THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 10 NUMBER 20

Washington, Saturday, January 27, 1945

Regulations

TITLE 7—AGRICULTURE

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 942—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Sec.

AUTHORITY: §§ 942.0 to 942.12, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.

§ 942.0 *Findings and determinations*—(a) *Findings.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Cum. Supp., 900.1 et seq.), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers of at least 50 percent of the volume of milk which is marketed within the said marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means pursuant to the declared policy of the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order, as amended, and who during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof the handling of milk in the New Orleans,

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

(Continued on next page)

FEDERAL REGISTER

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

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CONTENTS—Continued

CONTENTS—Continued

Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended.

§ 942.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is or who may be authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish, Gretna, Westwego, Marrero, Harvey, Metairie, and Belle Chasse in Jefferson Parish, Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means a person who in conformity with the applicable health regulations for milk for consumption as milk in the marketing area produces milk which is received at a city or country plant.

(f) "Handler" means a person who operates a city or country plant.

(g) "City plant" means a plant where milk is processed and packaged and from which milk is distributed as Class I milk in the marketing area.

(h) "Country plant" means a plant at which milk is received from producers and from which milk or cream is received at a city plant.

(i) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(j) "Market administrator" means the agency which is described in § 942.2 for the administration hereof.

(k) "Cooperative association" means any cooperative association of producers

which the War Food Administrator determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in sale of milk of its members.

(l) "Other sources" means sources other than producers or other handlers.

§ 942.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Report to the War Food Administrator complaints of violations of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(2) Pay out of the funds provided by § 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the War Food Administrator may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 942.3 or (ii) made payments pursuant to § 942.8 and 942.9.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day of each delivery period, each handler, except as set forth in (c) of this section, shall report to the market administrator in detail and on forms prescribed by the market administrator, with respect to all milk and any skim milk, cream, or other milk products which were, during the preceding delivery period, purchased or received from (1) producers; (2) other handlers; and (3) other sources, the receipts at each plant, the butterfat content, and the utilization thereof.

(b) *Reports of payment to producers.* On or before the 20th day of each delivery period, each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show the total pounds of milk received from each producer, the average butterfat content of such milk, and the net amount of payment to such producer with the prices, deductions, and charges involved.

(c) *Handlers who receive no milk from producers.* Handlers whose sole sources of supply are receipts from their own farm production or from other handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audits of such handler's records and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content milk and milk products; and

(3) Verify payments to producers.

§ 942.4 *Classification*—(a) *Basis of classification.* All skim milk and butterfat contained in milk and in skim milk, cream, and other milk products required to be reported shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in (d) of this section, the classes of utilization of milk shall be:

(1) Class I shall be all skim milk and butterfat the utilization of which is not established as Class II or Class III.

(2) Class II shall be all skim milk and butterfat used in cheese other than Cheddar, ice cream, and ice cream mix.

(3) Class III shall be all skim milk and butterfat (i) disposed of other than in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream (for consumption as cream, including any mixture of cream and milk or skim milk, in fluid form irrespective of the butterfat content), cheese other than Cheddar, ice cream, and ice cream mix; and (ii) accounted for as actual plant shrinkage, but not in excess of 2 percent respectively of the total receipts of skim milk and butterfat from producers.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in (b) of this section, the burden rests upon the handler from whom reports are required to account for the skim milk and butterfat and to prove to the market administrator that such skim milk or butterfat should not be classified as Class I.

(2) Skim milk or butterfat in producers' milk originally classified as Class III milk shall be reclassified to Class I or Class II if ultimately used as a product included in Class I or Class II.

(d) *Transfers.* Subject to the conditions set forth in (c) of this section, skim milk and butterfat, when transferred in the form of milk, skim milk, or cream from a handler who purchases or receives milk from producers shall be classified (1) in the class in which such skim milk and butterfat was used if transferred to a handler who purchases or receives milk from producers; (2) as Class I milk, if transferred to a handler who purchases or receives no milk from producers, other than such handler's own farm production; (3) as Class I, if transferred to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such; and (4) in the class in which the market administrator determines such skim milk or butterfat was used, if transferred to a person, other than a handler, who does not distribute milk or cream in fluid form for consumption as such.

(e) *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administrator in the case of each handler shall determine:

(1) The total pounds of skim milk received by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce any milk products received, and subtracting therefrom the total pounds of butterfat determined pursuant to (2) of this paragraph.

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat received from (i) producers; (ii) other handlers; and (iii) other sources.

(3) The total pounds of skim milk in Class I by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class I, (ii) subtracting the result obtained in (4) (i) of this paragraph; and (iii) adding together the result obtained in (ii) of this subparagraph and the result obtained in (7) (iii) (*b*) of this paragraph.

(4) The total pounds of butterfat in Class I by (i) adding together the pounds of butterfat in each of the several products of Class I; and (ii) adding together the result obtained in (i) of this subparagraph and the result obtained in (8) (ii) (*b*) of this paragraph.

(5) The total pounds of skim milk in Class II by (i) adding together the pounds of milk, skim milk, and cream which are used to produce each of the several products of Class II; and (ii) subtracting the result obtained in (6) of this paragraph.

(6) The total pounds of butterfat in Class II by adding together the pounds of butterfat used in each of the several products of Class II.

(7) The total pounds of skim milk in Class III by: (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III; (ii) subtracting the result obtained in (8) (i) of this paragraph; (iii) subtracting from the result obtained in (1) of this paragraph the results obtained in (3) (ii) and (5) (ii) of this paragraph and (ii) of this subparagraph, which resulting amount shall be classified as follows: (*a*) that portion not in excess of 2 percent of total receipts of skim milk from producers shall be considered as plant shrinkage and classified as Class III; and (*b*) that portion in excess of 2 per-

cent of total receipts of skim milk from producers shall be classified as Class I: *Provided*, That any skim milk which has been accounted for as having been dumped by a handler shall be classified as Class III; and (iv) adding together the pounds of skim milk obtained in (ii) of this subparagraph and the pounds of skim milk allocated to Class III pursuant to (iii) of this subparagraph.

(8) The total pounds of butterfat in Class III by (i) adding together the pounds of butterfat used in each of the several products of Class III; (ii) subtracting from the result obtained in (2) of this paragraph the results obtained in (4) (i) and (6) of this paragraph and (i) of this subparagraph, which resulting amount shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of butterfat from producers shall be considered as plant shrinkage and classified as Class III; and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I; and (iii) adding together the results obtained in (i) and (ii) (*a*) of this subparagraph.

(9) The classification of milk received from producers by: (i) Subtracting respectively from total pounds of skim milk and butterfat in each class, in series beginning with the lowest class, the pounds of skim milk and butterfat received from other sources; (ii) subtracting respectively from the remaining pounds of skim milk and butterfat in each class, in series beginning with the lowest class, the pounds of skim milk and butterfat received from other handlers who purchase or receive no milk from producers other than such handler's own farm production; (iii) subtracting respectively from the remaining pounds of skim milk and butterfat in each class, the pounds of skim milk and butterfat received from other handlers, and used in each class; and (iv) subtracting from the remaining pounds of skim milk and butterfat in each class in series beginning with the lowest class, the pounds of skim milk and butterfat by which the total pounds respectively in all classes exceed the pounds received from producers. The respective resulting amounts in each class shall be known as the "net pooled Class I skim milk," "net pooled Class I butterfat," "net pooled Class II skim milk," "net pooled Class II butterfat," "net pooled Class III skim milk," and "net pooled Class III butterfat"; the sum of the "net pooled Class I skim milk," "net pooled Class II skim milk," and "net pooled Class III skim milk" shall be known as the "net pooled skim milk" and the sum of the "net pooled Class I butterfat," "net pooled Class II butterfat," and "net pooled Class III butterfat," shall be known as the "net pooled butterfat."

§ 942.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II prices set forth in this section, shall be the higher of the prices determined pursuant to (1) or (2) of this paragraph.

(1) The average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the listed companies or by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function):

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) (i) Multiply the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture by six (6).

(ii) Add 2.4 times the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this paragraph.

(iii) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value."

(iv) To the combined butter and cheese value add 30 percent thereof.

(v) Multiply the sum computed in subparagraph (iv) above by 3.5.

(b) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.8 for skim milk and butterfat purchased or received from them during each delivery period and classified as "net pooled Class I skim milk" and "net pooled Class I butterfat" not less than the following prices per hundredweight:

(1) For skim milk and butterfat received at such handler's plant located in the 61–70 mile zone, the prices shall be as set forth in the following schedule:

When the higher of the prices pursuant to (a) (1) or (2) of this section is—	The price per hundredweight for products received from producers during the next succeeding delivery period shall be—		
	Skim milk	Butterfat	Milk containing 4.0 percent butterfat
Under $2.50	$1.10	$60.00	$3.456
$2.50 or over but under $2.75	1.15	65.00	3.704
$2.75 or over	1.20	70.00	3.952

(2) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to (1) of this paragraph adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles)	*Cents per hundredweight*
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
More than 110	−8.0

(3) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(4) For the purpose of this paragraph, the skim milk and butterfat which was classified as "net pooled Class I skim milk" and "net pooled Class I butterfat" during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(c) *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.8 for skim milk and butterfat purchased or received from them during each delivery period and classified as "net pooled Class II skim milk" and "net pooled Class II butterfat" not less than the prices per hundredweight set forth in the following schedule:

During delivery periods when the prices of Class I § 942.5 (b) (1)) are (prices per hundredweight)—		The prices of Class II shall be (prices per hundredweight)—		
Skim milk	Butterfat	Skim milk	Butterfat	Milk containing 4.0 percent butterfat
$1.10	$60.00	$0.80	$55.00	$2.968
1.15	65.00	.85	60.00	3.216
1.20	70.00	.90	65.00	3.464

(d) *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.8 for skim milk and butterfat purchased or received from them during each delivery period and classified as "net pooled Class III skim milk" and "net pooled Class III butterfat" not less than the prices per hundredweight set forth in the following computations:

(1) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation

by the market administrator: Subtract 7 cents from the average price per pound of nonfat dry milk solids and multiply the result by 7.5. The price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids, roller process for human consumption, delivered at Chicago as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function) during the delivery period preceding that in which such skim milk was received.

(2) The price per hundredweight of butterfat shall be computed by the market administrator by: Multiplying by 100 the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function) during the delivery period preceding that in which such butterfat was received.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

(2) Whenever the War Food Administrator finds and announces that the Class I and Class II prices computed for any delivery period pursuant to (b) and (c) of this section are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

§ 942.6 *Application of provisions*—(a) *Handlers who are also producers.* Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to the handling of milk by handlers whose sole sources of supply are receipts from their own farm production or from other handlers.

(b) *Payment for excess skim milk or butterfat.* If a handler, after subtracting receipts from other handlers, and receipts from other sources, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the net pool obligation of such handler pursuant to § 942.7 (a) shall add an amount equal to the value of such skim milk or butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (e) (9).

§ 942.7 *Determination of uniform price to producers*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for skim milk and butterfat received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator by: multiplying, respectively, the pounds of "net pooled skim milk" and "net pooled butterfat" in each class by the respective class prices, and adding, respectively, any amounts pursuant to § 942.6. The sum of the two amounts shall be such handler's total pool obligation.

(b) *Computation of the uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of skim milk, butterfat, and milk by:

(1) Combining into one total the net pool obligations for skim milk of all handlers who made payments for the previous delivery periods, and combining into one total the net pool obligations for butterfat of all handlers who made payments for the previous delivery periods;

(2) Adding, respectively, the amounts computed by multiplying respectively the total hundredweight of skim milk and butterfat received from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(3) Subtracting, respectively, the amounts computed by multiplying respectively the total hundredweight of skim milk and butterfat received from producers at plants located in each freight zone nearer New Orleans than the 61 to 70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(4) Adding, respectively, an amount equal to one-half the unobligated balance, in the producer-settlement fund;

(5) Dividing, respectively, the resulting sums by the hundredweight of "net pooled skim milk" and "net pooled butterfat"; and

(6) Subtracting, respectively, not less than 4 cents nor more than 5 cents. The results shall be known, respectively as the uniform price per hundredweight for (i) skim milk and (ii) butterfat purchased or received from producers at plants located in the 61–70 mile zone. The uniform price for milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone shall be the sum of the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

(c) *Butterfat differential.* For each delivery period the market administrator shall compute to the nearest one-tenth cent a butterfat differential as follows: Subtract from the uniform price per hundredweight of butterfat the uniform price per hundredweight of skim milk and divide the result by 1,000.

(d) *Announcement of prices.* (1) On or before the 6th day of each delivery period, the market administrator shall notify all handlers and make public announcement of the class prices for skim milk and butterfat received from producers during the current period.

(2) On or before the 10th day of each delivery period the market administrator shall notify all handlers and make public announcement of the computations pursuant to (b) of this section, of the butterfat differential computed pursuant to (c) of this section, and of the uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat received from producers during the preceding delivery period.

(e) *Computation of pool debits and pool credits.* On or before the 10th day after the end of each delivery period the market administrator shall:

(1) Compute the amount by which the sum of each handler's net pool obligations for skim milk and butterfat is greater or less than the amount computed for payment to producers by such handler pursuant to § 942.8 (a) (1) and (2), including the location adjustment to be made pursuant to § 942.8 (b). This amount shall be known as such handler's pool debit or pool credit, as the case may be, and shall be entered upon such handler's account.

(2) Notify each handler of the amount of such handler's (i) net pool obligation and (ii) pool debit or pool credit.

§ 942.8 *Payment for milk*—(a) *Payments to producers.* The amount of each handler's total pool obligation shall be distributed among producers in the following manner:

(1) On or before the last day of each delivery period each handler shall make payment to each producer at not less than $3.00 per hundredweight for the milk received from each producer during the first 15 days of such delivery period.

(2) On or before the 15th day of each delivery period, each handler shall make payment to each producer for milk received from such producer during the preceding delivery period at not less than the uniform price for milk containing 4 percent butterfat announced pursuant to § 942.7 (d), adjusted as follows: if the average butterfat content of the milk received from any producer varies from 4 percent, subtract for each one-tenth of 1 percent that the average butterfat content of such milk is less than 4 percent, or add for each one-tenth of 1 percent that the average butterfat content of such milk is more than 4 percent, an amount equal to the butterfat differential computed pursuant to § 942.7 (c).

(3) On or before the 12th day of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund the amount of each handler's pool debit for the previous delivery period.

(4) On or before the 15th day of each delivery period, the market administra-

tor shall pay from the producer-settlement fund to each handler for payment to producers the amount of such handler's pool credit for the previous delivery period: *Provided*, That the market administrator may offset any such payment due to any handler against payments due from such handler.

(b) *Location differentials.* Each handler, in making the payments prescribed in (a) of this section, shall adjust the uniform price with respect to all skim milk and butterfat received from each producer at such handler's plant not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.5 (b) (2).

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (a) (3) and (d) of this section and out of which he shall make all payments to handlers pursuant to (a) (4) and (d) of this section.

(d) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to (a) (3) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (a) (4) of this section, the market administrator shall, within 5 days, make such payment to such handler: *Provided*, That the market administrator may offset any such payment to any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

(e) *Adjustment of overdue accounts.* Any balance due pursuant to this section to or from the market administrator on the 25th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 26th day of each month.

§ 942.9 *Expense of administration*—(a) *Payment by handlers.* As his prorata share of the expense of the administration hereof, each handler, except those described in § 942.6 (a), shall pay to the market administrator, on or before the 15th day of each delivery period, an amount not exceeding 4 cents per hundredweight, with respect to all skim milk and butterfat purchased or received by such handlers during the preceding delivery period from producers, including that received from such handler's own farm production, the exact sum to be determined by the market administrator, subject to review by the War Food Administrator.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.

§ 942.10 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended, or terminated, pursuant to (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the War Food Administrator deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator shall direct, and (iii) if so directed by the War Food Administrator execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination or any or all provisions hereof the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.12 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 25th day of January 1945, to be effective on and after the 1st day of February, 1945.

GROVER B. HILL,
Acting War Food Administrator.

Approved:

FRED M. VINSON,
Director of Economic Stabilization.

[F. R. Doc. 45–1586; Filed, Jan. 26, 1945; 11:35 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 17, Amdt. 7]

PART 1407—DRIED FRUIT

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

War Food Order No. 17, as amended (9 F.R. 4321, 4319, 8768, 9584; 10 F.R. 103), is further amended by deleting the provisions in § 1407.2 (a) (5) and inserting, in lieu thereof, the following:

(5) "Raisins" means raisin variety grapes preserved by the removal of part of the natural moisture, and includes, but is not limited to, such fruit in the processed or unprocessed condition, damaged raisins, substandard raisins, sweepings, stems, and blows.

This amendment shall become effective at 12:01 a. m., p. w. t., January 25, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 17, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 17, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 24th day of January 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45–1535; Filed, Jan. 25, 1945; 12:09 p. m.]

Chapter XII—War Food Administration (Commodity Credit Orders)

[WFO 100–1, Amdt. 1]

PART 1600—OILSEEDS

PEANUTS

War Food Order 100–1 (10 F.R. 104) is hereby amended to read as follows:

§ 1600.11 *Spanish and runner type shelled peanuts set aside.* Every person who has heretofore entered or hereafter enters into a 1944 Peanut Program Sheller Contract, 1944 CCC Peanut Form–201, (hereinafter referred to as "Sheller Contract") with Community Credit Corporation shall set aside for sale and delivery to persons requiring peanuts to fill orders from the Quartermaster Corps of the United States Army, the Bureau of Supplies and Accounts of the United States Navy, or the War Food Administration for salted peanuts, peanut butter, the peanut component of the United States Army's type "C" ration, or candy:

(a) A quantity of raw No. 1 grade Spanish type shelled peanuts equal to (1) 50 percent of the quantity of raw No. 1 grade Spanish type shelled peanuts produced from peanuts purchased from Commodity Credit Corporation under section 5 of his Sheller Contract and on hand at 12:01 p. m., EWT, January 1, 1945 plus (2) an additional 550 pounds (No. 1 shelled) for such ton of Spanish type farmers' stock peanuts purchased from Commodity Credit Corporation under section 5 of his Sheller Contract and on hand at, or acquired after, 12:01 p. m., EWT, January 1, 1945;

(b) A quantity of raw No. 1 grade runner type shelled peanuts equal to (1) 25 percent of the quantity of raw No. 1 grade runner type shelled peanuts produced from peanuts purchased from Commodity Credit Corporation under section 5 of his Sheller Contract and on hand at 12:01 p. m. EWT, January 1, 1945, plus (2) an additional 350 pounds (No. 1 shelled) for each ton of runner type farmers' stock peanuts purchased from Commodity Credit Corporation under section 5 of his Sheller Contract and on hand at, or acquired after, 12:01 p. m., EWT, January 1, 1945, and

(c) Shelled peanuts produced from other peanuts purchased from Commodity Credit Corporation after the effective date hereof, to the extent Commodity Credit Corporation shall so specify in connection with each purchase.

No peanuts so set aside shall be sold or delivered until the proposed sale thereof has been submitted to and approved by the Chief, or Acting Chief of the Peanut Section, Oilseeds Division, Commodity Credit Corporation.

Effective date. This amendment shall become effective at 12:01 a. m., EWT, January 25, 1945.

C. C. FARRINGTON,
Director of Basic Commodities.

[F. R. Doc. 45–1540; Filed, Jan. 25, 1945; 4:06 p. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Board; Federal Security Agency

[Reg. 2,[1] Amdt.]

PART 402—FEDERAL OLD-AGE BENEFITS

COVERAGE OF SERVICES PERFORMED AS EMPLOYEES AND EMPLOYEE REPRESENTATIVES IN RAILROAD INDUSTRY

In order to conform Regulations No. 2, as amended (20 CFR and Cum. Sup., 402.1 et seq.), to sections 1 and 2 of the Joint Resolution approved June 11, 1940 (54 Stat. 264; 45 U. S. C. 228a[2]), and section 13 of the act approved April 8, 1942 (56 Stat. 209; 45 U. S. C., Sup. II, 228a), such regulations are further amended as follows:

1. The statutory provisions immediately preceding § 402.1 are amended by inserting between section 210 of the act and section 17 of the Railroad Retirement Act of 1937 the following:

SECTION 15 OF THE RAILROAD RETIREMENT ACT OF 1935

The term "employment", as defined in subsection (b) of section 210 of Title II of the Social Security Act, shall not include service performed in the employ of a carrier as defined in subdivision (a) of section 1 of the Railroad Retirement Act of 1935.

2. Section 402.1 (f) is amended to read as follows:

§ 402.1 *General definitions and use of terms.* * * *

(f) The Railroad Retirement Act of 1935 means the act approved August 29, 1935 (49 Stat. 967), as amended prior to June 24, 1937, as modified by the acts approved June 11, 1940 (54 Stat. 264), and August 13, 1940 (54 Stat. 785). The Railroad Retirement Act of 1937 means the act approved June 24, 1937 (50 Stat. 307; 45 U. S. C. Chapter 9), as amended, as modified by the acts approved June 11, 1940 (54 Stat. 264; 45 U. S. C. 228a), August 13, 1940 (54 Stat. 785; 45 U. S. C. 228a), and April 8, 1942 (56 Stat. 204; 45 U. S. C., Sup. II, 228a).

3. The first sentence of § 402.2 is amended to read as follows: "All services performed within the United States by an employee for his employer, unless specifically excepted by section 210 (b) of the act as modified by the Railroad Retirement Acts of 1935 and 1937, constitute 'employment' within the meaning of title II."

4. The first paragraph of § 402.5 is amended to read as follows:

Even though an individual performs services within the United States for the person who employs him, if the services are of a class which is specifically excepted by section 210 (b) of the act as modified by the Railroad Retirement Acts of 1935 and 1937 (see § 402.12), they are excluded for the purposes of entitlement to benefit under title II of the act.

[1] 2 F.R. 1276.

[2] References are to the 1940 edition of the United States Code and supplements thereto.

5. The statement of statutory provisions immediately preceding § 402.12 is further amended to read as follows:

SECTIONS 1 AND 15 OF THE RAILROAD RETIREMENT ACT OF 1935, AS AMENDED BY THE ACTS APPROVED JUNE 11, 1940, 54 STAT. 264, AND AUGUST 13, 1940, 54 STAT. 785

SECTION 1. For the purposes of this act:

(a) The term "carrier" means any express company, sleeping-car company, or carrier by railroad, subject to the Interstate Commerce Act, and any company which may be directly or indirectly owned or controlled thereby or under common control therewith, and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of and operating the business of any such "carrier": *Provided, however,* That the term "carrier" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board or upon complaint of any party interested to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "carrier" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to a carrier where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (As retroactively amended by section 2 of the Act approved August 13, 1940, 54 Stat. 785.)

* * * * *

(c) A person shall be deemed to be in the service of a carrier whenever he may be subject to its continuing authority to supervise and direct the manner of rendition of his service, for which service he receives compensation: *Provided, however,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of a carrier when rendering service outside the United States to a carrier conducting the principal part of its business in the United States if such carrier is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (As retroactively amended by section 2 of the Act approved June 11, 1940, 54 Stat. 264.)

* * * * *

(g) The term "compensation" means any form of money remuneration for service, received by an employee from a carrier, including salaries and commissions, but shall not include free transportation nor any payment received on account of sickness, disability, pensions, or other form of relief.

* * * * *

SEC. 15. The term "employment", as defined in subsection (b) of section 210 of Title II of the Social Security Act, shall not include service performed in the employ of a carrier as defined in subdivision (a) of section 1 of the Railroad Retirement Act of 1935.

SECTIONS 1 AND 17 OF THE RAILROAD RETIREMENT ACT OF 1937, AS AMENDED BY THE ACTS APPROVED JUNE 11, 1940, 54 STAT. 264, AUGUST 13, 1940, 54 STAT. 785, AND APRIL 8, 1942, 56 STAT. 204.

SECTION 1. For the purposes of this Act—

(a) The term "employer" means any carrier (as defined in subsection (m) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (As retroactively amended by section 1 of the Act approved August 13, 1940, 54 Stat. 785.)

(b) The term "employee" means (1) any individual in the service of one or more employers for compensation, (2) any individual who is in the employment relation to one or more employers, and (3) an employee representative. The term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after the enactment date. The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in section 1 (a) who before or after the enactment date was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple. (As retroactively amended by section 3 of the Act approved August 13, 1940, 54 Stat. 786.)

(c) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuls rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case the Board may prescribe such other formula as it finds to be equitable: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (As retroactively amended by section 1 of the Joint Resolution approved June 11, 1940, 54 Stat. 264, and by section 13 of the Act approved April 8, 1942, 56 Stat. 209).

(d) An individual is in the employment relation to an employer if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the employer: *Provided, however,* That an individual shall not be deemed to be in the employment relation to an employer unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (c) of this section. (As retroactively amended by section 1 of the Joint Resolution approved June 11, 1940, 54 Stat. 264.)

(e) The term "United States", when used in a geographical sense, means the States, Alaska, Hawaii, and the District of Columbia.

* * * * *

(h) The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of any tax now or hereafter imposed with respect to the compensation of such employee. * * *

* * * * *

(k) The term "company" includes corporation, associations, and joint-stock companies.

(l) The term "employee" includes an officer of an employer.

(m) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

* * * * *

SEC. 17. The term "employment", as defined in subsection (b) of section 210 of title II of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1 (b).

SECTIONS 1 AND 2 OF JOINT RESOLUTION APPROVED JUNE 11, 1940, 54 STAT. 264

* * * * *

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Railroad Retirement Act of 1937 when that Act was enacted on June 24, 1937.

SEC. 2. * * *

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Railroad Retirement Act of 1935 when that Act was enacted on August 29, 1935.

SECTIONS 4 (a) AND (c) AND 6 OF THE ACT APPROVED AUGUST 13, 1940, 54 STAT. 786, 787

SEC. 4. (a) The laws hereby expressly amended, the Social Security Act, approved August 14, 1935, and all amendments thereto, shall operate as if each amendment herein contained had been enacted as a part of the law it amends, at the time of the original enactment of such law.

(c) Nothing contained in this Act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this Act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such Act, as amended. * * *

SEC. 6. Nothing contained in this Act, nor the action of Congress in adopting it, shall be taken or considered as affecting the question of what carriers, companies, or individuals, other than those in this Act specifically provided for, are included in or excluded from the provisions of the various laws to which this Act is an amendment.

SECTION 13 OF THE ACT APPROVED APRIL 8, 1942, 56 STAT. 209

* * * * *

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Railroad

Retirement Act of 1937 when that Act was enacted on June 24, 1937.

6. The heading and first sentence of § 402.12 are amended to read as follows:

§ 402.12 *Service under the Railroad Retirement Acts of 1935 and 1937.* Services performed in the employ of a carrier as defined in section 1 (a) of the Railroad Retirement Act of 1935 prior to June 24, 1937, and services performed on or after such date as an employee as defined in section 1 (b) of the Railroad Retirement Act of 1937, are excepted.

In pursuance of sections 205 (a) (53 Stat. 1368; 42 U.S.C. 405 (a)) and 1102 (49 Stat. 647; 42 U.S.C. 1302) of the act, the foregoing regulations this day adopted by the Board are hereby prescribed this 20th day of January 1945.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved:

WATSON B. MILLER,
Acting Federal Security Administrator.

[F. R. Doc. 45-1574; Filed, Jan. 26, 1945; 10:36 a. m.]

