilizer mixing plant of the same company or other business enterprise under common ownership or control.

(4) "Processing plant" means a plant for processing or producing organic nitrogenous materials.

(5) "Person" means any individual, partnership, corporation, association, or any other organized group of persons, and shall include any agent, agency, or any person acting for or on behalf of any of the foregoing. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(6) "Director" means the Director of Food Production or, in his absence, the Acting Director of Food Production.

(b) *Prohibition of acquisition of organic nitrogenous material for use in the manufacture of mixed fertilizers for sale*. On and after May 1, 1943, no person shall, without having obtained the prior approval of the Director, acquire or make any intra-company delivery of any organic nitrogenous material for use in the manufacture of mixed fertilizers for sale: *Provided, however*, That this prohibition shall not apply to the delivery, before June 1, 1943, for use in mixed fer-

tilizers for sale, of organic nitrogenous materials pursuant to contracts in existence on April 30, 1943; nor shall this prohibition apply to the intra-company delivery, before June 1, 1943, of organic nitrogenous material in accordance with written company plans or schedules in existence on April 30, 1943.

(c) *Records and reports*. Each processor and each person who manufactures mixed fertilizer for sale shall maintain for not less than two years accurate records of all purchases, sales and deliveries of organic nitrogenous materials and the quantities of such materials used in the manufacture of mixed fertilizer, and shall make such reports with respect thereto as the Director may from time to time request or direct, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. (The record keeping requirements of this paragraph have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(d) *Audits and inspections*. Each processor and each person who manufactures mixed fertilizer shall, upon request, permit duly authorized representatives of the Director to inspect, at reasonable hours, his stocks of organic nitrogenous materials and mixed fertilizers containing such materials, and the premises used for processing, manufacturing or storing such materials and such fertilizers. Each processor and each person who manufactures mixed fertilizer shall, upon request, submit his books, records and accounts for audit and inspection by duly authorized representatives of the Director.

(e) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and information. The Director may, upon the basis of such application and other information, take such action as he deems appropriate. The decision of the Director shall be in writing and shall be final and conclusive.

(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, or who conspires with another to perform any of such acts, is guilty of a crime and upon conviction may be punished by fine and imprisonment. In addition, any such person may by administrative suspension order be prohibited from receiving any deliveries of or selling or otherwise disposing of or using any chemical fertilizer or any other material now or hereafter authorized to be rationed or allocated by, or subject to the priority control of, the War Food Administrator, and may be deprived of any priority assistance. Further, the Director of Food Production may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provi-

sion of this order or any amendment or supplement thereto be denied the right to receive, use, sell or otherwise dispose of any other materials which now are or in the future may be under allocation.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the United States Department of Agriculture, Food Production Administration, Washington, D. C. Ref. FPA 12.

(h) *Delegation of authority.* The administration of this Food Production Order No. 12 and the powers conferred by Executive Order No. 9280 and Executive Order No. 9322, as amended by Executive Order No. 9334, insofar as such powers relate to the administration of this order, are hereby delegated to the Director or, in his absence, to the Acting Director. The Director of Food Production shall be assisted in the administration of this order by such employees of the Department of Agriculture as he may designate, and such employees are hereby authorized to administer the provisions of this order.

(i) *Territorial application of order.* This order shall have application in the Continental United States, including only the 48 States and the District of Columbia of the United States.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 1st day of May 1943. Witness my hand and seal of the Department of Agriculture.

[SEAL]                      JESSE W. TAPP,  
Acting War Food Administrator.

[F. R. Doc. 43-6941; Filed, May 3, 1943;  
4:18 p. m.]

## Chapter XI—War Food Administration [FDO 17, Amendment 1]

### PART 1407—DRIED FRUIT

#### RAISIN VARIETY GRAPES, ZANTE CURRANT GRAPES, RAISINS, AND ZANTE CURRANTS

Pursuant to the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of raisin variety grapes, Zante Currant grapes, raisins, and Zante Currants to meet war and essential civilian needs, *It is hereby ordered*, That Food Distribution Order No. 17 (8 F.R. 1706) issued by the Secretary of Agriculture on January 30, 1943, relative to raisin variety grapes, be, and the same hereby is, amended so as to read as follows:

§ 1407.2 *Restrictions relative to raisin variety grapes, Zante Currant grapes, raisins, and Zante Currants, respectively.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "raisin variety grapes" means Thompson Seedless, Muscat, and Sultana grapes, grown in Fresno, Kern,

Kings, Madera, Merced, Stanislaus, San Joaquin, or Tulare Counties in the State of California, in fresh or partially dried form.

(2) The term "Zante Currant grapes" means grapes of the Zante variety, grown in Fresno, Kern, Kings, Madera, Merced, Stanislaus, San Joaquin, or Tulare Counties in the State of California, in fresh or partially dried form.

(3) The term "Zante Currants" means Zante Currant grapes preserved by the removal of a part of the natural moisture, and includes such fruit in processed or unprocessed condition.

(4) The term "raisins" means raisin variety grapes preserved by the removal of a part of the natural moisture, and includes such fruit in the processed or unprocessed condition.

(5) The term "processing" means grading, sizing, stemming, seeding, or treating raisins or Zante Currants by the use of water, steam, chemicals, or compressed or hot air.

(6) The term "packer" means any person engaged in the business of processing and packaging raisins.

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

(8) The term "person" means any individual, partnership, corporation, association, or other business entity.

(b) *Restrictions.* (1) No person may purchase, accept delivery of, or use more than 100 pounds of raisin variety grapes, produced in 1943, for any purpose other than for conversion into raisins, unless specifically authorized by the Director.

(2) No person may purchase, accept delivery of, or use more than 100 pounds of Zante Currant grapes, produced in 1943, for any purpose other than for conversion into Zante Currants, unless specifically authorized by the Director.

(3) No person may, unless specifically authorized by the Director, purchase, accept delivery of, or use raisins or Zante Currants for conversion into brandy, alcohol, any concentrate, any syrup, or any other by-product.

(4) Each person, other than a packer, shall, without regard to existing contracts, set aside on June 1, 1943, for delivery to the Food Distribution Administration or any person designated by the Director all of the unprocessed raisins, produced prior to the year 1943, owned by him on June 1, 1943, or under contract to him on June 1, 1943, and hold such unprocessed raisins so set aside for a period of one year thereafter unless, during such period, said unprocessed raisins are acquired by the Food Distribution Administration or a person designated by the Director.

(5) Each person, other than a packer, shall, without regard to existing contracts, set aside on March 1, 1944, for delivery to the Food Distribution Administration or any person designated by the Director all of the unprocessed raisins produced in 1943, owned by him on March 1, 1944, or under contract to him on March 1, 1944, and hold such unprocessed raisins so set aside for a period

of one year thereafter unless, during such period, said unprocessed raisins are acquired by the Food Distribution Administration or a person designated by the Director.

(6) No person may sell or deliver raisin variety grapes, Zante Currant grapes, raisins, or Zante Currants with knowledge or reason to believe that such quantity, or any portion thereof, thus sold or delivered is to be used in violation of this order.

(c) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(d) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections by the Director, at all reasonable times, of his stock of raisin variety grapes, Zante Currant grapes, raisins, or Zante Currants, and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or willfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(g) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 17.

(h) *Effective date.* This order shall take effect at 12:01 a. m., P. w. t., May 6, 1943. With respect to any violation of said Food Distribution Order No. 17 prior to the effective time of this amendment, said Food Distribution Order No. 17 shall be deemed to continue to be in full force

and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 4th day of May 1943.

[SEAL] CHESTER C. DAVIS,  
War Food Administrator.

[F. R. Doc. 43-6975; Filed, May 4, 1943;  
11:38 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4504]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILIP R. PARK, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of "ManAmar" or "Cattle ManAmar" livestock feeds or feed supplements, or other similar product, and among other things, as in order set forth, disseminating, etc., any advertisements by means of United States mails, or in commerce, or by any means, etc., to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' product, which advertisements represent, directly or through inference, (1) that respondents' product has any therapeutic value in the treatment of any germ or infectious disease of cattle or that its use is of any value in the prevention of any such disease or condition; (2) that respondents' product has any therapeutic value or beneficial effect in the treatment of any breeding disorder of cattle or is of any value in preventing such disorder; or (3) that respondents' product has any therapeutic value or beneficial effect in the treatment of retained placenta or that its use will have any value in preventing such condition; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Philip R. Park, Inc., et al., Docket 4504, April 27, 1943]

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages.* In connection with offer, etc., in commerce, of "ManAmar" or "Cattle ManAmar" livestock feeds or feed supplements, or other similar product, and among other things, as in order set forth, representing that respondent's product (1) will have any therapeutic value in the treatment of mastitis or that its use is of any value in the prevention of such condition; (2) has any therapeutic value in the treatment of any germ or infectious disease of cattle or that its use is of any value in the

prevention of any such disease or condition; (3) has any therapeutic value or beneficial effect in the treatment of any breeding disorder of cattle or that its use is of any value in preventing such disorder; (4) has any therapeutic value in the treatment of retained placenta, infectious abortion, or Bang's disease, or that its use will have any beneficial effect upon such conditions or any value in preventing such conditions; or (5) is a better supplement to feeds or constitutes a better feed for cattle than any other feed or feed supplement on the market; or representing (6) that the use of respondents' product will eliminate the necessity of veterinary treatment; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Philip R. Park, Inc., et al., Docket 4504, April 27, 1943]

*In the Matter of Philip R. Park, Inc., a Corporation, Philip R. Park, Harrison H. Havner, John S. Hunt and Philip E. Iversen, Individually, and as Officers of Philip R. Park, Inc., a Corporation*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of April, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission therefore duly designated by it, report of the trial examiner upon the evidence, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondent Philip R. Park, Inc., a corporation, its officers, representatives, agents, and employees, and respondents Philip R. Park, John S. Hunt, Philip E. Iversen, and Harrison H. Havner, individually and as officers and directors of Philip R. Park, Inc., a corporation, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of livestock feeds or feed supplements for cattle and other livestock known as "ManAmar" or "Cattle ManAmar," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

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

a. That respondents' product has any therapeutic value in the treatment of any germ or infectious disease of cattle or that its use is of any value in the

prevention of any such disease or condition.

b. That respondents' product has any therapeutic value or beneficial effect in the treatment of any breeding disorder of cattle or is of any value in preventing such disorder.

c. That respondents' product has any therapeutic value or beneficial effect in the treatment of retained placenta or that its use will have any value in preventing such condition.

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 in commerce as "commerce" is defined in the Federal Trade Commission Act of respondents' product, which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof.

*It is further ordered,* That the respondent Philip R. Park, Inc., a corporation, its officers, representatives, agents, and employees, and respondents Philip R. Park, John S. Hunt, Philip E. Iversen, and Harrison H. Havner, individually and as officers of Philip R. Park, Inc., a corporation, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of livestock feeds or feed supplements for cattle and other livestock known as "ManAmar" or "Cattle ManAmar," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

1. That respondent's product will have any therapeutic value in the treatment of mastitis or that its use is of any value in the prevention of such condition.

2. That respondents' product has any therapeutic value in the treatment of any germ or infectious disease of cattle or that its use is of any value in the prevention of any such disease or condition.

3. That respondents' product has any therapeutic value or beneficial effect in the treatment of any breeding disorder of cattle or that its use is of any value in preventing such disorder.

4. That respondents' product has any therapeutic value in the treatment of retained placenta, infectious abortion, or Bang's disease, or that its use will have any beneficial effect upon such conditions or any value in preventing such conditions.

5. That respondents' product is a better supplement to feeds or constitutes a better feed for cattle than any other feed or feed supplement on the market.

6. That the use of respondents' product will eliminate the necessity of veterinary treatment.

*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. 43-6976; Filed, May 4, 1943;  
11:50 a. m.]

[Docket No. 4810]

**PART 3—DIGEST OF CEASE AND DESIST ORDERS**

BUREAU OF RESEARCH, RECLASSIFICATION DEPARTMENT, ET AL.

§ 3.7 Aiding, assisting and abetting unfair or unlawful act or practice: § 3.55  
Furnishing means and instrumentalities of misrepresentation or deception: § 3.69  
(a) Misrepresenting oneself and goods—Business status, advantages or connections—Government connection: § 3.69  
(a) Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general: § 3.96 (b) Using misleading name—Vendor—Government connection. In connection with offer, etc., in commerce, of respondents' mailing cards, or any other similar printed or written material, (1) using the words "Bureau of Research, Reclassification Department", alone or in connection or conjunction with any other word or words, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that respondents' business has any connection with the United States Government, or that the information sought by respondents or their customers is for the use of the United States Government or any branch or agency thereof; (2) representing, directly or by implication, that the information sought through respondents' mailing cards, or other material is for the purpose of reclassifying or reclassifying any person with respect to employment; or (3) using, or placing in the hands of others for use, mailing cards or other material which represent, directly or by implication, that respondents' business is other than that of obtaining information for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b). [Cease and desist order, Bureau of Research, Reclassification Department, et al., Docket 4810, April 22, 1943]

*In the Matter of Leo Greenberg, Individually and Trading as Bureau of Research, Reclassification Department, and William Edgar Spicer, Individually*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, and a stipulation as to the facts entered into between

respondents and Richard P. Whiteley, Assistant Chief Counsel for the Commission (such stipulation having been approved and accepted by the Commission); 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, Leo Greenberg, individually and trading as "Bureau of Research, Reclassification Department," or trading under any other name, and William Edgar Spicer, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' mailing cards or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

1. Using the words "Bureau of Research, Reclassification Department," alone or in connection or conjunction with any other word or words, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that respondents' business has any connection with the United States Government, or that the information sought by respondents or their customers is for the use of the United States Government or any branch or agency thereof.

2. Representing, directly or by implication, that the information sought through respondents' mailing cards or other material is for the purpose of reclassifying or reclassifying any person with respect to employment.

3. Using, or placing in the hands of others for use, mailing cards or other material which represent, directly or by implication, that respondents' business is other than that of obtaining information for use in the collection of debts, or that the information sought through such cards or other material is for any purpose other than for use in the collection of debts.

*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,

<sup>1</sup> These 11 mines, 9 of which are in Subdistrict 36, and 2 in Subdistrict 37, their minimum price classifications for all shipments except truck, and minimum f. o. b. mine prices for truck shipments, are as follows:

Mine index No.	Mine name	Sub-district	Truck				Rail					
			Size		Group		Size		Group			
			1	3	4	5	1	3	4			
2396	Will & Sons, M. H.	Klotz	36	245								
2808	Roy's Smithing Coal Co.	Ringler	36	245								
3760	Ringler, Harry H.	Ringler #2	36	245								
3662	Zeigler, Charles	Pletcher	36	245								
1969	Brothers Valley Coal Company, c/o H. R. Reed.	Phillippi	36	245								
3450	Ringler, Myrtle B. (Mrs.) c/o Samuel P. Miller.	Stoker	36	245								
2214	Weaver, F. W.	Myers	36	260								
2646	Meyers & Hottle (Ross W. Myers)	Custer	36	245								
3664	Gardner, Lester H. & Dwight	Gardner #2	36	245								
789	Burk & Sons, Francis E. & Howard Williams	Burk & Williams #2	37	245	235	225						
2611	Weigle, Hugh & Guy (Guy Weigle)	Weigle	37	270	245	235			E	E	E	

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. 43-6977; Filed, May 4, 1943;  
11:50 a. m.]

**TITLE 30—MINERAL RESOURCES**

**Chapter III—Bituminous Coal Division**

[Docket No. A-1757]

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

**ORDER GRANTING RELIEF**

Opinion and order granting relief in the matter of the petition of District Board No. 1 for changes in price classifications and minimum prices and in sub-district designations for the coals of certain mines in District No. 1.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on November 23, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 1. The petition requests revision in price classifications, minimum prices, and subdistrict designations for 11 mines<sup>1</sup> in Subdistricts 36 and 37 of District 1, Somerset County, Pennsylvania. On January 20, 1943, Bituminous Coal Consumers' Counsel filed a notice of appearance.

Pursuant to appropriate order, and after due notice to interested persons, a hearing in this matter was held on January 28, 1942, before D. C. McCurtain, a duly designated examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner and Consumers' Counsel appeared. All parties waived the preparation and filing of a report by the examiner, and the matter was thereupon submitted to me for consideration.

The 11 mines involved herein are small truck mines with a daily production which varies approximately from 5 to

20<sup>2</sup> tons, located in comparatively close proximity of each other between the towns of Somerset and Shanksville, in Somerset County, Pennsylvania.

J. N. Geyer, technical advisor for District Board 1, testified that subdistrict designations, price classifications, and minimum prices for District 1 coals were proposed by the district board and established by the Division on the basis of information then available for these small mines, which was often incorrect as to mine location, and that subsequent investigations, including comparison of the coals produced by these mines,<sup>2</sup> disclosed that 7 of the mines are improperly classified for rail shipment and 10 for truck shipment. According to the witness, these 11 mines are located in a triangular area of approximately 3 square miles, are operating in the "D" or Lower Freeport Seam of Subdistrict 37, and are producing coals for domestic use which are similar in appearance, burning characteristics and market acceptability. For these reasons it was proposed that 9 of these mines, presently designated in Subdistrict 36, should be redesignated in Subdistrict 37 and priced accordingly. Since the Subdistrict 37 "D" seam coals in Size Group 3 coal are classified B for rail shipment, the coals produced at 7 of these mines,<sup>4</sup> presently classified E, should be reclassified B for rail shipment; similarly, the Size Group 3 coals produced by 10 of these mines<sup>5</sup> for truck shipment should take a price of \$2.60 per net ton f. o. b. the mine in place of the present price of \$2.45.<sup>6</sup>

In the opinion of the witness, to which no objection was expressed at the hear-

<sup>2</sup>The Burk & Williams #2 Mine (Mine Index No. 789) has a daily production of approximately 50 tons.

<sup>3</sup>An exhibit which was introduced into evidence, indicates that the coals of these mines are similar in proximate analyses with the Cambria #3 and #4 Mines (Mine Index Nos. 2130 and 3559) and the Adam Mine (Mine Index No. 1) which are designated in Subdistrict 37, except for the Weigle Mine (Mine Index No. 2611) which shows slight variation in the carbon, ash sulphur and B. t. u. content, and in ash softening temperature.

<sup>4</sup>The Burk & Williams #2 Mine (Mine Index No. 789) is presently classified B for rail shipment of Size Group 3, whereas the other mines have a classification of E for that size; no rail price classification is requested for the Phillippi Mine (Mine Index No. 1969), the Myers Mine (Mine Index No. 2214), and the Gardner #2 Mine (Mine Index No. 3664).

<sup>5</sup>The Myers Mine (Mine Index No. 2214) has a presently effective minimum price of \$2.60 for truck shipment of Size Group 3, whereas the other mines have a minimum price of \$2.45 for that size.

<sup>6</sup>Two of the mines require prices for additional size groups. Size Groups 4 and 5 for truck shipment, presently priced for the Burk & Williams #2 Mine at \$2.35 and \$2.25, respectively, were proposed by the petitioner to be advanced to \$2.50 and \$2.40. Although petitioner at the hearing requested amendment of the petition by deletion of minimum prices for these size groups, because these sizes are no longer produced by this mine, maintenance of proper size group differentials in the event of production of these sizes seems advisable as prices are already established for the sizes. Accordingly, leave to amend in this respect is denied. However, amendment is granted for Size Group 5 from the proposed price of \$2.40 to \$2.35, as requested

ing, so far as the record discloses, the present lower classifications for rail shipment and minimum f. o. b. mine prices for truck shipment afford these mines an unfair competitive advantage over other Subdistrict 37 mines producing "D" Seam coals, and should be established in conformity with the classifications and prices of analogous and comparable coals. Moreover, since the filing of the petition, no objection to the proposed seam redesignations and reclassifications has been expressed by any code member, nor particularly, by the code members presently designated in Subdistricts 36 and 37, under the "D" Seam, and assigned a B price classification. In order to correlate the coals produced by the mines included herein with analogous and comparable coals, to reflect their true market value, and preserve the existing fair competitive opportunities

of other producers in Subdistrict 37, I find that the 11 mines involved herein should all be designated in Subdistrict 37, and should be classified and priced for rail and truck shipment as hereinabove indicated. I find, further, that the foregoing seam redesignations, and price reclassifications comply with the standards set forth in section 4 II (a) and (b) of the Act and are necessary to effectuate the purposes thereof.

