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Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-7]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.404 is amended by deleting the words "Agricultural Conservation and Adjustment Administration" wherever they appear therein, and by inserting in lieu thereof the words "Agricultural Adjustment Agency."

Done at Washington, D. C., this 17th day of February 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] **GROVER B. HILL,**
Acting Secretary of Agriculture.

[F. R. Doc. 43-2693; Filed, February 18, 1943; 11:50 a. m.]

[MQ-703-Cotton, Supp. 1]

PART 722—COTTON

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of the following amendment to MQ-703, "Regulations Pertaining to Cotton Marketing Quotas for the 1943-1944 Marketing Year", issued December 31, 1942.

Section 722.511 (b) is amended by deleting definition (3), by renumbering definitions (4) to (46), inclusive, as definitions (3) to (45), inclusive, and by deleting the words "Agricultural Conservation and Adjustment Administra-

tion" as they appear in the new definition (24) and by inserting in lieu thereof the words "Agricultural Adjustment Agency."

(Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31, 7 U.S.C. 1301 et seq., as amended.)

Done at Washington, D. C., this 17th day of February 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] **GROVER B. HILL,**
Acting Secretary of Agriculture.

[F. R. Doc. 43-2694; Filed, February 18, 1943; 11:51 a. m.]

[Tobacco-703-Burley, Supp. 1]

PART—724—BURLEY TOBACCO

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of the following amendment to Tobacco 703, "Marketing Quota Regulations, Burley Tobacco—1943-44 Marketing Year," issued December 31, 1942.

Section 724.513 is amended to read as follows:

§ 724.513 *Instructions and forms.* The Chief of the Agricultural Adjustment Agency of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

(52 Stat. 38, 47, 54 Stat. 392, 53 Stat. 1261, 56 Stat. 51, 7 U.S.C. 1940 ed. 1301 (b), 1313; 52 Stat. 66, 7 U.S.C. 1940 ed. 1375 (a), as amended)

Done at Washington, D. C., this 17th day of February 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] **GROVER B. HILL,**
Acting Secretary of Agriculture.

[F. R. Doc. 43-2695; Filed, February 18, 1943; 11:50 a. m.]

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¹7 F.R. 10031, 10127; 8 F.R. 45, 59, 2142, 2143.



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[Tobacco-703—Flue-cured Supp. 1]

PART 727—FLUE-CURED TOBACCO

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of the following amendment to Tobacco 703, "Marketing Quota Regulations, Flue-cured Tobacco—1943-44

Marketing Year", issued December 31, 1942.

Section 727.513 is amended to read as follows:

§ 727.513 *Instructions and forms.* The Chief of the Agricultural Adjustment Agency of the United States Department of Agriculture shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out this procedure.

(52 Stat. 38, 47, 54 Stat. 392, 53 Stat. 1261, 56 Stat. 51, 7 U.S.C. 1940 ed. 1301 (b) 1313; 52 Stat. 66, 7 U.S.C. 1940 ed. 1375 (a), as amended)

Done at Washington, D. C., this 17th day of February, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-2696; Filed, February 18, 1943; 11:51 a. m.]

[Wheat 43-1, Supp. 1]

PART 728—WHEAT

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of the following amendment to Wheat 43-1, "Regulations Pertaining to Farm Acreage Allotments and Normal Yields for the 1943 Crop of Wheat", issued June 26, 1942.

1. Section 728.412 (a) (1) is amended by deleting the words "Administrator of the Agricultural Conservation and Adjustment Administration" as they appear in the second sentence, and substituting in lieu thereof the words "Chief of the Agricultural Adjustment Agency".

2. Section 728.415 is amended to read as follows:

§ 728.415 *Instructions and forms.* The Chief of the Agricultural Adjustment Agency shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations.

3. Section 728.416 is amended by deleting definition 3 and by renumbering definitions 4 to 7, inclusive, as definitions 3 to 6, inclusive, and by deleting the words "Agricultural Conservation and Adjustment Administration" as they appear in new definition 5 and inserting in lieu thereof the words, "Agricultural Adjustment Agency".

(52 Stat. 39, 54, 66, 202; 54 Stat. 392, 727, 728, 1209, 1211; 7 U.S.C. 1940 ed. 1301 (b), 1334 (c), 1375 (b); 56 Stat. 51, as amended)

Done at Washington, D. C., this 17th day of February, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-2697; Filed, February 18, 1943; 11:51 a. m.]

[MQ-703—Peanuts, Supp. 1]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of the following amendment to MQ-703, "Regulations Pertaining to Marketing Quotas for Peanuts of the Crop Planted in the Calendar Year 1943", issued December 31, 1942.

Section 729.203, is amended to read as follows:

§ 729.203 *Instructions and forms.* The Chief of the Agricultural Adjustment Agency of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and forms as may be necessary for carrying out these regulations.