[Reg. 3,[1] Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS' INSURANCE

COVERAGE OF SERVICES PERFORMED AS MARITIME EMPLOYEES OF THE UNITED STATES, AS EMPLOYEES OF CERTAIN MUTUAL INSURANCE COMPANIES, AND AS EMPLOYEES AND EMPLOYEE REPRESENTATIVES IN RAILROAD INDUSTRY

In order to conform Regulations No. 3, as amended (20 CFR, Cum. Sup., 403.1 et seq.), to section 3 of the Joint Resolution approved June 11, 1940 (54 Stat. 264; 26 U.S.C.[1] 1532), section 14 of the act approved April 8, 1942 (56 Stat. 209; 26 U.S.C., Sup. II, 1532), section 165 (a) of the Revenue Act of 1942 (56 Stat. 872; 26 U.S.C., Sup. II, 101), amending section 101 (11) of the Internal Revenue Code (53 Stat. 33; 26 U.S.C. 101), and section 1 (b) (2) and (3) of the act approved March 24, 1943 (57 Stat. 47, 42 U.S.C., Sup. III, 409), as amended by section 2 of the act approved April 4, 1944 (58 Stat. 188), such regulations are further amended as follows:

1. Section 403.1, as amended, is amended to read as follows:

§ 403.1 *Chronological description of pertinent statutes and regulations.* This section describes, chronologically, the statutes forming the basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder.

(a) *Title II of the Social Security Act, and amendments effective prior to January 1, 1940, and regulations of the Social Security Board thereunder*—(1) *Statutes.* Title II of the Social Security Act, approved August 14, 1935 (49 Stat. 622; 42 U.S.C., Sup. IV (1934 Ed.), 401–410a inclusive), provided in sections 202–210 for old-age benefits payable in lump sums beginning January 1, 1937, and for old-age benefits payable monthly, beginning January 1, 1942.

Section 15 of the Railroad Retirement Act of 1935, approved August 29, 1935 (49 Stat. 974), excludes service performed in the employ of a carrier, as defined in such act, from employment on the basis of which benefits were payable under such title II of the Social Security Act. Similarly, section 17 of the Railroad Retirement Act of 1937, approved June 24, 1937 (50 Stat. 317; 45 U.S.C., Sup. IV (1934 Ed.), 228q) excludes service performed by an individual as an employee, as defined in such act, from employment under such title II. The coverage provisions of section 1 of the Railroad Retirement Acts of 1935 and 1937, which affect the exclusion from employment under such title II of the Social Security Act, were retroactively amended by Joint Resolution of June 11, 1940 (54 Stat. 264), and act of August 13, 1940 (54 Stat. 785) (which relates to coal-mining operations). Such coverage provisions of the Railroad Retirement Act of 1937 were also retroactively amended by section 13 of the act of April 8, 1942 (56 Stat. 209).

Section 902 (f) of the Social Security Act Amendments of 1939, approved August 10, 1939 (53 Stat. 1400), provides, in part, that no payment shall be made under such title II with respect to services performed prior to January 1, 1940, in the employ of foreign governments and certain of their instrumentalities.

Section 902 (g) of the Social Security Act Amendments of 1939 (53 Stat. 1400) provides that no lump-sum payment shall be made under the provisions of section 204 of such title II after August 10, 1939, except to the estate of an individual who dies prior to January 1, 1940.

Section 2 of the act of August 11, 1939 (53 Stat. 1420), provides, in part, that no payment shall be made under such title II with respect to certain services rendered prior to January 1, 1940 in salvaging timber or clearing debris left by a hurricane.

(2) *Regulations.* Regulations relating to the benefits provided for under title II of the Social Security Act, as approved August 14, 1935, and as amended or affected by the statutes set forth in subparagraph (1) of this paragraph, are set forth in Regulations No. 2 as amended from time to time and codified in Part 402, Title 20, Code of Federal Regulations, and supplements thereto.

(b) *Title II of the Social Security Act, as amended effective January 1, 1940, and regulations of the Social Security Board thereunder*—(1) *Statutes.* The Social Security Act Amendments of 1939 (53 Stat. 1360), approved August 10, 1939, amend title II of the Social Security Act, effective January 1, 1940, by making new provisions for monthly benefits and lump-sum death payments in substitution for the original provisions of sections 202 to 210, inclusive, of such title.

Section 907 of such amendments, as originally enacted added a provision requiring deductions to be made from benefits and lump sums under title II in case of nonpayment of, and failure to deduct, certain taxes with respect to an individual's employment in 1939 and subsequent to attainment of age 65. This section has been amended by section 1 (b) (3) of the act approved March 24, 1943 (57 Stat. 47), more fully referred to below.

(Section 902 (f) of the Social Security Act Amendments of 1939 and section 2 of the act of August 11, 1939 (53 Stat. 1420) (see paragraph (a) (1) of this section), prohibit any payment with respect to services described therein, under the substituted provisions of title II as well as under the provisions in effect prior to January 1, 1940. For exclusions from employment corresponding to the provisions of sections 15 and 17 of the Railroad Retirement Acts of 1935 and 1937, respectively, see § 403.816.)

The act approved March 24, 1943 (57 Stat. 45), as amended by the act approved April 4, 1944 (58 Stat. 188), provides for certain rights and benefits to officers and members of crews of vessels as employees of the United States performing wartime service; adds to such title II of the Social Security Act, as amended, a new section, 209 (o), relating to the coverage of such wartime service; and amends section 907 of the Social Security Act Amendments of 1939 (53 Stat. 1402) by requiring deductions to be made from benefits and lump sums under title II in case of nonpayment of, and failure to deduct, certain taxes with respect to such wartime services.

(2) *Regulations.* These regulations, as from time to time amended, are applicable to such title II, as amended effective January 1, 1940, and as subsequently amended or affected by the statutes referred to under subparagraph (1) of this paragraph. (For the extent to which these regulations supersede Regulations No. 2, as amended, as indicated under paragraph (a) (2) of this section, see § 403.102.)

2. The statutory provisions preceding § 403.505 are amended to read as follows:

SECTION 203 (h) OF THE ACT

Deductions shall also be made from any primary insurance benefit to which an individual is entitled, or from any other insurance benefit payable with respect to such individual's wages, until such deductions total the amount of any lump sum paid to such individual under section 204 of the Social Security Act in force prior to the date of enactment of the Social Security Act Amendments of 1939.

SECTION 4 (c) OF THE ACT OF AUGUST 13, 1940 (54 STAT. 786)

Nothing contained in this Act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this Act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such Act, as amended. In any case in which a death benefit alone has been granted, the amount of such death benefit attribut-

[1] 5 F.R. 1849.

[1] Except as otherwise indicated, references are to the 1940 edition of the United States Code and supplements thereto.

able to services, coverage of which is affected by this Act, shall be deemed to have been paid to the deceased under section 204 of the Social Security Act in effect prior to January 1, 1940, and deductions shall be made from any insurance benefit or benefits payable under the Social Security Act as amended, with respect to wages paid to an individual for such services until such deductions total the amount of such death benefit attributable to such services.

SECTION 907 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

In addition to any other deductions made under section 203 of the Social Security Act, as amended, deductions shall be made from any primary insurance benefit or benefits to which an individual is entitled or from any other insurance benefit payable with respect to such individual's wages, until such deductions total 1 per centum of any wages paid him for services performed in 1939, and subsequent to his attaining age sixty-five, and 1 per centum of any wages paid him for services which constitute employment by virtue of subsection (o) of section 209 of the Social Security Act, as amended, with respect to which the taxes imposed by section 1400 of the Internal Revenue Code have not been deducted by his employer from his wages or paid by such employer. (As retroactively amended by section 1 (b) (3) of the Act of March 24, 1943, 57 Stat. 47.)

3. Effective on and after October 1, 1941, § 403.505 (b) and the example following it are amended to read as follows:

§ 403.505 *Deductions because of lump-sum payments under original act and failure to pay taxes.* * * *

(b) *Basis for, and amount of, deduction under section 907 of the Social Security Act Amendments of 1939.* Section 907 of the Social Security Act Amendments of 1939 provides for deductions from benefits and lump-sum death payments in cases where the taxes imposed by section 1400 of the Internal Revenue Code with respect to a wage earner's employment in 1939 and subsequent to his attaining age 65, or with respect to services which constitute employment by virtue of section 209 (o) of the act, as amended (see § 403.803 (d)), have neither been deducted by his employer from the wages paid him for services in such employment nor paid by such employer. The total amount to be deducted is an amount equal to 1 per centum of such wages with respect to which taxes have neither been deducted nor paid by the employer.

Example. H, aged 66, was paid wages of $3,000 in the first 3 months of 1939. His employer did not deduct from his wages the taxes imposed by section 1400 of the Internal Revenue Code and did not pay the amount of such taxes to the Bureau of Internal Revenue. A deduction equal to 1 per centum of $3,000, or $30, is required under paragraph (b). (The same amount would have to be thus deducted if H had been paid such wages in 1942 with respect to services which constituted employment by virtue of section 209 (o) as later added to the Act.) Therefore, in either case, if H later becomes entitled to a primary insurance benefit of $42 for each month, $30 will be withheld from his benefit for 1 month, so that he will receive $12 for such month. No deduction would have been made from benefits if H's employer had paid the tax himself (even though he did not deduct it from H's wages), or if the employer had deducted the tax (even though he did not pay it to the Bureau of Internal Revenue). If H had been paid a section 204 payment, the amount of such payment would also have to be withheld from his benefits, under paragraph (a).

4. The statutory provisions preceding § 403.801 are amended by inserting after subsection (l) of section 209 and immediately preceding section 1101 of the act the following:

(o) (1) *Officers and members of crews employed by War Shipping Administration.* The term "employment" shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941, on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration or, in respect of such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration.

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the Act of March 24, 1943, 57 Stat. 47, as amended by the Act approved April 4, 1944, 58 Stat. 188.)

5. Paragraph (d) of § 403.801 is amended to read as follows:

(d) "Act" means the Social Security Act, as amended, effective January 1, 1940, and as subsequently amended. (See § 403.1 for a chronological description of the pertinent statutes.)

6. Paragraph (p) of § 403.801 is amended to read as follows:

(p) "Regulations No. 2" means the regulations approved July 20, 1937, as amended from time to time, relating to Federal old-age benefits under title II of the Social Security Act and amendments to such title effective prior to January 1, 1940. (See § 403.1 (a) (2).)

7. The statement of statutory provisions immediately preceding § 403.802 is amended by inserting between section 210 (b) of the Social Security Act in effect prior to January 1, 1940, and section 17 of the Railroad Retirement Act of 1937, the following:

SECTION 15 OF THE RAILROAD RETIREMENT ACT OF 1935 (49 STAT. 974)

The term "employment", as defined in subsection (b) of section 210 of Title II of the Social Security Act, shall not include service performed in the employ of a carrier as defined in subdivision (a) of section 1 of the Railroad Retirement Act of 1935.

8. The first sentence of § 403.802 is amended to read as follows:

Under the provisions of section 209 (b) of the act (as amended, effective January 1, 1940, by section 201 of the Social Security Act Amendments of 1939), services performed prior to January 1, 1940, with an exception as noted below, constitute employment if they were employment under section 210 (b) of the Social Security Act prior to such date as modified by section 15 of the Railroad Retirement Act of 1935 and section 17 of the Railroad Retirement Act of 1937.

9. Immediately preceding § 403.803, the following is inserted:

SECTION 209 (o) OF THE ACT

(1) *Officers and members of crews employed by War Shipping Administration.* The term "employment" shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941, on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration or, in respect of such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration.

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the Act of March 24, 1943, 57 Stat. 47, as amended by the Act approved April 4, 1944, 58 Stat. 188.)

SECTION 1 (a) OF THE ACT OF MARCH 24, 1943 (57 STAT. 45)

* * * officers and members of crews (hereinafter referred to as "seamen") employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration shall, with respect to (1) laws administered

by the Public Health Service and the Social Security Act, as amended by subsection (b) (2) and (3) of this section; * * * have all of the rights, benefits, exemptions, privileges, and liabilities, under law applicable to citizens of the United States employed as seamen on privately owned and operated American vessels. * * * Claims arising under clause (1) hereof shall be enforced in the same manner as such claims would be enforced if the seaman were employed on a privately owned and operated American vessel. * * * Rights of any seaman under the Social Security Act, as amended by subsection (b) (2) and (3), and claims therefor shall be governed solely by the provisions of such Act, so amended.

10. Effective on and after October 1, 1941, paragraph (a), § 403.803, first sentence, is amended to read as follows:

Whether services performed on or after January 1, 1940, constitute employment is determined under section 209 (b) of the act, that is, section 209 (b), as amended, effective January 1, 1940, by section 201 of the Social Security Act Amendments of 1939, and under section 209 (o) of the act, as amended, effective on and after October 1, 1941.

11. Effective on and after October 1, 1941, paragraph (b) of § 403.803 is amended to read as follows:

(b) *Services performed within the United States.* Services performed on or after January 1, 1940, within the United States, that is, within any of the several States, the District of Columbia, or the Territory of Alaska or Hawaii, by an employee for the person employing him, unless specifically excepted by section 209 (b) or (o) of the act, constitute employment within the meaning of the act. Services performed outside the United States, that is, outside the several States, the District of Columbia, and the Territories of Alaska and Hawaii (except certain services performed on or in connection with an American vessel, and except certain services performed as an employee of the United States on or in connection with a vessel by an officer or member of the crew—see paragraphs (c) and (d)), do not constitute employment.

With respect to services performed within the United States, the place where the contract of service is entered into and the citizenship or residence of the employee or of the person employing him are immaterial. Thus, the employee and the person employing him may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract actually performs services within the United States, there may be to that extent employment within the meaning of the act.

12. Effective on and after October 1, 1941, paragraph (c) of § 403.803 is amended by changing its title to read: "Services performed outside the United States, other than as an employee of the United States," and by adding at the end of paragraph (c) a new subparagraph reading as follows:

This paragraph does not apply with respect to services which constitute employment by reason of section 209 (o) of the act (see paragraph (d) of this section).

13. Effective on and after October 1, 1941, § 403.803 as above amended is further amended by adding at the end thereof a new paragraph as follows:

(d) *Wartime maritime services in the employ of the United States.* Services performed, either within or outside the United States, by an officer or member of the crew of any vessel, as an employee of the United States, constitute employment if performed on or after October 1, 1941, and prior to the termination of title I of the First War Powers Act, 1941 (i. e., six months after termination of World War II, or such earlier time as the Congress by concurrent resolution, or the President, may designate), *Provided:*

(1) The employee is so employed through the War Shipping Administration or, as respects services performed before February 11, 1942, through the United States Maritime Commission; and

(2) The services are performed "on or in connection with" such vessel; and

(3) Such vessel, if documented under the laws of a foreign country, is not bareboat chartered to the War Shipping Administration; and

(4) The services are performed under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port within the United States.

The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew).

Services performed by an officer or member of the crew whose contract of service is not entered into within the United States, and during the performance of which the vessel does not touch at a port within the United States, do not constitute employment, notwithstanding similar services performed by others on or in connection with the vessel may constitute employment.

The word "vessel" shall have the meaning assigned to it in paragraph (c) of this section.

The citizenship or residence of the employee is immaterial.

In making decisions (see §§ 403.706–403.711), the Board will accept as conclusive upon it final determinations of the Administrator, War Shipping Administration, and his designated agents, under section 209 (o) of the act, as to whether an individual has performed services, described herein, which are employment by reason of such section, or as to the periods of such services.

14. Effective on and after October 1, 1941, the first sentence of § 403.806 is amended to read as follows:

Except as provided by section 209 (o) of the act (see paragraph (d) of § 403.803), services performed on or after January 1, 1940, by an employee for the person employing him do not constitute employment under title II of the act if they are specifically excepted by any of the numbered paragraphs of section 209 (b) of the act; that is, section 209 (b), as amended, effective January 1, 1940, by section 201 of the Social Security Act Amendments of 1939.

15. Effective on and after October 1, 1941, the second sentence of § 403.807 is amended to read as follows:

The time during which the employee performs services which under section 209 (b) or (o) of the act constitute employment, and the time during which he performs services which under such section do not constitute employment, within the pay period, determine whether all the services during the pay period shall be deemed to be included or excluded.

16. Effective on and after October 1, 1941, the last paragraph of § 403.812 is amended to read as follows:

Since the only services performed outside the United States which constitute employment are those described in § 403.803 (c) (relating to services performed outside the United States on or in connection with an American vessel) and § 403.803 (d) (relating to wartime maritime services in the employ of the United States), services performed outside the United States on or in connection with a vessel not an American vessel in any event do not constitute employment unless they are employment by reason of section 209 (o) of the act (see § 403.803 (d)).

17. Effective on and after October 1, 1941, the first sentence of § 403.813 is amended to read as follows: "Services performed in the employ of the United States Government (except as provided in section 209 (o) of the act, as to which see § 403.803 (d)), are excepted."

18. The statement of statutory provisions immediately preceding § 403.816, as amended, is further amended to read as follows:

SECTION 209 (b) (9) OF THE ACT

The term "employment" means * * * any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him * * * except—

(9) Service performed by an individual as an employee or employee representative as defined in section 1532 of the Internal Revenue Code;

SECTION 1532 OF THE INTERNAL REVENUE CODE

DEFINITIONS

As used in this subchapter [subchapter B, chapter 9, Internal Revenue Code]—

(a) *Employer.* The term "employer" means any carrier (as defined in subsection (h) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That

the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (As retroactively amended by section 1 of the Act approved August 13, 1940, 54 Stat. 785.)

(b) *Employee.* The term "employee" means any person in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual is in the employment relation to a carrier if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the carrier: *Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (d) of this section.

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple. (As retroactively amended by section 3 of the Joint Resolution approved June 11, 1940, 54 Stat. 264, and section 3 of the Act approved August 13, 1940, 54 Stat. 786.)

(c) *Employee representative.* The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in subsection (a), who before or after June 29, 1937, was in the service of an employer as defined in subsection (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, 44 Stat. 577 (U. S. C., Title 45, c. 18), as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

(d) *Service.* An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially al, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shal be deemed to have been applicable there at all times prior to that date. (As retroactively amended by section 3 of the Joint Resolution approved June 11, 1940, 54 Stat. 264, and by section 14 of the Act approved April 8, 1942, 56 Stat. 209.)

(e) *Compensation.* The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 1500. Compensation which is earned during the period for which the Commissioner shall require a return of taxes under this subchapter to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only. * * *

(f) *United States.* The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(g) *Company.* The term "company" includes corporations, associations, and joint-stock companies.

(h) *Carrier.* The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

* * * * *

SECTION 3 OF JOINT RESOLUTION APPROVED JUNE 11, 1940, 54 STAT. 264

* * * * *

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, * * *.

SECTIONS 4 (a) AND (c) AND 6 OF THE ACT APPROVED AUGUST 13, 1940, 54 STAT. 786, 787

SEC. 4. (a) The laws hereby expressly amended, the Social Security Act, approved August 14, 1935, and all amendments thereto, shall operate as if each amendment herein contained had been enacted as a part of the law it amends, at the time of the original enactment of such law.

(c) Nothing contained in this Act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this Act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such Act, as amended. * * *

SEC. 6. Nothing contained in this Act, nor the action of Congress in adopting it, shall be taken or considered as affecting the question of what carriers, companies, or individuals, other than those in this Act specifically provided for, are included in or excluded from the provisions of the various laws to which this Act is an amendment.

SECTION 14 OF THE ACT APPROVED APRIL 8, 1942, 56 STAT. 209

* * * * *

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, * * *.

19. The heading of § 403.816 is amended to read as follows:

§ 403.816 *Railroad industry; employees and employee representatives under section 1532 of the Internal Revenue Code, as amended.*

20. The statutory provisions preceding § 403.817 are amended by inserting at the end of section 101 (11) of the Internal Revenue Code, before the semicolon, the following cross reference:

[for amendment to section 101 (11) by Revenue Act of 1942, see below]

and by inserting, immediately preceding § 403.817, the following captions and statutory provisions:

SECTION 165 (a) OF THE REVENUE ACT OF 1942, APPROVED OCTOBER 21, 1942, 56 STAT. 872

Exempt companies. Section 101 (11) is amended to read as follows:

(11) Mutual insurance companies or associations other than life or marine (including interinsurers and reciprocal underwriters) if the gross amount received during

the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) does not exceed $75,000;

SECTION 101 OF THE REVENUE ACT OF 1942, APPROVED OCTOBER 21, 1942, 56 STAT. 802

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

21. The second subparagraph of § 403.817 (a) is amended to read as follows:

(See also § 403.815 for provisions relating to the exception of services performed in the employ of religious, charitable, scientific, literary, and educational organizations and community chests of the type described in section 101 (6) of the Internal Revenue Code; § 403.818 for provisions relating to the exception of services performed in the employ of agricultural and horticultural organizations exempt from income tax under section 101 (1) of the Internal Revenue Code; § 403.819 for provisions relating to the exception of services performed in the employ of voluntary employees' beneficiary associations of the type described in section 101 (16) of the Internal Revenue Code; and § 403.820 for provisions relating to the exception of services in the employ of Federal employees' beneficiary associations of the type described in section 101 (19) of the Internal Revenue Code. Since services performed in the employ of such organizations are excepted from employment regardless of whether they meet the tests set forth in this section, provisions of section 101 of the Internal Revenue Code relating to them have been omitted from the quotation of section 101 preceding this section. An amendment to section 101 (16) of the Internal Revenue Code, effectuated by section 137 of the Revenue Act of 1942 and broadening the exemption from income tax, has likewise been omitted from such quotation because inapplicable to the reference to section 101 of the Internal Revenue Code in section 209 (b) (10) (A) of the act.)

22. The following statutory provisions are inserted immediately preceding § 403.827:

SECTION 209 (o) (2), (3), AND (4) OF THE ACT

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of [paragraph 1 of] this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determination with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (1) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

(4) This subsection shall be effective as of September 30, 1941. (As retroactively added by section 1 (b) (2) of the Act of March 24, 1943, 57 Stat. 47, as amended by the Act approved April 4, 1944, 58 Stat. 188.)

23. Effective on and after October 1, 1941, § 403.827 is amended by adding at the end of such section a new paragraph, as follows:

(c) *Determination of remuneration for certain wartime services by employees of the United States.* In making decisions (see §§ 403.706–403.711), the Board will accept as conclusive upon it final determination of the Administrator, War Shipping Administration, and his designated agents, under section 209 (o) of the act, as to the amounts of remuneration for certain wartime services by employees of the United States which are employment by reason of such section (see § 403.803 (d)), or as to the periods in which or for which such remuneration was paid.

In pursuance of sections 205 (a) (53 Stat. 1368; 42 U.S.C. 405 (a)) and 1102 (49 Stat. 647; 42 U.S.C. 1302) of the Act, the foregoing regulations this day adopted by the Board are hereby prescribed this 20th day of January 1945.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved:

WATSON B. MILLER,
Acting Federal Security Administrator.

[F. R. Doc. 45-1575; Filed, Jan. 26, 1945; 10:37 a. m.]

TITLE 24—HOUSING CREDIT

Chapter III—Federal Savings and Loan Insurance Corporation

[Bulletin 16]

PART 301—INSURANCE OF ACCOUNTS

LOANS MADE UNDER TITLE III OF SERVICEMEN'S READJUSTMENT ACT OF 1944

JANUARY 25, 1945.

Section 301.11 of the rules and regulations for insurance of accounts is hereby amended, effective January 25, 1945, by adding a sentence at the end of subparagraph (4) of paragraph (d), as follows:

§ 301.11 *Lending area.* * * *

(d) *Loans by insured institution on real estate situated more than 50 miles from its principal office.* * * *

(4) * * * The foregoing percentages of lending to appraised value are increased as to loans to be used in purchasing residential property or in constructing a dwelling on unimproved property to the extent of the guarantee by the Administrator of Veterans Affairs under Title III of the Servicemen's Readjustment Act of 1944, and any amendments thereto.

(Sec. 403 (b) of N.H.A., 48 Stat. 1257, sec. 23, 49 Stat. 298; 12 U.S.C. 1726; E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of an emergency character within the meaning of § 301.22 of the rules and regulations for insurance of accounts.

W. H. HUSBAND,
General Manager.
HAROLD LEE,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 45-1539; Filed, Jan. 25, 1945; 3:46 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 23, Amdt. 5]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTIONS ON RECEIPTS BY CERTAIN INDUSTRIAL CONSUMERS

In order to clarify SFAW Regulation No. 23, as amended, it is hereby amended in the following respects:

1. The third and fourth paragraphs of § 602.517 (c) as they appear in Amendment No. 3 are amended to read as follows:

§ 602.517 *Restrictions on receipts by industrial consumers of coal other than by-product and special purpose coal, and other than coal moving via the Great Lakes or ex-lake dock.* * * *

(c) *Restrictions on receipts by industrial consumers of low volatile coal produced in Districts 7 and 8.* * * *

Column 2 indicates the maximum percentage of monthly consumption requirements, calculated pursuant to § 602.513, which may be obtained by industrial consumers (including commercial gas plants) using "by-product coal" and "other special purpose coal," as defined in § 602.501 of this regulation, and railroads—except any such consumer receiving coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

Column 3 indicates the maximum percentage of monthly consumption requirements, which may be obtained by industrial consumers (including commercial gas plants) using "by-product coal" and "other special purpose coal," as defined in § 602.501 of this regulation, and railroads who receive coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

2. The title heading of Columns 2 and 3 in the Stock Limitation Table For Low Volatile Coal Produced in Districts 7 and 8 in § 602.517 (c) of Amendment No. 3 is amended to read as follows: "Railroads and consumers of by-product and other special purpose coal".

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 26th day of January 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-1587; Filed, Jan. 26, 1945; 11:36 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 903—DELEGATION OF AUTHORITY

[Directive 26, as Amended Jan. 26, 1945]

FARM LUMBER

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9125 of April 7, 1942, WPB Regulation No. 1, as Amended December 31, 1943; and in order to facilitate an equitable distribution of lumber for essential agricultural needs it is hereby ordered:

§ 903.138 *Directive 26.* (a) Subject to the provisions of Order L–335 and paragraph (b) of this directive the War Food Administrator is authorized to issue rules and regulations governing the procedure that must be followed by farmers in getting lumber for their essential agricultural needs. In order to assure an equitable distribution of lumber among farmers, the War Food Administrator is authorized to establish quarterly geographic lumber quotas for farm requirements within the amount of lumber available for such purposes as determined from time to time by the War Production Board.

(b) The War Food Administrator may exercise the authority delegated in this directive subject to the following conditions:

(1) The War Food Administrator shall report periodically to the Program Vice Chairman on the exercising of the authority granted by this directive in accordance with written instructions of the Program Vice Chairman.

(2) Rules and regulations to be issued by the War Food Administrator pursuant to this directive shall be approved by the Program Vice Chairman.

(3) Nothing herein shall be construed to limit, or modify any order heretofore or hereafter issued by the War Production Board or to delegate to the War Food Administrator the power to extend, amend, or modify any such order.

(c) The War Food Administrator is authorized to assign farmers such preference ratings to get lumber as is determined by the Program Vice Chairman. Such ratings may be used by farmers to get lumber for (i) maintenance and repair of farm equipment; (ii) [Deleted Jan. 26, 1945.]; (iii) construction of farm buildings (including dwellings) within the cost limits of paragraph (c) of Order L–41; and (iv) construction, maintenance and repair of farm buildings (including dwellings) where permitted under paragraph (d) of Order L–41.

(d) The War Food Administrator is authorized to inspect the books, records, and other writings of retail lumber dealers to determine their compliance with Order L–335 and with Priorities Regulation so far as it is necessary to carry out the authority delegated by this directive.

(e) The War Food Administrator may exercise the authority delegated in this directive through such officials of the War Food Administration, including the County Agricultural Conservation Committees, as he may determine.

(f) For the purposes of this directive:

(1) "Farmer" means a person who engages in farming as a business. It does not include a person who raises agricultural products entirely for his own use.

(2) "Retail lumber dealer" means any person engaged in the business of selling lumber to farmers or other consumers.

(g) [Deleted Dec. 29, 1944.]

Issued this 26th day of January 1945.