It is, therefore, ordered, That § 321.7 (Alphabetical list of code members) be, and the same hereby is amended by adding thereto Supplement R, and § 321.24 (General prices) be, and the same hereby is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: April 24, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

DISTRICT No. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Permanent Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group No.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin Group No.							
								1	2	3	4	5		
2546	Meyers & Hottle (Ross W. Meyers)	Custer.....	37	D	Friedens, Pa.	B&O.....	100	(†)	(†)	B	(†)	(†)		
3760	Ringler, Harry H.	Ringler #2.....	37	D	Friedens, Pa.	B&O.....	100	(†)	(†)	B	(†)	(†)		
2396	Roy's Smithing Coal Co.	Klotz.....	37	D	Friedens, Pa.	B&O.....	100	(†)	(†)	B	(†)	(†)		
2808	Roy's Smithing Coal Co.	Ringler.....	37	D	Friedens, Pa.	B&O.....	100	(†)	(†)	B	(†)	(†)		
3450	Roy's Smithing Coal Co.	Stoker.....	37	D	Friedens, Pa.	B&O.....	100	(†)	(†)	B	(†)	(†)		
2611	Roy's Smithing Coal Co.	Weigle.....	37	D	Friedens, Pa.	B&O.....	100	B	(†)	B	B	(†)		
3662	Ziegler, Charles	Pletcher.....	37	D	Friedens, Pa.	B&O.....	100	(†)	(†)	B	(†)	(†)		

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

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

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

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam					
						All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine modified R/M	2" and under slack	3/4" and under slack
						1	2	3	4	5
Brothers Valley Coal Company	1969	Phillippi.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)
Burk & Sons, Francis E. & Howard Williams	789	Burk & Williams #2.....	37	Somerset.....	D	(†)	(†)	260	250	235
Gardner, Lester H. & Dwight	3664	Gardner #2.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)
Meyers & Hottle (Ross W. Meyers)	2546	Custer.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)
Ringler, Harry H.	3760	Ringler #2.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)
Roy's Smithing Coal Co.	2396	Klotz.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)
Roy's Smithing Coal Co.	2808	Ringler.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)
Roy's Smithing Coal Co.	3450	Stoker.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)
Roy's Smithing Coal Co.	2611	Weigle.....	37	Somerset.....	D	255	(†)	260	250	(†)
Weaver, F. W.	2214	Myers.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)
Ziegler, Charles	3662	Pletcher.....	37	Somerset.....	D	(†)	(†)	260	(†)	(†)

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

[F. R. Doc. 43-6909; Filed, May 3, 1943; 10:52 a. m.]

by petitioner at the hearing. Size Group 4 for truck shipment for the Weigle Mine (Mine Index No. 2611) is also priced at \$2.50. To

maintain proper differentials, Size Group 1 produced by this mine is priced at \$2.85, as requested in the petition.

[Docket No. A-1787, Part II]

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

**ORDER GRANTING RELIEF**

Opinion and order granting relief in the matter of the petition of District Board No. 1 for a change of price classifications and minimum prices, and for a change in seam designation for the coals of the Getch Coal Co. Mine, Mine Index No. 746, of Ellinger & Getch.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on December 14, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 1. The petition requested that the Getch Coal Co. mine (Mine Index No. 746) of Ellinger & Getch (John Getch) in Subdistrict 6 of District 1 be designated in the "D" Seam rather than the "E" seam and that in Size Groups 3, 4, and 5, price classifications for rail shipment be changed from "F" to "E", and effective minimum prices for truck shipments be uniformly increased 5 cents per net ton.<sup>1</sup>

Pursuant to appropriate order, and after due notice to interested persons, a hearing in this matter was held on January 28, 1943, before D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C.

Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner and Bituminous Coal Consumers' Counsel appeared. All parties waived the preparation and filing of a report by the examiner, and the matter was thereupon submitted to me for consideration.

Ellinger & Getch (John Getch),<sup>2</sup> a code member in District 1 operates the Getch Coal Co. mine (Mine Index No. 746) in Subdistrict 6 of District 1, (Jefferson County, Pennsylvania). The mine is presently designated as producing coals from Seam E, with a price classification of "F" for rail shipment, and the following minimum prices for truck shipment: \$2.40, \$2.30, and \$2.20 per net ton in Size Groups 3, 4 and 5, respectively.

J. N. Geyer, technical adviser for District Board 1, and the only witness at the hearing, testified that the Getch Coal Co. mine was classified in the E Seam<sup>3</sup> because of the erroneous information provided by the code member that the mine was operating in the "upper vein," from which the District Board assumed that the mine was located in the upper Free-

port Seam. According to the witness, after further information from the code member that the mine was actually operating in the lower Freeport Seam, an investigation was made by representatives of the District Board which disclosed that the Getch Coal Co. mine is located between and is approximately one-fourth of a mile distant from the Forsberg and Forsberg #2 mines (Mine Index Nos. 1383 and 3270) of Theodore Forsberg which are both in the same seam as the Getch Coal Co. mine,<sup>4</sup> and that seam sections taken from the three mines demonstrated that they were identical and substantially the same as lower Freeport Seam coal. The witness testified further that the lower Freeport Seam has the characteristics, peculiar to the entire subdistrict, that this coal seam has a 2 to 10 inch layer of bony coal immediately above and just below the roof which is slate, that it varies in thickness and about 10 to 12 inches from the floor has a parting of shale, one-half to three-fourths of an inch in thickness, and that the upper Freeport seam lies at varying distances, and in this area, about 60 feet above it. It was the opinion of the witness that the Getch Coal Co. mine was in the D Seam and should be priced in conformity with the effective

minimum prices for analogous and comparable coals produced from this seam.

The uncontroverted evidence establishes that the price classifications and minimum f. o. b. mine prices for coals produced at the Getch Coal Co. mine should be related to the comparable and competitive coals produced in Subdistrict 6 in order to reflect as nearly as possible the relative market value of the coals produced at that mine, and to preserve as nearly as may be existing fair competitive opportunities among producers in this area. Moreover, examination of the entire record does not disclose that specific objection to the proposed reclassification was manifested at the hearing.

For the foregoing reasons, and upon the basis of the record in this proceeding, I find that the seam redesignation and reclassification requested in the petition comply with the standard set forth in section 4 II (a) and (b) of the Act, and are required to effectuate the purposes thereof.

It is, therefore, ordered, That commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 321.24 (General Prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: April 22, 1943.

[SEAL] DAN H. WHEELER,  
Director.

<sup>1</sup>The D Seam as appears by the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipment.

**PERMANENT SUPPLEMENT FOR DISTRICT NO. 1**

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK**

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

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

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.							
								1	2	3	4	5		
746	Ellinger & Getch (John Getch).	Getch Coal Co....	6	D	Anita, Pa.....	PRR.....	50	(†)	(†)	E	E	E	E	E

†Indicates no classifications effective for these size groups.

**FOR TRUCK SHIPMENTS**

**§ 321.24 General prices—Supplement T**

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

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam					
						All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	3/4" and under, slack
						1	2	3	4	5
Ellinger & Getch (John Getch)....	746	Getch Coal Co....	6	Jefferson.....	D	(†)	(†)	245	235	225

†Indicates no prices effective for these size groups.

<sup>1</sup>By order of the Director, dated January 12, 1943, 8 F.R. 623, in Docket No. A-1787, that part of the proceeding relating to the Getch Coal Co. mine was severed and scheduled for hearing herein.

<sup>2</sup>Thus referred to in the Schedules of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and For Truck Shipments.

<sup>3</sup>See in the Matter of the Petition of District Board No. 1, etc., Docket No. A-1473; order dated June 6, 1942, 7 F.R. 4529.

[Dockets Nos. A-1807 and A-1808—Part II]

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

**ORDER GRANTING RELIEF**

Opinion and order granting relief in the matters of the petitions of District Board 1 for changes in seam designations, price classifications and minimum prices for the coals of the Thompson No. 1 Mine (Mine Index No. 2151) of George Thompson, and the Keystone Mine (Mine Index 1158) of H. P. Burkholder, located in District 1.

This proceeding was instituted upon petitions<sup>1</sup> filed with the Bituminous Coal Division on December 28, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 1. The petition in Docket No. A-1808 requests a price classification of "H" for rail shipments and a minimum price of \$2.30 for truck shipments in Size Group 3 for Thompson No. 1 Mine (Mine Index No. 2151) of George Thompson,<sup>2</sup> and the Keystone Mine (Mine Index No. 1158) of H. P. Burkholder.

H. P. Burkholder, a code member in District 1, operates the Keystone Mine (Mine Index No. 1158) in Subdistrict 41, Somerset County, Pennsylvania. This mine is presently designated as producing coal in both the Pittsburgh and the Redstone Seams. J. N. Geyer, technical advisor for District Board No. 1, and the only witness at the hearing, testified that the mine was assigned a "G" classification as for Pittsburgh Seam coal, that being the higher classification of the coals contained in both seams. Subsequent to the establishment of the classifications and prices for this mine, that portion of it in the Pittsburgh seam became flooded and it is now impossible to mine coal from this seam because the mine, which is a slope mine, requires dewatering for which electric power is not available. It is proposed, therefore, to designate the mine as in the Redstone Seam and in the event of a reopening of the Pittsburgh Seam, that it be treated as a new mine and afforded a new mine index number and an appropriate price classification. According to the witness, comparable and competitive coals in the Redstone Seam from which coals produced by this mine will hereafter come, are classified "H" for rail shipment and priced at \$2.30 per net ton f. o. b. the mine for truck shipment in Size Group 3 and this mine should be classified and priced in conformity with the effective minimum prices for such comparable and analogous coals.

The record establishes that the price classification and minimum f. o. b. mine

<sup>1</sup>The petitions were consolidated by order of the Director, dated January 8, 1943; 8 F.R. 1338, by further order of the Director issued in consolidated Dockets Nos. A-1807 and A-1808, on January 8, 1943, 8 F.R. 501, that part of the proceedings relating to the Thompson No. 1 Mine and the Keystone Mine was severed and scheduled for hearing.

<sup>2</sup>At the hearing petitioner withdrew its request for relief as to the Thompson No. 1 Mine for the reason that the District Board was informed after the filing of the petition that this mine had been discontinued and abandoned.

price for coals in Size Group 3 produced at the Keystone Mine should be related to comparable and analogous coals produced in the Redstone Seam in order that their relative market value may be reflected as nearly as possible and existing fair competitive opportunities preserved as nearly as may be. Moreover, the record discloses no opposition to the relief requested herein.

In view of the foregoing, I find that the proposed seam redesignation and the appropriate price reclassification comply with the standards set forth in sections

4 II (a) and (b) of the Act and are required to effectuate the purposes thereof.

It is, therefore, ordered, That: Commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: April 22, 1943.

[SEAL] DAN H. WHEELER,  
Director.

**PERMANENT SUPPLEMENT FOR DISTRICT No. 1**

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK**

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

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

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.							
								1	2	3	4	5		
1158	Burkholder, H. P.....	Keystone..	41	Redstone..	Hocking Jct., Pa.....	B&O....	100	(†)	(†)	H	(†)	(†)		

†Indicates no classifications effective for these size groups.

**FOR TRUCK SHIPMENTS**

**§ 321.24 General prices—Supplement T**

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

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam					
						All lump coal double screened, top size 2' and over	Double screened, top size 2' and under	Run of mine modified R/M	2' and under slack	3/4" and under slack
						1	2	3	4	5
Burkholder, H. P.....	1158	Keystone.....	41	Somerset.....	Redstone.....	(†)	(†)	230	(†)	(†)

†Indicates no prices effective for these size groups.

[F. R. Doc. 43-6906; Filed, May 3, 1943; 10:49 a. m.]

[Docket No. A-1949]

**PART 322—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 2**

**ORDER GRANTING RELIEF**

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 2; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices—(c) Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are





§ 322.23 General prices—Supplement T—Continued

(Prices in cents per net ton for shipment into all market areas)

Table with columns: Code member index, Mine index No., Mine, Seam, Base sizes (Lump over 4", Lump 4", Lump 3", Lump 2", Egg 2" x 4", Stone 1" x 4", Pea 3/4" x 1 1/4", Run of mine, 2" N/S, 1 1/2" slack, 3/4" slack). Rows include Lawrence County (Williams, Harry), Westmoreland County (Bastorka, Frank Andrew, etc.), and others.

1 Indicates change in name.

[F. R. Doc. 43-6908; Filed, May 3, 1943; 10:49 a. m.]

necessary in order to effectuate the purposes of the Act; It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

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

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered. Dated: April 23, 1943. [SEAL] DAN H. WHEELER, Director.

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for Mine Index No. 1389.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Blue Goose Mine, Mine Index No. 1389 of Veedersburg Coal Co. (J. Glenn Crane), in District No. 11; and

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

§ 322.9 Special prices—(c) Railroad fuel—Supplement R-II

NOTE: In § 322.9 (c) in Minimum Price Schedule No. 1 add the Mine Index numbers in groups shown: Group No. 1, 59, 2267, 2667, 2672, 2677, 2682; Group No. 2, 457, 1209, 2584, 2584, 2678; Group No. 6, 105, 1003, 2085, 2592, 3088; Group No. 7, 246, 279, 442, 966, 2162, 2270; Group No. 8, 346, 1504, 1844, 2599, 2615, 2676, 2681; Group No. 9, 2134; Group No. 14, 2680; Group No. 15, 2684; Group No. 18, 1285, 1373; Group No. 21, 2683; Group No. 23, 3054.

FOR TRUCK SHIPMENTS

§ 322.23 General prices—Supplement T

(Prices in cents per net ton for shipment into all market areas)

Table with columns: Code member index, Mine index No., Mine, Seam, Base sizes (Lump over 4", Lump 4", Lump 3", Lump 2", Egg 2" x 4", Stone 1" x 4", Pea 3/4" x 1 1/4", Run of mine, 2" N/S, 1 1/2" slack, 3/4" slack). Rows include Allegheny County (Argo Coal Co., Detwiler Coal Co., etc.), Armstrong County (Christy, H. J., Wilson Mining Co., etc.), Beaver County (Harris & Phillips, etc.), Butler County (Bonal Coal Co., etc.), Fayette County (Anco Coal Co., Bords Coal Co., etc.).

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

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

Code member index	Mine index No.	Mine	Seam	Prices and size group numbers														
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	
FOUNTAIN COUNTY																		
Veedersburg Coal Co. (J. Glenn Crane).	1389	Blue Goose	M	315	290	270	260	255	250	220	220	200	190	160	150	85	55	

[F. R. Doc. 43-6905; Filed, May 3, 1943; 10:49 a. m.]

(8) "Handle hardware" means hardware attached to the outside of a casket or shipping case for carrying purposes, but does not include arms and attaching plates for handles, and devices for removable handles.

(9) "Design" means the construction essentials of a casket which distinguish that casket from another casket. For the purposes of this order, two or more caskets identical in every respect other than species of wood, size, handle hardware, interior linings, upholstery, textile coverings or color of wood finishes shall be considered one design. Two or more caskets identical in every respect but containing different contours of moldings, pilasters or corners shall be considered two or more designs.

(10) "Preferred order" means any order, contract or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(b) *Restrictions on production of caskets.* (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of caskets, or process, fabricate, work on or assemble any caskets containing any metal, except

(i) Handle hardware for caskets consisting of

(a) Assemblies of bars, ears, arms or tips containing antimony, lead, aluminum or zinc which were completely fabricated and assembled prior to March 28, 1942; and

(b) Handle arms containing antimonial lead fabricated on or after March 28, 1942 in compliance with the provisions of Conservation Order M-38-c, as amended, or any appeal granted under that order, provided, that not more than three pounds shall be used per casket;

(ii) Nameplates manufactured from secondary antimonial lead weighing not more than 14 ounces; and

(iii) Iron or steel contained in

(a) Any part, the manufacture or assembly of which has been specifically authorized by the granting of an appeal from this order, or from any other order provided that such authorization was granted after June 30, 1942;

(b) Lid (panel) supports, top supports, lid irons to hold the foot lid in place on the ogee, hand hold covers, apron support and throw out devices, lid (panel) braces, and corner body braces, which were completely fabricated prior to March 3, 1943;

(c) Handle hardware for caskets consisting of assemblies of bars, ears, arms and tips which were completely fabricated and assembled prior to September 24, 1942;

(d) Joining hardware not exceeding three pounds per casket whether or not the casket contains handle hardware assemblies or antimonial lead handle arms of the types specified in paragraphs (b) (1) (i) and (b) (1) (iii) (c) of this order: *Provided*, That not more than one catch each is used on the head lid (panel) and foot of the top of basic or half couch caskets, nor more than two catches are used on hinged top caskets, nor more than one set of spring fasteners are used on a basic casket.

(1) (i) and (b) (1) (iii) (c) of this order: *Provided*, That not more than one catch each is used on the head lid (panel) and foot of the top of basic or half couch caskets, nor more than two catches are used on hinged top caskets, nor more than one set of spring fasteners are used on a basic casket.

Chapter VI—Solid Fuels Administration  
For War

ANTHRACITE AND BITUMINOUS COAL

SUSPENSION OF ORDERS OF WAR PRODUCTION BOARD

Pursuant to the provisions contained in §§ 3247.1 (e) and 3256.1 (e) of War Production Board Orders Nos. M-316 and M-318 (8 F.R. 5677, 5715), in order to assure the most efficient distribution and supply of coal in the interest of the war and essential civilian production, I hereby direct and order that the provisions of the aforementioned orders are suspended, effective immediately, until further order.

HAROLD L. ICKES,

Solid Fuels Administrator for War.

MAY 3, 1943.

[F. R. Doc. 43-6940; Filed, May 3, 1943; 3:45 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

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

PART 1096—WOOD PULP

[Supplementary General Preference Order M-93-a]

§ 1096.2 *Supplementary General Preference Order M-93-a.* Pursuant to paragraph (d) (1) of General Preference Order M-93 as issued March 12, 1942, which this order supplements, each person producing wood pulp shall for the month of June 1943 and for each month thereafter until further ordered, withhold from delivery 20% of his production of each type of wood pulp for such month from which deliveries shall be made only upon express direction of the War Production Board.

Issued this 4th day of May 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-6967; Filed, May 4, 1943; 11:21 a. m.]

PART 1125—CASKETS, SHIPPING CASES AND BURIAL VAULTS

[Limitation Order L-64, as Amended May 1, 1943<sup>1</sup>]

§ 1125.1 *General Limitation Order L-64—(a) Definitions.* For the purposes of this order:

(1) "Casket" means a container in which it is intended to place a human corpse for interment.

(2) "Burial vault" means a container in which it is intended to place a casket containing a human corpse for interment, and shall include burial boxes.

(3) "Shipping case" means a container in which it is intended to place a casket containing a human corpse for shipment and to which handles have been attached in accordance with railroad shipping regulations.

(4) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not, engaged in the production, upholstering, finishing or lining of caskets, shipping cases or burial vaults or parts made specifically for incorporation into caskets, shipping cases or burial vaults.

(5) "Metal liner" means a metal container which is inserted into a wooden casket in order to provide hermetical sealing.

(6) "Metal" means metal or metallic substances in any form except metallic substances contained in powders, sprays, paints and pastes (see Conservation Orders M-1-g and M-9-c-3).

(7) "Joining hardware" means screws, hinges, nails, tacks, catches, escutcheons, bolts, arms and attaching plates for handles, devices for removable handles and other small hardware for joining and similar essential purposes, but does not include lid (panel) supports, top supports, lid irons to hold the foot lid in place on the ogee, hand hold covers, apron support and throw out devices, lid (panel) braces, eyelets and fasteners for attaching interior linings and corner body braces.

<sup>1</sup>This document is a re-statement of Amendment 1 to L-64 as amended March 3, 1943, which was filed with the FEDERAL REGISTER on May 1, 1943 and reflects the order in its completed form as of May 1, 1943.