(52 Stat. 38; 7 U.S.C., 1940 ed., 1301 et seq., as amended.)

Done at Washington, D. C., this 17th day of February 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-2698; Filed, February 18, 1943; 11:51 a. m.]

Chapter X—Food Production Administration

[FPO3, Interpretation 8]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

The following is an interpretation of subparagraph (1) of paragraph (b) of § 1202.251 *Supplementary Order 1*¹ of Food Production Order No. 3.

INTERPRETATION No. 8

Paragraph (b) (1) of § 1202.251 of Food Production Order No. 3 provides, generally, for the prorata distribution by manufacturers of metal milk cans and covers manufactured prior to, or pursuant to War Production Board Order M-200. (7 F.R. 7808; 8 F.R. 601). Questions have arisen as to the application of the paragraph to sales for use and as to the method of prorating metal milk cans and covers for resale.

Paragraph (b) (1) permits a manufacturer of new metal milk cans and covers to transfer for resale all metal milk cans and covers manufactured by him prior to the effective date of, and 70 percent of his production of metal milk cans and covers authorized by War Production Board Order M-200, to the same manufacturers, distributors, mail order houses or dealers to whom such manufacturer distributed metal milk cans and covers for resale in the calendar year 1941. However, each manufacturer is required to distribute to each such person for resale the same percentage of his permitted distribution of metal milk cans and covers as the percentage of his production during the calendar year 1941, which he transferred to each such person for resale. For example, a distributor

¹ Formerly designated Ration Order C, Supp. Order 1 (7 F.R. 9796).

who in the calendar year 1941 received for resale 10 percent of a manufacturer's total production of metal milk cans and covers in that year is now authorized to receive at least 10 percent of such manufacturer's permitted distribution of its 1943 production of metal milk cans and covers. As will be explained below, it is possible that such distributor may receive even more than 10 percent of such manufacturer's permitted distribution.

Problems arise when a person authorized by paragraph (b) (1) to acquire from a manufacturer metal milk cans and covers for resale is unable or is not willing to do so, or when such a person fails to place an order for metal milk cans and covers within a reasonable time. A question has arisen as to whether a manufacturer must prorate his distribution for use among the persons to whom he previously transferred metal milk cans and covers for use. Another closely related question involves the inability of a manufacturer to determine which of his transfers during the calendar year 1941 were for resale and which were for use; in such cases, how is the manufacturer to prorate his distribution? Some difficulty has also developed in interpreting the word "area".

As used in the paragraph, the word "area" is interpreted to mean "State".

By the terms of paragraph (b) (1) a manufacturer is required to prorate his transfers for resale; his distribution of metal milk cans and covers for use is to be based only on purchase certificates issued by county farm rationing committees in the States in which he distributed metal milk cans and covers for use during the calendar year 1941; his distribution for use therefore is not to be prorated among persons, but is to be prorated, insofar as there is a sufficient number of purchase certificates, among the States in which the manufacturer made transfers for use during the calendar year 1941.

Any manufacturer who is genuinely unable to ascertain if any particular transfer made by him in the calendar year 1941 was for resale or for use is authorized by this paragraph to dispose of the number of metal milk cans and covers of his 1943 permitted distribution which bears to his total 1943 permitted distribution the same relationship as the metal milk cans and covers so transferred in the calendar year 1941 bore to his 1941 distribution. In other words, if a manufacturer transferred to A, located in Ohio, 20% of such manufacturer's production in the calendar year 1941 and is now genuinely unable to determine if such transfer was for resale or for use, such manufacturer may transfer, either for resale or for use, 20% of its permitted distribution in 1943 to other persons in Ohio. He is not required to transfer such metal milk cans and covers to the same persons to whom he transferred metal milk cans and covers in the calendar year 1941.

In transferring for resale, a manufacturer is to prorate both among persons and States. First, he is to transfer for resale to each person to whom he transferred metal milk cans and covers in the calendar year 1941 the same proportion of his permitted distribution in 1943 as the proportion of his production in the calendar year 1941 which he transferred in that year to such person for resale. Second, as it becomes apparent that any person entitled to receive metal milk cans and covers from such manufacturer does not intend to place an order for such metal milk cans and covers, the manufacturer shall, after the passage of a reasonable time after such person has been notified in writing by such manufacturer of his intent to sell such milk cans and covers to other purchasers, prorate such metal milk cans and covers among distributors, mail order houses or dealers (not necessarily the same ones to whom he made transfers for resale in the calendar year 1941) for resale or use

in the same States in which they would have been sold if the person so notified had placed the maximum order allowed to him under the paragraph.