S. W. ANDERSON,
Program Vice Chairman.

[F. R. Doc. 45–1583; Filed, Jan. 26, 1945; 11:20 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 24, as Amended Jan. 26, 1945]

PURCHASE OF CERTAIN MANUFACTURING MACHINERY AND OTHER EQUIPMENT NEEDED FOR NONESSENTIAL CIVILIAN PRODUCTION AND SERVICES

§ 944.45 *Priorities Regulation 24*—(a) *What this regulation does.* (1) This regulation applies to purchases and deliveries of certain kinds of machinery and equipment which the operator of any business activity (in this country or abroad) needs, or expects to need, for initiation, resumption, expansion, or improvement of civilian production or civilian services of any kind. It is the policy of the War Production Board in such cases to permit the placing of orders for new machinery or equipment of the kinds covered by any War Production Board orders appearing on List A, for such purposes, without ratings or authorizations, as long as the filling of these orders does not interfere in any way with direct or indirect war production; however, the purchase of such equipment primarily from excess stocks as they may be made available is encouraged in order to avoid using scarce materials in making additional new machinery or equipment. The policy with respect to the granting of ratings for such purposes is stated in paragraph (g) (1) below.

(2) This regulation does not affect in any way the present rating policy and procedures of the War Production Board with regard to purchases and deliveries of machinery and equipment needed for war or essential civilian production or services.

(3) An order may not be placed under this Regulation for items to be used for personal or residential purposes, except by a person who is entitled to use a preference rating assigned by CMP Regulation 5 or 5A for the latter purpose.

(b) *Modification of certain restrictions on placing, acceptance and filling of certain purchase orders.* The War Production Board orders which may be shown on List A at the end of this Regulation, as amended from time to time, may forbid the sale of items which the particular order covers to fill unrated purchase orders or purchase orders not specifically authorized by the WPB. Such an order may require a rating before a purchase order may be placed and accepted, or may require a rating before an item may be produced or delivered to fill a purchase order. It may require specific authorization or approval on a special WPB form before purchase orders may be placed, accepted or filled. Such an order may also contain various combinations of these restrictions. This regulation to a limited extent overrides these restrictions in any WPB order which currently appears on List A, so that unrated and non-authorized purchase orders may be placed, accepted and filled for items covered by any WPB order currently appearing on List A, but only under the following conditions:

(1) *The ultimate user may place the order.* An unrated or non-authorized order may be placed by any person for an item covered by a List A order which he needs, or expects to need, for equipping his factory, store, office, or other establishment for carrying on the manufacturing or service operations in which he is engaged or intends to engage (but not to get items which he will sell, lease, or otherwise deliver or dispose of). The purchaser must use with his order the standard certification provided for in paragraph (d) of Priorities Regulation 7, and the following statement must be added:

This order placed pursuant to Priorities Regulation 24.

(2) *Delivery date.* Every order placed under this paragraph (b) by an ultimate user must specify delivery on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. The person with whom the order is placed may assume that the required delivery date is the date specified in the order unless he knows either (i) that the date so specified was earlier than required at the time the order was placed, or (ii) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. No person shall deliver any items under an unrated or non-authorized order placed under this paragraph (b) if he knows or has reason to believe that the ultimate user of the items is requesting delivery at an earlier date than actually required.

(3) *How the order may be filled.* An unrated or non-authorized order for items covered by a List A order, which is certified as described above, may be accepted by any person who sells the items. It may be filled from any inventory which he does not need to fill rated or authorized orders which he has received, unless he obtained his inventory for other specific purposes under a regulation or order, such as CMP Regulation 9A or Orders L–79 or P–126, which does not permit him to deliver the items for such purposes. The seller may also get the items needed to fill the order by plac-

ing an order under this paragraph (b) with his supplier; and he may also place an order under this paragraph (b) to replace in his inventory any items of substantially the same size, design and dollar value as those delivered by him to fill orders placed under this paragraph (b). When he does this, he must use with his order the certification described in paragraph (b) (1) above. However, no person may get more items for resale by placing orders under this paragraph (b) than he actually delivers to fill orders placed under it.

(4) [Deleted Jan. 26, 1945.]

(c) *Effect of deletion of WPB orders from List A on unrated or non-authorized purchase orders already placed.* When any WPB order is deleted from List A, any item covered by that order for which an unrated or non-authorized purchase order has been placed and accepted and which has not been actually shipped to the purchaser before the date of such deletion, may not be delivered unless (1) the rating or authorization required by the applicable WPB order is obtained, or (2) the WPB order is amended to permit such delivery, or (3) the WPB order is reinstated on List A. If the required rating or authorization is not obtained and if the WPB order is not so amended or reinstated on List A, such a purchase order must either be cancelled or be treated as an arrangement for the future purchase or delivery of the item which it covers, in accordance with the conditions stated in Interpretation 11 to Priorities Regulation 1. The provisions of this paragraph (c) apply to any unrated or non-authorized purchase order for an item covered by a WPB order which has been deleted from List A, regardless of whether the placing of the order was approved by the War Production Board on Form GA-1977.

(d) *Report of unrated orders.* Producers of equipment subject to any WPB order on List A must file Form WPB-3940 monthly in accordance with the instructions printed on the form, showing the quantity of their rated and unrated shipments. However, if the dollar value of a producer's monthly shipments of unrated orders does not exceed 10 percent of his total shipments he need not file this report, although he must keep unrated purchase orders placed under this regulation filed so that they can be readily segregated and examined.

(e) *Effect of other WPB orders and regulations.* (1) This regulation does not relieve anyone from complying with the requirements of Priorities Regulation 1 with respect to the compulsory acceptance and filling of rated orders in preference to unrated orders, regardless of whether he gets the items by the use of preference ratings or by orders placed under this regulation.

(2) If an unrated order under this regulation is put into a production schedule it shall not become a part of any "frozen" schedule under Priorities Regulation 18 or other War Production Board order, but shall be subject to postponement in favor of rated orders in accordance with Priorities Regulation 1.

(3) Attention is called to the fact that this regulation does not authorize any construction contrary to the provisions of Construction Order L-41. Direction 2 to L-41 tells when you may install or relocate machinery or equipment without getting permission under that order. Direction 15 to CMP Regulation 5 tells how to get materials needed to install or relocate machinery or equipment.

(4) Except to the extent specifically provided in this regulation, it does not waive the restrictions or conditions of any other order or regulation of the War Production Board, such as restrictions on the use of materials in the manufacture of items or parts, or prohibiting the making of particular items, or limiting the quantities which may be produced.

(f) *Other cases where unrated orders allowed.* Many types of machinery and equipment, including machine tools, most jigs, dies, fixtures and special tooling, are not subject to a WPB order limiting or restricting the placing or filling of orders. Consequently, unrated orders for these items are permissible where they can be filled without interference with rated orders as provided in Priorities Regulation 1.

(g) *Ratings for equipment required for civilian production or services.* (1) The general policy of the War Production Board is not to grant preference ratings for equipment needed for initiation, resumption, expansion, or improvement of civilian production or services. Ratings for these purposes will only be granted in those exceptional cases where a critical bottle-neck with respect to a few key pieces of machinery or equipment exists, or where some other extremely urgent need for priorities assistance is demonstrated.

(2) If you need equipment for war production or for civilian production or services which are currently authorized by the War Production Board during the war, you may apply for a rating in accordance with existing procedures and without regard to this regulation. However, if you want equipment for operations which are neither directly related to the war effort nor currently authorized by the War Production Board, you cannot get a rating except by applying on Form WPB-1319 to your War Production Board field office in accordance with the instructions printed in the WPB-1319 Instruction Pamphlet. This applies regardless of whether or not the equipment you need is covered by a WPB order appearing on List A, and whether or not the use of some other application form is specified for the particular equipment by a WPB order or form instructions. An exception to this rule is explained in Direction 2 to L-41 which points out that you must apply on the appropriate form specified in L-41 if it is necessary to construct a new building or make an addition to an existing building or if priorities assistance is required for the materials needed for the installation or alteration permitted by that direction in addition to that given by Direction 15 to CMP Regulation 5 or other blanket preference rating orders. If an application under L-41 is necessary it should cover the materials required for the construction and the machinery or equipment which is to be installed.

(3) If the War Production Board grants a rating under this regulation, it may be applied only for the make of equipment shown in the application Form WPB-1319. The rating may be applied by use of the standard certification in Priorities Regulation 7 but the following statement must be added: "This rating applied pursuant to Priorities Regulation 24." Such an order may be accepted and filled in spite of any War Production Board order requiring approval on a special form.

NOTE: The reporting provisions of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 26th day of January 1945.

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

LIST A

NOTE: The following orders deleted Jan. 26, 1945: L-89, L-123, L-193, L-221, L-226, L-250, L-298, and L-311.

NOTE: No WPB order is currently listed on List A, but various orders may be placed on the list from time to time as war requirements permit.

[F. R. Doc. 45-1580; Filed, Jan. 26, 1945; 11:20 a. m.]

PART 3068—THEOBROMINE AND CAFFEINE

[Conservation Order M-222, Revocation]

Section 3068.1 *Conservation Order M-222* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Theobromine and caffeine are subject to allocation under General Allocation Order M-300 as Appendix B materials, subject to Schedule 89 issued simultaneously with this revocation.

Regular and interim allocations heretofore issued under Order M-222 are effective under the schedule, but authorizations to deliver are limited in duration as if originally issued under the schedule. Pending applications need not be refiled.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45-1578; Filed, Jan. 26, 1945; 11:19 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 10]

RESTRICTIONS ON ACCEPTANCE OF ORDERS FOR CLASS A PRODUCTS IN GROUP I LABOR AREAS

§ 3175.10 *CMP Regulation 10*—(a) *Purpose.* The purpose of this regulation

is to promote war production by setting up controls over the production of Class A products in certain labor shortage areas, which will supplement the controls of Procuring Agencies on the placing of prime contracts in these areas and the controls already exercised by WPB over increased production of Class B products.

(b) *Orders over $100,000 must be cleared with WPB.* Beginning February 12, 1945, if you get any order for more than $100,000 worth of Class A products to be made by you in any Group I Labor area, where, to fill the order (together with production already scheduled), you will need manpower in any month in excess of an applicable WMC ceiling, you must comply with the following conditions:

(1) Before accepting the order, as required by Priorities Regulation 1 and CMP Regulation 1, you must get the approval of the WPB; or,

(2) If you have received an authorization, directive or other instrument in writing from the WPB which identifies the particular order and authorizes or directs you to fill it, you need not get approval before accepting the order but, within 3 days after accepting it, you must file with the WPB the information called for in paragraph (c) below.

(c) *Information to be filed with WPB.* Approval or disapproval of the WPB on Form GA-2260 will be determined by WPB's local Production Urgency Committees. In order to get approval of the Production Urgency Committee for acceptance of an order, or to give the Committee information they need, you must file the following information in a letter in triplicate, Ref: CMP Regulation 10, with the local District Office of the WPB for the district in which the product will be produced.

(1) A description of the amount of the order, the purchase order number, the proposed scheduled deliveries by you against the order, and a brief identification of the Class A product or products covered by the order.

(2) The name and address of the customer and such information as is available to you (without requesting further information from your customer) regarding the end use of the product.

(3) A specific statement as to how much manpower will be required in excess of your applicable War Manpower Commission ceiling in each month in order to fill the order (together with all other orders you have already accepted).

(d) *How to get relief if an order cannot be placed.* If a manufacturer is unable, because of the provisions of this regulation to place his order with any supplier, he may apply for relief in the following manner:

(1) If the product is required for incorporation in a Class A product manufactured on a contract or sub-contract for the Army, Navy, or Maritime Commission, he should apply to the Service representative.

(2) If the product is required for incorporation in a Class B product, he should apply to the appropriate Industry Division of WPB. The manufacturer should state the name and location of the companies with which he attempted to place his order.

The Service representative or the Industry Division will, in an appropriate case, present the matter for final decision by the War Production Board.

(e) *Certain orders excepted.* This regulation does not apply to:

(1) Orders for Class A products placed directly by the Army, Navy, Maritime Commission, or Treasury Procurement. These agencies obtain any required clearance under other procedures before the order is placed.

(2) Orders for Class A products which are treated as Class B products because they are to be used as maintenance, repair or operating supplies or because of any of the other reasons stated in paragraph (k-1) of CMP Regulation 1.

(f) *Rated orders may not be rejected because of this regulation without trying to get WPB clearance.* If you receive an order which requires approval or the filing of information with the WPB under this regulation, you may not reject it just for that reason. You may reject it on any of the grounds allowed by Priorities Regulation 1 or CMP Regulation 1, but if you do not, you must, within three days, file with the WPB the application or report required by this regulation.

(g) *Definition of Group I Labor area.* A "Group I Labor Area" means an area so defined by the War Manpower Commission. However, the WPB may, by direction or amendment to this regulation, make this regulation apply to other areas as well.

(h) *Definition of order.* For purposes of this regulation an "order" includes any contract or purchase order and also any further instructions which call for production or delivery not already scheduled for the same customer.

(i) *Splitting of orders forbidden.* No person may place several purchase orders on one manufacturer instead of placing one purchase order for the purpose of evading this regulation, and no manufacturer may accept such orders if he knows or has reason to believe that the orders have been so split.

NOTE: Data requests cleared by the Bureau of Budget pursuant to the Federal Reports Act of 1942.

Issued this 25th day of January 1945.

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

[F. R. Doc. 45-1566; Filed, Jan. 25, 1945; 4:47 p. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Preference Order E-1-b, as Amended Jan. 26, 1945]

PRODUCTION AND DELIVERY OF MACHINE TOOLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of machine tools and components used in producing machine tools 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:

§ 3274.1 *General Preference Order E-1-b*—(a) *Definitions.* For the purposes of this order:

(1) "Machine tool" means any new, non-portable, power driven, metal-working machine listed on the attached Exhibit A except light power driven tools subject to Limitation Order L-237.

The word "machine" means a machine tool. It includes all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(2) "Producer" means any person engaged in producing machine tools.

(3) "Service purchasers" means those whose purchase orders for machines call for delivery to a supply arm or bureau of the Army or Navy, to the United States Maritime Commission, to one of their prime contractors, or to a subcontractor of such a prime contractor. However, no such purchaser shall be considered a service purchaser unless his preference rating certificate or endorsement accompanying his purchase order shows that the preference rating being applied to the purchase was assigned on Form WPB-542, CMPL-224, or GA-1456, or that the rating was assigned and certified in accordance with paragraph (e) (3) of War Production Board Directive 31.

(4) "Foreign purchasers" means those whose purchase orders show that the machine is to be delivered to or for the account of a foreign country, other than Canada, or a subdivision, agency, or instrumentality thereof.

(5) "Other purchasers" means all purchasers other than service purchasers and foreign purchasers whether or not a preference rating has been assigned to their purchase orders. Other purchasers include all Canadian purchasers except those who are service purchasers by reason of their purchasing machines for use on direct United States prime contracts or subcontracts.

(6) "Size" includes all of those dimensions or variations of a particular type of machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on June 22, 1944 unless he is hereafter authorized to use a different classification. Producers may apply for such permission by writing to the Tools Division, War Production Board, Ref.: E-1-b.

(b) *Delivery of machine tools until April 1, 1945.* Until April 1, 1945 each producer shall maintain his delivery schedules as established on January 26, 1945. An exception to this is any change in schedule required by a diversion or by any other specific direction of the War Production Board issued after January 26, 1945.

(c) *Allocation of deliveries to service, foreign and other purchasers.* Starting

February 1, 1945 and on the first of each succeeding month, each producer shall schedule his deliveries of each size of machine tools for the third ensuing month (for example, on February 1 for the month of April) as follows:

(1) To the extent that he has rated orders on hand requiring delivery in the month being scheduled, each producer shall arrange his schedule so as to deliver 75 percent of his production of each size in that month to service purchasers and 25 percent of his production of each size to foreign and other purchasers on whose purchase orders a rating has been applied or extended.

(2) To the extent that a producer has not received rated orders requiring delivery of 25 percent of his production of a given size to foreign and other purchasers in the month being scheduled, he must schedule any orders for that size from service purchasers requiring delivery in that month which he was not able to include in the 75 percent set aside for service purchasers. To the extent that he has not received orders requiring delivery of 75 percent of his production of a size to service purchasers in the month being scheduled a producer may schedule more than 25 percent for delivery to foreign and other purchasers.

(3) If a producer does not have enough rated orders requiring delivery in the month being scheduled to take up his full production of a given size for service, foreign or other purchasers in that month, he may schedule deliveries of unrated purchase orders for that size in that month.

(d) *Distribution of 75 percent of production among service purchasers.* Each producer shall schedule deliveries to service purchasers as follows:

(1) Service purchasers are subdivided into seven groups, consisting of the following and their respective prime contractors and subcontractors: Bureau of Ships (Navy), Bureau of Ordnance (Navy), Ordnance Department (Army), Air Forces, Miscellaneous Branches and Bureaus, the Maritime Commission, and the Signal Corps. The fourth group, designated "Air Forces," includes the Army Air Forces and the Navy Bureau of Aeronautics and their respective prime contractors and subcontractors. The fifth group, designated "Miscellaneous Branches and Bureaus," includes the Quartermaster Corps, the Corps of Engineers, the Office of The Surgeon General (Army Medical Department), the Chemical Warfare Service, the Transportation Corps (Transportation Service), the Bureau of Yards and Docks, and the Marine Corps, together with any other corps, department, bureau or service of the Army or Navy not heretofore designated as a separate group, and their respective prime contractors and subcontractors.

(2) (i) Each producer shall figure the number of orders on his books for each size from each of the seven service purchaser groups as of sixty days prior to the first day of the month being scheduled or, at the producer's option, the nearest date within ten days thereof on which he may have compiled his record of orders. Only orders which require delivery in the month being scheduled or in a previous month shall be counted. This figure shall be termed the net backlog of each service purchaser group. No order shall be counted unless it is a firm order accompanied by specifications or other description of the machine in sufficient detail to enable the producer to place the machine in his production schedule and by the information required by paragraph (f) of this order.

(ii) He shall then distribute the number of machines of this size allocated to all service purchasers for the month being scheduled among each of the seven service purchaser groups according to each group's quota. The quota of this size for each service group shall be the ratio of:

(*a*) Net backlog in this size of the service group to

(*b*) The total of all net backlogs in such size of all the service groups,

multiplied by the total number of machines of this size allocated for the month being scheduled to all service purchasers. An example of the calculation required by this paragraph is attached, marked "Illustration of paragraph (d) (2)."

(iii) The quota shall be determined monthly for the third ensuing month. For example: On the 1st of July quotas shall be determined for September, on the first of August quotas shall be determined for October, and on the first of September quotas shall be determined for November, etc.

(3) Commencing with the month of September 1944 and each month thereafter, a producer shall deliver to each service group the number of machines of that size equal to its quota for that month. However, no producer shall schedule delivery of any machine earlier than the date on which the purchaser requires delivery unless all required delivery dates on other orders are being met.

(e) *Treatment of fractions.* Where the number of machines which results from any computation required by this order contains a fraction of more than one-half, the fraction shall be counted as a whole machine. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole machine) for any one month, and such fraction is less than one-half, it shall be counted in computing the next month's quota. Where each of the computations of two or more different quotas for the same month shows a fraction of one-half, and there is only one remaining machine to which such fractions can apply, such machine shall be allotted to the group having the largest quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other quota or quotas for the next month.

(f) *Assignment and use of ratings to obtain machine tools.* (1) No person shall apply or extend any preference rating to obtain any machine tool which has a retail sales price of more than $500 except those assigned by or in connection with Form FEA–419, WPB–541, WPB–542 or WPB–1319 or those assigned and certified in accordance with paragraph (e) (3) of War Production Board Directive 31. Consequently, any person applying for a rating to obtain any machine tool which has a retail sales price of more than $500 should use one of these forms. If the machine tool has a retail sales price of $500 or less, ratings may be applied or extended even though assigned on other forms or in accordance with other WPB orders and regulations, for example, P–43, P–68, CMP Regulation 5, etc. Unless otherwise directed by the War Production Board, producers shall give effect to all ratings applied or extended to them prior to October 19, 1944. However, they may not hereafter accept any new ratings for machine tools unless they have been assigned in accordance with this paragraph.

It will be the policy of the War Production Board not to give any rating for a machine tool which has a retail sales price of more than $500 by issuing a WPB–541, WPB–542, or WPB–1319, or by assigning a rating on an FEA–419, unless the machine tool is for military purposes, or unless it is urgently needed for purposes related to the war effort and the purchaser has been unable to obtain a promise of an adequate delivery date without a preference rating. The War Production Board policy with respect to the assignment of ratings for equipment needed for resumption or expansion of civilian production is stated in paragraph (g) (1) of Priorities Regulation 24. No WPB–541 or WPB–1319 will be issued, and no rating will be assigned on an FEA–419 for a machine tool having a value of more than $500 unless the purchaser has attempted to place an unrated purchase order for the machine tool and been unable to obtain an adequate delivery promise. If the retail sales price of the machine tool is more than $500, in applying for a rating on either of these forms the purchaser must give the name of the supplier with whom the unrated purchase order was placed, the number of his unrated purchase order, and the delivery date, if any, which was promised on it.

(2) In applying or extending a preference rating to an order for a machine tool, the purchaser must supply the following information in addition to his regular endorsement or certification applying the rating:

(i) The form of preference rating certificate or the number of the order or regulation by which the rating was assigned. This information is particularly important in view of the restrictions of paragraph (f) (1).

(ii) The urgency standing assigned to the delivery of the machine, if any.

(iii) The required delivery date of the machine.

(iv) A statement as to whether the purchaser is a service purchaser, a foreign purchaser, or other purchaser, and if a foreign purchaser the foreign country to which the machine is to be delivered.

(v) In the case of service purchasers the supply arm or bureau of the Army or Navy, or the Maritime Commission which placed the prime or subcontract on which the machine being purchased is to be used, the number of the prime contract, the name of the prime contractor, and a photostatic copy (or another copy, accompanied by his signed statement that it is a true copy) of the WPB–542 (PD–3A) certificate. Reproduction of any WPB–542 certificate for the foregoing purposes is hereby permitted. Where the rating was assigned and certified in accordance with paragraph (e) (3) of War Production Board Directive 31, no copy of any preference rating certificate shall be required.

(g) *Operation of Numerical Master Preference List.* Numerical Master Preference List, Revision No. 6, designated "Restricted," has been supplied to machine tool builders (Exhibit B to this order). This list determines the sequence of deliveries as between service purchasers as follows:

(1) The sequence of deliveries among each group of service purchasers within its respective quota shall be determined each month without regard to preference ratings.

(2) Deliveries to service purchasers who are either on the list or are subcontractors of persons on the list shall take precedence over service purchasers who are not on the list.

(3) As between deliveries having conflicting required delivery dates and to be made to service purchasers on the list, priority shall be given to the service purchaser with the higher urgency standing in that service group. The highest urgency standing is No. 1.

(4) The sequence of conflicting deliveries to service purchasers not on the list shall be determined by the respective dates on which the producer receives the preference rating together with the information called for by paragraph (f).

(5) Delivery to a subcontractor not specifically named on the list shall take the urgency standing of his prime contractor. However, no subcontractor may use the urgency standing of his prime contractor unless it has been endorsed on the instrument assigning the preference rating by the supply arm or bureau concerned.

(6) If the urgency standing certified to by the purchaser differs from the urgency standing shown for the particular contractor in question on the Numerical Master Preference List, Revision No. 6, the latter shall govern.

(h) *Additions to list.* Changes may be made in the Numerical Master Preference List from time to time by the War Production Board. Where an urgency standing between existing urgency standings is assigned, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency Standard 792.1 will be scheduled after 792 and before 793.

(i) *Sequence of deliveries among foreign purchasers and other purchasers.* The sequence of deliveries among foreign purchasers and other purchasers within the proportion of production allocated to them shall be determined in accordance with the provisions of § 944.7 of Priorities Regulation No. 1.

(j) *"Frozen" period.* Unless the War Production Board specifically orders otherwise, no preference rating or urgency standing which may be received by a producer shall operate to postpone or in any way affect any delivery under a purchase order, whether rated or unrated, which is scheduled for delivery within sixty days of receipt of such preference rating or urgency standing.

(k) *Replacement parts.* Nothing in this order shall be construed to prohibit the delivery by any producer of repair and replacement parts for machine tools in accordance with applicable regulations and orders of the War Production Board concerning maintenance, repair and replacement items.

(l) *Changes in schedules.* Notwithstanding any other provision of this order, the War Production Board may direct or change any schedule of production or delivery of machines, allocate any order for machines to any other producer, divert or otherwise direct the delivery of any machine to any other person.

(m) *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.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. This appeal should be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(o) *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.

(p) *Communications.* All reports required to be filed hereunder, and all appeals and other communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Tools Division, Washington 25, D. C., Ref.: E–1–b.

Issued this 26th day of January 1945.

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

EXHIBIT A

All types of the following:
Ammunition machinery.
Bending machines.
Bending rolls.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Crankshaft regrinders, stationary.
Cut-off machines.
Die casting machines.
Die sinkers.
Draw benches.
Drilling machines.
Duplicators.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear cutting machines.
Gear finishing machines.
Grinding machines.
Hammers.
Headers.
Honing machines.
Keyseaters.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Milling machines.
Nibbling machines.
Oil grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishers.
Presses
Profilers.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Sawing machines.
Screw and bar machines.
Shapers.
Shearing machines.
Slotters.
Swagers.
Tapping machines.
Thread rollers.
Threading machines.
Tube reducers.
Upsetters.
Wire drawing machines.

Illustration of paragraph (d) of E-1-b for September 1944.

Producer's scheduled production for September 40
Service quota (75% if that many orders) 30

Item	Total service	Bureau of Ships	Bureau of Ordnance	Ordnance Department	Air Forces	Miscellaneous branches and bureaus	Maritime Commission	Signal Corps
1. Net backlog by Service Groups (orders on hand June 1 requiring delivery in September or prior to September	50	10	5	20	15	0	0	0
2. Proportion of total service deliveries (net backlog of each service group divided by total net backlog for all service groups)	60%	10%	5%	20%	15%	0	0	0
3. Service group quota—Total service quota (30) times line 2	30	6	3	12	9	0	0	0

[F. R. Doc. 45–1576; Filed, Jan. 26, 1945; 11:19 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L–335, as Amended Jan. 5, 1945, Amdt. 1]

LUMBER CONTROL ORDER

Section 3285.121 *Order L–335* is hereby amended in the following respect:

Amend paragraph (t) to read as follows:

(t) *Uncertified orders.* A sawmill cannot deliver lumber to either a consumer or distributor or withdraw lumber for his own use from his sawmill stock on uncertified orders unless permitted by a direction or by a letter from the War Production Board. Requests for authority for a sawmill to deliver lumber on uncertified orders shall be made by mailing a letter to the field office of the War Production Board for the district in which the sawmill is located except that sawmills located in the States of Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, and South Dakota must mail their requests to the Western Administrator, Order L–335, War Production Board, 1405 S. W. Alder, Portland 5, Oregon. The letter requesting authority to deliver any part of a sawmill's production on uncertified orders must refer to Order L–335 paragraph (t) and explain fully (1) the average monthly production of the sawmill in board feet and the percentage or amount of lumber in the species, grades, and sizes that the sawmill wishes to deliver on uncertified orders; (2) what effort has been made to get certified orders for this lumber; (3) the effect on the sawmill if the request is denied; and (4) any other information which would justify the request. If the lumber is of a type controlled by either Direction 2a or Direction 6 (which require 2 certificates on orders) then the sawmill must also state whether it is requesting permission to deliver without getting one or both of the certificates and if only one specify which. Authority for a sawmill to deliver lumber on an uncertified order will only be given in cases (1) where a distributor will take the lumber on an uncertified order and hold it for redelivery on certified orders; or (2) where the sawmill can make a positive showing that, even with the help of the War Production Board, it cannot get certified orders as required by Order L–335, Direction 2a, or Direction 6 to Order L–335. Sawmills that make a positive showing that they cannot get certified orders as required by an applicable direction but fail to show that they are unable to get orders bearing one of the certificates described in paragraph (q) of Order L–335 may be released only from the restrictions of the applicable direction.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45–1581; Filed, Jan. 26, 1945; 11:20 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L–335, Direction 2a, as Amended Jan. 26, 1945]

RESTRICTION ON DELIVERY AND RECEIPTS OF WESTERN PINE LUMBER

The following direction is issued pursuant to Order L–335.