(2) On and after May 1, 1943, no manufacturer shall

(i) Cut a portion out of the body of the casket so as to make a drop side style;

(ii) Cut the ogee top so as to make a full couch style;

(iii) Cut panels on basic and half couch caskets except at center of panel or two inches or less off center of panel in length;

(iv) Use backing strips or filler strips on base moldings;

(v) Attach handles on the ends of a casket;

(vi) Use any interior fitting except what is known as basic or regular, half couch or hinged top fittings; or

(vii) Process or fabricate parts for elliptic end caskets.

(3) On and after May 1, 1943, no manufacturer shall process, fabricate, work on, assemble, finish or upholster any caskets, or parts for caskets, which do not conform to the specifications contained in Schedule A attached to this order, except that

(i) Plastic caskets produced from molds or forms completed prior to March 3, 1943 need not conform to the specifications on size of caskets contained in Schedule A but shall conform to all other specifications contained in Schedule A, and

(ii) Caskets produced on or before June 30, 1943 from parts fully fabricated prior to May 1, 1943, need not conform to the specifications on content of lumber and dimensions of caskets contained in Schedule A, but shall conform to all other specifications contained in Schedule A. The restrictions contained in paragraph (b) (4) of this order shall not apply to caskets produced pursuant to the provisions of this paragraph (b) (3) (ii).

(4) Except as provided in paragraph (b) (3) (ii) of this order, on and after May 1, 1943, no manufacturer shall process, fabricate, work on or assemble more designs of caskets than the following:

(i) Twelve designs of adult caskets (five feet six inches or more in inside bottom length);

(ii) One design of children's caskets (less than five feet six inches in inside bottom length);

(iii) One additional institution or hospital design (including both children and adults' sizes);

(iv) One design of still born containers; and

(v) Any other designs specifically authorized by the War Production Board pursuant to an application for permission to manufacture, fabricate or assemble substitute designs in place of designs produced on or after May 1, 1943.

(c) Restrictions on production of metal liners. (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of metal liners or produce any metal liners containing any metal, except

(i) Lead to be used for gaskets;

(ii) Lead to be used for soldering purposes, provided that such lead shall not contain more than 21% of tin by weight;

(iii) Any iron or steel, the manufacture or assembly of which has been specifically authorized by the granting of an appeal prior to March 3, 1943;

(iv) Not more than fifty pounds per metal liner of iron and steel or galvanized steel not exceeding 26 standard gauge in thickness, provided that any manufacturer who possessed in his inventory prior to March 28, 1942, iron and steel, galvanized steel, terne sheet, or copper bearing steel exceeding 26 standard gauge in thickness may use more than fifty pounds of such steel per metal liner.

(2) No person shall use a metal liner except when hermetical sealing is required

(i) To comply with federal, state or local government laws and regulations for the transportation or interment of a human corpse; or

(ii) In fulfillment of preferred orders.

(3) On and after March 3, 1943, no manufacturer or jobber shall sell or otherwise dispose of a metal liner to any person unless such person furnishes the manufacturer or jobber with a certificate in substantially the following form, manually signed by that person or his authorized agent:

#### CERTIFICATION

The undersigned purchaser hereby certifies to -----  
(name of seller)

-----, and  
(address)

to the War Production Board that the metal liners received by reason of this sale will be used by the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration or to comply with federal, state or local government laws and regulations which require hermetic sealing for the transportation or interment of a human corpse.

-----  
(Name of Purchaser)

-----  
(Address)

By -----  
(Signature of Purchaser or  
duly authorized agent)

-----  
(Date)

(d) Restriction on the production of shipping cases. (1) Except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any metal for use in the production of shipping cases, or process, fabricate, work on or assemble any shipping cases containing any metal except iron and steel in

(i) Joining hardware not exceeding two pounds per shipping case; and

(ii) Handle hardware not exceeding three and one-half pounds per shipping case.

(2) No manufacturer shall use more than one coat of nitrocellulose lacquer, either spray or brush, on joining hardware or handle hardware for shipping cases.

(3) On and after May 1, 1943, except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any shipping case, or parts for shipping cases, which do not conform to the specifications contained in Schedule A, attached to this Order.

(e) Restrictions on production of burial vaults. (1) No manufacturer shall process, fabricate, work on or assemble any metal for use in the production of burial vaults, or process, fabricate, work on or assemble any burial vaults containing any metal, except

(i) Iron and steel contained in joining hardware, provided that the total amount of iron and steel does not exceed two pounds per burial vault; and

(ii) Iron and steel for reinforcing purposes not exceeding fifteen pounds for a concrete vault made of six or more sections or ten pounds for a concrete vault made of less than six sections, *Provided*, That no manufacturer shall process, fabricate, work on or assemble any concrete burial vault containing any iron or steel for reinforcing purposes after June 30, 1943.

(2) No manufacturer shall use more than one coat of nitrocellulose lacquer, either spray or brush, on joining hardware for burial vaults.

(3) No manufacturer shall procure or acquire any iron and steel for use as reinforcing material in the production of concrete burial vaults except from other manufacturers of concrete burial vaults.

(4) A manufacturer of concrete burial vaults may sell iron and steel for use as reinforcing material in the production of concrete burial vaults to other manufacturers of concrete burial vaults, and any such sale shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13.

(5) On and after May 1, 1943, except in fulfillment of preferred orders, no manufacturer shall process, fabricate, work on or assemble any burial vaults or parts for burial vaults which do not conform to the specifications contained in Schedule A attached to this order.

(f) Restrictions on use and transfer of caskets which exceed the dimensions specified in Schedule A. On and after June 1, 1943, no manufacturer or jobber shall sell, deliver or otherwise dispose of a casket which exceeds the dimensions specified in Schedule A attached to this order to any person unless such person furnishes the manufacturer or jobber with a certification in substantially the following form, manually signed by that person or his authorized agent:

#### CERTIFICATION

The undersigned purchaser hereby certifies to -----  
Name of Seller

-----, and to the War Pro-  
Address

duction Board that:

(1) He is familiar with the specifications for caskets contained in Schedule A of L-64, and

(2) This casket will be used for a body of such size that no casket produced in conformance with the dimensions specified in Schedule A of L-64 will be adequate.

-----  
(Name of Purchaser)

-----  
(Address)

By -----  
(Signature of Purchaser or  
Duly Authorized Agent)

A manufacturer or jobber may rely upon such certification unless he knows or has reason to believe it to be false.

NOTE: The following paragraphs (g) through (o), formerly (f) through (n), were redesignated May 1, 1943.

(g) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of caskets, metal liners, shipping cases and burial vaults inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of caskets, metal liners, shipping cases and burial vaults as permitted by this order.

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

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

(j) *Reports.* (1) Each manufacturer affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(2) Within 5 days after May 1, 1943, each manufacturer of caskets shall file with the War Production Board a catalogue illustration, photograph, snap shot (post card size) or sketch of each design which he proposes to produce under paragraph (b) (4) showing the casket closed and no lining, except that head lid lining may be shown. Each design shall be identified by the factory catalogue number or other distinguishing identification which may be placed on the reverse side of each illustration submitted, together with the manufacturer's name and address.

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

(l) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(m) *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, D. C., Ref.: L-64.

(n) *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.

(o) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of caskets, metal liners, shipping cases or burial vaults to a

greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

Issued this 1st day of May 1943.

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

SCHEDULE A

[Entire Schedule A amended May 1, 1943]

Restrictions on size	Maximum dimensions (shown in inches)					Maximum inside dimensions of wood burial vaults and shipping cases used with caskets specified (shown in inches)			Net amount of lumber which may be contained in finished product (shown in board feet)		
	Length		Width		Height	Length	Width	Depth	Casket specified	Burial box	Shipping case
	Inside bottom edge	Over-all outside length	Inside top edge	Over-all outside width	Over-all outside height						
Institution caskets.....	75	81	22	24¾	16	64	26½	17	46	65	69
Octagon and flaring square caskets without base and rail moldings.....	75	81	22	24¾	20	64	26½	21	55	71	75
Octagon and flaring square caskets with base and rail moldings.....	75	81	22	26½	20	64	28½	21	63	73	77
Vertical square caskets.....	75	81	22	26½	20	64	28½	21	67	73	77

Burial boxes and shipping cases exceeding these dimensions may be produced for plastic or extra size caskets provided that such caskets are not produced in violation of any rule, regulation or order of the War Production Board. No manufacturer shall produce or accumulate extra size caskets in excess of the minimum amount necessary to satisfy demands made pursuant to paragraph (f) of this order. Extra size caskets, burial vaults and shipping cases may contain an additional net amount of lumber of 2½ board feet for each three inches of additional length and three board feet for each two inches of additional width.

Extra size caskets may be made in only three designs in addition to an institution or hospital casket design and shall be produced in multiples of three inches additional length and two inches in additional width.

A tolerance of one-half inch in length and one-fourth inch in width is permitted from the specifications of caskets and burial boxes contained in this schedule.

	Caskets	Burial vaults and shipping-cases
Restrictions on lumber, laminated lumber and plywood.	Not more than 1" thick before milling operations, except: (1) 1½" before milling operations for ogee molding provided no backing strip is used on ogee. (2) 2" before milling operations for combined side and base or rail molding.	Not more than 1" thick before milling operations. Not more than 1 thickness of wood on any part, except: (1) top battens not exceeding 3" in width and 1" in thickness. (2) corner cleats not exceeding 2½" in width and 1" in thickness, and (3) 2 skids not exceeding 1" in width and thickness, respectively.
Finishing restrictions.....	Not more than: One coat of stain. One coat of wood filler, and One coat of sealing primer. Not more than: Two coats of varnish or similar coating material for transparent finishes or Two coats of varnish or similar coating material for artificial grain finishes or Two coats of enamel for opaque finishes. Not more than: Two different colors of transparent finishes for each species of wood used, and Two different colors of opaque finishes for each design. Two colors of artificial grain finishes may be used in place of transparent finishes, if desired.	Not more than 1 coat of varnish, paint or similar coating material. No nitro-cellulose lacquers.
Restrictions on linings, covering materials, pillows and foot rolls.	No material for covering or lining a casket which contains silk or wool, except woolen broadcloth with 100% fine nolls, waste reprocessed or reused wool filling and 100% cotton warp. No materials in counter linings (upholstery) except cotton fabric. Maximum quantities of rayon lining materials per casket: 12 yards with blinged top fitting, 9 yards with half couch fitting and 6½ yards with basic fitting. A manufacturer may increase the amount of yards used in the above fittings by 10% when used in extra size caskets. No rayon lining material in the foot half of basic or half couch caskets. No rayon materials as a bed covering in any casket. No aprons on basic caskets. No plus effects on lids (panels) or ogees on any casket. No foot rolls in any casket nor more than 1 pillow in any casket.	Not applicable.

## PART 1144—GOATSKINS, KIDSKINS AND CABRETTAS

[Supplementary Order M-114-b]

§ 1144.3 *Supplementary Order M-114-b.* Pursuant to paragraph (c) (1) of Order M-114 as amended December 31, 1942, which this order supplements, no person shall put in process during May, June, and July, 1943, to fill his military orders and other orders, a sum total of raw goatskins, kidskins, and cabrettas equal to more than 220% (total for 3 months) of his basic monthly wettings.

Issued this 4th day of May 1943.

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

[F. R. Doc. 43-6968; Filed, May 4, 1943; 11:21 a. m.]

## PART 1218—QUARTZ CRYSTALS

[General Conservation Order M-146, as Amended May 4, 1943]

§ 1218.1 *Conservation Order M-146—*(a) *Definitions.* For the purpose of this order:

(1) "Quartz crystals" means naturally occurring crystalline quartz having a transparent interior, each single crystal of which weighs not less than 50 grams. The term includes any piece cut from quartz crystals provided such piece weighs not less than 50 grams. The term does not include blanks, fabricated forms, or scrap. The term also does not include the following types of quartz:

Amethyst quartz.  
Rose quartz.  
Yellow quartz (sometimes known as false topaz or citrene).  
Milky quartz.  
Siderite or sapphire quartz.  
Sagenitic quartz (enclosing crystals of rutile, tourmaline, stibnite, asbestos, hornblende, epidote, etc.).  
Cat's-eye or tiger's-eye quartz.  
Aventurine quartz (spangled with scales of mica, hematite, or other minerals).  
Chalcedony quartz.  
Carnelian quartz.  
Chrysoprase quartz.  
Prase quartz.  
Agate quartz.  
Onyx quartz.  
Sardonyx quartz.  
Agate-jasper quartz.  
Flint quartz.  
Hornstone quartz.  
Basanite, lydian stone, or touchstone.  
Jasper quartz.

(2) "Blank" means any semi-fabricated piece of quartz crystal which is of such size, shape, and physical characteristics as to be suitable for the fabrication of radio oscillators or filters or other products for use in implements of war, of telephone resonators, or of optical

parts. The term includes wafers, bars, sections, and other semi-fabricated forms. The term does not include scrap.

(3) "Scrap" means that part of any quartz crystal, other than a blank, remaining after a piece or pieces have been cut therefrom, if such remnant is of a size less than 50 grams in weight.

(4) "Supplier" means any person who imports or produces from domestic sources quartz crystals for the purpose either of his own fabrication or of sale to others, or who sells quartz crystals to others.

(5) "Fabricator" means any person who fabricates blanks or other semi-fabricated or fabricated forms from quartz crystals.

(6) "Put into fabrication" means the first change by the fabricator in the form of quartz crystals from that form in which such crystals were received by him.

(7) "Fabricate" means cut, saw, file, grind, polish, or otherwise change the form, shape, or characteristics. The term includes mounting or installing in holders.

(8) "Implements of war" means:

(i) Combat end products complete for tactical operations, including, but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, and vehicles;

(ii) Parts, assemblies, and materials to be physically incorporated in any of the foregoing items;

(iii) Facilities or equipment used to manufacture any of the foregoing items, produced for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for 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).

(b) *Restrictions on fabrications.* (1) On and after March 8, 1943, no person shall fabricate quartz crystals or blanks except in the manufacture of:

(i) Radio oscillators and filters or other products for use in implements of war,

(ii) Radio oscillators and filters for use in radio systems to be owned, used, and operated by Federal agencies, or by commercial airlines,

(iii) Telephone resonators,

(iv) Optical parts for use in implements of war,

(v) Radio oscillators and filters and optical parts to be used in the replacement of parts which are defective, cracked, or broken, provided the equipment or instruments requiring such parts are implements of war or are needed solely in activities directly con-

nected with defense, public health, welfare, or security, or

(vi) Radio oscillators and filters to be exported to any foreign country for use in radio systems owned, used, and operated by a governmental department or agency of such foreign country or for use by a commercial airline operating in such foreign country.

(2) On and after March 8, 1943 no person shall fabricate radio oscillators, radio filters, or optical parts from scrap except as specifically authorized in writing by the War Production Board. Application for such authorization shall be made by letter in triplicate.

(c) *Restrictions on purchase, receipt, and use.* On and after March 8, 1943, no person shall purchase or receive (unless for the purpose of selling or delivering to others), and no person shall use

(1) Quartz crystals or blanks, except for fabrication as permitted under the provisions of paragraph (b), or

(2) Fabricated forms of quartz crystals, except for purposes for which fabrication of quartz crystals is permitted under the provisions of paragraph (b): *Provided, however,* That the restrictions of this paragraph (c) (2) shall not apply to fabricated forms of quartz crystals which were already mounted or installed in holders on May 18, 1942, or to fabricated forms of quartz crystals, the purchase, receipt, or use of which has been specifically authorized by the War Production Board.

Each fabricator of fabricated forms of quartz crystals shall require, before such fabricated forms leave his possession, that the purchaser or transferee thereof make and deliver to him or endorse on the purchase order a certification signed manually or as provided in Priorities Regulation No. 7, in substantially the following form:

The undersigned hereby certifies that he is familiar with the terms of Conservation Order M-146 as amended; and that the fabricated forms of quartz crystals covered by the accompanying order of even date shall be used only for the purposes permitted by the terms of said Order M-146 as amended.

Dated.....  
Name.....  
By.....

(Authorized official)

*Provided, however,* no such certification shall be required in the case of purchases or transfers for use in implements of war where the purchaser or transferee is the United States Government or one of its departments or agencies, or a foreign government or one of its departments or agencies. Such certification shall constitute a representation by the purchaser or transferee to the fabricator, and to the War Production Board of the facts stated therein. No fabricator shall

make deliveries even against such certification if he knows or has reason to believe that the certification is false; but in the absence of such knowledge or reason to believe, he may rely on such certification.

(d) *Special directions.* The War Production Board at its discretion may at any time issue special directions to any person with respect to the use, fabrication to final product, delivery, acceptance of delivery, or placing of orders by such person of or for quartz crystals, blanks, or semi-fabricated or fabricated forms thereof, or special directions to any fabricator with respect to the types and sizes of semi-fabricated and fabricated forms of quartz crystals which he may or must fabricate, and the grades and types of quartz crystals which he may or must use in the fabrication of such blanks or fabricated forms of quartz crystals.

(e) *Reports.*—(1) *Stocks and inventories.* Every person who, on the 18th day of May, 1942, or on the last day of any calendar month thereafter has title to or is in possession or control of twenty-five (25) pounds or more of quartz crystals, or more than ten (10) pieces in the form of blanks or in other semi-fabricated or fabricated forms thereof, which have not been mounted or installed in holders, shall, on or before the close of business on the 5th day of the succeeding month, report to the War Production Board, in duplicate, on Form PD-484.

(2) *Fabrication.* Every person who fabricates quartz crystals or blanks during any calendar month shall report to the War Production Board in duplicate on Form PD-484 on or before the 5th day of the succeeding calendar month.

(3) *Other reports.* All persons affected by this order shall file such other reports as may be requested from time to time by the War Production Board.

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

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

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington, D. C. Ref: M-146.

(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 priorities assistance.

Issued this 4th day of May 1943.

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

[F. R. Doc. 43-6969; Filed, May 4, 1943;  
11:21 a. m.]

#### PART 3244—THIAMINE HYDROCHLORIDE

[General Preference Order M-314]

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

§ 3244.1 *General Preference Order M-314.*—(a) *Definitions.* (1) "Thiamine hydrochloride" means thiamine hydrochloride (also known as thiamine chloride, vitamin B<sub>1</sub> hydrochloride, vitamin B<sub>1</sub>) in crude or refined form. The term does not include standard dosage forms (tablets, capsules, ampoules, solutions, etc.), combinations in foods or beverages, or thiamine hydrochloride of natural origin.

(2) "Producer" means any person engaged in the production or processing of thiamine hydrochloride, and includes any person who imports thiamine hydrochloride or has thiamine hydrochloride produced for him pursuant to toll agreement.

(3) "Distributor" means any person who purchases thiamine hydrochloride solely for the purpose of resale without further processing and without changing the form thereof.

(b) *Restrictions on deliveries and use.* (1) No person shall deliver, accept delivery of, or use thiamine hydrochloride except as specifically authorized or directed in writing by the War Production Board.

(2) Authorization or directions with respect to deliveries or use in each calendar month will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time in its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted, or with respect to the use or uses which may or may not be made of thiamine hydrochloride to be delivered to, or already in the inventory of the prospective user.

(3) Each person specifically authorized to use or accept delivery of thia-

mine hydrochloride shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed in writing by the War Production Board. Thiamine hydrochloride allocated for inventory shall not be used except as specifically authorized in writing by the War Production Board.

(4) Thiamine hydrochloride allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is not for any reason filled, revert to inventory.

(c) *Exceptions to requirement for authorization.* Notwithstanding the provisions of paragraph (b) (1), specific authorization of the War Production Board shall not be required for:

(1) Delivery by any person to any other person in any calendar month, or acceptance of delivery by any person from any other person in any calendar month, of not more than twenty-five grams of thiamine hydrochloride.

(2) Use by any person in any calendar month of not more than twenty-five grams of thiamine hydrochloride.