(a) *What this direction does.* This direction restricts the delivery by sawmills and distributors and the receipt by consumers of Western pine lumber produced by sawmills located in the States of Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, and South Dakota which currently produce 5,000 or more board feet of lumber (whether one of the named species or not) per average day of eight hours of continuous operation or which produced an average of 5,000 or more board feet of lumber per day during the days from June 3, 1943, to December 3, 1943, when in operation. For the purposes of this direction Western pine means Idaho white pine, Ponderosa pine, and sugar pine.

(b) *Deliveries prohibited except on orders bearing special certificate.* No sawmill of the kind described in paragraph (a) above and no distributor may deliver Western pine lumber except on orders bearing one of the certificates described in paragraphs (e) and (f) below. These certificates may not be accepted by a sawmill unless they bear an "authorization" number. Certificates on orders dated before February 1, 1945 which give a "case" number instead of an "authorization" number must be accepted by a sawmill.

(c) *Restriction on placement of orders by Class I consumers.* (1) Except as authorized on Form WPB–3640 (or by letter amending the authorization on Form WPB–3640) a Class I consumer may not place an order with a lumber supplier to obtain Western pine lumber. The usual authorization on Form WPB–3640 for a Class I consumer to receive lumber generally may not be construed as an authorization to receive Western pine lumber. If the authorization on Form WPB–3640 (or letter from the War Production Board amending the authorization) states specifically that the Class I consumer may receive a specified amount of Western pine lumber then the Class I consumer may order and receive within the quarter for which the authorization is valid the amount (but no more) stated on the authorization. A Class I consumer authorized to receive Western pine lumber must use the certificate described in paragraph (e) below in addition to the regular certificate required by Order L–335. The certificate described in paragraph (e) below will not be valid and cannot be accepted by a distributor or sawmill unless the "authorization" number assigned to the Class I consumer in the upper right hand margin of his copy of Form WPB–3640 is inserted in the space provided in the certificate. Requests for authority to order and receive Western pine over and above the amount of Western pine lumber authorized on Form WPB–3640 shall be made by mailing a letter to the War Production Board, Washington 25, D. C., Ref.: L–335, indicating the number appearing on the WPB–3640 in the box marked "for WPB use only" and stating fully the use to which such lumber is to be put and the quantity required. Within the available supply authorization will only be granted for essential purposes where substitute wood cannot be used.

(2) A Class I consumer that has been authorized on Form WPB–3640 (or by letter amending the authorization on Form WPB–3640) to receive Western pine lumber in the first quarter of 1945 may use the certificate described in paragraph (e) below to get delivery any time before April 1, 1945. If a Class I consumer gets delivery of Western pine lumber before January 1, 1945 on an order bearing a certificate described in paragraph (e) below he may, to the extent possible, charge it against his total fourth quarter authorization for all species of lumber. If the receipt of the Western pine lumber takes place after December 31, 1944 then the Class I consumer must charge it against his first quarter authorization for all species of lumber. In no event may a Class I consumer use the certificate described in paragraph (e) below to obtain delivery of more Western pine lumber between December 2, 1944 and April 1, 1945 than he has been specifically authorized to receive on Form WPB–3640 (or by letter amending the authorization on Form WPB–3640). For example: A Class I consumer has a total authorization for 100,000 board feet of all species of lumber in the fourth quarter of 1944 and a total authorization of 100,000 board feet of all species of lumber in the first quarter of 1945. He has been authorized on Form WPB–3640 to receive 25,000 board feet of Western pine lumber out of his total authorization of 100,000 board feet for the first quarter. He may use the certificate described in paragraph (e) below to obtain delivery of this 25,000 board feet of Western pine lumber any time before April 1, 1945 but he may not use the certificate to get more than 25,000 board feet of Western pine lumber between December 2, 1944 and April 1, 1945. If the Class I consumer has used only 95,000 board feet of his fourth quarter authorization and he wishes to obtain immediately delivery of 10,000 feet of his Western pine authorization in the fourth quarter he may do so. 5,000 board feet of the Western pine lumber received in the fourth quarter may be charged against the 100,000 board feet of all species that he has been authorized to receive in the fourth quarter of 1944. The other 5,000 board feet of Western pine received in the fourth quarter will be charged against his total authorization of all species in the first quarter of 1945. This leaves him 15,000 board feet of Western pine lumber that he can order in the first quarter of 1945 and a balance of 80,000 feet of all other species of lumber that he can order in the first quarter of 1945.

(d) *Placement of orders by consumers other than Class I consumers.* Unless authorized in writing by the War Production Board no Class II consumer or farmer may place an order with a lumber supplier to obtain Western pine lumber. Class II consumers include persons authorized on Form WPB–2896 and Form WPB–2896.1 to receive lumber. If a Class II consumer or farmer is authorized by the War Production Board in writing to receive Western pine lumber he must use the certificate provided for in paragraph (e) below on his orders for such lumber. That certificate will not be valid and may not be accepted unless the "authorization" number (which will be assigned by the War Production Board) is inserted in the space provided for in the certificate. Requests for authorizations to order and receive Western pine lumber shall be made by mailing a letter to the Lumber and Lumber Products Division, War Production Board, Washington 25, D. C., Ref.: L–335 stating fully the use to which such lumber is to be put and the quantity required. Within the available supply authorizations will be granted only for essential purposes where substitutes cannot be used.

(e) *Certificate required of consumers.* Any consumer (including a Class I consumer) that is authorized to receive Western pine lumber must provide his lumber sup-

plier with the following certificate which is in addition to the regular certificate required by Order L–335. This certificate may only be used by a consumer to obtain the quantity of Western pine lumber which he is specially authorized by the War Production Board to receive.

I certify to the supplier and to the War Production Board that this order together with all other orders that I have placed for Western pine lumber does not exceed the amount that I have been specifically authorized by the War Production Board to receive under Direction 2a to Order L–335. My "authorization" number is _____.

_____
Consumer

By_____
Duly authorized official

Date_____

(f) *Distributors extension of orders.* No distributor may place an order with a sawmill of the kind described in paragraph (a) above to get Western pine lumber except where the Western pine lumber is required for delivery on an order bearing one of the certificates shown in this direction or where the Western pine lumber is required to replace lumber in inventory which the distributor has delivered on an order bearing such a certificate. In extending such an order the distributor shall use the following certificate:

I certify to the supplier and to the War Production Board that the amount of Western pine lumber covered by this order does not exceed the amount which I have sold on unextended orders certified under Direction 2a to Order L–335. These unextended orders bear the following "authorization" numbers _____.

_____
Distributor

By_____
Duly authorized official

Date_____

This certificate is in addition to the regular certificate required of distributors by Order L–335 and need only be used to get Western pine lumber from sawmills of the kind described in paragraph (a) above. Distributors receiving orders for Western pine lumber bearing a "case" number on certificates dated before February 1, 1945 are authorized to identify those numbers as "authorization" numbers in extending such orders to obtain Western pine lumber.

(g) *Production of small sawmills excepted.* This direction does not apply to Western pine lumber produced by sawmills smaller than the size sawmill referred to in paragraph (a) above. Consumers (including Class I consumers) and distributors may order and receive such lumber without regard to the provisions of this direction. However, such a small sawmill may not deliver lumber on an uncertified order unless permitted under paragraph (t) of Order L–335 or under Direction 7 to Order L–335.

(h) *Distributors' present inventory may be excepted.* If a distributor wishes to dispose of Western pine lumber which he received before December 31, 1944 without requiring his customer to give him one of the certificates described in paragraphs (e) and (f) above, he may do so but he is not required to deliver any Western pine lumber (even on a rated order) unless such a certificate is supplied by his customer. This applies also to Western pine lumber which the distributor ordered from a sawmill before December 2, 1944 if it is placed in transit by the sawmill before December 31, 1944.

(i) *Provisions of Order L–335 and other directions.* In the event there is any conflict between the provisions of this direction and the provisions of Order L–335 or any other direction the provisions of this direction shall govern. However, nothing in this direction shall be deemed to set aside the provisions of paragraph (t) of Order L–335.

(j) *Effective date.* This direction shall become effective December 2, 1944 except that it shall not apply to mills described in paragraph (a) above having an average daily production of between 5,000 and 10,000 board feet of lumber until January 7, 1945.

(k) *Effective date.* This amended version of Direction 2a to Order L–335 shall become effective January 7, 1945. Direction 2a dated December 9, 1944 shall remain in effect until January 7, 1945.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45-1582; Filed, Jan. 26, 1945; 11:20 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L–335, Direction 6 as Amended Jan. 26, 1945]

RESTRICTIONS ON DELIVERY AND RECEIPT OF CERTAIN SPECIES OF HARDWOOD LUMBER

The following direction is issued pursuant to Order L–335.

(a) *What this direction does.* This direction restricts the delivery by sawmills and distributors and the receipt by consumers of any #1 common and better (or equivalent grades) White oak, including WHND, Red oak, birch, beech, pecan, rock elm, hard maple, and tough white ash produced by sawmills which currently manufacture 5,000 or more board feet of hardwood lumber per average day of 8 hours of continuous operation or which produced an average of 5,000 or more board feet of hardwood lumber per day during the days from June 3, 1943 to December 3, 1943 when in operation.

(b) *Deliveries prohibited except on orders bearing special certificate.* No sawmill of the kind described in paragraph (a) above and no distributor may deliver any #1 common and better grades of White oak, including WHND, Red oak, birch, beech, pecan, rock elm, hard maple, and tough white ash except on orders bearing one of the certificates described in paragraphs (d) and (e) below or as permitted as a result of an appeal filed with the War Production Board in accordance with the provisions of paragraph (y) (9) of Order L–335. For the purposes of this direction #1 common or better grades includes any special grades which are the equivalent of #1 common or better. The above prohibition also applies to deliveries of any of the above grades and species when shipped in combination grades of log run or #2 common and better. This does not forbid sales, transfers, or deliveries of hardwood lumber between sawmills nor does it restrict the transfer of white ash to ash specialists under Direction 11 to Order L–335. However, white ash specialists in selling, transferring, or delivering white ash to consumers and distributors must follow the provisions of this direction.

(c) *Restrictions on placement of orders by consumers.* Unless specifically authorized in writing by the War Production Board no consumer (including a Class I consumer) may place an order with a lumber supplier to obtain #1 common and better white oak, including WHND, Red oak, birch, beech, pecan, rock elm, hard maple, and tough white ash. The usual authorization on Form WPB–3640 for a Class I consumer to receive lumber generally may not be construed as an authorization to receive this type of hardwood lumber. If a consumer is specifically authorized by the War Production Board in writing to receive these types of hardwood lumber he may use the certificate provided for in paragraph (d) below on his orders for such lumber. That certificate will not be valid and may not be accepted by a lumber supplier unless the "authorization" number (which will be assigned by the War Production Board) is inserted in the space provided for in the certificate. Requests for authorization to order and receive #1 common and better white oak, including WHND, Red oak, birch, beech, pecan, rock elm, hard maple and tough white ash shall be made by mailing a letter to the War Production Board, Washington 25, D. C., Ref.: L–335, Direction 6, stating the quantity required, the use to which such lumber is to be put, the number of the military contract held by you which requires the use of this type of lumber, and if known the name of the military contracting officer familiar with the contract. (If you are a Class I consumer also indicate in your letter the number appearing on the WPB–3640 in the box marked "for WPB use only.") Within the available supply authorizations will be granted to consumers for use on military contracts where substitutes cannot be used. "Authorizations" may also be granted in cases of highly essential civilian items (such as farm machinery) where continued production of those items will be affected because of inadequate inventory of hardwood lumber.

(d) *Certificates required of consumers.* Any consumer (including a Class I consumer) that is authorized to receive #1 common and better white oak, including WHND, red oak, birch, beech, pecan, rock elm, hard maple and tough white ash must provide his lumber supplier with the following certificate which is in addition to the regular certificate required by Order L–335. This certificate may only be used by a consumer to obtain the quantity of these types of hardwood lumber which he is specifically authorized by the War Production Board to receive.

I certify to the supplier and to the War Production Board that this order together with all other orders that I have placed for the types of hardwood lumber restricted by Direction 6 does not exceed the amount that I have been specifically authorized by the War Production Board to receive under that Direction to Order L–335. My authorization number is_____.

_____
Consumer

By _____
Duly authorized official

(e) *Distributors extensions of orders.* No distributor may place an order with a sawmill of the kind described in paragraph (a) above to get #1 common and better white oak, including WHND, red oak, birch, beech, pecan, rock elm, hard maple, and tough white ash except where that lumber is required for delivery on an order bearing one of the certificates shown in this direction or to replace lumber in inventory which the distributor has delivered on an order bearing such a certificate. In extending an order bearing one of these certificates the distributor shall use the following certificate:

I certify to the supplier and to the War Production Board that this order together with all other orders that I have placed for the types of hardwood lumber restricted by Direction 6 does not exceed the amount which I have sold on unextended orders certified under Direction 6 to Order L–335. These unextended orders bear the following authorization numbers_____.

_____
Distributor

By _____
Duly authorized official

This certificate is in addition to the regular certificate required of distributors by Order L–335 and need only be used to get the types of lumber described in paragraph (b) above from sawmills of the kind described in paragraph (a) above.

(f) *Production of small sawmills excepted.* This direction does not apply to any hardwood lumber produced by sawmills smaller than the size referred to in paragraph (a). Consumers (including Class I consumers) and distributors may order and receive hardwood lumber produced by these sawmills without regard to the provisions of this direction. However, these small sawmills may not deliver any lumber on an uncertified order unless permitted under paragraph (t) of Order L–335 or under Direction 7 to the order.

(g) *Distributors present inventory may be excepted.* If a distributor wishes to dispose of #1 common and better white oak, including WHND, red oak, birch, beech, pecan, rock elm, hard maple and tough white ash which he received before January 7, 1945 without requiring the customer to give him one of the certificates described in paragraphs (d) and (e) above, he may do so but he is not required to deliver such lumber (even on a rated order) unless such a certificate is supplied by the customer. This applies also to these types of hardwood lumber which the distributor orders from a sawmill before January 7, 1945 if it was placed in transit by the sawmill before January 7, 1945.

(h) *Provisions of Order L–335 and other directions.* In the event there is any conflict between the provisions of this direction and the provisions of Order L–335 or any other direction the provisions of this direction shall govern. However, nothing in this direction shall be deemed to set aside the provisions of paragraph (t) of Order L–335.

(i) *Effective date.* This amended version of Direction 6 shall become effective January 7, 1945. After January 6, 1945 a sawmill may not fill an order unless the order bears one of the certificates described in paragraphs (d) and (e) above or unless the order is a military order dated before January 7, 1945 and accompanied by a Memorandum of Purchase issued by the Central Procuring Agency, Procurement Division of the United States Corps of Engineers on ED Form 526.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45–1584; Filed, Jan. 26, 1945; 11:20 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M–300, Schedule 89]

THEOBROMINE AND CAFFEINE

§ 3293.1089 *Schedule 89 General Allocation Order M–300*)—(a) *Definitions.* For the purpose of this schedule:

(1) "Theobromine" means 3:7-dimethylxanthine, whether synthetic or natural, in crude or refined form. The term includes any compound of theobromine including, but not limited to, theobromine sodium-acetate and theobromine with sodium salicylate, but does not include standard dosage forms (tablets, capsules, ampules, solutions, etc.).

(2) "Caffeine" means 1:3:7-trimethylxanthine, whether synthetic or natural, in crude or refined form. The term includes all compounds of caffeine including, but not limited to caffeine citrated, caffeine with sodium benzoate and caffeine with sodium salicylate, but does not include standard dosage forms (tablets, capsules, ampules, solutions, etc.).

(b) *General provisions.* Theobromine and caffeine are subject to the provisions of General Allocation Order M–300 as Appendix B materials. The initial allocation date is October 1, 1942, when theobromine and caffeine first became subject to allocation under Order M–222 (revoked). The allocation period is the calendar month. The small order exemption without use certificate per person per month is two pounds of theobromine and two pounds of caffeine.

(c) *Transition from M–222.* Regular and interim allocations heretofore issued under Order M–222 are effective under this schedule, but authorizations to deliver are limited in duration as if originally issued under this schedule. Pending applications need not be refiled.

(d) *Suppliers' applications on WPB–2947.* Each supplier seeking authorization to use or deliver theobromine or caffeine shall file application on Form WPB–2947 (formerly PD–602). Filing date is the 20th day of the month before the proposed delivery month. File separate sets of forms for theobromine and caffeine. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington, 25, D. C., Ref: M–300–89. The unit of measure is pounds. Specify grade in terms of quality: For example, crude, refined, USP. In Table I subdivide requests for allocation for each salt by listing each salt in Column I and listing under it the names of the various customers, their certified uses, and the quantity requested for each use, except that aggregate quantities may be requested for delivery on exempt small orders and for civilian medicinals, respectively. In Table II list each different salt in Column 8 and fill in the other columns as indicated.

(e) *Certified statements of use.* Each person placing orders for delivery of more than two pounds of theobromine or two pounds of caffeine per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of Order M–300. Specify proposed use in terms of the following, specifying the quantity requested for each purpose:

Military medicinal (specify contract numbers)
Lend-Lease medicinal (specify contract and requisition number)
Export (specify license number and destination)
Civilian medicinals (compounding and conversion into medicinals not subject to this schedule)
Resale upon further authorization
Refining or conversion for resale on further authorization
Resale on exempt small orders
Beverage
Other (specify)

(f) *Toll arrangements.* Any person who has been allocated theobromine or caffeine or who has received theobromine or caffeine under the small order exemption, may deliver it to any other person for processing pursuant to toll arrangement, and it may be so processed, to the extent that the owner would be entitled to process it himself, without application or further authorization under this schedule. There shall be no limitation on the total quantity of theobromine or caffeine which a person may process on toll for others under their small order exemption.

(g) *Budget Bureau approval.* The above report requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–89.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45–1577; Filed, Jan. 26, 1945; 11:19 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M–17, Direction 1]

SPECIAL INVENTORY LIMITATION ON PIG IRON

The following direction is issued pursuant to General Preference Order M–17.

(a) Demand and supply of pig iron is now in very close balance. This direction is issued pursuant to paragraph (b) (2) of General Preference Order M–17 to limit inventories of pig iron. Effective with the date of this direction, no person shall accept delivery of any pig iron if his inventory is, or will by virtue of such delivery become, in excess of a thirty day supply based on present melt schedules. Pig iron in transit at the date of this direction may be accepted despite the provisions of this direction.

(b) If special reasons require a greater inventory in the interest of war production, you should communicate all the facts in writing to the Pig Iron Section, Steel Division, War Production Board, Ref: M–17, Washington 25, D. C.

Issued this 26th day of January 1945.

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

[F. R. Doc. 45–1579; Filed, Jan. 26, 1945; 11:19 a. m.]

PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U–9, Direction 1]

SIGNS FOR PUBLIC LODGING ESTABLISHMENTS WITH SEVERAL ENTRANCES

The following direction is issued pursuant to Utilities Order U–9.

Paragraph (c) (7) (ii) of Utilities Order U–9 permits the use of electricity for directional or identification signs using not more than 60 watts per establishment for doctors, and for hotels and other public lodging establishments. In addition, in the case of hotels and other public lodging establishments with more than one public entrance, this direction permits directional or identification signs using not more than 60 watts at each such entrance.

Issued this 25th day of January 1945.

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

[F. R. Doc. 45-1567; Filed, Jan. 25, 1945; 4:47 p. m.]

Chapter XI—Office of Price Administration

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

[RMPR 119,[1] Amdt. 3]

ORIGINAL EQUIPMENT TIRES AND TUBES

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 119 is amended in the following respects:

1. Table II-2. *Truck and Bus,* is amended by inserting the following new sizes and prices of truck and bus tires, tubes, and flaps:

TABLE II—SYNTHETIC RUBBER TIRES, TUBES, AND FLAPS

2. TRUCK AND BUS

Size	Ply	Tire	Tube	Flap	Assembly
Regular tread					
32 x 6 [1]	10	$29.15	$2.36	$0.35	$31.86
32 x 6 [1]	12	32.92	2.36	.35	35.63
36 x 6 [1]	10	37.32	2.84	.40	40.56
9.00-20	[2] 10	42.91	4.07	.58	47.56
10.50-16	14	69.75	5.26	.49	75.50
10.50-18	10	59.45	5.27	.78	65.50
11.00-22	14	77.20	6.16	.93	84.38
12.00-20	16	94.60	8.28	.86	103.74
14.00-20	12	122.18	12.75	1.00	135.93
14.00-20	18	140.70	12.75	1.00	154.45
14.00-24	18	149.45	13.67	1.17	164.29
Trailer service—low platform					
9.00-15	14	49.40	3.65	.48	53.53
9.00-15	16	54.79	3.65	.48	58.92
Desert type					
9.00-15	6	21.55	3.65	------	25.20

[1] Auto rail.
[2] Two caps.

2. Table II—5. Agricultural, is amended to read as follows:

Size	Ply	Tire	Tube	Assembly
Farm tractor				
3.00-12	2	$3.54	$0.82	$4.36
3.50-12	2	3.99	.82	4.81
4.00-12	2	4.40	.86	5.26
4.00-15	4	4.97	1.04	6.01
4.00-18	2	4.24	1.32	5.56
4.00-19	4	5.61	1.36	6.97
5.00-12	2	5.12	1.22	6.34
5.00-15	4	6.08	1.24	7.32
5.00-16	2	5.20	1.25	6.45
5.00-16	4	6.71	1.25	7.96
5.25-21	6	12.86	1.39	14.25
5.50-16	2	6.78	1.32	8.10
5.50-16	4	6.96	1.32	8.28
5.50-16	6	8.34	1.32	9.66
6.00-12	4	7.23	1.42	8.65
6.00-12	6	8.97	1.42	10.39
6.00-16	4	7.44	1.57	9.01
6.00-16	6	8.82	1.57	10.39
6.00-20	4	10.55	1.76	12.31
6.00-20	6	12.43	1.76	14.19

*Copies may be obtained from the Office of Price Administration.
[1] 9 F.R. 4010, 6881, 13206.

TABLE II—5—Continued

Size	Ply	Tire	Tube	Assembly
Farm tractor—Con.				
6.00-22	2	$9.82	$1.86	$11.68
6.00-22	4	11.51	1.86	13.37
6.50-16	4	8.67	1.67	10.34
6.50-16	6	10.60	1.67	12.27
7.00-22	4	13.34	1.69	15.03
7.50-10	4	13.99	1.32	15.31
7.50-10	6	16.35	1.32	17.67
7.50-16	2	8.36	1.72	10.08
7.50-16	4	10.93	1.72	12.65
7.50-16	6	12.55	1.72	14.27
7.50-18	4	12.15	1.88	14.03
7.50-18	6	13.15	1.88	15.03
7.50-20	4	11.97	2.47	14.44
7.50-20	6	13.35	2.47	15.82
7.50-22	2	11.95	2.80	14.75
9.00-10	6	19.88	2.82	22.70
9.00-10	8	22.40	2.82	25.22
9.00-10	10	29.00	2.82	31.82
9.00-36/11-36	4	33.69	6.80	40.49
9.00-36/11-36	6	39.20	6.80	46.00
9.00-40/11-40	4	37.24	7.32	44.56
9.00-40/11-40	6	43.31	7.32	50.63
10.00-36/12-36	6	43.76	7.60	51.36
11.25-24/13-24	6	37.03	5.39	42.42
11.25-24/13-24	8	41.16	5.39	46.55
11.25-28/13-28	4	36.44	6.05	42.49
11.25-28/13-28	6	41.02	6.05	47.07
11.25-28/13-28	8	45.44	6.05	51.49
11.25-36/13-36	6	48.72	7.60	56.32
11.25-40/13-40	4	47.80	8.20	56.00
11.25-40/13-40	6	55.42	8.20	63.62
11.25-42/13-42	8	63.65	8.70	72.35
12.75-24/14-24	6	44.94	6.96	51.90
12.75-24/14-24	8	49.46	6.96	56.42
12.75-28/14-28	6	51.12	7.98	59.10
12.75-28/14-28	8	56.34	7.98	64.32
12.75-32/14-32	6	57.04	8.57	65.61
12.75-32/14-32	8	64.54	8.57	73.11
13.50-24/15-24	6	48.32	7.03	55.35
13.50-24/15-24	8	55.79	7.03	62.82
13.50-28/15-28	6	54.89	7.98	62.87
13.50-28/15-28	8	63.40	7.98	71.38
13.50-32/15-32	6	61.83	8.57	70.40
13.50-32/15-32	8	69.88	8.57	78.45
4-19	4	5.61	1.36	6.97
7-24	4	13.60	2.15	15.75
7-32	2	15.56	2.87	18.43
7-36	4	20.42	3.36	23.78
8-24/7.00-24	4	15.91	2.60	18.51
8-24/7.00-24	6	19.05	2.60	21.65
8-32	4	21.96	3.48	25.44
8-38	4	27.70	4.60	32.30
9-24/7.50-24	4	19.33	3.39	22.72
9-24/7.50-24	8	27.61	3.39	31.00
9-24/7.50-24	10	32.11	3.39	35.50
9-32	4	25.31	4.62	29.93
9-36/7.50-36	4	27.21	4.86	32.07
9-38	4	28.71	5.12	33.83
9-38	6	34.26	5.12	39.38
9-40/7.50-40	4	30.18	5.45	35.63
10-24	4	25.10	3.80	28.90
10-24	6	29.44	3.80	33.24
10-24	8	33.78	3.80	37.58
10-26	4	27.44	4.07	31.51
10-28	4	28.15	4.31	32.46
10-36	4	32.34	4.91	37.25
10-38	4	33.03	5.17	38.20
10-38	6	37.75	5.17	42.92
11-24/9.00-24	4	27.38	4.75	32.13
11-24/9.00-24	6	31.36	4.75	36.11
11-24/9.00-24	8	36.78	4.75	41.53
11-26	4	27.95	4.90	32.85
11-28/9.00-28	4	32.63	5.05	37.68
11-28/9.00-28	6	39.87	5.05	44.92
11-38	4	41.14	6.12	47.26
11-38	6	48.63	6.12	54.75
11-38	10	62.16	6.12	68.28
12-26	6	40.95	5.79	46.74
12-36	4	40.88	7.60	48.48
12-38	6	52.10	7.60	59.70
13-26	6	44.88	6.31	51.19
13-30	6	46.59	8.12	54.71
14-30	6	53.30	10.10	63.40
14-34	6	59.36	10.50	69.86
15-30	8	77.44	11.55	88.99
Industrial tractor				
(Front)				
4.00-19	4	5.61	1.36	6.97
5.00-15	4	6.08	1.24	7.32
5.50-16	4	6.96	1.32	8.28
6.00-16	4	7.44	1.57	9.01
6.00-16	6	8.82	1.57	10.39
7.50-10	6	16.35	1.32	17.67
7.50-16	6	12.55	1.72	14.27
7.50-18	6	13.15	1.88	15.03
7.50-20	6	13.35	2.47	15.82
(Rear)				
7.00-22	4	13.24	1.69	15.03
8-24	4	15.91	2.60	18.51
9-24	4	19.33	3.39	22.72
10-24	4	25.10	3.80	28.90
10-24	6	29.44	3.80	33.24
10-28	4	28.15	4.31	32.46

TABLE II—5—Continued

Size	Ply	Tire	Tube	Assembly
Industrial tractor—Con.				
(Rear)				
12.00-24	6	$37.03	$5.39	$42.42
12.00-24	8	41.16	5.39	46.55
12.00-28	6	41.02	6.05	47.07
12.00-28	8	45.44	6.05	51.49
13.00-24	6	44.94	6.96	51.90
13.00-24	8	49.46	6.96	56.42
13.00-28	6	51.12	7.98	59.10
13.00-28	8	56.34	7.98	64.32
13.00-32	6	57.04	8.57	65.61
13.00-32	8	64.54	8.57	73.11
14.00-24	6	48.32	7.03	55.35
14.00-24	8	55.79	7.03	62.82
14.00-28	6	54.89	7.98	62.87
14.00-28	8	63.40	7.98	71.38
14.00-32	6	61.83	8.57	70.40
14.00-32	8	69.88	8.57	78.45
Cane and rice tractor				
9.00-36/11-36	6	57.14	6.80	63.94
10.00-36/12-36	6	64.10	7.60	71.70
11.25-36	6	71.19	7.60	78.79
12.75-28	6	73.95	7.98	81.93
13.50-28	6	77.50	7.98	85.48
Implement				
3.50-12	4	4.64	.82	5.46
4.00-7	4	3.58	.75	4.33
4.00-9	4	4.57	.78	5.35
4.00-12	4	4.63	.86	5.49
4.00-12	6	5.22	.86	6.08
4.00-18	2	3.70	1.10	4.80
4.00-18	4	4.68	1.10	5.78
4.00-36	4	11.57	2.28	13.85
5.00-15	4	5.14	1.24	6.38
5.00-16	4	5.72	1.25	6.97
5.00-21	4	6.80	1.35	8.15
5.00-36	4	13.24	2.43	15.67
5.50-16	4	5.64	1.32	6.96
5.50-16	6	7.27	1.32	8.59
6.00-9	4	8.80	1.44	10.24
6.00-9	6	10.16	1.44	11.60
6.00-9	8	11.51	1.44	12.95
6.00-16	4	5.57	1.57	7.14
6.00-16	6	7.22	1.57	8.79
6.00-20	4	8.05	1.76	9.81
6.00-20	6	10.21	1.76	11.97
6.50-16	4	5.81	1.67	7.48
6.50-16	6	7.32	1.67	8.99
6.50-16	[3] 6	9.23	1.67	10.90
6.50-16	8	8.77	1.67	10.41
6.50-36	4	13.36	3.69	17.05
6.50-36	6	15.84	3.69	19.53
7.00-16	4	7.34	1.67	9.01
7.00-16	6	8.67	1.67	10.34
7.50-16	4	8.22	1.72	9.94
7.50-16	6	9.71	1.72	11.43
7.50-16	8	10.88	1.72	12.60
7.50-18	4	9.11	1.88	10.99
7.50-18	6	10.50	1.88	12.38
7.50-18	8	11.73	1.88	13.61
7.50-24	4	13.70	3.00	16.70
7.50-24	6	16.79	3.00	19.79
7.50-24	8	20.15	3.00	23.15
7.50-28	4	18.37	3.61	21.98
7.50-28	6	22.20	3.61	25.81
7.50-36	4	20.39	5.45	25.84
7.50-36	6	24.28	5.45	29.73
8.25-24	4	20.29	3.00	23.39
9.00-16	10	21.43	3.51	24.94
9.00-24	6	22.07	5.29	27.36
9.00-24	8	25.04	5.29	30.33
9.00-36	4	25.78	6.80	32.58
9.00-36	6	30.51	6.80	37.31
9.00-40	8	40.61	7.32	47.93
11.25-24	6	30.41	5.39	35.80
11.25-24	8	34.39	5.39	39.78
11.25-24	10	40.67	5.39	46.06
11.25-28	6	33.66	6.05	39.71
11.25-28	8	37.86	6.05	43.91
11.25-36	10	59.48	7.60	67.08
12.75-32	8	53.17	8.57	61.74
Moderate traction implement				
4.00-30	6	12.31	2.00	14.31
4.00-36	6	13.40	2.28	15.68
5.00-21	4	7.41	1.35	8.76
5.00-36	6	15.32	2.43	17.75
5.00-40	6	16.35	2.49	18.84
Traction implement				
4.00-8	4	4.95	.83	5.78
4.00-12	2	4.40	.86	5.26
4.00-12	4	5.04	.86	5.90
4.00-18	2	4.18	1.10	5.28
4.00-24	4	8.39	1.40	9.79
5.00-12	2	5.12	1.22	6.34
5.00-15	4	5.62	1.24	6.86
5.00-16	2	5.40	1.25	6.65
5.00-21	4	7.41	1.35	8.76
5.50-16	2	5.75	1.32	7.07
5.50-16	4	6.52	1.32	7.84

[3] Hillside combine.

TABLE II—5—Continued

Size	Ply	Tire	Tube	Assembly
Traction implement—Con.				
5.50-28	4	$15.28	$1.68	$17.16
6.00-16	4	6.58	1.57	8.15
6.00-16	6	7.88	1.57	9.45
6.00-22	2	9.53	1.86	11.39
7.50-16	2	8.49	1.72	10.21
7.50-16	6	10.85	1.72	12.57
7.50-18	4	9.93	1.88	11.81
7.50-18	6	11.42	1.88	13.30
7.50-20	4	11.53	2.47	14.00
7.50-20	8	16.94	2.47	19.41
7.50-22	2	16.86	2.80	19.66
7.50-24	4	14.95	3.00	17.95
7.50-24	8	21.89	3.00	24.89

This amendment shall become effective January 31, 1945.

Issued this 26th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1591; Filed, Jan. 26, 1945; 11:48 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 451,[1] Amdt. 6]

BOOK PAPER

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 451 is amended in the following respects:

1. Appendix A (c) (3) is amended to read as follows:

(3) (i) *Manufacturing differentials.*

Supercalendering	plus 25¢ cwt.
Antique or eggshell finish	plus 25¢ cwt.
High bulk	plus 40¢ cwt.
Extra high bulk	plus 65¢ cwt.
Extra beater sizing	plus 25¢ cwt.
Tub or surface sizing	plus 50¢ cwt.
Laid	plus 25¢ cwt.
Watermarked laid	plus 50¢ cwt.
Watermarked wove	plus 50¢ cwt.

(ii) *Secondary finishing differentials.*

For basis weights 28 x 38–55 and heavier	
Plater process:	
1 ream to less than 4 cases (or equivalent)	$2.50 per cwt.
4 cases (or equivalent) or more	$2.00 per cwt.
Embossing roll process:	
1 case to less than 4 cases (or equivalent)	$2.50 per cwt.
4 cases (or equivalent) to 4,999 lbs	$2.00 per cwt.
5,000 lbs. to 35,999 lbs	$1.75 per cwt.
36,000 lbs. or more	$1.50 per cwt.

For basis weights 25 x 38–40 to 54 inclusive 50¢ per cwt. may be added to the secondary finishing differentials listed in the table above.

For basis weights lighter than 25 x 38–40, $1.00 per cwt. may be added to the secondary finishing differentials listed in the table above.

This amendment shall become effective January 31, 1945.

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

[1] 8 F.R. 11529; 9 F.R. 1532, 3030, 5083, 11397.

Issued this 26th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1590; Filed, Jan. 26, 1945; 11:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1] Amdt. 1 to Supp. 5]

PACKED CITRUS PRODUCTS OF 1944 AND LATER PACKS

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

Supplement 5 to Food Products Regulation No. 1 is amended in the following respects:

Section 5a is added to read as follows:

SEC. 5a. *Packed grapefruit segments: 1945 pack*—(a) *General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed grapefruit segments packed on and after October 1, 1944 shall be as follows:

Col. 1 Item No.	Col. 2 State or area	Col. 3 Style of pack (Sweetened)	Col. 4 Container No. 2 can Gov't. (sales)
1	Florida	Sections	$1.800
		Broken sections	1.700
2	Texas	Sections	1.625
		Broken sections	1.525

The area named in column 2 refers in each case to the area in which the fruit used in the pack was grown. (The location of the processor or his factory is not controlling.) Where the processor's pack of grapefruit segments at one factory is produced from fruit grown in more than one area and different prices are named for those areas, the processor shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, in accordance with the provisions of section 10 (c).

This amendment shall become effective January 26, 1945.

Issued this 26th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1588; Filed, Jan. 26, 1945; 11:47 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 51]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

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.*

[1] 9 F.R. 6727.

Section 1364.405 (d) is amended to read as follows:

(d) *Contract boning for the Armed Forces.* (1) Any person who shows in a written statement filed with the Price Administrator at Washington, D. C., that he has been requested to perform contract boning for the Armed Forces, may perform such boning services and may charge and receive no more than the maximum price therefor fixed by this paragraph (d): *Provided*, That (i) he will, as a condition for such boning, perform such services only when an official representative designated by the Army is present who will inspect, approve and otherwise supervise his operations and performances under such contract or contracts, and (ii) he will perform Army contract boning in order to produce quantities of frozen boneless beef (Army specifications) in addition to and not in lieu of other quantities of frozen boneless beef (Army specifications) as he may be required to sell to war procurement agencies pursuant to the provisions of WFO 75–2, as amended.

(2) If any person fails to comply with any of the provisions of this paragraph (d), the Price Administrator may, in addition to other penalties provided by law, revoke the authorization contained herein to perform Army contract boning.

(3) The maximum price for Army contract boning shall be $1.00 per hundredweight, carcass basis, and in addition, the boner may retain all of the bones, fat, sinews, kidneys and other by-products (not including tenderloins), remaining from the production of frozen boneless beef (Army specifications). The weight for determining the monetary portion of the maximum price shall be the weight of the dressed carcasses and/or hindquarters as the case may be, taken at the time of delivery by the Army at the boner's unloading platform. Each delivery of dressed carcasses and/or hindquarters shall constitute a separate transaction for purposes of computing the monetary portion of the price and the voucher submitted by the boner for payment must be accompanied by an exact copy of the record prepared in accordance with the provisions of paragraph (d) (6) hereof.

(4) "Army contract boning" as used in this paragraph (d) means the performance, for the Army on dressed beef carcasses or hindquarters owned and supplied by the Army, of all operations and services, and the furnishing of all materials (except the beef) specified and required by "C. Q. D. No. 11 K—as amended—Specifications for Beef; Boneless, Frozen", issued March 24, 1944, by the Chicago Quartermaster Depot of the United States Army. Army contract boning includes the boning out of all carcasses and/or hindquarters, as the case may be, cutting, trimming, grinding, packaging and marking, freezing, including one month's storage if frozen in a commercial freezer and transportation to such freezer, and the performance of all other acts and services and the furnishing of all materials necessary to perform any of the foregoing in the manner required by C. Q. D. No. 11 K, as amended.

(5) For failure to satisfy any of the specifications or requirements pertaining to Army contract boning, which results in the production of boneless beef not approved by the Army as being frozen boneless beef (Army specifications), the person performing the Army contract boning shall not be entitled to charge or receive any of the monetary portion of the maximum price authorized for the performance of such services.

(6) Every person performing any contract boning pursuant to this paragraph (d) shall keep for inspection by the OPA for so long as the Emergency Price Control Act of 1942, as amended, is in effect, complete and accurate records for each separate transaction showing: (i) the date, number of carcasses and/or hindquarters of each grade, total weight of dressed carcasses of each grade, the total weight of hind quarters of each grade, delivered by the Army to the boning plant (weights shall be taken at time of delivery); and (ii) the net weight of frozen boneless beef (Army specifications) of each grade delivered to the Army and derived from each delivery recorded under (i).

(7) Nothing contained in this paragraph (d) shall be construed as prohibiting the Army from requiring such bonds or undertakings which shall be paid for by the Army contract boner without reimbursement, as are deemed necessary to protect the Army's interest in or title to any beef delivered to or in the possession of the contract boner.

This amendment shall become effective January 25, 1945.

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

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1541; Filed, Jan. 25, 1945; 4:18 p. m.]

PART 1377—WOODEN CONTAINERS

[2d Rev. MPR 195,[1] Amdt. 2]

INDUSTRIAL WOODEN BOXES

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.*

Second Revised Maximum Price Regulation 195 is amended in the following respects:

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

SEC. 3. *Maximum prices: Sales by manufacturers.* Manufacturers who delivered industrial wooden boxes or component parts during March 1942 have an option of determining maximum prices by the procedure outlined in this section or by the procedure given in section 5a. However, a manufacturer may not use both sections, i. e., he may not use the procedures in this section in determining maximum prices for some items and the procedure in section 5a in determining maximum prices for other items. A manufacturer having used either pricing procedure outlined in section 3 or in section 5a may not change over to the other procedure without written permission from the Lumber Branch of the Office of Price Administration, Washington, D. C. Manufacturers who made no deliveries of industrial wooden boxes or component parts during March 1942 must establish their maximum prices under section 7 of this regulation.

(a) *Items sold in March 1942.* A manufacturer electing to determine maximum prices under this section may make a further choice of procedure for determining his maximum prices for items sold by him during March 1942. He may determine his maximum prices for these items by following the procedure described below in subparagraph (i) or (ii). However, he may not use both subparagraphs, i. e., he may not use method (i) in determining some maximum prices and method (ii) in determining maximum prices for other items. A manufacturer having used either pricing procedure outlined in subparagraph (i) or (ii) may not change over to the other procedure without written permission from the Lumber Branch of the Office of Price Administration, Washington, D. C. Maximum prices determined under either of these subparagraphs must be based on sales in March 1942. Sales as used in this paragraph (a) mean deliveries to the purchaser or to a common or contract carrier in March 1942 for delivery to the purchaser.

(i) *Item by item method.* The maximum price for any industrial wooden box or component parts is the highest price charged by the manufacturer for the same industrial wooden box or component parts for sales to the same class of purchaser[2] during March 1942 adjusted for increased material and overtime labor costs as explained in sections 4 and 5 below. By "the same industrial box or component parts" is meant a box or part produced to the same specifications such as style, dimensions of the box or parts, thickness of the lumber or other material, and accessories.

(ii) *Uniform base price method.* In lieu of the method for establishing maximum prices by the item-by-item method as set forth above, a manufacturer may establish maximum prices by a uniform base method developed as follows:

(*a*) Determine a uniform base price for industrial shook (or assembled boxes) sold in March 1942. Shook as used in this regulation means component parts of an industrial wooden box cut to proper dimensions for assembly. If the manufacturer had different price determining method in March 1942 for different classifications of industrial shook (or assembled boxes) he should determine a uniform base price for each classification rather than a uniform base price for all shook (or assembled boxes). The uniform base price for all or each classification of shook (or assembled boxes) must be determined by starting with the maximum prices established by using the item-by-item method described in subparagraph (i) above. If different classifications of shook (or assembled boxes) were used in March, 1942 the prices established by subparagraph (i) should be grouped according to these classifications and a uniform base price determined for each classification separately.

From each of the prices established by using the item by item method in subparagraph (i) deduct all extras and additions and adjust for all differentials as provided for in the manufacturer's own price determining method in effect during March, 1942. These resulting prices represent the base price for each item of industrial shook (or assembled boxes).

Next, determine the total amount of dollar sales that would have been made if all shipments for each item in March 1942 had been made at these base prices. Then divide the total so computed by the amount of board footage delivered in March 1942 to arrive at the uniform base price for all industrial shook (or assembled boxes) or for the particular classification of shook (or assembled boxes).

(*b*) To establish the maximum price for any industrial wooden box or parts add to the uniform base price determined above

(*1*) The extras, additions and adjustments for differentials provided for in the manufacturer's price determining method in effect during March, 1942, and

(*2*) The increased material and overtime labor costs provided for in sections 4 and 5.

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

SEC. 4. *Adjustment for increased lumber and other material costs.* The cost of materials used in calculating the maximum price for any industrial wooden box or parts covered in this regulation shall be limited so that no ceiling price may develop higher than the manufacturer's properly established selling price for the last bona fide order taken for that item during October 1944. If no order for that item was taken during October 1944, find the most comparable item for which an order was taken in October 1944 and adopt the adjustment for increased cost of materials used to establish the selling price of such comparable item. If inventory is kept on grade and the most comparable item is not the same species and grade, a further adjustment must be made to reflect the difference between the ceiling prices of the grades or species.

Adjustments for increased material costs whether such materials are purchased or self-produced may be based on the increase since March 31, 1942 in the cost of material in inventory and in

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

[1] 9 F. R. 13853, 14340.

[2] Purchasers of the same class refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer), or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

transit as of the closing business day of the second calendar month preceding the delivery of the item. If customary records have not been made as to inventory value, the adjustment may be based on the difference between the cost of lumber and other material purchased in March 1942 and purchased in the second calendar month preceding the time of delivery may be used.

The lumber cost to be used in adjusting selling prices under this regulation shall not be in excess of the f. o. b. mill maximum price on October 31, 1944 for truckload or carload quantities, plus permitted additions for direct-mill shipments other than direct-mill retail sales, in the applicable maximum price regulation of the particular grades and species used. In the case of veneer, adjustment may not be based on prices in excess of those established for box grade veneer under Maximum Price Regulation No. 176 on October 31, 1944, or General Maximum Price Regulation if applicable. In the case of plywood, adjustment may not be based on prices in excess of those established for plywood under the General Maximum Price Regulation. Waste in manufacturing shall be calculated by using a percentage factor (by grade or average depending on March, 1942 practice) no higher than that used in March, 1942. Additions for unloading and handling lumber at any plant may not exceed the dollar-and-cent charge made in March 1942.

(a) *Purchased lumber.* The cost of purchased lumber is the weighted average of the actual prices paid for the lumber in the manufacturer's inventory and in transit for the closing business day of the second calendar month preceding the time of the delivery subject to this regulation. Thus for deliveries made in December the average inventory value of the closing business day in October shall govern. If inventory is kept by grade, the average cost of the grade or grades actually used in the box should be taken as the lumber cost in the same manner as during March 1942. If inventory is not kept by grade, the average value of inventory should be determined in the same manner as in March 1942.

3. In section 4, paragraph (d) is amended by deleting the last paragraph.

4. Section 5 is hereby amended to read as follows:

SEC. 5. *Adjustment for increased overtime.* Those manufacturers who arrive at their prices under section 3 may adjust their prices to reflect increased overtime labor costs since March 1942. Any added expense for additional overtime as provided in this section must be computed monthly. The overtime addition for the current month must be based on the overtime addition earned during the preceding month. The earned overtime addition shall be based on the number of overtime hours worked over and above those worked during March 1942. However, the March 1942 wage rate must be used in computing labor cost, both straight and overtime hours. No increase due to increased basic wage rates since March 1942 may be included. Thus if time and half is paid for overtime and if the hourly rate has increased from 60¢ to 70¢ since March 1942, the overtime expense is figured on the 60¢ rate.

5. A new section 5a is added after section 5 with appropriate addition to table of contents.

SEC. 5a. *Pricing option for manufacturers who delivered industrial wooden boxes or component parts during March 1942.* In lieu of the methods of establishing maximum prices outlined in section 3, a manufacturer may establish maximum prices by a uniform base method similar to that set forth in section 3 (a) (ii). In determining maximum prices by the uniform base method given in this section 5a, the following rules shall apply:

(a) Determine the uniform base price for industrial shook (or assembled boxes) in October 1944. If the manufacturer had different price determining methods in March, 1942 for different classifications of industrial shook (or assembled boxes) he should determine a uniform base price for each classification rather than a uniform base price for all shook (or assembled boxes). The uniform base price for all or each classification of shook (or assembled boxes) must be determined by starting with the prices shown on all bona fide orders taken during October 1944 (on which subsequent deliveries were made). In the event that no orders were taken in the month of October 1944, prices for each shipment made during that month must be used. However, no price may be used in excess of the properly computed ceiling prices under RMPR 195 in effect during October 1944. Moreover, any price computed on a cost of lumber in excess of the ceiling price for direct mill shipments delivered to the manufacturer's plant, must be reduced accordingly. If different classifications of shook (or assembled boxes) were used in March, 1942, the October 1944 prices should be grouped according to these classifications and a uniform base price determined for each classification separately.

From each of the October 1944 prices determined above deduct all extras and additions and adjust for all differentials as provided for in the manufacturer's price determining method which was in effect during March 1942 or which has been approved for a manufacturer in writing by the Office of Price Administration, Washington 25, D. C. These resulting prices represent the base price for each item of industrial shook (or assembled box).

Next determine the total amount of dollar sales that would have been made if all orders taken during October 1944 (or if no orders were taken, all shipments made) had been taken at these base prices. Then divide the total so computed by the amount of board footage on the orders taken during October 1944 (or if no orders were taken, on shipments made) to arrive at the uniform base price, for all industrial shook (or assembled boxes) or for the particular classification of shook (or assembled box).

(b) The maximum price for any industrial box or component parts is the sum of the uniform base price determined above plus the extras, additions and adjustments for differentials provided for in the manufacturer's price determining method in effect during March 1942.

This section shall become inoperative and the procedures in section 3 must be followed by any manufacturer who fails to submit the report required under section 14 within the time limit prescribed [The report must be based on the pricing procedures set forth in section 3 (a) (i) or 3 (a) (ii)]. Manufacturers using this section 5a must make and keep on file a sufficiently complete record of their computations to demonstrate the correctness of their calculations as set forth in section 14 (b).

6. In section 6, the last paragraph is hereby amended to read as follows:

If a seller purchases industrial wooden boxes or parts from another seller of the same class—such as a jobber purchasing from another jobber—the combined mark-up may not exceed the higher of the allowable mark-ups of either seller, provided neither seller receives higher than his individual allowable mark-up.

7. Section 7 is amended to read as follows:

SEC. 7. *Maximum prices: All other cases.* If any seller of industrial wooden boxes or parts cannot figure his maximum price under the provisions of this regulation up to this point, he should write a letter to the Lumber Branch of the Office of Price Administration, Washington, D. C. telling why he cannot. He should describe the box (giving inside dimensions, style of box, number, size, thickness of each piece, and species of lumber; grade requirements of box; whether veneer or sawed; fixtures such as hinges and hasps; any special operations such as hand holes; whether in shook form, unitized, or set-up; and any other relevant facts), state the requested price and whether it is f. o. b. mill or delivered, and give any information, such as costs, his competitor's price and the like which would be of assistance in determining a proper price. The Office of Price Administration will then by letter send instructions either in the form of a specific price or in the form of a method of computing the price. When establishing maximum prices under this section the Office of Price Administration will give consideration to such factors as: (1) The October 1944 selling price of the applicant (as reflected in bona fide orders taken during that month) and his method of determining that price, (2) The competitive level of prices established by this regulation, and (3) The methods used by his competitors in determining their prices or the price determining methods customarily used in the industry.

A seller who has made application for approval of a price or a pricing method does not have to suspend negotiations or deliveries. He may sell and deliver at the price requested by him, but he may not accept final payment until his price has been approved. A price which has not been disapproved within 30 days from receipt of application by this Office shall be considered approved.

Prices which have been specifically approved, prior to November 25, 1944, in writing by the Office of Price Administration, Washington, D. C. may be continued until May 1, 1945 unless modified by the Administrator. If specific approvals have not been given in writing, maximum prices must be established under this section.

In order to provide uniform prices for better administration of the regulation, the administrator may by order establish dollar and cents ceilings for any commodity covered by this regulation.

8. Section 9 is hereby amended by adding at the end thereof a new paragraph as follows:

Manufacturers who in March 1942 sold and shipped industrial boxes or component parts, based on estimated shipping weights, may continue to do so after filing with the Lumber Branch of the Office of Price Administration, Washington 25, D. C., a table of the estimated weights so used.

9. Section 10 is hereby amended by adding the following paragraph:

Sellers who have customarily described their boxes on invoices by the use of symbols or numbers may continue to do so provided a complete description is on file at the seller's office, open to inspection by the buyer.

10. In section 14, the fourth paragraph is amended to read:

These reports must be filed on or before February 15, 1945 or in case of sellers other than manufacturers entering business after the effective date of the regulation, within 30 days of the time of acceptance of an order.

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

This amendment shall become effective January 25, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1542; Filed, Jan. 25, 1945; 4:18 p. m.]

PART 1388—DEFENSE RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 42]

TROY, ALA., AREA

Schedule A of the Rent Regulation for Hotels and Rooming Houses is amended by adding Items 10a, 66a, 88b, 165a, 173b, 178a, 244a, 245a, 319b, 341b, and by changing Item 253b to read as follows:

Defense-rental area	State	County or counties in defense-rental area under Rent Regulation for Hotels and Rooming Houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(10a) Troy, Ala	Alabama	Pike	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(66a) Daytona Beach	Florida	Volusia	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(88b) Peoria	Illinois	Peoria and Tazewell	Mar. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(165a) Greenville, Miss	Mississippi	Washington	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(173b) St. Joseph	Missouri	Buchanan	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(178a) Holdrege	Nebraska	Phelps	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(244a) Duncan	Oklahoma	Stephens	Oct. 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(245a) Guymon	Oklahoma	Texas	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(253b) Lane County	Oregon	Lane	Jan. 1, 1944	Jan. 1, 1945	Mar. 31, 1945
(319b) Kerrville	Texas	Kerr	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(341b) Danville, Va	Virginia	The Independent City of Danville, and in Pittsylvania County the Magisterial Districts of Tunstall and Dan River.	July 1, 1943	Feb. 1, 1945	Mar 15, 1945

This amendment shall become effective February 1, 1945.

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

Issued this 26th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1593; Filed, Jan. 26, 1945; 11:48 a. m.]

PART 1388—DEFENSE RENTAL AREAS

[Housing,[2] Amdt. 45]

TROY, ALA., AREA

Schedule A of the Rent Regulation for Housing is amended by adding Items 10a, 66a, 88b, 165a, 173b, 178a, 244a, 245a, 819b, 341b, and by changing Item 253b to read as follows:

Defense-rental area	State	County or counties in defense-rental area under Rent Regulation for Housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(10a) Troy, Ala	Alabama	Pike	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(66a) Daytona Beach	Florida	Velusia	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(88b) Peoria	Illinois	Peoria and Tazewell	Mar. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(165a) Greenville, Miss	Mississippi	Washington	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(173b) St. Joseph	Missouri	Buchanan	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(178a) Holdrege	Nebraska	Phelps	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(244a) Duncan	Oklahoma	Stephens	Oct. 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(245a) Guymon	Oklahoma	Texas	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(253b) Lane County	Oregon	Lane	Jan. 1, 1944	Jan. 1, 1945	Mar. 31, 1945
(319b) Kerrville	Texas	Kerr	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(341b) Danville, Va	Virginia	The Independent City of Danville, and in Pittsylvania County the Magisterial Districts of Tunstall and Dan River.	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945

This amendment shall become effective February 1, 1945.

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

Issued this 26th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1595; Filed, Jan. 26, 1945; 11:49 a. m.]

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[1] 9 F.R. 11322, 11540, 11610, 11787, 12414, 12866, 12967, 14059, 14357, 14238, 15059, 15156; 10 F.R. 47, 160, 330.

[2] 9 F.R. 11334, 11541, 11610, 11797, 12414, 12886, 12967, 14060, 14357, 14987, 15060, 15155; 10 F.R. 48, 160, 330.