(3) Delivery of thiamine hydrochloride by any person to any other person for compounding into standard dosage forms pursuant to toll agreement, where the person making delivery has previously received specific authorization from the War Production Board to compound such thiamine hydrochloride and retains title to such thiamine hydrochloride and to the product made therefrom; also the acceptance of delivery by such other person for such purpose and under such terms, and the use by such other person in compounding thiamine hydrochloride into standard dosage forms.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of thiamine hydrochloride during any calendar month beginning with June, 1943, whether for his own consumption or for resale, and each person seeking authorization to use thiamine hydrochloride in any calendar month, shall file application therefor on or before the 15th day of the preceding month. Applications respecting acceptance of delivery or use in May, 1943, shall be filed as many days as possible in advance of the desired date of acceptance or use. In any case, applications shall be filed on Form PD-600, in the manner prescribed therein, subject to the following special instructions:

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

(ii) Five copies shall be prepared, of which three shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-314, one sent to the producer or distributor, and the fifth retained for applicant's file. At least one of the copies filed with the War Production Board must be signed by applicant by a duly authorized official. Where the application is solely for authorization to use, no copy need be sent to the producer or distributor.

(iii) In the heading, under "name of chemical", specify "thiamine hydrochloride"; under "WPB Order No.", specify "M-314"; under "Indicate unit of measure", specify "grams".

(iv) In heading at top of Table I, specify month and year for which authorization for acceptance of delivery or use is sought.

(v) In columns 1, 11 and 19, specify quality; for example, USP, crude.

(vi) In column 3 (Primary Product) applicant will specify the exact name of the product or products in the manufacture or preparation of which he will use thiamine hydrochloride or in which he will incorporate thiamine hydrochloride. Distributors ordering thiamine hydrochloride for resale (as thiamine hydrochloride) will specify "resale". If purchase is for inventory, state "inventory".

(vii) In column 4 (Product End Use), applicant will specify in each case, including case where his purchase is for "resale", the ultimate use to be made of product (as, for example, "medicinal"). He will also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease, other export, or commercial customer, and in column 10 will state contract numbers and specification numbers of Army, Navy or other government orders, and export license numbers, if any. If application is for thiamine hydrochloride for inventory leave column 4 blank.

(viii) In column 10, each applicant other than a distributor will, on at least one copy of his first application by Form PD-600 filed with the War Production Board but not thereafter, indicate the total quantity of thiamine hydrochloride used by him in each of the 15 months from January 1, 1942 to March 31, 1943, showing in addition for each such month that part of the total quantity, in grams, used by him in the manufacture of products for sale to the Army or Navy or for delivery pursuant to the Lend-Lease Act. If necessary, applicant may use a separate sheet in listing the information called for by this subparagraph. The information required by this subparagraph need not be shown on the copy furnished to the producer or distributor.

(2) Each person seeking authorization to make delivery of thiamine hydrochloride during any calendar month, beginning with June, 1943, shall file application therefor on or before the 20th day of the preceding month. Applications for delivery in May, 1943, shall be filed as many days as possible in advance of the desired delivery date. Each application shall be made on Form PD-601 in the manner prescribed therein, subject to the following special instructions:

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

(ii) Four copies shall be prepared, of which three shall be forwarded to the War Production Board, Chemicals Division,

Washington, D. C., Ref: M-314, and the fourth retained by applicant. At least one of the copies filed with the War Production Board must be signed by applicant by a duly authorized official.

(iii) Each producer who has filed application on Form PD-600 specifying himself as his supplier, shall list his own name as customer on Form PD-601 and shall list his request for allocation in the manner prescribed for other customers.

(iv) In the heading under "name of chemical", specify "thiamine hydrochloride"; under "WPB Order No.", specify "M-314"; under "This schedule is for deliveries to be made during the month of", specify month and year during which deliveries covered by application are to be made; under "Indicate unit of measure", specify "grams".

(v) In column 1, list customers and if it is necessary to use more than one sheet, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified. Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) (1) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(vi) In Columns 3 and 8, specify grades as stated in customer's Form PD-600.

(vii) Applicant may, if he wishes, leave Column 5 blank.

(3) The War Production Board may issue special directions to any person affected by this order with respect to preparing and filing Form PD-600 and PD-601.

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

(2) *Notifications of customers*. Each producer and distributor shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from failure to comply with the terms thereof.

(3) *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.

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

Production Board, Chemicals Division, Washington, D. C., Ref: M-314.

Issued this 4th day of May 1943.

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

[F. R. Doc. 43-6970; Filed, May 4, 1943; 11:21 a. m.]

#### PART 3245—NICOTINIC ACID

[General Preference Order M-315]

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

§ 3245.1 *General Preference Order M-315*—(a) *Definitions*. (1) "Nicotinic acid" means nicotinic acid (also known as niacin) in crude or refined form. The term shall include any compound of nicotinic acid, including, but not limited to nicotinamide (also known as nicotinic acid amide and niacinamide), but does not include standard dosage forms (tablets, capsules, ampoules, solutions, etc.), combinations in foods or beverages, nicotinic acid of natural origin or nictethamide.

(2) "Producer" means any person engaged in the production or processing of nicotinic acid, and includes any person who imports nicotinic acid or has nicotinic acid produced for him pursuant to toll agreement.

(3) "Distributor" means any person who purchases nicotinic acid solely for the purpose of resale without further processing and without changing the form thereof.

(b) *Restrictions on deliveries and use*. (1) No person shall deliver, accept delivery of, or use nicotinic acid except as specifically authorized or directed in writing by the War Production Board.

(2) Authorization or directions with respect to deliveries or use in each calendar month will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time in its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted, or with respect to the use or uses which may or may not be made of nicotinic acid to be delivered to, or already in the inventory of the prospective user.

(3) Each person specifically authorized to use or accept delivery of nicotinic acid shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed in writing by the War Production Board. Nicotinic acid allocated for inventory shall not be used except as



specifically authorized in writing by the War Production Board.

(4) Nicotinic acid allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is not for any reason filled, revert to inventory.

(c) *Exceptions to requirement for authorization.* Notwithstanding the provisions of paragraph (b) (1), specific authorization of the War Production Board shall not be required for:

(1) Delivery by any person to any other person in any calendar month, or acceptance of delivery by any person from any other person in any calendar month, of not more than five ounces of nicotinic acid.

(2) Use by any person in any calendar month of not more than five ounces of nicotinic acid.

(3) Delivery of nicotinic acid by any person to any other person for compounding into standard dosage forms pursuant to toll agreement, where the person making delivery has previously received specific authorization from the War Production Board to compound such nicotinic acid and retains title to such nicotinic acid and to the product made therefrom; also the acceptance of delivery by such other person for such purpose and under such terms, and the use by such other person in compounding nicotinic acid into standard dosage forms.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of nicotinic acid during any calendar month beginning with June, 1943, whether for his own consumption or for resale, and each person seeking authorization to use nicotinic acid in any calendar month, shall file application therefor on or before the 15th day of the preceding month. Applications respecting acceptance of delivery or use in May, 1943, shall be filed as many days as possible in advance of the desired date of acceptance or use. In any case, applications shall be filed on Form PD-600, in the manner prescribed therein, subject to the following special instructions:

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

(ii) Five copies shall be prepared, of which three shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-315, one sent to the producer or distributor, and the fifth retained for applicant's file. At least one of the copies filed with the War Production Board must be signed by applicant by a duly authorized official. Where the application is solely for authorization to use, no copy need be sent to the producer or distributor.

(iii) In the heading, under "name of chemical", specify "nicotinic acid"; under "WPB Order No.", specify "M-315"; under "Indicate unit of measure", specify "ounces".

(iv) In heading at top of Table I, specify month and year for which authoriza-

tion for acceptance of delivery or use is sought.

(v) In Columns 1, 11, and 19, specify quality; for example, USP, crude.

(vi) In Column 3 (Primary Product) applicant will specify the exact name of the product or products in the manufacture or preparation of which he will use nicotinic acid or in which he will incorporate nicotinic acid. Distributors ordering nicotinic acid for resale (as nicotinic acid) will specify "Resale". If purchase is for inventory, state "inventory".

(vii) In Column 4 (Product End Use), applicant will specify in each case, including case where his purchase is for "resale", the ultimate use to be made of product (as, for example, "medicinal"). He will also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease, other export, or commercial customer, and in Column 10 will state contract numbers and specification numbers of Army, Navy or other government orders, and export license numbers, if any. If application is for nicotinic acid for inventory leave Column 4 blank.

(viii) In Column 10, each applicant other than a distributor will on at least one copy of his first application by Form PD-600 filed with the War Production Board but not thereafter, indicate the total quantity of nicotinic acid used by him in each of the 15 months from January 1, 1942, to March 31, 1943, showing in addition for each such month that part of the total quantity, in ounces, used by him in the manufacture of products for sale to the Army or Navy or for delivery pursuant to the Lend-Lease Act. If necessary, applicant may use a separate sheet listing the information called for by this subparagraph. The information required by this subparagraph need not be shown on the copy furnished the producer or distributor.

(2) Each person seeking authorization to make delivery of nicotinic acid during any calendar month, beginning with June, 1943, shall file application therefor on or before the 20th day of the preceding month. Applications for delivery in May, 1943, shall be filed as many days as possible in advance of the desired delivery date. Each application shall be made on Form PD-601 in the manner prescribed therein, subject to the following special instructions:

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

(ii) Four copies will be prepared, of which three shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-315, the fourth retained by applicant. At least one of the copies filed with the War Production Board must be signed by applicant or a duly authorized official.

(iii) Each producer who has filed application on Form PD-600 specifying himself as his supplier, shall list his own name as customer on Form PD-601 and shall list his request for allocation in the manner prescribed for other customers.

(iv) In the heading under "name of chemical", specify "nicotinic acid"; under "WPB Order No.", specify "M-315"; under "This schedule is for deliveries to be made during the month of", specify month and year during which deliveries covered by application are to be made; under "Indicate unit of measure", specify "ounces".

(v) In Column 1, list customers and if it is necessary to use more than one sheet, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified. Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) (1) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(vi) In Columns 3 and 8, specify grades as stated in customer's Form PD-600.

(vii) Applicant may, if he wishes, leave Column 5 blank.

(3) War Production Board may issue special directions to any person affected by this order with respect to preparing and filing Form PD-600 and PD-601.

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

(2) *Notification of customers.* Each producer and distributor shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from failure to comply with the terms thereof.

(3) *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.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: M-315.

Issued this 4th day of May 1943.

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

[F. R. Doc. 43-6971; Filed, May 4, 1943;  
11:21 a. m.]

## Chapter XI—Office of Price Administration

## PART 1305—ADMINISTRATION

[Supp. Order 46]

## EXEMPTION OF AUCTION SALES OF CONTENTS OF DEAD LETTERS OR PACKAGES BY POST OFFICE DEPARTMENT

A statement to accompany this Supplementary Order No. 46 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered, That:*

§ 1305.60 *Exemption of auction sales of contents of dead letters or packages by Post Office Department.* The sale at auction of the contents of dead letters or packages by the Post Office Department is hereby exempt from all price control by the Office of Price Administration.

This order shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6949; Filed, May 3, 1943;  
4:32 p. m.]

## PART 1305—ADMINISTRATION

[Supp. Order 47]

## LOGS AND BOLTS

Adding a standard for treating with petitions for adjustment or amendment in certain price regulations governing products produced from logs and bolts.

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

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, *It is hereby ordered, That:*

§ 1305.62 *Standard for treating with petitions for adjustment or amendment under certain price regulations governing products produced from logs and bolts.* (a) A standard for treating with petitions for adjustment or amendment based, in any way, on the cost of logs and bolts is added by the specified paragraph of each revised price schedule, maximum price regulation, or revised maximum price regulation listed in paragraph (b) of this order, to read as follows:

In treating with petitions for amendment or adjustment, consideration will not be given to log and bolt costs which

are higher than the applicable maximum purchase prices for logs and bolts established in Revised Maximum Price Regulation 161 (West Coast Logs)<sup>1</sup>, or Maximum Price Regulations 313 (Prime Grade Hardwood Logs)<sup>2</sup> and 348 (Logs and Bolts)<sup>3</sup>, or any revision or amendment of these regulations. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

(b) The numbers of the paragraphs which add the standard for treating with petitions for adjustment or amendment set forth in this order, and the applicable revised price schedules, maximum price regulations and revised maximum price regulations, are as follows:

Section	Schedule or Regulation No.
§ 1413.9 (c)-----	13
§ 1381.207 (unlettered paragraph)-----	19
§ 1381.57 (unlettered paragraph)-----	26
§ 1312.156 (unlettered paragraph)-----	44
§ 1381.508 (c)-----	94
§ 1382.107 (c)-----	97
§ 1312.353 (c)-----	109
§ 1382.7 (unlettered paragraph)-----	146
§ 1382.57 (unlettered paragraph)-----	155
§ 1381.8 (unlettered paragraph)-----	164
§ 1384.7 (unlettered paragraph)-----	176
§ 1377.105 (c)-----	186
§ 1377.161 (d)-----	195
§ 1384.65 (d)-----	196
§ 1426.6 (c)-----	216
§ 1384.107 (c)-----	217
§ 1426.58 (c)-----	218
Sec. 18 (c)-----	219
§ 1381.258 (c)-----	222
§ 1382.158 (c)-----	223
§ 1382.207 (c)-----	281
§ 1426.156 (c)-----	284
§ 1381.458 (c)-----	290
§ 1377.211 (c)-----	320
§ 1426.208 (c)-----	324
§ 1384.157 (c)-----	338
§ 1377.257 (c)-----	342
Sec. 7 (unlettered paragraph)-----	352
Sec. 18 (c)-----	368

This Supplementary Order No. 47 shall become effective May 8, 1943.

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

Issued this 3d day of May 1943. \*

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6943; Filed, May 3, 1943;  
4:31 p. m.]

<sup>1</sup> 8 F.R. 1117, 2992.

<sup>2</sup> 8 F.R. 1453, 2209, 2992.

<sup>3</sup> 8 F.R. 3670, 5163.

## PART 1306—IRON AND STEEL

[MPR 310, Amendment 1]

## REUSABLE STRUCTURAL STEEL SHAPES AND PLATES, AND SHAFTING

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

Maximum Price Regulation No. 310 is amended in the following respects:

1. Section 1306.551 (a) (2) is amended to read as follows:

(2) "Reusable structural steel shape" means any used I-beam, H-column, wide flange section, channel, angle, Z-bar, tee, rod, flat, strip, structural steel bar or other used structural steel shape, including salvaged assemblies (such as trusses and built-up beams, columns, lintels, etc.) of such shapes and sections (but not including complete structures); it also includes crop ends of unused shapes originating in shipbuilders' or in other fabricators' yards or plants; all of suitable size and quality without further reconditioning for use for the purposes for which new structural steel shapes are customarily used, and meeting all of the following specifications: they must be commercially straight, free from excessive rust, detrimental attachments, and pits deeper than twenty percent of the original theoretical thickness; must weigh within seven and one-half percent of the theoretical weight of new shapes of the same dimensions; and must not have been damaged by heat or fire; and the theoretical cross-sectional area at any point shall not have been reduced by more than twenty percent, nor shall the total area of the repaired surface of any piece exceed ten percent of the total surface area of that piece.

2. Section 1306.552 (b) is amended to read as follows:

(b) *Maximum extras for services.* Whenever at the specific request of the consumer, one or more pieces are cut or drilled, an extra charge may be made for each service: *Provided*, That the total of these charges shall not exceed one-fourth cent per pound. The extra charge may be added only to the price for the piece or pieces on which the service or services are performed. "Services" means either or both of the following: (1) cutting to length or width of 12 inches or greater, (2) drilling or punching of holes up to one hole per 25 pounds, or fraction thereof, of steel in each piece drilled or punched. (Any other cutting, drilling, punching, welding, bending or cutting to diameter or pattern shall be considered fabrication. Maximum prices for fabricated structural steel shapes, plates and bars are established by Order No. 61<sup>2</sup> under the General Maximum Price Regulation.)

3. Section 1306.557 (a) is amended to read as follows:

<sup>1</sup> 8 F.R. 1225.

<sup>2</sup> 7 F.R. 6604.

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

(a) Every person making a sale of such reusable products amounting to more than \$1.00 shall render an invoice to the consumer for each such sale, showing separately the date; name and address of the consumer; a description of each item (indicating whether I-beam, H-column, channel, angle, steel plate, shafting, etc.), including the measurements (length, width and thickness, or length and diameter in the case of shafting), and the total quantity in lineal feet (or square feet) and the total weight; the shipping point price per pound; the total price; the delivery charge (if any); and the charge (if any) for extras; the city or town and state nearest the shipping point; the city or town and state nearest the point of delivery; and the mode of transportation used to deliver the product; except that in the case of the bulk sales a public scale receipt may be substituted for the description of each item. The seller must also show on each invoice by the word "used" that each such reusable product is not new or of new quality, and the invoice must bear the words "sold subject to Maximum Price Regulation No. 310". Such invoice shall be retained by the consumer, and a copy shall be retained by the seller, for inspection by the Office of Price Administration, for a period of not less than two years, or as long as the Emergency Price Control Act of 1942 shall be in effect, whichever is shorter.

*Effective Date*

This amendment shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6942; Filed, May 3, 1943; 4:31 p. m.]

**PART 1306—IRON AND STEEL**

[RPS 43,<sup>1</sup> as Amended, Amendment 4]

**USED STEEL DRUMS, PAILS AND CONTAINERS**

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

Section 1306.206a is added to read as follows:

§ 1306.206a *Geographical application.* The provisions of this schedule shall be applicable to the forty-eight States and the District of Columbia.

This amendment shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6957; Filed, May 3, 1943; 4:33 p. m.]

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

<sup>1</sup> 7 F.R. 4297, 8948, 10527; 8 F.R. 3188, 4968.

**PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT**

[MPR 220,<sup>1</sup> Amendment 7]

**CERTAIN RUBBER COMMODITIES**

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

Section 1315.1568 (a) (13) is added to read as follows:

(13) Canvas and other fabric topped footwear with rubber soles.

This amendment shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6958; Filed, May 3, 1943; 4:33 p. m.]

**PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS**

[RPS 60,<sup>2</sup> Amendment 6]

**DIRECT CONSUMPTION SUGAR**

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

Revised Price Schedule 60 is amended in the following respect:

1. Section 1334.51 (a) (6) (i) is added to read as follows:

(i) Maximum prices for a primary distributor of direct consumption sugar for grades and packages not provided for in the above shall be as follows:

For a new grade and package identical in grade, net weight, and packing material with that of any other primary distributor he shall adjust his maximum base price by the use of the same differential properly established on that date by the primary distributor with such differential located nearest freightwise to him.

If the new grade and package is not so identical with that produced by another primary distributor he shall obtain a maximum price for it by application to the Office of Price Administration, Washington, D. C., in which he shall give full data with a description of grade and package, detailed production and selling cost differences f. o. b. refinery between the new grade and package and the basis bag packing per 100 pounds at the date of application and corresponding figures for his most nearly like grades and packages as of December 1, 1941, together with a request for a specific differential. After filing application and pending authorization from the Office of Price Administration sales may be made (a) on

<sup>1</sup> 7 F.R. 7282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4130, 3942.

<sup>2</sup> 7 F.R. 1320, 1836, 2132, 2510, 5664, 6787, 8928, 8948, 8949.

open billing or (b) on pro forma collection price based on the requested differential with an agreement for refund to the purchaser of such sum as this price may exceed the maximum price when duly established or (c) on the basis of differential at which sales have heretofore been made prior to the effective date of this amendment.

This amendment shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6948; Filed, May 3, 1943; 4:32 p. m.]

**PART 1335—CHEMICALS**

[MPR 354,<sup>1</sup> Amendment 1]

**COPPER SULPHATE**

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

Section 1335.1011 (a) (2) is amended by designating the present paragraph as subdivision (i), changing the phrase "subparagraphs 1, 2, or 3" to read "subparagraph 1" and adding a new subdivision (ii) to read as follows:

(ii) A seller selling copper sulphate, other than monohydrated copper sulphate, produced in Eastern territory to a buyer in Western territory may disregard the foregoing provision with regard to the payment of freight charges and other transportation costs and add 15¢ per hundred pounds to the maximum price so computed, if he sells such copper sulphate f. o. b. manufacturer's works, freight equalized with the following points: Portland, Oregon; Seattle, Washington; Los Angeles, California; and San Francisco, California. The maximum price which a purchaser may pay for such copper sulphate delivered to him by such seller shall not exceed the maximum price computed in accordance with subdivision (i) above, but without regard to the provision relating to freight costs and other transportation charges, plus 15¢ per hundred pounds plus the transportation costs on a shipment of identical quantity to destination from that equalization point named above from which the transportation cost to destination is least.