PART 1388—DEFENSE RENTAL AREAS

[Designation and Rent Declaration 31,[1] Amdt. 28]

DESIGNATION OF CERTAIN AREAS AND DECLARATIONS RELATING TO SUCH AREAS

§ 1388.1341 of Designation and Rent Declaration 31, items 1, 6, 21, 23, 32, 38, and 41 are amended and items 133, 134, 135, 136, 137, 138, 139, and 140 are added to read as follows:

(1) Alabama	Alabama	That portion of the State of Alabama not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Baldwin, Coffee, Pickens, and Pike.
(6) Florida	Florida	That portion of the State of Florida not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Broward, Charlotte, Columbia, Dade, St. Johns, St. Lucie, Santa Rosa, Sarasota, Taylor, Volusia, Wakulla, and Walton, and in the county of Palm Beach Precincts 20, 21, 22, 23, 24, 25, 26, 28, and 30, including the cities of Delray Beach and Lake Worth, and the towns of Boca Raton, Boynton, Gulf Stream, Lantana, Manalapan, and Ocean Ridge.
(21) Missouri	Missouri	That portion of the State of Missouri not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the county of Buchanan.
(23) Nebraska	Nebraska	That portion of the State of Nebraska not designated prior to October 5, 1942, by the Price Administrator as part of any defense-rental area, except the counties of Adams, Buffalo, Clay, Dakota, Fillmore, Jefferson, Phelps, Redwillow, Thayer, and York.
(32) Oklahoma	Oklahoma	That portion of the State of Oklahoma not designated prior to October 5,1942 by the Price Administrator as part of any defense-rental area, except the counties of Beckham, Canadian, Carter, Custer, Jackson, Tottawatomie, Stephens, Texas, Tillman and Washita.
(38) Texas	Texas	That portion of the State of Texas not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Bee, Brazos, Brewster, Collin, Denton, Gregg, Kerr, Kinney, Kleberg, Lampasas, McCulloch, Nolan, Smith, Uvalde, Val Verde, and Webb, and Justices' Precincts 1, 6, and 7 in the county of Caldwell.
(41) Virginia	Virginia	That portion of the State of Virginia not designated prior to October 5, 1942 by the Price Administrator as part of any defense-rental area, except the counties of Northampton and Warren, and the Independent City of Danville, and in Pittsylvania county the Magisterial Districts of Tunstall and Dan River.
(133) Troy, Ala	Alabama	County of Pike.
(134) Daytona Beach	Florida	County of Volusia.
(135) St. Joseph	Missouri	County of Buchanan.
(136) Holdrege	Nebraska	County of Phelps.
(137) Duncan	Oklahoma	County of Stephens.
(138) Guymon	Oklahoma	County of Texas.
(139) Kerrville	Texas	County of Kerr.
(140) Danville, Va	Virginia	The Independent City of Danville, and in Pittsylvania County the Magisterial Districts of Tunstall and Dan River.

This amendment shall become effective February 1, 1945.

Issued this 26th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1594; Filed, Jan. 26, 1945; 11:48 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[2] Amdt. 88]

SHOES

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

Ration Order 17 is amended in the following respects:

1. Section 2.11 (1) is added to read as follows:

(1) *Third odd lot release*—(i) *Transfers to establishments.* (i) During the period from February 5, 1945, to February 24, 1945, inclusive, any establishment whose transfers of shoes are made principally to other establishments may transfer without ration currency to any other establishment, not to exceed in any class listed below, the applicable percentage of the number of pairs of shoes which it had in its inventory on July 31, 1944, in such class (as reported on Form R-1701B).

Class I—Men's dress and work shoes---- 3%
Class II—Women's shoes---------- 5%

Any establishment transferred to a new owner under section 3.7 (b) after July 31, 1944 may transfer shoes under the conditions stated in subdivision (i) using as the base to which the percentage applies the number of pairs of shoes its transferor had in inventory on July 31, 1944 (as reported on Form R-1701B). The price of each pair so transferred between establishments not owned by the same person may not exceed a price 25% below the lowest price at which such shoes were sold by the transferor on February 1, 1945 (or if there was no sale of such shoes on February 1, 1945, the closest date thereto) to persons other than consumers. An establishment may transfer shoes under this subparagraph to another establishment owned by the same person only if the price to consumers for such shoes will not exceed a price 33⅓% above the lowest price paid by the owner of the establishment for such shoes.

(ii) Shoes acquired without ration currency under this subparagraph by any establishment may be transferred without ration currency to another establishment without relation to the percentage specified in section 2.11 (1) (i). The price of each pair so transferred by the establishments not owned by the same person may not exceed a price 10% above the price paid by the owner of the establishment for such shoes.

(iii) Each establishment shall, when transferring shoes without ration currency under this subparagraph, state on each invoice furnished pursuant to section 2.13 the price per pair and in total of all shoes included in the invoice. Where shoes are transferred between establishments owned by the same person, the invoice shall state the price at which such shoes are to be sold to consumers.

(2) *Transfers to consumers.* (i) During the period from February 19, 1945 to March 3, 1945, inclusive, an establishment whose sales of shoes are made principally to consumers may transfer to consumers without ration currency in each class listed in subparagraph (1) above the applicable stated percentage of the number of pairs of shoes it had in its inventory on July 31, 1944, in such class (as reported on Form R-1701B). Any establishment transferred to a new owner under section 3.7 (b) after July 31, 1944 may transfer shoes under the conditions stated in this subdivision, using as the base to which the percentage applies the number of pairs of shoes in that class in the inventory of the old owner on July 31, 1944 (as reported on OPA Form R-1701B).

(ii) Any establishment whose transfers of shoes are made principally to consumers may transfer to consumers without ration currency during the period from February 19, 1945 to March 3, 1945, inclusive, shoes which it acquired from another establishment pursuant to section 2.11 (1) (1). The number of pairs of shoes so transferred need not be deducted by the establishment from the number of pairs of shoes permitted to be transferred without ration currency under section 2.11 (1) (2) (i).

(iii) The sale price of each pair of shoes transferred under section 2.11 (1) (2) (i) may not exceed a price of 25% below the establishment's regular price to consumers for such shoes on February 1, 1945. If the price of shoes had been permanently reduced before February 1, 1945, the reduced price is the regular price to consumers for the purpose of this subparagraph. If the shoes were on special sale on February 1, 1945, the regular price to the consumer for those shoes is the last price at which they were sold immediately preceding the special sale. The sale price of shoes acquired under section 2.11 (1) (2) (ii) may not exceed a price 33⅓% above the price paid by the owner of the establishment for such shoes.

(iv) Shoes transferred to consumers in accordance with this subparagraph shall be marked with the words "Release No. —" after the sale to the consumer but before they are removed from the establishment. The mark shall be written or stamped on one shoe of each pair with ink, indelible stamp or indelible pencil.

(v) When such shoes are offered for sale to consumers in any advertisement

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

[1] 9 F.R. 5823, 5915, 7329, 7431, 9265, 9513, 11540, 11798, 12866, 14061, 15059, 15156.

[2] 8 F.R. 15839, 16605, 16996, 9 F.R. 32, 573, 764, 2232, 2656, 2947, 2829, 3340, 3944, 4391, 5254, 5805, 6233, 6647, 6455, 7080, 7773, 8254, 8339, 8340, 8931, 8355, 9901, 10589, 10984, 10985, 11638, 11763, 12039, 12271, 12812, 13134, 13067, 13992, 14017, 14496, 10 F.R. 521.

or notice, they shall be referred to as "OPA Odd Lot Release. Ration-free from February 19, 1945 to March 3, 1945, inclusive."

(3) *Definition of price.* For the purpose of this paragraph the term "price" shall mean the invoice price less any trade or cash discount but plus any separable transportation expense (a charge for freight or postage which is not included in the invoice price.) However, the term "price" when used in relation to the amount which may be charged to a consumer means the amount actually charged less any local sales tax.

(4) *Records and reports.* Each establishment shall keep a record in the manner required by section 2.13 (b) (9) showing the number of pairs of shoes transferred without ration currency under this paragraph and the number of pairs of shoes acquired by the establishment without ration currency under this paragraph.

(5) *Surrender of ration currency.* If shoes acquired without ration currency under subparagraph (1) are sold by an establishment to a consumer at a price in excess of 33⅓% above the price paid by the owner of the establishment for such shoes, it shall collect ration currency and surrender it to the District Office within five days after the transfer.

2. Section 2.11 (m) is added to read as follows:

(m) *Ration status of shoes.* The shoes covered by this section (other than paragraph (a)) remain under rationing control. Therefore, this section (other than paragraph (a)) does not permit a person to receive, acquire, transfer or otherwise deal in these shoes if he is prohibited by an order issued under Procedural Regulation No. 4 from doing any of these things with respect to rationed shoes or shoes covered by Ration Order 17. Persons not so prohibited may deal in these shoes without the surrender or collection of ration currency in the manner and upon the conditions specified in this section.

This amendment shall become effective February 5, 1945.

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

Issued this 26th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1589; Filed, Jan. 26, 1945; 11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 1 to Supp. Service Reg. 41]

DAYTIME AUTOMOBILE PARKING IN DOWNTOWN LOS ANGELES PARKING AREA

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

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

Supplementary Service Regulation 41 is amended in the following respects:

1. The addresses of the following parking lots listed in Appendix A are changed as indicated below.

Change	To	Price
115 No. Broadway	301 West First	15-X-25.
1009-11 South Broadway.	1015-19 South Broadway.	15-X-25.
545 So. Figueroa	533 So. Figueroa	10-X-20.
744 So. Figueroa	734 So. Figueroa	10-X-15.
748 So. Figueroa	740 So. Figueroa	10-10-25.
549 So. Grand	539 So. Grand	15-15-50.
724 So. Grand	712 So. Grand	15-15-50.
860 So. Grand	850 So. Grand	10-X-20.
NE Cor. Grand & 4th	356 So. Grand (509 W. 4th).	10-X-15.
742 So. Grand	756 So. Grand	10-X-20.
116 So. Hill	120 So. Hill	10-X-15.
235-47 So. Hill [1]	235 So. Hill	10-X-20.
235-47-So. Hill	247 So. Hill	10-X-20.
923 So. Hill	917 So. Hill	10-10-25.
927 So. Hill	935 So. Hill	10-X-20.
929 So. Hill	945 So. Hill	10-X-15.
307 So. Los Angeles	311 So. Los Angeles.	10-X-15.
635 So. Los Angeles	641 So. Los Angeles.	10-10-25.
101 So. Los Angeles	162 No. Main (thru to L. A.) (Sec. 1 & 2).	15-10-35.
101 So. Los Angeles	162 No. Main (thru to L. A.) (Sec. 3).	15-X-25.
623 So. Main	621 So. Main	10-10-50.
633 So. Main	631 So. Main	10-10-35.
1035 So. Main	1047 So. Main	10-X-15.
521 W. Ninth	519 W. Ninth	10-10-25.
313 So. Olive	307 So. Olive	10-X-10.
960 So. Olive	950 So. Olive	10-X-15.
336 So. Spring	338 So. Spring	10-10-30.
912 So. Wall	921 So. Wall	10-X-10.
368 Werdin Place	338 Werdin Place	10-5-20.
Delete: S W corner Wiltshire & Hope N E corner Wiltshire & Hope		

[1] Split into 2 parks.

2. Appendix A is amended by adding thereto the following parking lots and their prices.

Address of Lot	*Price*
147 North Broadway	15-10-35
516 West Eighth	10-10-35
732 South Figueroa	10-10-35
229 South Flower	10-X-10
337 South Flower	10-X-10
356 South Flower	10-X-10
539 South Flower	10-X-15
800 South Flower (720 W. 8th Street)	10-10-25
934 South Flower	10-X-10
North side of Fourth Street between Flower & Figueroa	10-X-10
100 South Hill	10-X-15
344-46 South Hill	15-10-35
936 South Hill	10-X-20
955 South Hill	10-X-15
1060 South Hill	10-X-15
125 South Hope	10-X-10
626 South Hope	10-10-35
858 South Hope	10-X-15
742 South Grand (new)	10-10-25
801 South Grand (or 600 West Eighth)	15-X-25
844 South Grand	10-X-20
1143 So. Grand	10-X-10
113-123 North Los Angeles	10-X-15
170 North Los Angeles	15-X-25
946 South Los Angeles	10-X-10
114 South Main	10-X-20
446 South Main	15-10-25
545 South Main	10-10-35
317-19 West Ninth	15-10-25
842 South Olive	15-10-25
Whitey's Park adjoining 842 South Olive	15-10-25
White Palm adjoining 845 So. Olive	15-10-25
618 West Sixth	15-15-50
808 West Sixth	10-X-20
819 West Sixth	10-X-15
327 South Spring	10-10-35
536 South Spring	15-15-50
849 South Spring	15-10-50
109-113 East Third	10-10-25
817 West Third Street	10-X-10

3. The prices listed in Appendix A for the following parking lots are changed as indicated below.

Address of park	Former price	Price established by this amendment
311-313 N. Broadway	15-X-25	15-10-35.
918 So. Broadway	15-X-25	15-10-35.
719 West Eighth Street	10-X-15	10-10-25.
724 South Figueroa	10-10-25	10-10-30.
NW Corner Figueroa and Wilshire	10-10-25	10-X-20.
725 South Flower	10-10-25	10-10-30.
732 South Flower	10-10-25	10-10-30.
315 West Fourth	10-X-25	20-15-1.00.
416 West Fourth	15-10-35	10-10-35.
425 South Grand	10-X-15	10-X-20.
610-640 South Grand	15-15-50	20-15-50.
902 South Grand	10-X-15	10-X-20.
104 North Hill	10-X-15	10-X-20.
132 South Hill	10-X-15	10-X-20.
319 South Hill	15-X-25	15-10-35.
918 South Hill	10-X-25	10-10-25.
923 South Hill	10-X-25	10-10-25.
426 South Hope	10-X-15	10-X-20.
557 South Hope	15-10-25	10-10-35.
640 South Hope (NE Corner Wilshire & Hope).	15-10-25	15-10-35.
641 South Hope (SW Corner Wilshire & Hope).	15-10-25	15-10-35.
749 South Hope	10-X-25	10-10-25.
SW Corner Hope and Wilshire	15-10-25	15-10-35.
127 South Los Angeles	10-X-15	10-X-20.
129 South Los Angeles	10-X-15	10-X-20.
635 South Los Angeles	10-X-25	10-10-25.
745 South Los Angeles	10-X-25	10-10-25.
846 South Los Angeles	10-10-25	15-X-25.
919 South Los Angeles	10-X-25	10-10-25.
SW Corner Wilshire & Grand	15-15-50	20-15-50.
345 South Main	15-10-25	15-10-35.
913 South Main	10-10-25	10-10-35.
939 South Main	10-X-25	10-10-25.
Where Main and Arcadia meet (N. G. Park).	10-X-25	10-10-25.
440 South Olive	15-15-35	15-10-50.
813 South Olive	15-15-50	20-15-50.
827 South Santee	10-X-15	10-X-20.
SE Corner Second & Main	15-X-25	10-10-25.
SW Corner Sixth and Maple	10-X-15	15-X-25.
NE Corner Sixth and Maple	10-X-15	15-X-20.
220 South Spring	10-X-25	10-10-25.
225 South Spring	10-X-25	10-10-25.
234 South Spring	10-X-25	10-10-25.
314 South Spring	10-X-25	10-10-25.
353 South Spring (includes entrance on Fourth and Broadway).	15-10-35	15-10-50.
450 South Spring	15-15-50	20-15-75.
633 South Spring	15-15-50	20-15-1.00.
332 North Spring	15-X-25	20-15-35.

This amendment No. 1 shall become effective January 31, 1945.

Issued this 26th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1592; Filed, Jan. 26, 1945; 11:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 207—NAVIGATION REGULATIONS

DULUTH-SUPERIOR HARBOR, MINN.-WIS.

Pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), and section 4 of the River and Harbor Act of 3 March 1905 (33 Stat. 1147; 33 U. S. C. 419), the provisions of § 207.400 governing the use

and navigation of the canals and channels in the Duluth-Superior Harbor, Minnesota and Wisconsin, are hereby amended, both as to title and regulations, to read as follows:

§ 207.400 *Duluth - Superior Harbor, Minn. and Wis.; use, administration, and navigation, bridge, and dumping regulations*—(a) *Speed of vessels.* (1) Vessels will not be restricted as to speed while passing through the channels between entrance piers, but vessels of 300 gross tons and upward shall not exceed 8 miles per hour while running through any of the dredged channels within the harbor.

(2) When approaching a bridge (excepting the Duluth Ship Canal bridge) the speed shall be reduced enough to enable the vessel, in case the draw fails to open, to come to a dead stop without striking the bridge.

(3) No restrictions as to speed are required for passing the Duluth Ship Canal bridge. However, vessels approaching this bridge should make such reductions in speed as the currents and weather conditions will permit and still allow for safe passage through the canal.

(4) While passing all other bridges under ordinary conditions of weather the speed should not exceed 6 miles per hour, except at the Lamborn Avenue bridge where it should not exceed 4 miles. A greater speed will be allowed when necessary for steerage as when running light in a wind. The signals (described in paragraphs (c) and (d) of this section) should be passed between the vessel and the bridge in sufficient time to enable the captain of the steamer always to have his boat under control.

(5) A steamer must employ a tug or tugs whenever the conditions of weather or currents make the passage difficult or dangerous to either the vessel or the bridge.

(b) *Passing in Duluth Ship Canal.* Self-propelled vessels exceeding 300 gross tons, and barges or scows exceeding (light) 100 displacement tons, shall not pass within the canal. Inbound vessels shall have the right of way.

(c) *Signals for opening bridges.* (1) Following are the number and kind of blasts of the signal whistle or of a horn when a vessel is not navigated by steam or Diesel power, which shall be given as a signal for opening the respective bridges:

Duluth Ship Canal bridge, 3 long blasts.
Interstate (or Duluth-Superior) bridge, 1 long, 1 short, 1 long.
Minnesota draw, Northern Pacific Railway bridge, 1 long, 2 short.
Wisconsin draw, Northern Pacific Railway bridge, 2 long, 2 short.
Grassy Point bridge, 2 short, 1 long.
Arrowhead bridge (Twin Ports), 3 long blasts.
Transfer bridge, New Duluth, 3 long blasts.
Lamborn Avenue bridge, 3 short blasts.

(2) The signal for opening a bridge should ordinarily be given when the vessel is about half a mile away, but the distance should be more or less according to the vessel's speed, the object being to give sufficient time for the tender to open the draw. The signal should not be given too far away, nor too soon, to cause unnecessary interference to traffic over the bridge. In the case of the Duluth Ship Canal bridge, vessels approaching from the lake shall signal for opening, in all circumstances, when not less than one-half mile distant from the bridge. (See subparagraph (3) of this paragraph for Lamborn Avenue bridge.)

(3) In approaching the Lamborn Avenue bridge from the west the signal for opening shall be given when about one-fourth mile away, and when approaching from the east it shall be given at the time of pulling away from the slips or dry docks.

(4) After giving the signal for opening the bridge the pilot should watch for the return signals from the bridge tender described in paragraphs (d) (1), (2) and (3) of this section, and be governed accordingly. If a return signal should not be received at once the vessel shall be checked and prepared to stop before reaching the bridge, and the opening signal shall be repeated. (See paragraph (d) (4) of this section for Duluth Ship Canal bridge.)

(d) *Signals by bridge tenders.* (1) Each of the seven bridges first mentioned in paragraph (c) (1) must be provided with a signal of sufficient strength of sound to be heard distinctly three-fourths of a mile in any condition of weather. At the Lamborn Avenue bridge a loud-sounding bell will be used, such as can be heard distinctly at the distance of three-eighths of a mile. In the following subparagraphs the term "blasts" as applied to this bridge will mean a "stroke of the bell".

(2) Upon receiving a signal for opening the draw the tender shall at once answer with a return signal, which shall be the same as the signal for opening, to indicate that the vessel signal has been heard. The tender shall take note of the vessel's position and speed, and open the bridge in time to allow the vessel to pass through. (See, however, subparagraph (3) of this paragraph.)

(3) In case the bridge, other than the Duluth Ship Canal bridge (see subparagraph (4) of this paragraph), is not ready to open at the time of receiving a signal, or very soon thereafter for any cause, as for instance when a train is passing over or in case the bridge should be so disabled that it cannot be opened at all, the tender will answer the vessel with 5 short blasts given in quick succession, as a signal to check down and stop. As soon as the bridge is ready to open, he will give the return signal stated in subparagraph (2) of this paragraph.

(4) In case the Duluth Ship Canal bridge is disabled, the bridge authorities must give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that they will not attempt to enter the canal. At all other times the bridge tender must lift the bridge promptly on receiving signal to do so. In case of a sudden breakdown during the lifting operation, five short blasts shall be given as a danger signal.

(5) Vessels must be given precedence over highway or railway traffic. When a signal is given by a vessel to open the bridge, a railroad train or any vehicle that may be approaching to cross the bridge must be required to wait for the vessel to pass: *Provided, however,* That except at the Duluth Ship Canal bridge, vessels of 100 gross tons or under may be held for a short period in case a firstclass passenger train carrying United States mails is ready to cross the bridge.

(e) *Equipment.* Each drawbridge must be provided with suitable power and mechanical appliances and sufficient crew, so that the draw can be opened promptly for a vessel to pass. The tender's house shall be high enough to clear trains, busses, trucks or other vehicles, and allow the tender to see readily the channels in all directions. All bridges must be lighted as required by the U. S. Coast Guard.

(f) *Rafts.* Before a raft may be towed through any of the entrances, channels, or basins of the Duluth-Superior Harbor application shall be made to the District Engineer of the Engineer Department in charge of the locality for specific permission and instructions.

(g) *Anchorage of vessels.* (1) Vessels shall not anchor in the entrance canals, or in any of the navigable channels, except in the harbor basins, and then only where not in the way of passing vessels.

(2) Vessels and rafts shall not be anchored or otherwise fastened where they are liable to swing into the channels by reason of a wind or current.

(3) The position and arrangement of vessels lying at anchor in the harbor basin shall be subject to the direction of the District Engineer Officer in charge of the locality, or his authorized representatives, and vessels shall, when so directed, promptly shift their position to another part of the basin.

(h) *Dragging anchors.* No vessel shall be towed while the anchor of such vessel is down or dragging at the bottom of the channel.

(i) *Towing through bridges.* Freight steamers shall not tow consorts astern while passing through the bridges of this harbor, the Duluth Ship Canal bridge excepted. Towing alongside the steamer will, however, be permitted.

(j) *Patrol signals.* (1) Three short blasts of the signal whistle when sounded from a patrolling vessel will indicate that the vessel to which such signal is given is proceeding at too high a rate of speed, and such vessel must immediately moderate its speed accordingly.

(2) Three long blasts of the signal whistle followed by two short blasts when sounded from a patrolling vessel will indicate that the vessel to which such signal is given must stop until further orders from the patrolling vessel.

(3) One long blast, followed by four short blasts, when sounded from the patrolling vessel, will indicate that the vessel to which such signal is given may proceed on its course.

(k) *Other requirements.* (1) No vessel shall be moored to any United States pier.

(2) No material of any kind shall be loaded on or loaded from the United States piers, except for the use of the United States, unless by special permission of the Engineer Officer in charge in each case.

(3) Vessels shall take great care not to run into, strike, rub against, or otherwise injure the United States piers, buoys, or beacons in the harbor.

(4) Dredges and attending scows and tugs are expected and required to give half the channel for passing vessels, and the latter are required to do the same when passing the dredges or other craft.

(5) Where there are two or more channels leading to a given point, in one of which improvement work is going on, the latter channel may be temporarily closed to navigation by the District Engineer, after due notice.

(l) *Dumping regulation.* All dredging, earth, garbage and other refuse material of every kind and description, taken from Duluth-Superior Harbor into Lake Superior to be dumped, shall be deposited at such points as shall be designated and marked by the District Engineer, at a distance not less than one mile nor more than two miles from the lake entrance of the Duluth Ship Canal, and at the same distance from the outer entrance to the Superior Entry; *Provided*, That no material shall be deposited where the depth of water is less than 50 feet at the time of dumping. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266, sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362, sec. 4, River and Harbor Act, Mar. 3, 1905, 33 Stat. 1147; 33 U.S.C. 1, 499, 419) [Regs., 9 January 1945 (CE 800.211 (Duluth-Superior Harbor, Minn.-Wis.)—SPEWR)]

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

[F. R. Doc. 45-1536; Filed, Jan. 25, 1945; 2:20 p. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 45, Supp. 2]

PART 306—GENERAL AGENTS AND AGENTS

FREIGHT BROKERAGE AND COMMISSIONS ON FARES

Section 306.123 *Freight brokerage* is amended by striking out subparagraph (3) of paragraph (a), and substituting the following therefor:

(3) Sugar, metals, ores and bulk cargoes (including cargo owned by any department or agency of the Government, for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in long voyage trades or in spheres outside of those covered by paragraph (a) (2): 1¼% of the base freight before all surcharges, war or otherwise, *Provided, however,* That:

(i) For services rendered during the period January 1, 1944, to and including January 31, 1945, brokerage shall not be paid on that portion of freight charges in excess of $8.00 per manifest ton;

(ii) For services rendered on and after February 1, 1945, brokerage shall not be paid on that portion of the freight charges in excess of $4.00 per manifest ton on grain and bagged grain and $8.00 per manifest ton on sugar, metals, ores and other bulk cargoes except grain and bagged grain.

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

JANUARY 25, 1945.

[F. R. Doc. 45-1569; Filed, Jan. 26, 1945; 9:56 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

DEFINITION OF "AREA OF PRODUCTION" WITH RESPECT TO DAIRY PRODUCTS, POULTRY AND EGGS

NOTICE OF HEARING ON PROPOSED AMENDMENT

In the matter of the amendment of §§ 536.1 (a) and 536.2 (a), Part 536, Title 29, Chapter V (Regulations of the Wage and Hour Division defining the term "Area of Production").

Pursuant to section 7 (c) and section 13 (a) (10) of the Fair Labor Standards Act of 1938 the Administrator of the Wage and Hour Division, United States Department of Labor, issued regulations, Part 536, Title 29, Chapter V, Code of Federal Regulations, as amended, defining the "area of production." In *Addison, et al* v. *Holly Hill Fruit Products, Inc.*, 64 S. Ct. 1215, the United States Supreme Court held these regulations to be invalid on the ground that the "area of production" could not be defined in terms of the number of employees in the plant, and remanded the case to the District Court "with instructions to hold it until the Administrator, by making a valid determination of the area with all deliberate speed, acts within the authority given him by Congress." With a view to carrying out the duty imposed upon the Administrator by section 7 (c) and section 13 (a) (10) of the Fair Labor Standards Act, and by the order of the United States Supreme Court in the case of *Addison, et al.* v. *Holly Hill Fruit Products, Inc.*, it is proposed to revise the definition of the "area of production" as used in such sections insofar as dairy products, poultry and eggs are concerned. In accordance with this purpose,

Notice is hereby given, that it has been proposed that the "area of production" as defined in § 536.1 (a) and in § 536.2 (a), Part 536, Title 29, Chapter V, Code of Federal Regulations, be redefined with respect to dairy products, poultry and eggs as follows:

An individual shall be regarded as employed within the area of production within the meaning of section 13 (a) (10), and section 7 (c) where applicable, if he is so engaged in an establishment which is located in the open country or in a rural community, and if 95 percent of the dollar value of the dairy products, poultry, and eggs received by the establishment in the preceding calendar year were:

(1) In the case of dairy products, produced on farms or derived from milk produced on farms in the county in which the establishment is located or in continguous counties and

(2) In the case of poultry and eggs, produced on farms in the county in which the establishment is located or in contiguous counties.

As used in this paragraph "open country" or "rural community" shall not include any city or town of 2,500 or greater population according to the latest available United States Census, or any area, as measured by the shortest usable road within:

3 miles from the town or city limits of a town or city with a population of 2,500 to 9,999; or

6 miles from the town or city limits of a town or city with a population of 10,000 to 24,999; or

10 miles from the city limits of a city with a population of 25,000 to 99,999; or

20 miles from the city limits of a city with a population of 100,000 or greater.

As used in this paragraph "contiguous county" shall mean a county any point of which makes contact with any point of the county in which the establishment is located.

A hearing will be held on February 27, 1945 at 10 a. m. in the National Headquarters Office, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 165 West 46th Street, New York, New York, before the Administrator or a presiding officer designated by him for the purpose of receiving evidence and hearing argument on the question whether the foregoing definition of the "area of production" with respect to dairy products, poultry and eggs shall be adopted by the Administrator and, if not, what other definition shall be issued by him.

Any interested person may appear at the hearing to offer evidence, *Provided*, That such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, not later than February 17, 1945, a notice of his intention to appear containing the following information:

1. The name and address of the person appearing and the branch of the industry in which he is concerned;

2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations he is representing;

3. Whether he is appearing in support of or in opposition to the proposed amendment, and what other amendments, if any, he is proposing; and

4. The approximate amount of time he will require for his presentation.

Written statements in lieu of personal appearance may be mailed to the Administrator, *Provided*, That all such statements shall be filed with the Administrator prior to the date of the hearing.

Copies of the following report will upon written request to the Administrator be made available to any interested person:

Area of Production: Dairy Products, Poultry and Eggs, January 1945, prepared by the Eco-

nomics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

This report will be made a part of the record of the hearing.

Signed at New York, New York, this 23d day of January, 1945.

L. METCALFE WALLING,
Administrator,
Wage and Hour Division.

[F. R. Doc. 45-1568; Filed, Jan. 25, 1945; 4:57 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 547 et al]

ALASKA AIRLINES, INC., ET AL.; PACIFIC CASE

NOTICE OF HEARING

In the matter of the applications of Alaska Airlines, Inc., Hawaiian Airlines, Ltd., Northwest Airlines, Inc., Pan American Airways, Inc., Pennsylvania-Central Airlines Corporation, Prairie Airways, Inc., Transcontinental and Western Air, Inc., U. N. Airships, Inc., United Air Lines, Inc., Woodley Airways, Western Air Lines, Inc., and Olson Steamship and Navigation Corporation, for certificates and amendment of existing certificates of public convenience and necessity, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on February 13, 1945, at 10:00 a. m. (eastern war time), in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C., before Examiners Ross I. Newmann and Richard A. Walsh.

Dated Washington, D. C., January 25, 1945.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-1570; Filed, Jan. 26, 1945; 10:51 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supp. Vesting Order 4364]

FUJI SAKE BREWING CO., LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 3696, dated May 19, 1944, that Fuji Sake Brewing Company, Limited is a business enterprise within the United States and a national of a designated enemy country (Japan);

2. Finding that 100 shares of the outstanding capital stock of Fuji Sake Brewing Company, Limited, are registered in the name of and owned by Tsutomu Imamura and are evidence of an interest in Fuji Sake Brewing Company, Limited;

3. Finding that Tsutomu Imamura is a resident of Japan and a national of a designated enemy country (Japan);

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian 100 shares of the capital stock of the Fuji Sake Brewing Company, Limited, registered in the name of Tsutomu Imamura, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian on Form APC-1 a notice be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 28, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-1571; Filed, Jan. 26, 1945; 10:55 a. m.]

[Vesting Order 4485]

KAIMUKI INN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Kaimuki Inn, whose principal place of business is Honolulu, T. H., is a partnership organized and doing business under the laws of the Territory of Hawaii, composed of Taro Takara, also known as Taru Takara, Sam H. Takara and Ushi Takara, and is a business enterprise within the United States;

2. That the respective interests of the partners as of June 30, 1944, in the net worth of the partnership, subject, however, to any accruals or deductions subsequent thereto, are as follows and are evidence of control of Kaimuki Inn:

Name	Amount	Percent of net worth
Taro Takara, also known as Taru Takara	$31,907.79	38.06
Sam H. Takara	25,607.32	30.55
Ushi Takara	26,308.44	31.39
Totals	83,823.55	100.00

3. That Taro Takara, also known as Taru Takara, whose last known address is Japan is a national of a designated enemy country (Japan);

and determining:

4. That Kaimuki Inn, a partnership, is controlled by Taro Takara, also known as Taru Takara, or is acting for or on behalf of a designated enemy country (Japan) or persons within such country, and is a national of a designated enemy country (Japan);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Taro Takara, also known as Taru Takara, in and to the business and assets of Kaimuki Inn, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of Kaimuki Inn and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a

hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-1572; Filed, Jan. 26, 1945; 10:55 a. m.]

[Vesting Order 4486]

W. ONISHI, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation, finding:

1. That Riye Onishi and Hatsue Onishi, whose last known addresses are Hiroshima, Japan, are nationals of a designated enemy country (Japan);

2. That of the outstanding capital stock of W. Onishi, Limited, a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 1446 shares of capital stock having a par value of $10 a share, 1296 (89.63%) shares are registered in the names of and owned by the following persons in the number appearing opposite each name and are evidence of control of the said business enterprise:

Name:	*Number of shares*
Riye Onishi	1,246
Hatsue Onishi	50
Total	1,296

3. That Riye Onishi is the owner of property described as follows:

a. Unsecured notes payable in the sum of $6,300 as of May 31, 1944, subject, however, to any deductions or accruals thereafter,

b. A mortgage executed on February 25, 1932, by W. Onishi and Sadao Onishi, as mortgagors, to Naka Kubo as mortgagee, and recorded in the Bureau of Conveyances at Honolulu, T. H. in Liber 1151, page 434, which was assigned to Riye Onishi on January 17, 1938 by instrument of assignment recorded in the said Bureau of Conveyances in Liber 1421, Page 159, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

which represents an interest in W. Onishi, Limited, and is property within the United States owned or controlled by a national of a designated enemy country (Japan);

and determining:

4. That W. Onishi, Limited, is controlled by Riye Onishi and Hatsue Onishi, or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian 1,296 shares of the capital stock of W. Onishi, Limited, described in subparagraph 2 above, and the property described in subparagraph 3 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 1, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-1573; Filed, Jan. 26, 1945; 10:55 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 499]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NORTH CAROLINA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in acordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the apropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers'

[1] Filed as part of the original document.

possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective January 30, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of January 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Central Motor Lines, Incorporated, Kannapolis, N. C.
Fredrickson Motor Express Corporation, Charlotte, N. C.

[F. R. Doc. 45-1538; Filed, Jan. 25, 1945; 3:28 p. m.]

[Supp. Order ODT 6A-88]

COMMON CARRIERS

COORDINATED OPERATIONS WITHIN AND BETWEEN OAKLAND, ALAMEDA, EMERYVILLE, ALBANY, BERKELEY, AND PIEDMONT, CALIF.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials, and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective January 30, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of January 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Frank H. Himmelman, doing business as Alta Freight and Transfer Company, Oakland, Calif.
Paul H. Jacot, doing business as Atlas Freight Lines, Oakland, Calif.
Henry Beckman, doing business as H. Beckman Express, Berkeley, Calif.
J. M. Atthowe, doing business as Berkeley Port & Terminal Co., Berkeley, Calif.
Bigge Drayage Co., Oakland, Calif.
Canton Express Co., San Francisco, Calif.
Edwin R. Adams, doing business as Commercial Drayage Co., Oakland, Calif.
Consolidated Freightways, Inc., Oakland, Calif.
Joe Cunha, Hayward, Calif.
C. R. Becker, doing business as Delivery Service Co., Oakland, Calif.
Drayage Service Corporation, Oakland, Calif.
A. Pasteris, doing business as East Bay Drayage & Warehouse, Berkeley, Calif.
V. S. Rasmussen, doing business as East Oakland Drayage Co., Oakland, Calif.
Farnsworth & Ruggles, San Francisco, Calif.
F. Figone, Jr., doing business as F. Figone Drayage Co., Oakland, Calif.
Trinidad Flores, Oakland, Calif.
Daniel Gallagher Draying Co., Oakland, Calif.
W. A. Fraser, Oakland, Calif.
Raymond E. Green, Oakland, Calif.
Haslett Warehouse Company, Oakland, Calif.
Howard Terminal, Oakland, Calif.
Inter-Urban Express Corporation, Oakland, Calif.

Kellogg Express and Draying Company, Oakland, Calif.

R. J. Lee, doing business as F. S. Lee, Oakland, Calif.

Edna M. Lefevre, doing business as P. Lefevre & Co., Oakland, Calif.

L. C. MacDonald, Oakland, Calif.

L. L. Stillwell, doing business as Manufacturers Distribution Terminal, Oakland, Calif.

Merchants Express Corporation, Oakland, Calif.

B. F. Morris, M. E. Fisher, Tom Meyer, H. P. Moore and Earl Millikan, copartners, doing business as Morris Draying Company, Oakland, Calif.

M. L. Morris, doing business as M. & W. Truck Line, Oakland, Calif.

Signa M. Peterson, Burton B. Brace, and R. B. Young (executors of the Estate of L. K. Peterson, deceased), Hayward, Calif.

Paul L. Peterson, Alameda, Calif.

Chas. E. Roberts, Sr., doing business as Roberts Coal Co., Oakland, Calif.

Marie Rowland, doing business as Rowland Drayage, Oakland, Calif.

United Transfer Co., Oakland, Calif.

Thomas Rigging Company, Emeryville, Calif.

Walkup Drayage & Warehouse Company, San Francisco, Calif.

Clyde Glaeser, doing business as West Berkeley Express, Berkeley, Calif.

Clyde Glaeser and Evelyn Otilia Glaeser, copartners, doing business as West Berkeley Express and Draying Co., Berkeley, Calif.

P. E. Gallot, Jr., doing business as Western Transport Company, Oakland, Calif.

[F. R. Doc. 45-1537; Filed, Jan. 25, 1945; 3:28 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Rev. Order 2928]

ACME SCALE AND FIXTURE CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 2928 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries, of eight articles of lawn furniture manufactured by Acme Scale and Fixture Co., Inc., 3015 East 25th Street, Los Angeles, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Barbecue set	100	$9.13	$10.75
End bench	101	2.12	2.50
Umbrella table	102	6.37	7.50
Coffee table	103	2.63	3.10
Chaise lounge frame	107	7.22	8.50
Club chair frame	104	6.52	7.68
Love seat frame	105	7.86	9.25
Settee frame	106	10.20	12.00

These prices are f. o. b. factry, and are subject to a cash discount of two percent E. O. M., and are for the articles described in the manufacturer's application dated September 6, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this revised order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.:	*Maximum price to retailers (each)*
Barbecue set, 100	$10.75
End table, 101	2.50
Umbrella table, 102	7.50
Coffee table, 103	3.10
Chaise lounge frame, 107	8.50
Club chair frame, 104	7.68
Love seat frame, 105	9.25
Setee Frame, 106	12.00

These prices are subject to a cash discount of two percent E. D. M., and are for the articles described in the manufacturer's application dated September 6, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this revised order for such resales. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1516; Filed, Jan. 25, 1945; 11:23 a. m.]

[MPR 188, Order 3335]

WAGNER WOODWORKING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a juvenile extension table, a juvenile rocker and a juvenile chair manufactured by Wagner Woodworking Company, 304 North 4th Street, Sturgis, Michigan.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Juvenile extension table	512	$2.21	$2.60
Juvenile rocker	412	1.12	1.32
Juvenile chair	414	.99	1.16

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated November 21, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and model No.:	*Maximum price to retailers (each)*
Juvenile extension table, 512	$2.60
Juvenile rocker, 412	1.32
Juvenile chair, 414	1.16

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated November 21, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's

stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–1517; Filed, Jan. 25, 1945; 11:23 a. m.]

[MPR 188, Order 3336]

U PAINT-EM FURNITURE SHOP

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of seven chests, a kidney table, a vanity dresser and a student desk manufactured by U Paint-em Furniture Shop, 908 South 8th Street, Yakima, Washington.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Chest	1	$7.69	$9.05
	2	7.11	8.37
	3	6.51	7.66
	4	5.82	6.85
	5	4.46	5.25
	6	6.12	7.20
Kidney table	7	6.84	8.05
Vanity dresser	8	11.57	13.62
Chest	9	6.49	7.64
Student desk	10	7.73	9.10

These prices are f. o. b. factory, and are for the articles described in the manufacturer's application dated November 20, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price set forth below, f. o. b. factory:

Article and Model No.:	*Maximum price to retailers (each)*
Chest, 1	$9.05
Chest, 2	8.37
Chest, 3	7.66
Chest, 4	6.85
Chest, 5	5.25
Chest, 6	7.20
Kidney table, 7	8.05
Vanity dresser, 8	13.62
Chest, 9	7.64
Student desk, 10	9.10

These prices are for the articles described in the manufacturer's application dated November 20, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–1518; Filed, Jan. 25, 1945; 11:24 a. m.]

[MPR 188, Order 3337]

CURRAHEE FURNITURE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Currahee Furniture Company, Toccoa, Georgia.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock.	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Bed tray	130	$1.83	$2.15

These prices are f. o. b. factory, and are for the article described in the manufacturer's application dated July 25, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–1519; Filed, Jan. 25, 1945; 11:24 a. m.]

[MPR 188, Order 3338]

COLFAX FURNITURE CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Colfax Furniture Co., Inc., Colfax, Indiana.

(1) For all sales and deliveries to the following classes of purchasers by the

sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock.	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Kneehole desk	918	$14.87	$17.50
	919	15.53	18.28
	920	16.41	19.31

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated December 6, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time. This order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1520; Filed, Jan. 25, 1945; 11:24 a. m.]

[MPR 188, Order 3339]

COLONIAL PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Colonial Products Co., 682 Jamaica Avenue, Brooklyn, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock.	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Infant Auto Seat	C-10	$1.14	$1.34
	C-20	1.56	1.84
Infant Auto Hammock	C-30	1.61	1.89
	C-40	1.77	2.08

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, not thirty days, and are for the articles described in the manufacturer's application dated November 25, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time. This order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1521; Filed, Jan. 25, 1945; 11:25 a. m.]

[MPR 188, Order 3340]

STUART WOODCRAFT CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Stuart Woodcraft Corp., 31 Franklin Avenue, Hewlitt, Long Island, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock.	Maximum price for sales to retailers by the manufacturer and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Butler's Table	300	$4.04	$4.75
	200	2.56	3.01
	100	2.35	2.78

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated December 6, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time. This order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1522; Filed, Jan. 25, 1945; 11:25 a. m.]

[MPR 188, Order 3341]

EARLE MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain

articles of furniture manufactured by Earle Manufacturing Co., Earle, Arkansas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock.	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Juvenile set	10	$4.50	$5.30

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated December 4, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1523; Filed, Jan. 25, 1945; 11:25 a. m.]

[MPR 260, Order 547]

FABER, COE & GREGG, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Faber, Coe & Gregg, Inc., 206 W. 40th St., New York, N. Y. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmar	Packing	Maximum list price	Maximum retail price
				Cents
Ramon Allones	Supremos	50	$190	25

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and overy other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 26, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1513; Filed, Jan. 25, 1945; 11:22 a. m.]

[MPR 260, Order 549]

JOHN WAGNER & SONS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) John Wagner & Sons, 233 Dock St., Philadelphia 6, Pa. (hereinafter called "importer") and wholesalers and reailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
				Cents
Punch	Americans	25	$212.50	28

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maxi-

mum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 26, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1515; Filed, Jan. 25, 1945; 11:23 a. m.]

[RMPR 122, Amdt. 15 to Rev. Order 47]

SOLID FUELS IN WASHINGTON AREA AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. A price of 80 cents per 100 pounds for pea size reclaimed coke is inserted in the table of prices in paragraph (d) *Price Schedule II: Yard sales*, under the title "Reclaimed Coke", as follows:

	Consumer prices			Dealer prices	
	Gross 2,240 lbs.	Net 2,000 lbs.	Per 100 lbs.	Gross 2,240 lbs.	Net 2,000 lbs.
•	•	•	•	•	•
Reclaimed coke					
•	•	•	•	•	•
Pea	•	•	$0.80	•	•

2. The words and numerals "Low volatile bituminous coal from District Nos. 1, 2, 3, 7 and 8" are deleted from paragraph (d) *Price Schedule II: Yard sales*, and the following is inserted in the same place:

Low volatile bituminous coal from District No. 8

3. The words "or Kehoe-Berge Coal Company" in paragraphs (f6) and (f6) (1), and the words "and the Kehoe-Berge Coal Company" in paragraph (f6) (2), are deleted.

4. A new paragraph (f7) is added to read as follows:

(f7) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas for "direct delivery" and "yard sales" may be increased for sales of Pennsylvania anthracite produced by Kehoe-Berge Coal Company by no more than 50 cents per net ton or 56 cents per gross ton in the egg, stove, nut, pea and buckwheat sizes; and by no more than 20 cents per net ton or 23 cents per gross ton for the rice size, if:

(1) The dealer keeps Pennsylvania anthracite produced by Kehoe-Berge Coal Company separate in storage and delivery from Pennsylvania anthracite produced by other persons, and separate from each other.

(2) The dealer keeps complete and accurate records of Pennsylvania anthracite produced and sold to him by Kehoe-Berge Coal Company for such time as this paragraph (f7) is in effect. The records shall show: The date he received the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent him by the producers.

5. A new paragraph (f8) is added to read as follows:

(f8) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas for "direct delivery" and "yard sales" may be increased for sales of Pennsylvania anthracite produced by East Bear Ridge Colliery Company by no more than 90 cents per net ton or $1.00 per gross ton in the egg, stove and nut sizes; by no more than 65 cents per net ton or 73 cents per gross ton for the pea size; by no more than 50 cents per net ton or 56 cents per gross ton for the buckwheat size; and by no more than 45 cents per net ton or 50 cents per gross ton for the rice size; if:

(1) The dealer keeps Pennsylvania anthracite produced by East Bear Ridge Colliery Company separate in storage and delivery from Pennsylvania anthracite produced by other persons, and separate from each other.

(2) The dealer keeps complete and accurate records of Pennsylvania anthracite produced and sold to him by East Bear Ridge Colliery Company for such time as this paragraph (f8) is in effect. The records shall show: The date he received the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent him by the producers.

This Amendment No. 15 to Revised Order No. 47 shall become effective January 25, 1945.

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

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1543; Filed, Jan. 25, 1945; 4:20 p. m.]

[MPR 136, Rev. Order 143]

EDISON GENERAL ELECTRIC APPLIANCE CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 143 under Maximum Price Regulation No. 136 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1390.25a of Maximum Price Regulation No. 136, and Section 9.3 of Revised Supplementary Regulation No. 14, *It is ordered:*

(a) The Edison General Electric Appliance Co., Inc., 5600 W. Taylor St., Chicago, Illinois, is authorized to sell the refrigerator replacement units rebuilt or manufactured by it, to distributors, at prices no higher than those set forth below opposite each model number.

Model	*Maximum price for each unit*
Flat top sealed units:	
CF1, CE1, CE11, CE14, FBA1A, FBA1	$34.66
CF2, CE2, CE21, CE22, CE24, CE28, CF28	34.66
CH1, CJ1	31.69
CE34, CE34D, CE34O	43.17
LK1, LK2	69.17
Open belt-drive units:	
CB1, CB2	37.27
CB3	37.27
CD1, CD2	39.71
CD3	39.71
CM1, CM2	41.83
CM32	38.03
CM33	38.03
CM34, CM35	40.13

These prices include the Federal Excise Tax and delivery to the distributor.

(b) Distributors of Edison General Electric Appliance Co., Inc., refrigerator replacement units are authorized to sell such units to dealers at prices no higher than those set forth opposite each model number:

Model	*Maximum price for each unit*
Flat top sealed units:	
CF1, CE1, CE11, CE14, FBA1A, FBA1	$38.30
CF2, CE2, CE21, CE22, CE24, CE28, CF28	38.30
CH1, CJ1	35.02
CE34, CE34D, CE34O	47.75
LK1, LK2	76.25
Open belt-drive units:	
CB1, CB2	41.13
CB3	41.13
CD1, CD2	43.81
CD3	43.81
CM1, CM2	46.11
CM32	41.94
CM33	41.94
CM34, CM35	44.39

These prices include Federal Excise Tax and also include delivery to dealers.

(c) Dealers may sell Edison General Electric Appliance Co., Inc., refrigerator replacement units to consumers at prices no higher than those set forth opposite each model number:

Model	*Maximum price for each unit*
Flat top sealed units:	
CF1, CE1, CE11, CE14, FBA1A, FBA1	$50.48
CF2, CE2, CE21, CE22, CE24, CE28, CF28	50.48
CH1, CJ1	46.16
CF34, CE34D, CE34O	63.17
LK1, LK2	93.83
Open belt-drive units:	
CB1, CB2	53.99
CB3	53.99
CD1, CD2	57.44
CD3	57.44
CM1, CM2	60.43
CM32	55.02
CM33	55.02
CM34, CM35	58.76

These prices include installation of the unit in the refrigerator of the consumer and the Federal Excise Tax.

(d) If any of the above units are sold by the Edison General Electric Appliance Co., Inc., by distributors or by dealers, with a four year replacement contract, $5.00 may be added to the maximum price.

(e) Any seller subject to this order may require, in connection with sales under this order, the surrender by the buyer of the unit which the rebuilt unit is intended to replace. No allowance need be made by the seller for the surrendered unit.

(f) This revised order may be revoked or amended by the Office of Price Administration at any time.

This revised order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1544; Filed, Jan. 25, 1945; 4:20 p. m.]

[MPR 188, Amdt. 1 to Order No. 330]

WOTTRING INSTRUMENT COMPANY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 330 under § 1499.158 of Maximum Price Regulation No. 188 be amended in the following respect:

Paragraph (a) is amended to read as follows:

(a) Wottring Instrument Company of Amherst, Ohio, may sell, offer to sell, deliver or transfer 100 troposcopes at a price no higher than the following:

To distributors—$540 f. o. b. factory less a discount of 25% and 2% additional for payment in 10 days.

This amendment shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1545; Filed, Jan. 25, 1945; 4:20 p. m.]

[MPR 188, Rev. Order 2255]

FLECK BAUMANN COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 2255 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries, of seven wall racks and two wall shelves manufactured by Fleck Baumann Company, 1015 Lucas Avenue, St. Louis, Missouri.

(1) (i) For all sales and deliveries since the effective date of maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Wall rack	550	$4.31	$5.08
	560	4.70	5.65
	570	4.70	5.65
	518	4.70	5.65
	519	4.31	5.08
	520	1.43	1.68
	517	.63	.74
Wall shelf	522	.68	.80
	516	.38	.45

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 13, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this revised order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model no.:	*Maximum price to retailers (each)*
Wall rack, 550	$5.08
Wall rack, 560	5.65
Wall back, 570	5.65
Wall rack, 518	5.65
Wall rack, 519	5.08
Wall rack, 520	1.68
Wall rack, 517	.74
Wall shelf, 522	.80
Wall shelf, 516	.45

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 13, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this revised order for such resales. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1546; Filed, Jan. 25, 1945; 4:21 p. m.]

[MPR 188, Rev. Order 2822]

ALLIAN BROTHERS

APPROVAL OF MAXIMUM PRICES

Order No. 2822 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries, of a child's rocker manufactured by Allain Brothers, 221 Parker Street, Gardner, Massachusetts.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Child's rocker	81	$2.60	$3.25

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated September 20, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the

manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method §1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this revised order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.:	*Maximum price to retailers (each)*
Child's rocker, 81	$3.25

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated September 20, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this revised order for such resales. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1547; Filed, Jan. 25, 1945; 4:21 p. m.]

[MPR 188, Rev. Order 2895]

CIRCLE FURNITURE MANUFACTURERS, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 2895 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries, of three beds manufactured by Circle Furniture Manufacturers, Inc., 36 South 4th Street, Brooklyn, New York.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Bed	330	$10.03	$11.80
	360	10.63	12.51
	370	10.40	12.23

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, E. O. M., and are for the articles described in the manufacturer's application dated July 20, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this revised order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.:	*Maximum price to retailers (each)*
Bed, 330	$11.80
Bed, 360	12.51
Bed, 370	12.23

These prices are subject to a cash discount of two percent for payment within ten days, E. O. M., and are for the articles described in the manufacturer's application dated July 20, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this revised order for such resales. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1548; Filed, Jan. 25, 1945; 4:18 p. m.]

[MPR 188, Order 3313]

AL'S NOVELTY FURNITURE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Al's Novelty Furniture Co., 2220 North Wayne Avenue, Chicago, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Cocktail table	45	$7.58	$8.92
	46	7.85	9.23
	47	7.22	8.49

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated July 28, 1944, completed December 5, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1549; Filed, Jan. 25, 1945; 4:21 p. m.]

[MPR 188, Order 3315]

C. C. FURNITURE CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by C. C. Furniture Co., Inc., Central City, Kentucky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Table	665	$23.37	$27.50
	686	21.88	25.75
	685	17.34	20.40

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated December 6, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1550; Filed, Jan. 25, 1945; 4:22 p. m.]

[MPR 188, Order 3316]

RATICAN-MEDLEY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Ratican-Medley Co., Owensboro, Kentucky.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Bookcase	R-100	$11.85	$13.95

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated December 6, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January, 1945.

Issued this 25th day of January, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1551; Filed, Jan. 25, 1945; 4:22 p. m.]

[MPR 188, Order 3317]

KEEN EQUIPMENT COMPANY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum prices for all sales and deliveries by the Keen Equipment Company, 430-32 Pear Street, Vineland, New Jersey, of a utility stool of its manufacture, as described in its application dated October 31, 1944, are as follows:

Article	Model	Maximum price to jobber	Maximum price to retailer
		Each	
Utility stool.	100	$2.6775	1 unit to 11 units, 25% discount from list price. 12 units to 25 units, 33⅓% discount from list price. 26 units to 99 units, 40% discount from list price. 100 units to 249 units, 40% + 5% discount from list price. 250 units to 499 units, 40% + 10% discount from list price. 500 units to 1,000 units, 40% + 10% + 5% discount from list price.

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(b) The maximum prices for all sales and deliveries at wholesale for the utility stool described in paragraph (a) above shall be the prices net forth below as follows:

Article	Model	Maximum price to retailer
Utility stool	100	1 unit to 11 units, 25% discount from list price. 12 units to 25 units, 33⅓% discount from list price. 26 units to 99 units, 40% discount from list price. 100 units to 249 units, 40%+5% discount from list price. 250 units to 499 units, 40%+10% discount from list price. 500 units to 1,000 units, 40%+10%+5% discount from list price.

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the utility stool described in paragraph (a) above shall be as follows:

Article and model:	*List price and maximum price to user (each)*
Utility stool, 100	$5.95

(d) On each utility stool shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This order No. 3317 may be revoked or amended by the Price Administrator at any time.

This order No. 3317 shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1552; Filed, Jan. 25, 1945; 4:22 p. m.]

[MPR 188, Order 3318]

BILT RITE ELECTRIC PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum prices for all sales and deliveries by the Bilt Rite Electric Products Company, 509 Willis Avenue, New York 55, New York, of electric heating pads of its manufacture, as described in its application dated December 9, 1944, are as follows:

Article	Model No.	Maximum price to jobber	Maximum price to retailer (6 units or more)	Maximum price to retailer (less than 6 units)
Heating pad	55	*Each* $1.43	*Each* $1.69	*Each* $1.82

These prices are f. o. b. factory and subject to the customary cash discount of 2% for payment within 10 days, net 30 days. They include the Federal Excise Tax.

(b) The maximum prices for all sales and deliveries at wholesale for the electric heating pad described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model No.	Maximum price to retailer (6 units or more)	Maximum price to retailer (less than 6 units)
Heating pad	55	*Each* $1.69	*Each* $1.82

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller. They include the Federal Excise Tax.

(c) The maximum price for a sale at retail of the electric heating pad described in paragraph (a) above shall be as follows:

Article and Model:	*Maximum price to user (each)*
Heating pad, #55	$2.73

This price includes the Federal Excise Tax.

(d) On each heating pad shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price. This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3318 may be revoked or amended by the Price Administrator at any time.

This Order No. 3318 shall become effective on the 26th day of January, 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1553; Filed, Jan. 25, 1945; 4:22 p. m.]