This amendment shall become effective May 3, 1943.

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

Issued this 3rd day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6952; Filed, May 3, 1943; 4:30 p. m.]

<sup>1</sup> 8 F.R., 3943.

**PART 1349—ELECTRICAL GENERATION,  
TRANSMISSION CONVERSION AND DISTRI-  
BUTION APPARATUS**

[RPS 82,<sup>1</sup> Amendment 3]

**WIRE, CABLE AND CABLE ACCESSORIES**

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

Section 1349.1 (g) is added to read as follows:

(g) Notwithstanding any contrary provisions of this regulation, any person may offer or agree to sell or buy wire, cable or cable accessories containing rubber at a price in excess of the maximum price in effect at the time the offer is made, in order to reflect the increase in the price of crude rubber occurring after March 31, 1943. However, no person shall pay or receive a price for wire, cable or cable accessories containing rubber which is in excess of the maximum price in effect at the time of delivery.

This amendment shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6959; Filed, May 3, 1943;  
4:33 p. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**

[Rev. MPR 270,<sup>2</sup> Amendment 5]

**DRY EDIBLE BEANS, SALES EXCEPT AT WHOLE-  
SALE AND RETAIL**

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 270 is amended in the following respect:

1. Section 1351.1203 (i) is added to read as follows:

(i) *Imported dry edible beans.* For each hundred pounds of dry edible beans imported from any country, the maximum price per 100 pounds at any terminal market or other wholesale receiving point shall be the maximum delivered price for the most closely similar item of domestic dry edible beans in the particular terminal market or other wholesale receiving point where such imported dry edible beans are being offered for sale. The provisions of this amendment shall supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of imported dry edible beans.

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

<sup>1</sup> 7 F.R. 1358, 2133, 7034, 8948.

<sup>2</sup> 8 F.R. 1061, 2335, 3106, 4732, 3370.

This amendment shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6960; Filed, May 3, 1943;  
4:33 p. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**

[MPR 378]

**MIXED FEEDS FOR ANIMALS AND POULTRY**

*Preamble:* In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, issued by the President on October 3, 1942, that maximum prices for the sale or delivery of mixed feeds for animals and poultry be established by a maximum price regulation to replace § 1499.73 (a) (55) of the General Maximum Price Regulation, issued by the Office of Price Administration.

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable, and will effectuate the purposes of the said act, as amended, and of the said executive order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* So far as practicable the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

§ 1351.355 *Maximum prices for mixed feeds for animals and poultry.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 378 (mixed feeds for animals and poultry), which is annexed hereto and made a part hereof, is hereby issued.

*AUTHORITY:* § 1351.355 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871.

**MAXIMUM PRICE REGULATION NO. 378—MIXED  
FEEDS FOR ANIMALS AND POULTRY**

**ARTICLE I—PROHIBITIONS AND SCOPE OF  
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Sec.

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- 2 Geographical applicability.
- 3 More than maximum prices prohibited.
- 4 Less than maximum prices permitted.
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- 6 Maximum prices of class A manufacturers.
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- 8 Maximum prices for mineral mixed feed produced by a class A mineral mixed feed manufacturer.
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- 10 Maximum prices for custom mixer.
- 11 Maximum prices for class A private brand dealers.

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- 12 Maximum prices for class B private brand dealers.
- 13 Maximum prices for wholesalers.
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- 15 Maximum prices for persons doing both wholesale and retail business.
- 16 Imported sales.
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- 18 Rounding of maximum prices.
- 19 Dealings between persons of the same class.
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**ARTICLE II—MISCELLANEOUS**

- 21 Calculating maximum prices.
- 22 Prohibition against selling mixed feed unless maximum prices are computed within time limits.
- 23 Publication of maximum prices.
- 24 Records and reports.
- 25 Enforcement.
- 26 Protests and petitions.
- 27 Repeal of § 1499.72 (a) (55) of the General Maximum Price Regulation.

*Article I—Prohibitions and Scope of  
Regulation*

**SECTION 1 Commodities and persons subject to this regulation.** This regulation shall govern all sales and deliveries of mixed feeds for animals and poultry.

**SEC. 2 Geographical applicability.** This regulation shall be applicable within the District of Columbia, and the several States of the United States.

**SEC. 3 More than maximum prices prohibited.** Regardless of any contract or other commitment, no person subject to this regulation shall sell or deliver any mixed feeds for animals and poultry at a price higher than the maximum price set forth herein; nor shall any buyer pay any such person more than said maximum price; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

**SEC. 4 Less than maximum prices permitted.** Lower prices or values than the maximum prices set forth herein may be offered, demanded, charged, paid or received.

**SEC. 5. Definitions.** (a) When used in this regulation:

(1) "Person" includes any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing and also includes the United States or any other government and any political subdivisions or agency of any of the foregoing.

(2) "Mixed feeds for animals and poultry" includes "mixed feed" and "mineral mixed feed" as hereinafter defined.

(3) "Mixed feed" is a mixture or blend of more than one feed ingredient for the purposes of feeding animals and poultry except the following commodities:

(i) Those commodities listed in § 1499.9 (a) (7) of the General Maximum Price Regulation as exempt from said regulation;

(ii) The following commodities: (a) A mixture resulting from the blending or mixing of offals or by-products from a single vegetable, plant or other agricultural product; and (b) screenings as defined in the official publication of the Association of the American Feed Control Officials, Inc. for 1942, which commodities shall be and remain subject to

§ 1499.2 and other applicable provisions of the General Maximum Price Regulation;

(iii) Cat and dog foods on which a maximum price has been determined under § 1499.263 of the General Maximum Price Regulation, which cat and dog foods shall be and remain subject to said provisions; and

(iv) All other cat and dog food shall be and remain subject to the General Maximum Price Regulation.

(4) "Pelleted mixed feed" is a mixed feed further processed into pellets.

(5) "Mineral mixed feed" is a mixed feed at least sixty percent of which consists of a mixture of two or more chemicals or minerals, with or without mixture with other ingredients, and customarily regarded as dietary factors in the feeding of animals and poultry.

(6) "Manufacturer" is one who produces and sells a mixed feed by grinding, mixing or blending whether by stationary or portable equipment.

(7) A "class A manufacturer" is a manufacturer who computes his maximum prices under section 6 hereof.

(8) A "class B manufacturer" is any manufacturer who computes his maximum prices under section 7 hereof.

(9) A "class A mineral mixed feed manufacturer" is any mineral mixed feed manufacturer who computes his maximum prices under section 8 hereof.

(10) A "class B mineral mixed feed manufacturer" is any mineral mixed feed manufacturer who computes his maximum prices under section 9 hereof.

(11) A "Custom mixer" is one who furnishes to a consumer for a recompense the service of producing mixed feeds. Either the custom mixer or the consumer or both may furnish the ingredients for the mixed feeds.

(12) A "private brand dealer" is one who resells mixed feed or mineral mixed feed ordered and bought by him from a manufacturer who produced and packed the same in containers bearing the dealer's private brand.

(13) A "class A private brand dealer" is a private brand dealer who computes his maximum prices under section 11 hereof.

(14) A "class B private brand dealer" is a private brand dealer who computes his maximum prices under section 12 hereof.

(15) A "wholesaler" is one who buys mixed feed and resells the same to retailers.

(16) A "wholesale outlet" is a department, branch or unit of a concern or an affiliated group of concerns or organizations performing like functions as a wholesaler and which concern or affiliated group of concerns or organizations also handles commodities subject to this regulation at other levels of distribution: *Provided*, That said wholesale outlet must be a place of business separate from any producing plant of such concern, affiliated group of concerns or organizations.

(17) A "retailer" is one who buys mixed feed and resells the same to consumers.

(18) A "retail outlet" is a department, branch or unit of a concern or an affiliated group of concerns or organizations

performing like functions as a retailer and which concern or affiliated group of concerns or organizations also handles commodities subject to this regulation at other levels of distribution; *Provided*, That said retail outlet must be a place of business separate from any producing plant of such concern, affiliated group of concerns or organizations.

(18a) "Reasonable market value" shall have the meaning ascribed thereto by law. It is also known in the trade as replacement value.

(19) A "consumer" is one who buys mixed feeds for the purpose of actually feeding it to animals or poultry.

(20) A "billing charge" is the charge or entry as a part of the bookkeeping system of debits and credits made between different departments, branches or units of one concern or between different units of an affiliated group of concerns or organizations for services rendered or commodities produced by one and furnished or delivered by another.

(21) "Actual costs of transportation" or other reference to transportation charges means:

(i) Where the carrier is not owned or controlled by the seller, the amount paid such carrier (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942) not exceeding any applicable common or contract carrier rate for a like billing or shipment nor any applicable maximum price for such service.

(ii) Where the carrier is owned or controlled by the seller, the reasonable value of the transportation in question not exceeding, if any, the common or contract carrier rate nor the maximum price for a like service if performed by a person other than the seller.

Except as loading or unloading charges may be included in such transportation charges, no additional charges may be made for such services.

Any person permitted to add actual costs of transportation or other transportation charges hereunder may, at his option, determine uniform delivered prices for any one or more geographical zones selected by him by taking a weighted average of the actual costs of transportation on all sales and deliveries on the quantity of the mixed feed in question in said zone either during:

(a) The months of January, March, May, October, November and December, 1942; or

(b) Any two previous consecutive months during which this regulation has been in effect.

(22) "Carload lots or quantities" means a shipment by rail of the commodity in question of at least the minimum weight, as specified in the tariffs of railroad carriers, or in the rulings of the Office of Defense Transportation, upon which the railroad carload rate from the point of shipment to the point of destination is based: *Provided*, That a shipment of a lesser weight shall be considered a carload where the transportation charge for shipment of such lesser weight at the railroad carload rate is lower than would be charged for such a shipment at a railroad less-than-carload rate.

(23) "L. c. l. quantities" or less than carload lots or quantities refers to sales or deliveries of quantities less than the stated capacity of any railroad car whether the shipment is by rail, motor vehicle, water or other means.

SEC. 6 *Maximum prices of class A manufacturers.* Every class A manufacturer of mixed feeds shall determine his maximum price per ton in carload quantities, in 100 pound containers, for each mixed feed other than pelleted or mineral mixed feeds produced by him as follows:

(a) He shall first compute his costs for a ton of the commodity to be priced as follows:

(1) He shall include the cost of all corn, linseed oil meal, cake and pellets, wheat mill feeds, rice milling by-products, fish meal or fish scrap, animal feedingstuffs, and soybean, cottonseed and peanut oil meals and cakes used at the maximum price thereof to him per ton in carload quantities as if purchased at the time of the calculation as prescribed by the Office of Price Administration. Said maximum price shall be the maximum price at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances said maximum price shall be the maximum price at said rate point.

(2) He shall include the cost of every other ingredient used which is subject to maximum prices prescribed by the Office of Price Administration at the actual cost thereof to him as if purchased at the time of the calculation not exceeding the maximum price (and applicable transportation charges where said maximum price is fixed on an f. o. b. basis) thereon to him at said time for the quantities normally purchased by him as prescribed by the Office of Price Administration: *Provided*, That said actual cost (and said maximum price) shall be the actual cost (and the maximum price) at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances said actual cost (and said maximum price) shall be actual cost (and the maximum price) at said rate point.

(3) He shall include the cost of every other ingredient used which is not subject to maximum prices prescribed by the Office of Price Administration at the reasonable market value thereof to him as if purchased at the time of the calculation for the quantities normally purchased by him: *Provided*, That said reasonable market value shall be such value at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances the reasonable market value shall be such value at said rate point.

(4) He shall include the cost of twenty 100 pound containers for one ton of the commodity to be priced at the maximum price thereof to him as if purchased at the time of the calculation as prescribed by the Office of Price Administration: *Provided*:

(i) He shall give due credit for the containers received in his purchase of the ingredients;

(ii) He shall give due credit for the containers returned by his buyer from former purchases from him; and

(iii) He shall not include any cost for containers if the buyer furnishes containers other than by a return of containers as last above mentioned in subdivision (ii) hereof.

(b) For sales to each private brand dealer, whether class A or class B, to whom he sold in 1942, he shall determine his maximum price in either of the following two ways, at his option:

(1) He shall add to his costs determined as specified in paragraph (a) the margin determined under paragraph (c) less the average of the differentials determined under paragraph (d); and the resultant figure shall be his maximum price to the private brand dealer in question per ton in carload quantities, in 100 pound containers, f. o. b. his producing plant except that it shall include the transportation to the rate point to a like extent as his costs are computed under paragraph (a) at that rate point and provided that he may add all other actual costs of transportation to the buyer's receiving point; or

(2) He shall ascertain the average of the margins per ton on the same or the most nearly similar commodity as sold during the months of January, March, May, October, November and December, 1942, for shipment in carload quantities to the private brand dealer in question for further resale. He shall ascertain these average margins by deducting from the selling price of each ton of such commodity sold to said private brand dealer each such month, the replacement cost at the time of the sale of every ingredient used therein and of twenty 100 pound containers if furnished by him. Said replacement cost shall be the replacement cost at his producing plant except that where in his initial purchase a rate point was selected as the destination to secure favorable transit rates and balances said replacement cost shall be the replacement cost at said rate point.

He shall next average the margin so ascertained for each of said months to obtain an average margin for all of the said months.

He shall then add the total of the costs specified in paragraph (a) to the markup determined in the foregoing manner under this subparagraph (2) and the resultant figure shall be his maximum price to the private brand dealer in question per ton in carload quantities, in 100 pound containers, f. o. b. his producing plant except that it shall include the transportation to the rate point to a like extent as his costs are computed under paragraph (a) at the rate point and provided that he may add all other actual costs of transportation to the buyer's receiving point.

Further, if this subparagraph (2) is used, the manufacturer shall in like manner determine his maximum price to other private brand dealers to whom he sold in 1942; and to determine a maximum price for a new private brand dealer, whether class A or class B, to whom the manufacturer did not sell in 1942, the manufacturer shall proceed in

like manner to ascertain his costs as specified in paragraph (a) to which he shall add the average of his margins per ton on the same or the most nearly similar commodity to the commodity being priced as sold during the months of January, March, May, October, November and December, 1942, for shipments in carload lots to all his private brand dealers for further resale. The resultant figure shall be his maximum price to new private brand dealers per ton in carload quantities, in 100 pound containers, f. o. b. his producing plant except that it shall include transportation to the rate point to a like extent as costs are computed under paragraph (a) at that rate point and provided that he may add all other actual costs of transportation to the buyer's receiving point.

(c) For sales in carload quantities to retailers and for deliveries in carload quantities to his retail outlets he shall (after computing costs as specified in paragraph (a)) next ascertain the average of the margins per ton on the same or the most nearly similar commodity to the commodity being priced during the months January, March, May, October, November and December, 1942, on all such sales and deliveries. He shall ascertain these average margins by deducting from the selling price or billing charge for all such sales or deliveries of each ton of such commodity during each such month the replacement cost of every ingredient used therein and of twenty 100 pound containers if furnished by him provided that said replacement cost shall be the replacement cost at his producing plant except that where in his initial purchase a rate point was selected as the destination to secure favorable transit rates or balances said replacement cost shall be the replacement cost at said rate point.

The average margins so obtained for each month shall be averaged for all of said months.

He shall then add the total of the costs specified in paragraph (a) to the margin determined under this paragraph (c) and the resultant figure shall be his maximum price and billing charge on all such sales and deliveries per ton in carload quantities, in 100 pound containers,

f. o. b. his producing plant except that it shall include transportation to the rate point to a like extent as costs are computed under paragraph (a) at the rate point, and provided that he may add all other actual costs of transportation to the receiving point.

The maximum price or billing charge so ascertained under this subdivision shall also be known as his list price.

(d) For sales in carload quantities to wholesalers and for deliveries in carload quantities to his wholesale outlets by a class A manufacturer, the maximum price and billing charge shall be his maximum price and billing charge as ascertained under the last paragraph (c) hereof less the average of the differentials actually given by him during the months of January, March, May, October, November and December, 1942, for such sales and deliveries under his sales price (or average thereof) during said months of 1942 for sales to retailers in carload quantities.

(e) For sales to consumers by a class A manufacturer at his producing plant, the maximum price shall be the maximum price of his nearest retailer competitor of his mixed feed whose maximum price is fixed under section 14 hereof and provided that except to the extent shipped under transit billing he may add all actual costs of transportation to the buyer's receiving point.

(f) For sales or deliveries in l. c. l. quantities by a class A manufacturer at his producing plant to other than consumers, the maximum price and billing charge shall be his maximum price and billing charge as ascertained under said paragraph (c) hereof plus an addition at the rate of \$1.00 per ton and he may add all actual costs of transportation to the receiving point.

(g) For sales of pelleted mixed feeds by a class A manufacturer, the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of \$1.50 per ton.

(h) For sales in sellers' containers of less than 100 pounds the maximum price shall be the applicable maximum price plus the appropriate differential at the rate per ton set forth in the following schedule:

Size of container	Paper bags rate per ton	Cotton bags rate per ton	Other container rate per ton	Baled
Up to and including 5 pounds.....	\$6.00	\$6.00	Reasonable market value of containers at time of sale plus 50 cents per ton.	Reasonable market value of bales at time of sale over opposite differential for small size packages.
Over 5 pounds and up to and including 10 pounds.	5.00	5.00		
Over 10 pounds and up to and including 25 pounds.	1.50	2.50		
Over 25 pounds and up to and including 50 pounds.	1.00	1.25		

(i) For sales in buyer's containers of less than 100 pounds the maximum price shall be the applicable maximum price as above set forth exclusive of paragraph (h) plus only the actual cost of filling the containers of the size in question.

**SEC. 7 Maximum prices for class B manufacturers.** Every class B manufacturer of mixed feeds shall determine his maximum price per 100 pounds sellers' container for l. c. l. quantities for each

mixed feed other than pelleted or mineral mixed feed as follows:

(a) He shall compute his costs per one 100 pound container of the commodity to be priced as follows:

(1) He shall include the cost of all corn, linseed oil meal, cake and pellets, wheat mill feeds, rice milling by-products, fish meal or fish scraps, animal feeding stuffs and soybean, cottonseed and peanut oil meals and cakes used at

the maximum price thereof to him for the quantities normally purchased by him as if purchased at the time of the calculation as prescribed by the Office of Price Administration: *Provided*, That said maximum price shall be the maximum price at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances said maximum price shall be the maximum price at said rate point.

(2) He shall include the cost of every other ingredient used which is subject to maximum prices prescribed by the Office of Price Administration at the actual cost thereof to him as if purchased at the time of the calculation not exceeding the maximum price (and applicable transportation charges where said maximum price is fixed on an f. o. b. basis) thereon to him at said time for the quantities normally purchased by him as prescribed by the Office of Price Administration: *Provided*, That said actual cost (and said maximum price) shall be the actual cost (and the maximum price) at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances said actual cost (and maximum price) shall be the actual cost (and the maximum price) at said rate point.

(3) He shall include the cost of every other ingredient used which is not subject to the maximum prices prescribed by the Office of Price Administration at the reasonable market value thereof to him as if purchased at the time of the calculation for the quantities normally purchased by him: *Provided*, That said reasonable market value shall be such value at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances the reasonable market value shall be such value at said rate point.

(4) He shall include the cost of one 100 pound container for the commodity to be priced at the maximum price thereof to him as if purchased at the time of the calculation as prescribed by the Office of Price Administration: *Provided*:

(i) He shall give due proportional credit for the containers received in his purchase of the ingredients;

(ii) He shall give due proportional credit for the containers returned to him by his buyer from former purchases from him; and

(iii) He shall not include any cost for containers if the buyer furnishes containers other than by a return of containers as last above mentioned in subdivision (ii) hereof.

(b) For sales to consumers at his producing plant in lots of one to five 100 pound containers he shall next ascertain the average of the margins per one 100 pound container on the same or the most nearly similar commodity to the commodity being priced during the months of January, March, May, October, November and December, 1942, on all such sales or deliveries. He shall ascertain those average margins by deducting from the selling price or billing charge for all

such sales or deliveries during each such month the replacement cost of every ingredient used therein and of the 100 pound containers if furnished by him: *Provided*, That said replacement cost shall be the replacement cost at his producing plant except where in his initial purchase a rate point was selected as the destination to secure favorable transit rates and balances said replacement cost shall be the replacement cost at said rate point. He shall next average the margins so obtained for each of said months to obtain an average for all of said months.

He shall then add the total of the costs specified in paragraph (a) to the margin determined under this paragraph (b) and the resultant figure shall be his maximum price or billing charge per 100 pound containers on all such sales and deliveries f. o. b. his producing plant and he may add, except to the extent shipped under transit billing, all actual costs of transportation to the receiving point.

(c) For sales to retailers and for deliveries to his retail outlets in less than carload lots the maximum price and billing charge shall be the maximum price and billing charge as determined under paragraph (b) less the average of the differentials actually given by him during the months of January, March, May, October, November and December, 1942, for sales and deliveries in lots of one ton or less under his sales price (or average thereof) during said months of 1942 for sales of one to five 100 pound containers to consumers at his producing plant. The maximum price or filling charge so determined under this subdivision shall also be known as his list price to retailers in one ton lots.

(d) For sales to retailers and for deliveries to his retail outlets in carload quantities the maximum price and billing charge shall be the maximum price and billing charge as determined under paragraph (b) less the average of the differentials actually given by him during the months of January, March, May, October, November and December, 1942, for such sales and deliveries under his sales price (or average thereof) during said months of 1942 for sales of one to five 100 pound containers to consumers at his producing plant.

The maximum price or billing charge so determined under this subdivision shall also be known as his list price to retailers in carload lots.

(e) For sales to wholesalers and for deliveries to his wholesale outlets, the maximum price and billing charge shall be his maximum price and billing charge as determined under paragraph (b) less the average of the differentials actually given by him during the months of January, March, May, October, November and December, 1942, for such sales and deliveries under his sales price (or average thereof) during said months of 1942 for sales of one to five 100 pound containers to consumers at his producing plant.

(f) For sales to private brand dealers, whether class A or class B, by a class B manufacturer the maximum price shall be ascertained in like manner as the

maximum price for sales to private brand dealers by a class A manufacturer.

(g) For sales of pelleted mixed feed by a class B manufacturer the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of \$1.50 per ton.

(h) For sales in sellers' containers of less than 100 pounds the maximum price shall be the applicable maximum price plus the appropriate differential at the rate per ton set forth in the schedule appearing in section 6 (h) hereof.

(i) For sales in buyers' containers of less than 100 pounds the maximum price shall be the applicable maximum price as above set forth exclusive of paragraph (h) plus only the actual cost of filling the containers of the size in question.

**Sec. 8 Maximum prices for mineral mixed feed produced by a class A mineral mixed feed manufacturer.** Every class A mineral mixed feed manufacturer shall determine his maximum prices per 100 pounds for l. c. l. quantities for each mineral mixed feed produced by him as follows:

(a) He shall compute his costs per one 100 pound container of the commodity to be priced as follows:

(1) He shall include the cost of every ingredient used which is subject to maximum prices prescribed by the Office of Price Administration at the actual cost thereof to him as if purchased at the time of the calculation not exceeding the maximum price (and applicable transportation charges where said maximum price is fixed on an f. o. b. basis) thereon to him at said time for the quantities normally purchased by him as prescribed by the Office of Price Administration: *Provided*, That said actual cost (and said maximum price) shall be the actual cost (and the maximum price) at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rate and balances said actual cost (and maximum price) shall be the actual cost (and the maximum price) at said rate point.

(2) He shall include the cost of every other ingredient used which is not subject to maximum prices prescribed by the Office of Price Administration at the reasonable market value thereof to him as if purchased at the time of the calculation for the quantities normally purchased by him: *Provided*, That said reasonable market value shall be such value at his producing plant except that where in his purchase a rate point is selected as the destination to secure favorable transit rates and balances the reasonable market value shall be such value at said rate point.

(3) He shall include, if any, the cost of one 100 pound container for the sacking of one such container of the commodity to be priced at the maximum price thereof to him as if purchased at the time of the calculation as prescribed by the Office of Price Administration: *Provided*:

(i) He shall give due proportional credit for the containers received in his purchase of the ingredients;

(ii) He shall give due proportional credit for the containers returned to him

by his buyer from former purchases from him, and

(iii) He shall not include any cost for containers if the buyer furnishes containers other than by a return of containers as last above mentioned in subdivision (ii) hereof.

(b) For sales in lots not exceeding 500 pounds to any person other than an ultimate consumer buying from his retail outlets and for deliveries to his wholesale or retail outlets he shall next ascertain the average of the margins per one 100 pounds on the same or the most nearly similar commodity to the commodity being priced during the months of January, March, May, October, November and December, 1942, on all sales or deliveries in lots not exceeding 500 pounds to retailers or his retail outlets. He shall ascertain those average margins by deducting from the selling price or billing charge for all such sales or deliveries during each such month the replacement cost of every ingredient used therein and of the 100 pound containers if furnished by him: *Provided*, That said replacement cost shall be the replacement cost at his producing plant except that where in his initial purchase a rate point was selected as the destination to secure favorable transit rates and balances said replacement cost shall be the replacement cost at said rate point. He shall next average the margins so obtained for each of said months to obtain an average for all of said months.

He shall then add the total of the costs specified in paragraph (a) to the margin determined under this paragraph (b) and the resultant figure shall be his maximum price or billing charge per 100 pounds on all such sales and deliveries f. o. b. his producing plant and he may add, except to the extent shipped under transit billing, all actual costs of transportation to the receiving point.

The maximum price or billing charge so determined under this paragraph shall also be known as his list price.

(c) For sales in lots over 500 pounds to any person other than an ultimate consumer buying from his retail outlets and for deliveries to his wholesale and retail outlets, the maximum price and billing charge shall be his maximum price and billing charge as determined under paragraph (b) hereof less like discounts for quantity (or an average of such discounts for a given quantity) as actually given by him to any member of the class mentioned in said paragraph (b) during the months of January, March, May, October, November and December, 1942, on all such sales and deliveries under his sales price (or an average thereof) during said months for lots not exceeding 500 pounds.

(d) For sales in sellers' containers of less than 100 pounds the maximum price shall be the applicable maximum price plus the appropriate differential at the rate per ton set forth in the schedule appearing in section 6 (h) hereof.

(e) For sales in buyers' containers of less than 100 pounds the maximum price shall be the applicable maximum price as above set forth exclusive of paragraph (d) plus only the actual cost of

filling the containers of the size in question.

**Sec. 9 Maximum prices for mineral mixed feed produced by a class B mineral mixed feed manufacturer.** Every class B mineral mixed feed manufacturer shall determine his maximum prices per 100 pound container for l. c. l. quantities for each mineral mixed feed produced by him as follows:

(a) He shall compute his costs per 100 pound container of the commodity to be priced in like manner as a class A mineral mixed feed manufacturer under section 8 (a) hereof.

(b) For sales in lots not exceeding 500 pounds to any person he shall next ascertain the average of the margins per one 100 pound container on the same or the most nearly similar commodity to the commodity being priced during the months of January, March, May, October, November and December, 1942, on all sales or deliveries or offers to sell or deliver in lots not exceeding 500 pounds to consumers. He shall ascertain those average margins by deducting from the selling or offering price (or average thereof) on or for such transactions during each such month the replacement cost of every ingredient used therein and of the 100 pound containers if furnished by him: *Provided*, That said replacement cost shall be the replacement cost at his producing plant except where in his initial purchase a rate point was selected as the destination to secure favorable transit rates and balances said replacement cost shall be the replacement cost at said rate point. He shall next average the margins so obtained for each of said months.

He shall then add the total of the costs specified in paragraph (a) to the margin determined under this paragraph (b) and the resultant figure shall be his maximum price per 100 pounds on all such sales and deliveries f. o. b. his producing plant and he may add, except to the extent shipped under transit billing, all actual costs of transportation to the receiving point.

The maximum prices so determined under this paragraph shall also be known as his list price.

(c) For sales in lots over 500 pounds to any person, the maximum price shall be his maximum price as determined under paragraph (b) hereof less like discounts for quantity (or an average of such discounts for a given quantity) as actually given by him to any member of the class mentioned in said paragraph (b) during the months of January, March, May, October, November and December, 1942, on all such sales and deliveries under his selling or offering price (or an average thereof) during said months for lots not exceeding 500 pounds.

(d) For sales in sellers' containers of less than 100 pounds the maximum price shall be the applicable maximum price plus the appropriate differential at the rate per ton set forth in the schedule appearing in section 6 (h) hereof.

(e) For sales in buyers' containers of less than 100 pounds the maximum price shall be the applicable maximum price as above set forth exclusive of paragraph

(d) plus only the actual cost of filling the containers of the size in question.

The maximum price for the sale by any other person of any quantity of mineral mixed feed produced by a class B mineral mixed feed manufacturer shall be the maximum price of such manufacturer as set forth in paragraph (a) of this section.

**Sec. 10 Maximum prices for custom mixer.** The maximum price of a custom mixer for the production of mixed feed for a consumer shall be the total of the following:

(a) The service charge for the production of the mixed feed in question at the maximum price heretofore established by the Office of Price Administration for such service; plus

(b) The cost of all ingredients and containers, if any, furnished by the custom mixer for the mixed feed in question at the maximum price thereof to him as if purchased at the time of the service rendered as prescribed by the Office of Price Administration (plus all applicable transportation charges to his producing plant where such charges are not included in said maximum price) or if no such maximum price has been established at the reasonable market value thereof at his producing plant at the time of the service rendered plus an addition at the rate per ton as follows:

(1) A like sum as the dollar and cents maximum profit margin or markup of a retailer on the sale or delivery of any such ingredient or a mixture of two or more of such ingredients as prescribed in any special regulation now or hereafter issued by the Office of Price Administration; or if none,

(2) The difference between his cost and what he could lawfully charge a like class of purchaser for such ingredient or a mixture of two or more of such ingredients under General Maximum Price Regulation No. 1 as now or hereafter issued by the Office of Price Administration; or if entirely exempt from price control,

(3) A margin over cost reasonable and normal to the trade.

Plus in all cases all actual costs of transportation to the buyers' receiving point.

**Sec. 11 Maximum prices for class A private brand dealers.** (a) The maximum price or billing charge for sales in carload quantities to retailers and for deliveries in carload quantities to his established retail outlets, per ton in 100 pound containers, unpeletted, of the commodity to be priced shall be the maximum price which may be charged by the manufacturer to him hereunder and the transportation charges, if any, to his place of business for carload quantities of the mixed feed to be priced plus a markup ascertained as follows: The average of the margins per ton on the same or the most nearly similar commodity to the commodity being priced during the months of January, March, May, October, November and December, 1942, on all such sales or deliveries. He shall ascertain these average margins by deducting from the selling price or billing charge for all such sales or deliveries of each ton of such commodity during each



month the replacement cost of the mixed feed from the same manufacturer at the time of the sale. The average margins so ascertained for each such month shall be averaged for all of said months. The resultant figure shall be his maximum price and billing charge per ton, in 100 pound containers, unpelleted, for all such sales and deliveries in carload quantities f. o. b. manufacturer's production plant except that it shall include the transportation charges to the rate point to a like extent as the maximum price of the manufacturer to him includes transportation charges to said rate point and provided that he may add all other actual costs of transportation to the receiving point. All other transportation charges to the receiving point shall be borne or charged against the receiver. The maximum price or billing charge so determined under this subdivision shall also be known as his list price.

(b) For sales in carload quantities to wholesalers and for deliveries in carload quantities to his established wholesale outlets in carload lots by a class A private brand dealer the maximum price and billing charge shall be his maximum price and billing charge in carload lots as ascertained under the last paragraph (a) hereof less the differential given by him in 1942 from his 1942 single carload list price on each such sale or delivery and for new sales and deliveries less a reasonable differential normal to the trade and provided that except to the extent shipped under transit billing he may add actual transportation costs to the receiving point.

(c) For sales by a class A private brand dealer to consumers other than through a wholesale or retail outlet owned or controlled by him the maximum price shall be the maximum price of his nearest retail competitor of his feed whose maximum price is fixed under section 14 hereof and provided that he may add the actual costs of transportation to the buyer's receiving point.

(d) For sales or deliveries by a class A private brand dealer in less than carload quantities to other than consumers the maximum price and billing charge shall be the maximum price and billing charge as ascertained under paragraph (a) hereof plus an addition at the rate of \$1.00 per ton and provided that he may add the actual costs of transportation to the receiving point.

(e) For sales of pelleted mixed feeds by a class A private brand dealer, the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of \$1.50 per ton.

(f) For sales in sellers' containers of less than 100 pounds the maximum price shall be the applicable maximum price plus the appropriate differential at the rate per ton set forth in the schedule appearing in section 6 (h) hereof.

(g) For sales in buyers' containers of less than 100 pounds the maximum price shall be the applicable maximum price as above set forth exclusive of paragraph (f) plus only the actual cost of filling the containers of the size in question.

(h) The maximum prices or billing charges for the sale or delivery of mineral mixed feed by a class A private brand dealer shall be determined in like manner as under the foregoing paragraphs (a) to (d), both inclusive, which relate to mixed feed.

**SEC. 12 Maximum prices for class B private brand dealers.** (a) The maximum prices for sales of mixed feed by class B private brand dealers in lots of one to five 100 pounds, in containers, unpelleted, shall be the maximum price therefor which may be charged by the manufacturer to him hereunder and transportation charges to his place of business, if any, plus a markup ascertained as follows: The average of the margins per 100 pound container on the same or the most nearly similar commodity to the commodity being priced during the months of January, March, May, October, November, and December, 1942, on all sales in lots of one to five 100-pounds, in containers. He shall ascertain these margins by deducting from the selling price per each 100 pound container of such commodity sold during each such month the replacement cost of the mixed feed from the same manufacturer at the time of the sale and transportation charges to his place of business, if any. The average margins so ascertained for each such month shall be averaged for all of said months. The resultant figure shall be his maximum price for sales in lots of one to five 100-pounds, in containers, f. o. b. his place of business and provided that he may add all actual transportation charges to the buyer's receiving point. The maximum price or billing charge so determined under this subdivision shall also be known as his list price.

(b) The maximum price for sales of mixed feed by class B manufacturers in lots of more than five 100-pounds, in containers, shall be his maximum price as ascertained under paragraph (a) hereof less the differential given by him in 1942 from his 1942 list price for lots of one to five 100-pounds, in containers, to each class of purchasers and for new classes of purchasers less a reasonable differential normal to the trade.

(c) For sales of pelleted mixed feeds by a class B private brand dealer, the maximum price shall be the applicable maximum price as above set forth plus an addition at the rate of \$1.50 per ton.

(d) For sales in sellers' containers of less than 100 pounds the maximum price shall be the applicable maximum price plus the appropriate differential at the rate per ton set forth in the schedule appearing section 6 (h) hereof.

(e) For sales in buyers' containers of less than 100 pounds the maximum price shall be the applicable maximum price as above set forth exclusive of paragraph (d) plus only the actual cost of filling the containers of the size in question.

(f) The maximum prices or billing charges for the sale or delivery of mineral mixed feed by a class B private brand dealer shall be determined in like manner as under the foregoing para-

graphs (a) and (b) which relate to mixed feed.

**SEC. 13 Maximum prices for wholesalers.** (a) The maximum price that a wholesaler and a wholesale outlet of a class A or B manufacturer or of a class A private brand dealer may charge for sales of mixed feed or mineral mixed feed produced by a class A mineral mixed feed manufacturer shall be \$2.50 per ton (maximum markup) over the list price (the maximum price set forth in section 6 (d)) of a class A manufacturer, the list price (the maximum price set forth in section 11(a)) of a class A private brand dealer, the list price to retailers in carload lots (the maximum price set forth in section 7 (d)) of a class B manufacturer, or the maximum price set forth in section 8(c) of a class A mineral mixed feed manufacturer, from whom purchased, as the case may be, plus such additions to said list price or maximum price as such manufacturer or private brand dealer might make for a like sale to retailers of a like quantity and quality of the commodity, and together with all applicable transportation charges to his place of business (where transportation charges are not included in said maximum price) and he may also add all actual transportation costs from his place of business to the buyer's receiving point.

(b) The foregoing maximum prices may be increased by an addition at the rate of \$1.50 per ton for sales in containers less than 100 pounds.

(c) The foregoing maximum prices may be increased by an addition of the then reasonable market value of any containers supplied by the wholesaler.

**SEC. 14 Maximum prices of retailers.** The maximum price that a retailer and a retail outlet of a class A or B manufacturer or of a class A private brand dealer may charge for sales of mixed feed or mineral mixed feed produced by a class A mineral mixed feed manufacturer shall be one of the following maximum markups, whichever is appropriate, as set forth in the following schedule of markups, over the list price (set forth in section 6 (c)) of a class A manufacturer, the list price (the maximum price set forth in section 11 (a)) of a class A private brand dealer, the list price at which he purchased (the appropriate maximum price set forth in section 7 (c) or section 7 (d)) of a class B manufacturer, or the maximum price set forth in section 8 (b) of a class A mineral mixed feed manufacturer, or the maximum price set forth in section 13 of the wholesaler from whom he purchased, as the case may be, plus such additions to said list price or maximum price as such manufacturer or private brand dealer or wholesaler might make under this regulation for a like quantity and quality of the commodity, and together with all applicable transportation charges to his place of business (where transportation charges are not included in said maximum price) and he may add all actual transportation costs from his place of business to the buyer's receiving point.

## SCHEDULE OF MARKUPS

(a) For sale in 100 pound container.

Commodity	Maximum markup	
	Per ton	Per 100 pound bag
1. All dairy and cattle feeds except calf feeds, all horse and mule feeds and all poultry, duck and turkey feeds except as set forth below.....	\$5.50	\$0.27½
2. All pig and hog feeds, all sheep and goat feeds, all poultry, duck and turkey mash and pellets except for flushing mash, concentrates, and supplements for further mixing or feeding with more than 50% of grain and those mash and pellets feeding up to ten weeks of age, and all animal and poultry feeds not otherwise mentioned.....	7.00	:85
3. All rabbit feeds, all pigeon and squab feeds, all mineral mixed feeds, all calf feeds, all poultry, duck and turkey mash and pellets for feeding up to 10 weeks of age, flushing mash and concentrates and supplements for further mixing or feeding with more than 50% of grain.....	10.00	:60
4. For mink and similar fur bearing animal feeds except rabbits and all feeds for game birds.....	15.00	:75

(b) For sales in containers less than 100 pounds not furnished by the retailer

Size of container	Maximum markup per bag
Up to and including 5 pounds.....	\$0.06
Over 5 pounds and up to and including 10 pounds.....	.10
Over 10 pounds and up to and including 25 pounds.....	.20
Over 25 pounds and up to and including 50 pounds.....	.30

(c) For sales in containers less than 100 pounds furnished by the retailer, the maximum markup per bag specified in paragraph (b) of this table, plus the appropriate differential for small containers as set forth in section 6 (h) hereof.

**SEC. 15 Maximum prices for persons doing both wholesale and retail business.** Where one person does both a wholesale and retail business, his maximum prices shall be:

(a) For sales as a wholesaler, the maximum prices set forth in section 13 hereof.

(b) For sales as a retailer, the maximum prices set forth in section 13 hereof plus the maximum prices set forth in section 14 hereof on that portion of his sales as a retailer not exceeding the tonnage volume of his sales as a wholesaler during the immediately preceding week, month or four months period whichever he may at the time of each weekly calculation of prices select; and the maximum prices set forth in section 14 hereof on the remainder of his sales as a retailer.