[MPR 188, Order 3330]

ADRIAN MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Adrian Manufacturing Co., 1336 Gladys, Long Beach, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Desk	362	*Each* $5.95	*Each* $7

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 29, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1554; Filed, Jan. 25, 1945; 4:23 p. m.]

[MPR 188, Order 3331]

SAFE-T-GATE COMPANY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to §1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a porch gate manufactured by Safe-T-Gate Company, 6 Woolsey Square, Boston 30, Massachusetts.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Porch gate	5 foot	*Each* $0.76	*Each* $0.89

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 6, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.:	*Maximum price to retailers (each)*
Porch gate, 5 ft	$0.89

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated November 6, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1555; Filed, Jan. 25, 1945; 4:23 p. m.]

[MPR 188, Order 3332]

GRAFF FURNITURE MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a kneehole desk manufactured by Graff Furniture Manufacturing Co., 664 Stocking Avenue NW., Grand Rapids, Michigan.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*
Kneehole desk	346	$21.08	$24.80

These prices are f. o. b. factory, and are subject to a cash discount of one percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 16, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.:	*Maximum price to retailers (each)*
Kneehole desk, 346	$24.80

This price is subject to a cash discount of one percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated November 16, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1556; Filed, Jan. 25, 1945; 4:23 p. m.]

[MPR 188, Order 3333]

RICHARDSON & MOERKE

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Richardson & Moerke, Bastrop, Texas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*	*Each*
Cedar chest	200	$13.20	$14.03	$16.50

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 8, completed November 27, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manu-

facturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1557; Filed, Jan. 25, 1945; 4:24 p. m.]

[MPR 188, Order 3334]

CHARLES L. MOCK

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a wayside set and a juvenile glider manufactured by Charles L. Mock, 716 West Church Street, Newark, Ohio.

(1) (i) For all sales and deliveries by the manufacturer to the classes of purchasers specified below, since the effective date of Maximum Price Regulation No. 188, the maximum prices are those indicated below:

Article	Model No.	Maximum price to persons, other than retailers, who sell from their own stock	Maximum price to persons, other than retailers, who sell from manufacturer's stock	Maximum price to retailers
		Each	*Each*	*Each*
Wayside set	300	$2.00	$2.13	$2.50
Juvenile glider	50	4.37	4.64	5.46

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated November 8, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.:	*Maximum price to retailers (each)*
Wayside set, 300	$2.50
Juvenile glider, 50	5.46

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated November 8, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1558; Filed, Jan. 25, 1945; 4:24 p. m.]

[MPR 188, Order 3342]

MULTI-CRAFT INDUSTRIES, LTD.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum prices for all sales and deliveries by Multi-Craft Industries, Ltd., 1288 North Fair Oaks Avenue, Pasadena 3, California, of a towel bar and porch rack of its manufacture, as described in its application dated October 24, 1944 and completed December 8, 1944, are as follows:

Article	Model	Maximum price to jobber	Maximum price to retailer
		Dozen	*Dozen*
Towel rack	5/16" x 3/4" x 24" lucite	$2.00	$2.25
Porch rack	5/16" x 3/4" x 18" lucite	2.40	3.00

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(b) The maximum prices for all sales and deliveries at wholesale for the racks described in paragraph (a) above shall be the prices set forth below as follows:

Article and Model:	*Maximum price to retailer (dozen)*
Towel rack, 5/16" x 3/4" x 24" lucite	$2.25
Porch rack, 5/16" x 3/4" x 18" lucite	3.00

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for sales at retail of the racks described in paragraph (a) above shall be as follows:

Article and Model:	*Maximum price to user (each)*
Towel rack, 5/16" x 3/4" x 24" lucite	$0.29
Porch rack, 5/16" x 3/4" x 18" lucite	.40

(d) On each rack shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price. This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3342 may be revoked or amended by the Price Administrator at any time.

This Order No. 3342 shall become effective on the 26th day of January 1945.

Issued this 25th day of January 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1559; Filed, Jan. 25, 1945; 4:24 p. m.]

Regional and District Office Orders.

[Region II Order G-1 Under RMPR 271]

POTATOES AND ONIONS IN NEW YORK REGION

Pursuant to the authority contained in Revised Maximum Price Regulation No. 271 and for the reasons stated in the accompanying opinion this order is issued.

SECTION 1. *What this order does.* This order divides the overall distributive margins for white potatoes and dry onions provided by Revised Maximum Price Regulation No. 271 among the various classes of intermediate sellers. On and after the effective date of this order no person may receive or pay higher prices than those established by proper application of the markups provided in this order to the base prices established by RMPR 271.

SEC. 2. *Where this order applies.* This order applies in the States of Delaware, Maryland, New Jersey and New York, the Commonwealth of Pennsylvania, and the District of Columbia.

SEC. 3. *Definitions.* (a) When used in this order the term:

(1) "Primary receiver" means an intermediate seller at any wholesale receiving point who has purchased the particular potatoes or onions being priced in any quantity from a country shipper directly or through a broker or a grower's sales agent, or in carlots or trucklots from any person, and who resells those potatoes or onions in less than carlot or less than trucklot quantities to any person.

(2) "Commission merchant" means a seller's agent who receives the particular potatoes or onions being priced and who, for a commission or fee, unloads, sells and distributes them at a wholesale receiving point in less than carlot or less than trucklot quantities on behalf of his principal.

(3) "Commission" or "fee" means the charge made by an agent for services performed in connection with the sale of the particular goods being priced. No amount which the agent pays over to his principal shall be considered part of his fee or commission.

(4) "Secondary jobber" means an intermediate seller who has purchased the particular potatoes or onions being priced in less than carlot or less than trucklot quantities from another intermediate seller or from any person selling through a commission merchant, and who resells those potatoes or onions in less than carlot or less than trucklot quantities. An intermediate seller is a secondary jobber only of the particular potatoes or onions handled as provided in this paragraph.

(5) "Delivered" means delivered to the buyer's premises and, in the case of retailers, delivered to the retail store or the retailer's warehouse. Delivery to any point except the buyer's physical premises, or delivery to any point by hand truck, shall not constitute delivery within the meaning of this order.

(b) Unless contrary to the context of this order the definitions contained in RMPR 271 and the Emergency Price Control Act of 1942, as amended, shall apply to terms used in this order.

SEC. 4. *Maximum markups for sales of potatoes and onions.* The maximum markups which may be added to the appropriate "base price," as defined in section 11 (a) of RMPR 271 shall be as provided in Table A.

TABLE A.—MAXIMUM MARKUPS FOR LESS THAN CARLOT OR LESS THAN TRUCKLOT SALES

Seller and type of sale	Maximum markups	
	Potatoes, per 100 pounds	Onions, per 50 pounds
(a) Primary receiver:		
(1) Undelivered sale	$0.33	$0.22
(2) Delivered sale	.40	.26
(b) Any person selling through a commission merchant in less than carlots or less than trucklots:		
(1) Undelivered	(1)	(3)
(2) Delivered	(4)	(4)
(c) Secondary jobber:		
(1) Undelivered	.53	.36
(2) Delivered	.60	.40
(d) Hotel and restaurant supply house: [5]		
(1) Delivered sale to commercial, industrial or institutional user	.70	.55

[1] Agent's actual charge not to exceed legal commission under RMPR 165 or $0.33, whichever is lower.

[2] Agent's actual charge not to exceed legal commission under RMPR 165, or $0.22, whichever is lower.

[3] Agent's actual charge not to exceed legal commission under RMPR 165 or $0.40, whichever is lower.

[4] Agent's actual charge not to exceed legal commission under RMPR 165, or $0.26, whichever is lower.

[5] Hotel and restaurant supply houses, except in the case of delivered sales to commercial, industrial or institutional users, shall price as primary receivers or secondary jobbers, as the case may be.

SEC. 5. *Effective date.* This order shall become effective at 12:01 a. m. on January 27, 1945.

Issued January 24, 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-1509; Filed, Jan. 25, 1945; 11:20 a. m.]

[Region II Order G-11 Under SR 15 and SR 28]

FLUID MILK IN SCHUYLKILL, PA., MARKETING AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration under § 1499.75 (a) of Supplementary Regulation No. 15, *It is ordered:*

(a) The maximum prices for sales and deliveries in quart glass or paper containers of certified, Grade A, Vitamin "D" (natural or homogenized) and Grade B fluid milk at wholesale into-stores within "Schuylkill Milk Marketing Area" in the Commonwealth of Pennsylvania, shall be the applicable maximum prices for those sales set forth below:

Grade or type of fluid milk:	*Applicable maximum price (per quart)*
Certified	$0.15
Grade A	.145
Vitamin "D" (natural or homogenized):	
Over 4.0% butterfat content	.145
4.0% butterfat content and under	.135
Grade B:	
Over 4.0% butterfat content	.135
4.0% butterfat content and under	.125

(b) All provisions of this order and their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids or methods established in the industry or industries affected, have been included in the order unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the order or of the act. To the extent that the provisions of this order compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this order or of the Emergency Price Control Act of 1942, as amended.

(c) *Geographical applicability.* The provisions of this order shall apply to all sales and deliveries at wholesale into stores in quart glass or paper containers of certified, Grade A, Vitamin "D" (natural or homogenized) and Grade B fluid milk within "Schuylkill Milk Marketing Area" in the Commonwealth of Pennsylvania.

(d) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used herein.

(e) This order may be revoked or amended by the Regional Administrator or by the Price Administrator at any time.

(f) *Definitions.* (1) "Fluid milk" means cow's milk, raw or processed, which is sold for human consumption in fluid form.

(2) "Certified fluid milk", "Grade A fluid milk", "Vitamin 'D' (natural or homogenized) fluid milk", and "Grade B fluid milk" shall have the meanings prescribed for such types of milk by the appropriate statutes, orders or regulations of the Commonwealth of Pennsylvania, unless such definitions are superseded by statutes, orders or regulations of that political subdivision of the Commonwealth of Pennsylvania within which such types of milk are sold and delivered.

(3) "Sale at wholesale into-stores" means a sale to any person other than an ultimate consumer. It shall not include sales to schools and institutions.

(4) "Schuylkill Milk Marketing Area" means the area designated as Area Number Four in Official General Order No. A-70 dated December 4, 1941.

Issued by the Commonwealth of Pennsylvania Milk Control Commission.

This order shall become effective January 2, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4861)

Issued this 1st day of January 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-1560; Filed, Jan. 25, 1945; 4.25 p. m.]

[Region II Rev. Order G-18 Under RMPR 122, Amdt. 5]

SOLID FUELS IN ROCHESTER AND MONROE COUNTY, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and for the period commencing January 18, 1945, and terminating midnight, February 17, 1945, Revised Order No. G-18 is amended in the following respects:

1. The table of Service Charges contained in paragraph (d) (1) is amended to read as follows:

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser	
"Carry" or "Wheel" (except for sales amounting to less than ¼ ton).	65¢ per net ton. 40¢ per net ½ ton. 25¢ per net ¼ ton.
"Carrying upstairs or downstairs", for each floor above the ground floor (except for sales amounting to less than ¼ ton). The charge shall be in addition to any charge for "carry" or "wheel".	65¢ per net ton. 40¢ per net ½ ton. 25¢ per net ¼ ton.

2. The table of Service Charges contained in paragraph (e) (1) is amended to read as follows:

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser	*Cents per net ton*
"Carry" or "Wheel" (except for sales amounting to less than ½ ton)------	65
"Carrying upstairs, for each floor above the ground floor" (except for sales amounting to less than ½ ton). The charge shall be in addition to any charge for "carry" or "wheel"-------	65

This Amendment No. 5 to Revised Order No. G–18 shall become effective on January 18, 1945, and, unless earlier revoked or modified, shall expire midnight, February 17, 1945.

(56 Stat. 23, 765., 57 Stat. 566., Pub. Law 383, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45–1561; Filed, Jan. 25, 1945; 4:25 p. m.]

[Region II Order G–28 Under 18 (c)]

COAL AND COKE HAULING IN ROCHESTER AND MONROE COUNTY, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is ordered:*

(a) For the period commencing January 18, 1945 and terminating midnight February 17, 1945, contract carriers hauling coal and coke in the City of Rochester and designated portions of Monroe County, New York, known as Coal Area IV, and more specifically hereinafter described may make charges stated below for the services described below:

Description of service	*Charges (cents)*
Carrying or wheeling coal and coke:	
Per ton----------	65
Per ½ ton----------	40
Per ¼ ton----------	25
Carrying coal and coke up or down stairs:	
Per ton per flight----------	65
Per ½ ton per flight----------	40
Per ¼ ton per flight----------	25

The territory covered by this order is more particularly described as follows:

The City of Rochester:

The towns of Irondequoit, Brighton, Chili, Gates and Greece:

The following portions of the towns of Pittsford, Perinton and Henrietta; bounded on the north by Penfield Road to and including the hamlet of Penfield; on the east by the Five-Mile Line Road, the easterly village line of the village of East Rochester, the Lincoln Marsh Road to and including the hamlet of Bushnell's Basin; on the south by Ballantyne Bridge-Pittsford-Jefferson Avenue and the South Pittsford-Victor Road, to the point where the Brighton-Henrietta town line runs into the Genesee River on the west. This area shall include the abutting property on each side of all boundary highways.

This order supersedes Order No. 27 issued December 1, 1943, and Order No. 48 issued May 6, 1944, authorizing rates and charges for certain named contract carriers hauling coal and coke in the above area so far as the provisions of this order are inconsistent with those of said orders and only to that extent.

This order shall become effective on January 18, 1945 and unless earlier revoked or modified, shall expire midnight February 17, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of January 1945.

DANIEL P. WOOLEY,
Regional Administrator.

[F. R. Doc. 45–1562; Filed, Jan. 25, 1945; 4:25 p. m.]

[Region II Order G–54 Under RMPR 122, Amdt. 1]

EMERGENCY SALES OF COKE IN MANHATTAN AND THE BRONX, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1), and Rule 4 under § 1340.254 of Revised Maximum Price Regulation No. 122, Order No. G–54 is amended in the following respect:

1. Paragraph (c) is amended by adding the following proviso after the text of item "Third" and immediately before paragraph (d):

Provided, That dealers in the Boroughs of Manhattan and Bronx in the City of New York who now receive by-product or retort gas coke by railroad car or barge, and sell and deliver it from their yards, where during December, 1941 they did not so receive and sell such coke, may apply to the Regional Office of the Office of Price Administration for a special price limited to their sales of such coke received at their yards by railroad car or barge. The application shall be in writing and set forth the following:

(i) The name and address of the new supplier, or suppliers, of by-product or retort gas cake from whom coke is shipped by railroad car or barge.

(ii) The per net ton cost of such coke f. o. b. supplier's shipping point.

(iii) The actual transportation cost from supplier's shipping point to the dealer's yard, dock, or other terminal facility.

(iv) A statement that the dealer did not receive by-product or retort gas coke in his yard by railroad car or barge during December, 1941.

(v) Any other pertinent information the Regional Administrator may request.

The maximum price on such new by-product or retort gas coke shall be the price set by the Regional Administrator, calculated to yield a margin in line with the level of margins established for sales of other coke as a substitute fuel.

This Amendment No. 1 to Order No. G–54 shall become effective January 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45–1563; Filed, Jan. 25, 1945; 4:26 p. m.]

[Region VI Order G–6 Under MPR 336, 355 and 394]

FABRICATED MEAT CUTS IN WAUKEGAN AND NORTH CHICAGO, ILL.

By virtue of the authority vested in me by the provisions of section 5 (c) of Maximum Price Regulation No. 336, section 5 (c) of Maximum Price Regulation No. 355 and section 5 (c) of Maximum Price Regulation No. 394, I am empowered to declare specific areas in the region under my jurisdiction to be deficient in supplies of fabricated meat cuts where I find that the following conditions exist therein:

(1) That purveyors of meals are unable to purchase fabricated meat cuts in volume sufficient to supply their requirements;

(2) That the deficiency in supplies of fabricated meat cuts is caused by the fact that sellers of fabricated meat cuts located in the area do not have adequate facilities or quotas to supply the demand;

(3) That purveyors of meals located in the area customarily have relied upon and must continue to rely upon retail sellers for their necessary supplies of meat.

I have investigated the situation existing in the Waukegan and North Chicago, Illinois, area and as a result of that investigation I find:

That purveyors of meals located in the area are unable to obtain supplies of fabricated meat cuts adequate to fill their needs. This conclusion is based upon the following set of facts:

Waukegan and North Chicago, Illinois, are adjoining communities, in which are located the Great Lakes Naval Training Station and many large war production plants. The Ship's Service at the Great Lakes Naval Training Station supplies several food stands and cafeterias at the Training Station, which use approximately 1,000 pounds of meat a day in addition to substantial amounts of fresh beef and pork otherwise sold by the Ship's Services. There has been a substantial increase in the requirements for fabricated meat cuts by the cafeterias at

the various war production plants in the area. There are no wholesalers or hotel supply houses in or adequately serving the area and the total supply of fabricated meat cuts must be furnished by local retailers. The only retailers in this area who are equipped and willing to sell the needed quantity of fabricated meat cuts are limited at the present time in their sales to purveyors of meals to 20% of their total volume. This amount which can be sold by these retailers is considerably below the total volume of fabricated meat cuts necessary to supply the purveyors of meals in the Waukegan and North Chicago area. As a result there now exists a deficiency in this area of fabricated meat cuts to purveyors of meals. Accordingly, *It is ordered,* That the area within the geographic limits of the cities of Waukegan and North Chicago, Illinois, be and the same is hereby declared to be an area deficient in supplies of fabricated meat cuts.

This order may be revoked, amended or corrected at any time.

This order shall be effective as of January 13, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F. R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of January 1945.

RAE E. WATERS,
Regional Administrator.

[F. R. Doc. 45-1564; Filed, Jan. 25, 1945; 4:26 p. m.]

[Region VI Rev. Order G-104 Under SR 15 and MPR 280]

ADJUSTMENT OF FLUID MILK PRICES FOR ST. CLAIR COUNTY AND MADISON COUNTY, ILL.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and by § 1351.807 (a) of Maximum Price Regulation No. 280, *It is ordered,* That Regional Order No. G-104 under Supplementary Regulation No. 15 to the General Maximum Price Regulation and Maximum Price Regulation No. 280 be redesignated as Revised Order No. G-104 under Supplementary Regulation No. 15 to the General Maximum Price Regulation and Maximum Price Regulation No. 280 and that it be revised and amended to read as follows:

(a) *Maximum distributor prices for sales of "Grade A" milk to civilian purchasers.* (1) The maximum prices for the sale and delivery of "Grade A" milk, at wholesale and retail to civilian purchasers shall be the maximum prices determined under the General Maximum Price Regulation or Maximum Price Regulation No. 280, whichever shall be applicable for the type of sale being made, or the following prices, whichever shall be higher:

	Wholesale	Retail
STANDARD BUTTERFAT "GRADE A" MILK		
	Cents	*Cents*
Bulk in cans, per gallon	50	
Gallon (in single container)	52	58
Half gallon (in single container)	27	30
Quart	13½	15½
Pint	7	8
⅓ quart	5	5½
½ pint	4	5
HOMOGENIZED "GRADE A" MILK		
Bulk in cans, per gallon	54	
Gallon (in single container)	56	62
Half gallon (in single container)	29	32
Quart	14½	16½
Pint	7½	8½
⅓ quart	5	6
½ pint	4	5
GUERNSEY, CERTIFIED GUERNSEY, AND SOFT CURD—"GRADE A"		
Quart	17½	18½
Pint	8¾	10
⅓ quart	5	6
½ pint	4	5
CERTIFIED MILK—"GRADE A"		
Quart	16½	17½
SKIM MILK—"GRADE A"		
Bulk in cans, per gallon	26	
Gallon (in single container)	26	30
Quart	9	10
ACIDOPHILUS—"GRADE A"		
Quart	23	25
WHOLE MILK BUTTERMILK—"GRADE A"		
Quart	14	16
½ pint	3½	5
Pint	7¼	8½
⅓ quart	5	6
SKIM BUTTERMILK—"GRADE A"		
Bulk in cans, per gallon	26	
Gallon (in single container)	26	30
Quart	9	10
CHOCOLATE DRINK—"GRADE A"		
Quart	14	16
⅓ quart	4½	5
½ pint	3½	4
Pint	7¼	8½

(2) *Applicability of distributor prices for "Grade A" milk.* For the purposes set forth in paragraph (a) (1) of this order, sales and deliveries of "Grade A" milk shall mean:

(i) All sales of "Grade A" milk by distributors who are permitted, through the issuance of a formal permit by the appropriate health officer, to bottle and sell fluid milk labeled as "Grade A" under the Standard Milk Ordinance of the "East Side Health District" of St. Clair County, Illinois.

(ii) All sales of "Grade A" milk by sellers who have obtained "Grade A" milk from distributors described in subparagraph (i) above.

(b) *Maximum distributor prices for sales to civilian purchasers of milk other than "Grade A" for the cities of Belleville, Collinsville, Edwardsvile, Granite City, Madison and Venice, Illinois.* (1) The maximum prices for the sale and delivery of fluid milk other than "Grade A" at wholesale and retail for human consumption for the cities of Belleville, Collinsville, Edwardsville, Granite City, Madison and Venice, Illinois, shall be the maximum prices determined under the General Maximum Price Regulation or Maximum Price Regulation No. 280, whichever shall be applicable for the type of sale being made, or the following appropriate prices, whichever shall be higher:

	Wholesale	Retail
STANDARD BUTTERFAT CONTENT MILK		
	Cents	*Cents*
Gallon, in bulk	44	
Gallon (in single container)	46	52
Half gallon (in single container)	24	27
Quart	12	14
Pint	6½	8
⅓ quart	4½	5½
½ pint	3½	5
HOMOGENIZED AND VITAMIN D MILK		
Gallon, in bulk	48	
Gallon (in single container)	50	56
Half gallon (in single container)	26	29
Quart	13	15
Pint	7	8½
⅓ quart	4¾	5½
½ pint	3¾	5

(2) *Applicability of distributor prices.* For the purpose of paragraph (b) (1) of this order, sales and deliveries within the cities of Belleville, Collinsville, Edwardsville, Granite City, Madison and Venice, Illinois, shall mean:

(i) All sales of other than "Grade A" milk made within the city limits or delivered from an establishment located within the city limits of Belleville, Collinsville, Edwardsville. Granite City, Madison and Venice, Illinois.

(ii) All sales of other than "Grade A" milk by sellers wherever located if such sellers customarily sold prior to the effective date of this order more than 50% of their total sales of other than "Grade A" milk in the cities of Belleville, Collinsville,, Edwardsville, Granite City, Madison or Venice, Illinois.

(iii) All sales of other than "Grade A" milk by any seller at retail at or from an establishment obtaining the major portion of its supply of other than "Grade A" milk from distributors at wholesale described in subparagraphs (i) and (ii) above.

(c) *Maximum distributor prices for sales to civilian purchasers of milk other than "Grade A" for all communities within St. Clair County and Madison County, except those communities in the townships of Godfrey, Foster, Moro, Alton, Wood River and Fort Russell, and except the cities of Belleville, Collinsville, Edwardsville, Granite City, Madison and Venice, Illinois.* (1) The maximum prices for the sale and delivery of fluid milk other than "Grade A" at wholesale and retail for human consumption for all communities within St. Clair County, Illinois, and Madison County except those communities in the Townships of Godfrey, Foster, Moro, Alton, Wood River and Fort Russell, and except the Cities of Belleville, Collinsville, Edwardsville, Granite City, Madison and Venice, Illinois, shall be the maximum prices determined under the General Maximum Price Regulation or Maximum Price Reg-

ulation No. 280, whichever shall be applicable for the type of sale being made, or the following appropriate prices, whichever shall be higher:

	Wholesale	Retail
STANDARD BUTTERFAT CONTENT MILK		
	Cents	*Cents*
Gallon, in bulk	40	
Gallon (in single container)	42	48
Half gallon (in single container)	22	25
Quart	11	13
Pint	6	7½
⅓ quart	4½	5½
½ pint	3½	5
HOMOGENIZED AND VITAMIN D MILK		
Gallon, in bulk	44	
Gallon (in single container)	46	51
Half gallon (in single container)	24	27
Quart	12	14
Pint	6½	8
⅓ quart	4½	5½
½ pint	3½	5

(2) *Applicability of distributor prices.* For the purpose of paragraph (c) (1) of this order, sales and deliveries in all communities within St. Clair County and Madison County, except those communities located in the Townships of Godfrey, Foster, Moro, Alton, Wood River and Fort Russell, and except the Cities of Belleville, Collinsville, Edwardsville, Granite City, Madison and Venice, Illinois, shall mean:

(i) All sales of other than "Grade A" milk made within communities located in St. Clair County and Madison County, except those communities located in the Townships of Godfrey, Foster, Moro, Alton, Wood River and Fort Russell, and except the Cities of Belleville, Collinsville, Edwardsville, Granite City, Madison and Venice, Illinois.

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of other than "Grade A" milk from a seller at wholesale located within the communities described in subparagraph (i) above.

(d) *Multiple unit sales.* When the maximum price charged is expressed in terms of ½ cent, the price charged for a single unit at retail or wholesale may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(e) *Maximum distributor prices for sales of "Grade A" and other than "Grade A" milk to the Army and Navy.* The maximum price for the sale and delivery of "Grade A" and other than "Grade A" milk to the Army and Navy shall be the price at wholesale computed under paragraphs (a), (b) or (c) of this order for the particular size and type of container, plus whichever of the following provisions is the higher:

(1) One-half cent per quart or a proportionate amount for a part of a quart.

(2) The actual transportation costs from the seller's plant to the point of delivery at the lowest common carrier rate.

(f) *Definitions.* (1) "Grade A" milk means fluid cow's milk bottled and labeled under a permit issued by the Health Officer under the Standard Milk Ordinance of the "East Side Health District", which includes communities within the Townships of East St. Louis, Centerville, Canteen and Stites in St. Clair County, Illinois.

(2) Milk other than "Grade A" milk shall mean cow's milk other than "Grade A" milk as defined in paragraph (1) above.

(3) Standard butterfat content milk shall mean cow's milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or ordinance and distributed and sold for consumption in fluid form as whole milk.

(4) Sales at wholesale shall include all delivered sales to retail stores, restaurants, schools, hospitals, prisons and other institutions.

(5) Army or Navy means the War Department or the Department of the Navy of the United States, including such Departments' sales stores, commissaries, ships' stores, officers' messes and stores operated as Army canteens or post exchanges.

(g) *Relation of this order to Office of Price Administration regulation.* Except as modified by this order, the provisions of Maximum Price Regulation No. 280, and of the General Maximum Price Regulation shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during the applicable base period of such regulations. This order supersedes all previous orders issued by the Regional Administrator of the Office of Price Administration for Region VI, establishing maximum prices for the sale of fluid milk for human consumption within the geographical boundaries of the communities described in this order.

(h) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 20, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-1565; Filed, Jan. 25, 1945; 4:26 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-973]

MISSOURI GENERAL UTILITIES CO., AND ASSOCIATED ELECTRIC CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of January 1945.

Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, Missouri General Utilities Company ("Utilities"), having filed an application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, concerning the proposed sale by Aelec of its entire interest in Utilities, the proposed acquisition by Aelec of certain assets of Utilities, and related matters; and

The Commission having, on November 27, 1944, after notice and hearing, made and filed its findings and opinion and order (Holding Company Act Release No. 5449) granting the application and permitting the declaration to become effective; and

Applicants-declarants having, on January 23, 1945, advised the Commission that the parties have been unable to consummate the transactions proposed in said application-declaration within the time prescribed by the provisions of Rule U-24 (c) (1) of the rules and regulations under the act, and having requested that the time for such consummation be extended to and including March 27, 1945; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to grant said request:

It is ordered, That the time for consummating said transactions be, and hereby is, extended to and including March 27, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-1585; Filed, Jan. 26, 1945; 11:24 a. m.]