**SEC. 16 Imported sales.** No person shall sell or deliver imported mixed feed for animals or poultry at a higher price than could lawfully be charged for a like sale or delivery by a like class of seller of domestic mixed feed for animals or poultry, but in the case of the first seller within the United States his maximum price shall be computed as if he had purchased the product from that domestic manufacturer whose production plant is located at or nearest the port of entry of the imported product in question.

**SEC. 17 Reference to competitors.** Whenever any person subject to this regulation is unable to compute his maximum price hereunder for any reason, he shall determine his maximum price by taking the margin, differential, discount or maximum price, as may be necessary, of his closest competitive seller of the product in question having the same.

**SEC. 18 Rounding of maximum prices.** (a) In ascertaining maximum prices hereunder on a per ton basis round the figure obtained as the maximum price to the nearest even 20 cents.

(b) In ascertaining maximum prices hereunder on a one 100 pound container basis round the figure obtained as the maximum price to the nearest one cent.

**SEC. 19 Dealings between persons of the same class.** No person shall sell mixed feed or mineral mixed feed bought from a person of the same class to which he belongs at higher than the maximum price at which he may buy the same from such person hereunder.

**SEC. 20 Maximum prices for export sales.** The maximum prices for export sales of mixed feeds for animals and poultry shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.

## Article II—Miscellaneous

**SEC. 21 Calculating maximum prices.** (a) Every person subject hereto shall select one day of the week as the day upon which he shall calculate, and in all succeeding weeks recalculate, his maximum prices hereunder. If the selected day falls on a holiday he shall recompute his maximum prices hereunder for that week on the nearest business day preceding or succeeding said holiday at his option.

(b) Every manufacturer and private brand dealer who has heretofore under § 1499.72 (a) (55) of the General Maximum Price Regulation selected a day for computation, and the class under which he will compute, and has computed maximum prices thereunder, shall remain bound by said selection but in his first weekly calculation after the effective date of this regulation he shall make such changes as may be necessary or permissible under this regulation; or, if he has not previously made such selections, he shall do so at the time of his first calculation hereunder; and in all cases a class A manufacturer shall exercise his option given by section 6 (b) hereof at the time of the first calculation hereunder; and for each succeeding weekly calculation he shall recalculate in like manner as his initial calculation hereunder.

(c) Every mineral mixed feed manufacturer who has heretofore under § 1499.72 (a) (55) of the General Maximum Price Regulation selected a day for the calculation of maximum prices shall remain bound by said selection but in his first weekly calculation after the effective date of this regulation he shall select whether he will compute his maximum prices under sections 8 or 9 hereof and for each succeeding weekly calculation he shall recalculate in like manner as his initial calculation hereunder.

(d) Every wholesaler and retailer who has heretofore under § 1499.73 (a) (55) of the General Maximum Price Regulation selected a day for the computation of maximum prices shall remain bound by said selection but in his first weekly calculation after the effective date of this regulation he shall make such changes as may be necessary or permissible under this regulation; and, save as otherwise provided in section 15 hereof, for each succeeding weekly calculation hereunder, he shall recalculate in like manner as his initial calculation hereunder.

(e) Every custom or batch mixer shall compute his maximum prices hereunder at or within one week prior to the date of the production of the mixed feed involved in each transaction.

**SEC. 22 Prohibition against selling mixed feed unless maximum prices are computed within time limits.** No mixed feed shall be sold by any person subject hereto unless the maximum prices thereon have been computed as and in the manner hereinbefore provided and within a time not exceeding more than one week last past from the date of the transaction in question.

**SEC. 23 Publication of maximum prices.** (a) Every class A manufacturer shall post in his place of business and mail to all his wholesalers and retailers, and deliver to others upon request, a copy of his list prices and mail to each of his private brand dealers a copy of his maximum prices as to him, all as computed weekly hereunder.

(b) Every class B manufacturer shall post in his place of business a copy of his list prices, as computed weekly hereunder and advise in some manner all his wholesaler and retailer customers and others upon request thereof and mail to each of his private brand dealers a copy of his maximum prices as to him as in the case of a class A manufacturer.

(c) Every custom mixer shall prior to the production of the mixed feed in each transaction advise the person procuring the service of his maximum price thereon calculated as hereinbefore provided.

(d) Every wholesaler or retailer shall post in his place of business a copy of his maximum prices as computed weekly hereunder.

**SEC. 24 Records and reports.** (a) Every manufacturer, private brand dealer and mineral mixed feed manufacturer shall keep for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect a complete record of each sale or purchase subject hereto showing the date thereof, the names and addresses of the buyer and seller, the price contracted for, paid or received, and the quantity and quality of the mixed feeds for animals and poultry sold or purchased.

(b) Every wholesaler and retailer shall keep for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect like records of his sales and purchases as he kept during the months of January, March, May, October, November and December, 1942.

NOTE: Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) Every seller and purchaser subject to this regulation shall submit such records to the Office of Price Administration and keep such records in addition thereto or in the place thereof as the Office of Price Administration may from time to time direct.

NOTE: Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 25 *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 26 *Protests and petitions.* Any person desiring to file a protest against, or seeking an amendment of any provision of, this regulation may do so in accordance with Revised Procedural Regulation No. 1.

SEC. 27 *Repeal of § 1499.73 (a) (55) of the General Maximum Price Regulation.* § 1499.73 (a) (55) of the General Maximum Price Regulation is hereby repealed but this regulation shall be deemed to be a continuation thereof except as changes may appear therein.

This regulation shall become effective May 8, 1943.

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6945; Filed, May 3, 1943;  
4:32 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 222, Amendment 3]

NORTHERN SOFTWOOD LUMBER

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

Maximum Price Regulation No. 222 is amended in the following respects:

1. Section 1381.253 is amended to read as follows:

§ 1381.253 *Adjustable pricing.* A price may be made adjustable to the maximum price in effect at the time of delivery. It may not be made adjustable to a maximum price in effect later than the date of delivery, except by special authorization. The Lumber Branch of the Office of Price Administration, Washington, D. C., may issue this authorization, by letter, telegram or general order, when an amendment to this regulation is pending, as the result either of a petition for amendment or of a formal industry advisory committee recommendation.

2. Section 1381.259 (3) (i) is amended by adding after the words, "and Northern hemlock (*Tsuga Canadensis*)" the words "Aspen (*Populus tremuloides michx*)"

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

17 F.R. 7436, 8937; 8 F.R. 3847.

and deleting the word "and" before "Northern hemlock".

3. In § 1381.264 both the headnote and paragraph (a) are amended by inserting after the words "and Eastern spruce" the words "and Aspen" and deleting the word "and" before Eastern spruce.

4. Section 1381.264 (c) is amended by adding after the words "Northern white cedar, or Eastern spruce" the words "or Aspen" and deleting the word "or" before Eastern spruce.

5. Section 1381.263 (d) is amended to read as follows:

(d) *Dimension.*

NO. 1 PIECE STUFF (ROUGH)

Thickness and width	Length							
	6'	8'	10'	12'	14'	16'	18' & 20'	22' & 24'
2 x 3" & 2 x 4".....	\$30.50	\$38.00	\$37.00	\$37.00	\$37.00	\$38.00	\$41.00	\$43.00
2 x 6".....	29.50	36.00	36.00	36.00	36.00	36.00	41.00	43.00
2 x 8".....	30.50	37.00	37.00	37.00	37.00	37.00	41.00	43.00
2 x 10".....	31.50	39.00	40.00	40.00	40.00	40.00	43.00	45.00
2 x 12".....	32.50	40.00	41.00	41.00	41.00	41.00	43.00	45.00

MERCHANTABLE PIECE STUFF (ROUGH)

2 x 3" & 2 x 4".....	\$29.50	\$37.00	\$36.00	\$36.00	\$36.00	\$37.00	\$40.50	\$42.50
2 x 6".....	28.50	35.50	35.50	35.50	35.50	35.50	39.50	41.50
2 x 8".....	29.50	36.00	36.00	36.00	36.00	36.00	40.50	42.50
2 x 10".....	30.50	37.50	38.50	38.50	38.50	38.50	41.50	43.50
2 x 12".....	30.50	37.50	38.50	38.50	38.50	38.50	41.50	43.50

NO. 2 PIECE STUFF (ROUGH)

2 x 3" & 2 x 4".....	\$28.50	\$36.00	\$35.00	\$35.00	\$35.00	\$36.00	\$39.00	\$41.00
2 x 6".....	28.00	33.50	33.50	33.50	33.50	33.50	37.00	39.00
2 x 8".....	28.50	34.50	34.50	34.50	34.50	34.50	38.00	40.00
2 x 10".....	29.00	35.50	36.50	36.50	36.50	36.50	38.50	40.50
2 x 12".....	29.00	35.50	36.50	36.50	36.50	36.50	38.50	40.50

NO. 3 PIECE STUFF (ROUGH)

2 x 3" & 2 x 4".....	\$25.50	\$33.00	\$32.00	\$32.00	\$32.00	\$33.00	\$35.00	\$37.00
2 x 6".....	25.50	31.00	31.00	31.00	31.00	31.00	34.00	36.00
2 x 8".....	25.50	32.00	32.00	32.00	32.00	32.00	35.00	37.00
2 x 10".....	25.50	32.00	32.00	32.00	32.00	32.00	36.00	38.00
2 x 12".....	25.50	32.00	32.00	32.00	32.00	32.00	36.00	38.00

NO. 3 AND BETTER PIECE STUFF (ROUGH)

2 x 4" and Wider 4' Long.....								\$23.00
2 x 4" and Wider 6' Long.....								25.00

NO. 4 PIECE STUFF (ROUGH)

2 x 3" & 2 x 4".....	\$22.00	\$26.00	\$24.00	\$24.00	\$24.00	\$25.00		
2 x 6".....	21.50	22.50	22.50	22.50	22.50	23.50		
2 x 8".....	22.00	24.00	24.00	24.00	24.00	25.00		
2 x 10".....	22.00	24.00	24.00	24.00	24.00	25.00		
2 x 12".....	22.00	24.00	24.00	24.00	24.00	25.00		

NOTES

- 7' lengths: add \$1.00 to 14' price.
- 9' lengths: use same price as 18'.
- Random lengths, 8' to 16': use same price as 14'.
- S1E, S2E, S1S, or S2S: add \$1.00 to rough price.
- S1S1E or S4S: add \$1.50 to rough price.
- Special construction grade: add \$2.00 to the price for No. 3 piece stuff of same size and length.
- Dimension, surfaced to 1 1/2 hit or miss: deduct \$3.00.

6. Section 1381.263 (e) is amended to read as follows:

(e) *Boards.*

NO. 1 COMMON (ROUGH)

Thickness and width	Length						
	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4.....	\$32.50	\$37.00	\$38.00	\$38.00	\$38.00	\$40.00	\$38.00
1 x 6.....	35.00	39.50	40.50	40.50	40.50	42.00	40.50
1 x 8.....	35.00	39.50	40.50	40.50	40.50	42.00	40.50
1 x 10.....	36.50	41.00	42.00	42.00	42.00	43.50	42.00
1 x 12.....	37.50	42.00	43.00	43.00	43.00	44.50	43.00

MERCHANTABLE (ROUGH)

1 x 4.....	\$31.00	\$35.50	\$36.50	\$36.50	\$36.50	\$38.50	\$36.50
1 x 6.....	33.00	37.50	38.50	38.50	38.50	40.00	38.50
1 x 8.....	33.50	38.00	39.00	39.00	39.00	40.50	39.00
1 x 10.....	33.50	38.00	39.00	39.00	39.00	40.50	39.00
1 x 12.....	34.50	39.00	40.00	40.00	40.00	41.50	40.00

NO. 2 COMMON (ROUGH)

1 x 4.....	\$30.50	\$33.00	\$33.00	\$33.00	\$33.00	\$35.00	\$33.00
1 x 6.....	31.50	36.00	37.00	37.00	37.00	38.50	37.00
1 x 8.....	32.00	37.00	38.00	38.00	38.00	39.50	38.00
1 x 10.....	33.00	37.00	38.00	38.00	38.00	39.50	38.00
1 x 12.....	33.00	38.00	39.00	39.00	39.00	40.50	39.00

NO. 3 COMMON (ROUGH)

1 x 4.....	\$28.50	\$31.50	\$31.50	\$31.50	\$31.50	\$32.50	\$31.50
1 x 6.....	30.00	34.50	35.00	35.00	35.00	36.00	35.00
1 x 8.....	30.50	35.50	36.00	36.00	36.00	37.00	36.00
1 x 10.....	31.50	35.50	36.00	36.00	36.00	37.00	36.00
1 x 12.....	31.50	36.00	36.00	36.00	36.00	37.00	36.00

NO. 3 COMMON AND BETTER (ROUGH)

1 x 4" and Wider 4' Long.....							\$24.50
1 x 4" and Wider 6' Long.....							26.50

NO. 4 COMMON (ROUGH)

1 x 4.....	\$21.50	\$24.50	\$24.50	\$24.50	\$24.50	\$25.50	\$24.50
1 x 6.....	22.50	25.50	25.50	25.50	25.50	26.50	25.50
1 x 8.....	23.50	26.50	26.50	26.50	26.50	27.50	26.50
1 x 10.....	23.50	26.50	26.50	26.50	26.50	27.50	26.50
1 x 12.....	23.50	26.50	26.50	26.50	26.50	27.50	26.50

NOTES

1. Industrial yard No. 3 grade: deduct \$1.00 from No. 3 price.
2. S1E, S2E, S1S or S2S: add \$1.00 to rough price.
3. S1S1E or S4S: add \$1.50 to rough price.
4. "D" Selects: add \$5.00 to No. 1 price.

7. Section 1381.264 (t) is redesignated paragraph (u) and a new paragraph designated (t) is added to read as follows:

(t) *Aspen (rough).*

Random lengths	No. 4 and better	No. 5
4/4 x 3 & wider.....	\$35.00	\$25.00
5/4 x 3 & wider.....	35.00	25.00
6/4 x 3 & wider.....	35.00	25.00
8/4 x 3 & wider.....	34.00	24.00

NOTES

1. All 5' and shorter deduct \$2.00.
2. All 100' sealed 5' deduct \$1.00.
3. S1S or S2S add \$1.00.

This amendment shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6956; Filed, May 3, 1943; 4:31 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136<sup>1</sup> as Amended, Amendment 83]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

<sup>1</sup> 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370, 3314, 3370, 3848, 4341, 4476, 4516, 4516, 4524, 4787.

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

Section 1390.7 (a) (6) is amended to read as follows:

(6) For the labor required for installation if the machine or part is sold on an installed basis: labor rates in the area of installation in effect on, or resulting from an agreement concluded or from a grant made or announced on or before April 27, 1942, or, where the wage stabilization agreement issued May 22, 1942 between the Building and Construction Trades Department of the American Federation of Labor and certain agencies of the United States is applicable or where such rates have become the prevailing rates in that area, labor rates in effect on July 1, 1942.

This amendment shall become effective: May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6961; Filed, May 3, 1943; 4:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,<sup>1</sup> Amendment 33]

COFFEE RATIONING REGULATIONS

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

Ration Order No. 12 is amended in the following respect:

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

<sup>1</sup> 8 F.R. 3400, 3843, 4486, 4519, 4892, 4977, 5318, 5480, 5486.

Section 1407.991 (f) is added to read as follows:

(f) Allotments of coffee for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

This amendment shall become effective May 8, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, F.R. 2005)

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6954; Filed, May 3, 1943; 4:30 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13<sup>1</sup> Amendment 20]

PROCESSED FOOD

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

Ration Order 13 is amended in the following respects:

1. Section 8.2 (a) is amended to make the last sentence read as follows:

(a) If he has more than one processor establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has processor establishments.

2. Section 8.2 (b) is amended to make the last sentence read as follows:

(b) If he has more than one wholesale establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has wholesale establishments.

3. Section 8.2 (c) is amended to make the second sentence read as follows:

(c) If he has more than one retail establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has retail establishments.

4. Section 8.2 (f) is added to read as follows:

(f) Any processor, wholesaler, or retailer who wishes to open more ration bank accounts than the number permitted by this section, may apply on OPA Form B-315 to the Washington Office for authority to open further ration bank accounts. He must state in his application all the facts which he claims show his need for additional ration bank accounts.

<sup>1</sup> 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4784, 4892, 4921, 5318, 5341, 5342, 5480.

This amendment shall become effective May 8, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6962; Filed, May 3, 1943; 4:34 p. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[RO 13, Amendment 21]

**PROCESSED FOODS**

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

Section 23.5 is amended to read as follows:

SEC. 23.5 *Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.* (a) Allotments of processed foods for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

This amendment shall become effective May 8, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6955; Filed, May 3, 1943; 4:31 p. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[RO 16, Amendment 18]

**MEAT, FATS, FISH AND CHEESES**

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

1. Section 1.1 (a) (1) and the definition of "meat" in section 24.1 (a) are amended by adding, at the end of each, the following sentences: Neither does meat include waste cooking waters, meat extracts, or bouillon cubes. (Waste

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

<sup>1</sup> 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568.

<sup>2</sup> 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679.

cooking waters are produced in the cooking of meat. Meat extracts are produced by the evaporation of these cooking waters. Bouillon cubes are produced from such meat extracts.)

2. Section 1.1 (a) (2) and the definition of "canned fish" in section 24.1 (a) are amended by adding, at the end of each, the following sentence: It does not include clam juice, clam broth, or clam cocktail juice.

3. Section 7.5 (d) is added to read as follows:

(d) If an industrial user, as part of his registration, included the amount of waste cooking waters, meat extracts or bouillon cubes in his report of foods used in each quarter of 1942, he must, at the time he applies for his next allotment, notify the board of these amounts. The board must deduct these amounts from the amounts of foods reported as used in each quarter of 1942. (This paragraph shall not affect his allotment for the period from April 1, 1943, through June 30, 1943.)

4. Section 10.6 (a) is amended by deleting the words "amount of foods" and inserting the words "item of food" in their place.

5. Section 10.6 (a) (3) is amended by inserting between the word "transferred" and the word "at" the words "by a retailer".

This amendment shall become effective May 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

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

Issued this 1st day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6946; Filed, May 3, 1943; 4:32 p. m.]

**PART 1418—TERRITORIES AND POSSESSIONS**  
[MPR 183, Amendment 27]

**PUERTO RICO**

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

Maximum Price Regulation No. 183 is amended in the following respects:

1. Section 1418.1 (a) (21) is added to read as follows:

(21) On and after May 4, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive locally produced soda crackers or vanilla crackers in the Territory of Puerto Rico at prices higher than the maximum prices permitted by § 1418.14 (hh), Table XXIX, and no person shall offer, solicit, or attempt to do any of the foregoing.

2. Section 1418.11 (a) (48), (49), (50) and (51) are added to read as follows:

(48) "Soda crackers, family type" means locally produced crackers such as those sold under the trade names of "Delicious", "Corona", "Sea Spray", "Sunland", "Sunland Saltines", "Soda Familia" and "Family Special".

(49) "Soda crackers, standard type" means locally produced crackers such as those sold under the trade names of "Sport", "Borinquen", "Soda Rica", "Popular", "Boricua" and "Rovira".

(50) "Vanilla crackers" means locally produced crackers such as those sold under the trade names of "Princess", "Imperial", "Sunland", "Flor de Vainilla" and "Vanilla Biscuit".

(51) "Enumerated varieties of soda crackers or vanilla crackers" means varieties specified in Table XXIX of § 1418.14 (hh).

3. Section 1418.14 (hh), Table XXIX is added to read as follows:

(hh) Table XXIX: *Maximum prices for soda crackers and vanilla crackers.*

(1) The maximum prices for enumerated varieties of soda crackers and vanilla crackers shall be as follows:

<sup>1</sup> 8 F.R. 4122, 4351, 4781, 4788, 5486.

Brand	Container, type and size	To wholesalers <sup>1</sup> (Per dozen containers)	To retailers <sup>1</sup> (Per dozen containers)	At retail (Per container)
<b>Soda crackers, Family type:</b>				
Delicious.....	4½ lb. tin.....	\$12.27	\$13.27	\$1.27
Corona.....	2 lb. container.....	5.33	5.87	.59
Sea Spray.....	1 lb. container.....	2.81	3.16	.33
Sunland.....				
Sunland Saltines.....				
Soda Familia.....				
Family Special.....				
<b>Soda Crackers, Standard type:</b>				
Sport.....	4½ lb. tin.....	10.77	11.52	1.12
Borinquen.....	2 lb. container.....	4.77	5.24	.51
Soda Rica.....	1 lb. container.....	2.56	2.81	.29
Popular.....				
Boricua.....				
Rovira.....				
<b>Vanilla Crackers:</b>				
Princessa.....	7½ lb. tin.....	16.95	18.20	1.84
Imperial.....	4½ lb. tin.....	10.77	11.77	1.22
Sunland.....	4 lb. tin.....	9.54	10.44	1.05
Flor de Vainilla.....	3½ lb. tin.....	8.36	9.16	.97
Vanilla Biscuit.....	3 lb. container.....	7.38	8.08	.82
	1½ lb. container.....	3.89	4.29	.46

<sup>1</sup> The prices established to wholesalers and to retailers on sales by manufacturers only, include an allowance for delivery, and in the event that these crackers are not delivered the buyer shall receive a discount to compensate for such non-delivery in the sum of \$0.005 per pound.

(2) Soda crackers and vanilla crackers which retailers may see fit to sell loose, either because they have been purchased loose or because the consumer does not desire to purchase them in the container, do not, of course, fall within the varieties enumerated in the Table; the ceiling price set for loose soda and vanilla crackers is the price fixed for the one pound containers of soda crackers and one and one-half pound containers of vanilla crackers respectively and on sales of a quantity either in excess or less than a pound, the price to the consumer must be proportionately computed.

(3) The Director of the Office of Price Administration for the Territory of Puerto Rico may, if the cost of flour available to manufacturers of crackers in any quarter year increases over the cost of such flour in the preceding quarter to the extent wherein his judgment the manufacturers suffer undue hardship as a result of such increase, by Amendment to this Maximum Price Regulation No. 183, revise the ceiling prices established herein to wholesalers to reflect properly the change in the cost per unit of the product traceable to the increase in the price of flour and likewise revise the prices to retailers and at retail in accordance with the mark-ups provided herein.

(4) In the case of a sale of a variety of soda crackers or vanilla crackers which has not been enumerated in Table XXIX, the maximum price shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. A seller who seeks a maximum price for a non-enumerated variety, shall file with the Puerto Rico Office of Price Administration an application setting forth:

(i) A description of the variety of crackers for which the maximum price is sought;

(ii) A complete statement of all costs in connection with such variety of crackers; and

(iii) Any other facts which the seller wants to submit in support of his application.

The seller shall also submit such pertinent information as the Puerto Rico Office of Price Administration may require. Such authorized price will be given in the form of an amendment or of an order, by the Director of the Office of Price Administration for the Territory of Puerto Rico, prescribing the maximum price for the applicant or for sellers of the product generally, including purchasers for resale, or for a class of such sellers.

(5) The maximum prices established on sales to wholesalers, to retailers and at retail, shall be fair and equitable prices and either in line with the usual or normal differentials for grades above or below the prices for enumerated brands or with mark-ups established herein on enumerated brands.

(6) In the event of an imported brand the direct cost to the importer may not exceed the cost of a reasonably expeditious shipment via the most efficient, readily and regularly available route and means.

This amendment shall become effective May 4, 1943.

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

Issued this 3d day of May 1943.

PRESTON M. BROWN,  
Administrator.

[F. R. Doc. 43-6953; Filed, May 3, 1943; 4:30 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 429 Under § 1499.3 (b) of GMPR]

VALLEY LACE CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1667 *Maximum prices for the sale of laces manufactured by Valley Lace Company, Inc.* (a) Valley Lace Company, Inc., 21 Brayton Street, West Warwick, Rhode Island, herein called the Applicant, may sell and deliver and any person may buy and receive from it the following patterns of laces at prices not in excess of those set forth below:

Pattern No.	Width	Maximum prices per gross yards
689.....	2 3/4"	8.28
681.....	5/8"	3.00

(b) For widths in each pattern varying from the above listed widths, the maximum price shall be increased or decreased in direct proportion to the ratio between the new width for a pattern and the width listed above.

(c) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March 1942.

(d) All requests of the applicant not granted herein are denied.

(e) This Order No. 429 may be revoked or amended at any time by the Office of Price Administration.

(f) This Order No. 429 shall become effective May 4, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6950; Filed, May 3, 1943; 4:30 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 430 Under § 1499.3 (b) of GMPR]

HUBBARD LACE WORKS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1668 *Maximum prices for the sale of lace manufactured by Hubbard*

*Lace Works.* (a) Hubbard Lace Works, Harris, Rhode Island, herein called the Applicant, may sell and deliver and any person may buy and receive from it the following pattern of lace at a price not in excess of that set forth below:

Pattern No.	Width	Maximum price per gross yard
3024.....	3"	\$8.00

(b) For widths varying from the above listed width, the maximum price shall be increased or decreased in direct proportion to the ratio between the new width and the width listed above.

(c) The price set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March 1942.

(d) All requests of the Applicant not granted herein are denied.

(e) This Order No. 430 may be revoked or amended at any time by the Office of Price Administration.

(f) This Order No. 430 shall become effective May 4, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6951; Filed, May 3, 1943; 4:30 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Rev. SR 11<sup>1</sup> to GMPR,<sup>2</sup> Amendment 20]

EXCEPTIONS FOR CERTAIN SERVICES

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

Section 1499.46 (b) is amended by the addition thereto of the following two subparagraphs which are numbered (118) and (119), respectively.

§ 1499.46 *Exceptions for certain services.* \* \* \*

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges, or compensation for the following services:

- (118) Pilotage—fees and charges for.
- (119) Steamship agents—fees and charges of.

(d) *Effective dates.* \* \* \*

(16) Amendment No. 20 (§ 1499.46 (b) (118), (119)) to Revised Supplementary Regulation No. 11 shall become effective May 8, 1943.

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

<sup>1</sup> 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431, 8810, 9195, 9894. 8 F.R. 130, 149, 2215, 3068, 3372, 4139, 4521, 4978.

<sup>2</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6947; Filed, May 3, 1943;  
4:32 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[SR 14<sup>1</sup> to GMPR,<sup>2</sup> Amendment 166]

**MIXED FEEDS FOR ANIMALS AND POULTRY**

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

Supplementary Regulation No. 14 of the General Maximum Price Regulation is amended in the following respect:

Section 1499.73 (a) (55) is hereby revoked.

This amendment shall become effective May 8, 1943.

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

Issued this 3d day of May 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-6944; Filed, May 3, 1943;  
4:32 p. m.]

**TITLE 46—SHIPPING**

**Chapter II—Coast Guard: Inspection and Navigation**

**VESSELS ENGAGED IN BUSINESS CONNECTED WITH CONDUCT OF THE WAR**

**CONDITIONAL WAIVER OF MANNING REQUIREMENTS**

**Correction**

The table in the form entitled "United States Coast Guard Crew Deficiency Report" in the second undesignated paragraph of the document appearing on page 4736 of the issue for Saturday, April 10, 1943, should read as follows:

Crew deficiencies	Substitutes			
	Rank or rating	Name	Rank or rating	License or certificate No.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

Master's Signature .....

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

<sup>1</sup> 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 9900, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9495, 9496, 9639, 9786, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10865, 11005; 8 F.R. 276.

<sup>2</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978.

**TITLE 49—TRANSPORTATION AND RAILROADS**

**Chapter I—Interstate Commerce Commission**

[Service Order 120-A]

**PART 95—CAR SERVICE**

**BITUMINOUS COAL**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3rd day of May, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 120 of April 30, 1943, and good cause appearing therefor: *It is ordered*, That:

§ 95.11 *Bituminous coal*. This section is hereby suspended, effective immediately, until further order of the Commission.

*It is further ordered*, That copies of this order shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, upon all State commissions, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-6937; Filed, May 3, 1943;  
2:37 p. m.]

[Service Order 121]

**PART 95—CAR SERVICE**

**ANTHRACITE COAL DELIVERY REGULATIONS**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of May, A. D. 1943.

It appearing, that, due to stoppage in the production of anthracite coal, the War Production Board has issued its Order No. M-318, generally prohibiting any person from accepting delivery from a railroad of any carload of anthracite coal if such person has, or would have after accepting delivery, more than 5 days' supply on hand; that the War Production Board has certified to the Office of Defense Transportation that it is necessary in the public interest and to promote the defense of the United States that transportation and delivery of anthracite coal be regulated in such manner as to give full effect to War Production Board Order No. M-318; and the Director of the Office of Defense Transportation has similarly certified to this Commission the necessity for appropriate action to give full effect to said order; the Commission is of the opinion that an emergency exists requiring immediate action and that common carriers by railroad will be unable in this emergency to

transport bituminous coal so as properly to serve the public; *It is ordered*, That:

§ 95.12 *Anthracite coal*—(a) *Restriction of delivery*. No common carriers by railroad subject to the Interstate Commerce Act shall deliver or place for unloading any carload of anthracite coal which is now in, or is hereafter placed in, a railroad car, whether such car is at the mine not billed for shipment or billed to a destination or in transit to a billed destination, or whether moving in interstate or intrastate commerce, unless and until the consignee, or person eligible to receive a carload of coal, under the terms of War Production Board Order No. M-318, shall certify to the railroad substantially in the form of appendix A to the effect that he has less than 5 days' supply of anthracite coal on hand and, if he is not the original consignee, that he will pay all obligations of the consignee to the consignor with respect to such coal. Each railroad shall deliver anthracite coal for the account of the consignor to any person having less than 5 days' supply on hand who furnishes such certificate, regardless of whether the coal is consigned to another person. As provided in War Production Board Order No. M-318, a railroad may rely upon the truth of statements contained in such certificate unless it knows them to be false.

(b) *Anthracite coal moving all-rail to Canada*. Anthracite coal moving all-rail from points in the United States to points in Canada shall not be transported outside of the United States until a certificate has been furnished to the railroad showing that the consignee has not, or will not have after receiving the carload of bituminous coal, more than 5 days' supply of bituminous coal on hand.

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

(1) Coal specifically consigned for export (other than all-rail shipments to Canadian destinations);

(2) Coal specifically consigned for water movement after dumping from cars, but coal which has been loaded into cars after completion of the water movement shall be subject to this order;

(3) Coal specifically consigned for use aboard any vessel;

(4) Delivery to a consignee's siding without the certificate provided for in paragraph (a), if the railroad informs the consignee that delivery is made for the railroad's convenience and that the coal is still subject to diversion or reconsignment under this order. The consignee shall not unload any such coal without giving the certificate provided for in paragraph (a);

(5) Delivery to a connecting carrier;

(6) Any transaction which may be specifically permitted by the Interstate Commerce Commission upon recommendation of the Solid Fuels Administrator.

(d) *Five days' supply*. Five days' supply includes all anthracite coal of any usable kind, grade or size on hand or available. Any person who has anthracite coal in transit (if not restricted by this order) or has anthracite coal located away from the place of consumption must take such coal into account in computing whether he has a 5 days' supply, to the extent that such coal will be avail-

able or can practically be made available at the place of consumption within five days. A five days' supply shall be deemed to include any additional amount necessary to avoid delivery of a fraction of a carload. In the case of a retail dealer, five days' supply shall be five times the average daily tonnage delivered by the dealer during April 1943.

(e) *Disregard of bill of lading; Diversion of shipments; Rates.* Where delivery is made to a person other than the consignee, all common carriers by railroad subject to the Interstate Commerce Act shall disregard the bills of lading covering carloads of anthracite coal to the extent that they shall deliver, without surrendering the bill of lading, such shipments of anthracite coal to persons, now on the carriers' credit lists, presenting evidence of eligibility to receive anthracite coal as provided in War Production Board Order No. M-318 and in this order. Such carriers may divert carloads of anthracite coal using the most available routes to expedite the movement and to prevent congestion; and the rates to be applied shall be the joint rates in effect from the original point of origin to final destination, and in the absence of joint rates the lowest combination will apply, provided, that, upon receipt of a certificate of eligibility to receive coal and upon making delivery to an eligible receiver other than the original consignee the railroad shall notify the consignor immediately in writing of the name and address of the person to whom and the destination to which such shipment is to be delivered.

(f) *Payment of freight charges.* The person to whom delivery of such coal is made will pay to the railroad all applicable transportation charges, demurrage charges, and other accessorial charges.

(g) *Reconsignment; demurrage.* The operation of all reconsignment rules and demurrage rules with respect to the holding of cars at intermediate points between point of billed origin and the final destination for diversion, reconsignment, or disposition orders is hereby suspended with respect to the carload shipments of anthracite coal covered by this order.

(h) *Suspension of tariff provisions.* The operation of all tariff provisions insofar as they are inconsistent with this order is suspended for the effective period of this order.

(i) *Special and general permits.* The provisions of this order shall be subject to any special or general permit issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances, upon recommendations from the Solid Fuels Administration for War of the Department of the Interior. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered,* That this order shall become effective 6 P. M. eastern war time, May 1, 1943, and remain in force until further order of the Commission; that copies of this order and direction shall be served upon all common carriers by railroad subject to the Inter-

state Commerce Act upon all State commissions, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

#### APPENDIX A TO SERVICE ORDER 121

Undertaking to be furnished in duplicate by person receiving coal

In order to establish the right of the undersigned to receive delivery of anthracite coal under the restrictions of War Production Board Order No. M-318, the undersigned certifies to \_\_\_\_\_ and to the

(name of RR)

War Production Board that the undersigned has not, and will not have after receiving the coal identified below, more than a five days' supply thereof as defined in said order. The undersigned (if not the original consignee of the coal) agrees, in consideration of receipt of such coal, to pay all obligations of the consignee to the consignor with respect to such coal and to pay to said railroad all applicable transportation charges, demurrage charges and other accessorial charges.

\_\_\_\_\_ (date)

\_\_\_\_\_ (Name of person receiving coal)

By \_\_\_\_\_ (signature of authorized official)

Identification of anthracite coal covered by this undertaking:

\_\_\_\_\_  
\_\_\_\_\_

[F. R. Doc. 43-6938; Filed, May 3, 1943; 2:37 p. m.]

[Service Order 121-A]

#### PART 95—CAR SERVICE ANTHRACITE COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3rd day of May, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 121, of May 1, 1943, and good cause appearing therefor: *It is ordered,* That:

§ 95.12 *Anthracite coal.* This section is hereby suspended effective immediately, until further order of the Commission.

*It is further ordered,* That copies of this order shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, upon all State Commissions, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.,

and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-6939; Filed, May 3, 1943; 2:58 p. m.]

#### Chapter II—Office of Defense Transportation

[Suspension Order ODT 25-4]

#### PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

#### SUBPART H—OPERATION OF VESSELS ON THE GREAT LAKES

Pursuant to § 502.81 of General Order ODT 25, *It is hereby ordered,* That:

§ 522.781 *Certain provisions of General Order ODT 25 suspended.* The provisions of § 502.76 (requiring permits for operation of vessels on the Great Lakes) of General Order ODT 25 shall be and they are hereby suspended until further order with respect to the operation of:

(a) Any vessel having a gross registered tonnage of less than 1,000 tons;

(b) Any vessel when engaged in the transportation of iron ore;

(c) Any vessel having a gross registered tonnage of less than 4,400 tons when engaged in the transportation of grain;

(d) Any vessel when engaged in the transportation of coke;

(e) Any vessel, other than an ore type vessel, when engaged in the transportation of iron and steel scrap loaded into such vessel at Duluth, Minnesota;

(f) Any vessel of the self-unloader belt type when engaged in the transportation of blast furnace fluxstone or open hearth stone, intended for use in the manufacture of iron or steel;

(g) Any vessel of the self-unloader belt type when engaged in the transportation of limestone intended for use in the manufacture of chemicals;

(h) Any vessel, other than an ore type vessel or a vessel of the self-unloader belt type, when engaged in the transportation of property in packages or containers;

(i) Any vessel when engaged in the transportation of railroad cars;

(j) Any vessel when engaged in the transportation of automotive cars, trucks, and/or trailers;

(k) Any vessel when engaged in the transportation of coal, the transportation of which is subject to the provisions of General Order ODT 9 (7 F.R. 3905) and orders issued in connection therewith.

§ 522.782 *Revocation.* Suspension Order ODT 25-2, 7 F.R. 8340, (suspending provisions of § 502.76 of General Order ODT 25 with respect to the operation of certain vessels), and Suspension Order ODT 25-3, 8 F.R. 3073, (suspending, until further notice, all provisions of §§ 502.76 and 502.77 of General Order ODT 25), are hereby revoked as of the effective date of this Suspension Order ODT 25-4.



(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 25, 7 F.R. 7981)

Issued at Washington, D. C. this 3d day of May 1943.

JOSEPH B. EASTMAN,  
Director, Office of Defense  
Transportation.

[F. R. Doc. 43-6964; Filed, May 4, 1943;  
10:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-260]

A & B COAL CO.

ORDER FURTHER EXTENDING EFFECTIVE DATE  
OF REVOCATION OF CODE MEMBERSHIP

In the matter of J. A. Allred and W. B. Brown, individually and as copartners, doing business under the name and style of A & B Coal Company, code members.

On April 1, 1943, an order was entered in this proceeding whereby the effective date of the order revoking code membership, dated March 17, 1943, and effective fifteen (15) days from the date thereof, was extended to April 30, 1943.

The Bituminous Coal Producers Board for District No. 8, on April 28, 1943, filed with the Division its statement in support of petition for modification of findings, conclusion and order, together with affidavits of code members J. A. Allred and W. B. Brown, and the joint affidavit of J. A. Allred and W. B. Brown, in support of the petition for modification of findings, conclusion and order filed March 29, 1943, by said District Board 8.

The Director finds that a further extension of time is necessary for consideration of said petition.

The second paragraph of the order revoking code membership, dated March 17, 1943, should be amended to read as follows:

*It is ordered,* That effective May 13, 1943, the code membership of J. A. All-

No. 88—5

red and W. B. Brown, individually and as copartners, doing business under the name and style of A & B Coal Company, in District No. 8, be and it hereby is cancelled and revoked; and

Accordingly, *It is so ordered.*  
Dated: April 30, 1943.

DAN E. WHEELER,  
Director.

[F. R. Doc. 43-6965; Filed, May 4, 1943;  
10:26 a. m.]

WAR PRODUCTION BOARD.

[Preference Rating Order P-55, Serial No. 77-014-125-097]

CHAS. WING COMPANY

RESTORATION AND AMENDMENT OF PREFERENCE  
RATING

Chas. Wing Company, 75 Vandalia Street, Buffalo, New York.

The partial revocation issued April 7, 1943, of the above serially numbered preference rating order is hereby cancelled; the ratings assigned by said preference rating order are hereby restored; and said preference rating order shall have full force and effect, as hereinafter amended.

The above serially numbered preference rating order is hereby amended to expire on May 30, 1943.

Issued May 3, 1943.

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

[F. R. Doc. 43-6963; Filed, May 3, 1943;  
4:56 p. m.]

[Serial 55572]

AIRPORT DEVELOPMENT PROJECT,  
WILLIMANTIC, CONN.

CANCELLATION OF REVOCATION ORDER

Builder: U. S. Dept. of Commerce; Civil Aeronautics Authority, Washington, D. C. Project: Airport Development Project, Willimantic, Connecticut.

The revocation of preference rating issued on January 15, 1943, and numbered 55572 is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued May 4, 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-6973; Filed, May 4, 1943;  
11:21 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF  
ISSUANCE OF REVOCATION ORDERS REVOKING  
AND STOPPING CONSTRUCTION OF CERTAIN  
PROJECTS

The Director, Office of War Utilities of the War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the projects and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued May 4, 1943.

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

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-a-.....	3202-A-....	Federal Works Agency, North Interior Building, Washington, D. C.	Improvement of Water System, Hermiston, Oreg.	4-22-43

[F. R. Doc. 43-6972; Filed, May 4, 1943; 11:21 a. m.]