Another question which has arisen under this paragraph concerns the method a manufacturer should employ in holding back 30% of his production under War Production Board Order M-200. Should a manufacturer hold back 30 out of every 100 metal milk cans and covers which he produces or is it permissible for him to transfer all of his current production so long as it does not exceed 70% of his authorized production of metal milk cans and covers? This paragraph is interpreted to authorize a manufacturer to transfer all his current production of metal milk cans and covers to the extent that such production does not exceed 70% of the metal milk cans and covers authorized by War Production Board Order M-200 to be produced by such manufacturer. Under the terms of the paragraph, no manufacturer may transfer or physically move (except for purposes of storage in the county in which such equipment is located) the remaining 30% of his quota, except pursuant to further orders from the Secretary of Agriculture or the Director of Food Production.

Still another problem arises in connection with the transfer of metal milk cans and covers by a manufacturer to a United States Government agency or to any person for export to and consumption or use in any foreign country. The provisions of paragraph (b) (1) are interpreted to mean that such transfers shall not be made except with the prior consent of the Director of Food Production and when made, such transfers shall be charged against the 30% of such manufacturer's quota which has not been authorized for transfer. This interpretation applies both to past and future transfers to a United States Government agency or to any person for export to and consumption or use in any foreign country. Transfers to any person, other than a United States Government agency, for use by such person in serving a United States Government agency are not within the category of transfers to a United States Government agency.

Issued this 18th day of February 1943.

[SEAL] M. CLIFFORD TOWNSEND,
Director of Food Production.

[F. R. Doc. 43-2730; Filed, February 18, 1943;
4:37 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 3—ARREST AND CONFINEMENT OF PERSONS NOT SUBJECT TO MILITARY LAW

Section 3.1 is amended as follows:

§ 3.1 *Persons not subject to military law.* Persons not subject to military law may be placed in arrest or confinement by members of the Military Establishment, as follows:

(a) *General.* All members of the Military Establishment have the ordinary right and duty of civilians to assist in the maintenance of the peace. Where, therefore, a felony or a misdemeanor amounting to a breach of the peace is being committed, it is the right and duty of every member of the military service, as of every civilian, to arrest the perpetrator no matter what his status. For prosecution of petty offenses com-

mitted on military reservations, see AR 490-5.¹

(b) *By members of the guard or of military police.* Members of the guard or of military police may place persons not subject to military law in arrest or confinement when apprehended while in the act of committing a felony or a misdemeanor amounting to a breach of the peace within the limits of military jurisdiction.

(c) *Restraint.* The restraint imposed under the provisions of (a) or (b) above will not exceed that reasonably necessary, nor extend beyond such time as may be required to dispose of the case by orderly transfer of custody to civil authority or otherwise, under the law.

(d) *Ejection.* Persons not subject to military law who are found within the limits of military jurisdiction in the act of committing a breach of regulations, not amounting to a felony or a breach of the peace, may be removed therefrom upon orders from the commanding officer and ordered by him not to reenter. For penalty imposed upon reentrance after ejection see section 45, act of March 4, 1909 (35 Stat. 1097), as amended by act of March 22, 1940 (54 Stat. 80; 18 U. S. C. 97).

(R.S. 161; 5 U.S.C. 22) [Par. 4, AR 600-355, July 17, 1942]

[SEAL]

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

[F. R. Doc. 43-2740; Filed, February 19, 1943;
11:17 a. m.]

Chapter III—Claims and Accounts

PART 33—GRATUITY UPON DEATH

MISCELLANEOUS AMENDMENTS

Sections 33.3 and 33.7 are amended as follows:

§ 33.3 *When payment may not be made—(a) No beneficiary designated.* Where it is shown that there is no widow or child and no person has been previously designated by the officer or enlisted man as beneficiary of the gratuity of 6 months' pay, no payment under the act is authorized. (See 14 Comp. Dec. 913; 1 Comp. Gen. 771)

(b) *When beneficiary is murderer.* Payment of 6 months' gratuity pay may not be made to a person who takes the life of another, whether or not the act be punished by the State or other civil authority concerned. (See MS. Comp. Gen., A 60953, June 12, 1935)

(c) *Term "child" defined as understood in act March 2, 1923.* (1) In view of the provisions of the act of March 2, 1923, 42 Stat. 1385; 10 U.S.C. 903, the term "child" as used in these regulations is not to be construed as including any married child or unmarried child over 21 years of age of a deceased officer or enlisted man who is not actually a dependent of such deceased officer or enlisted man. (See 4 Comp. Gen. 730)

¹ Administrative regulations of the War Department relating to petty offenses committed by civilians on federal reservations.

(2) The words "to any married child or unmarried child over twenty-one years of age * * * who is not actually a dependent of such deceased officer or enlisted man" appearing in the act of March 2, 1923, amending the act of December 17, 1919, 41 Stat. 367; 10 U.S.C. 903, authorizing payment of six months' pay to certain specified beneficiaries of officers and enlisted men of the Regular Army under certain circumstances and conditions, clearly forbid such payments to married children, notwithstanding the allegation of dependency on the deceased officer or enlisted man. (See 18 Comp. Gen. 567) (41 Stat. 367, 42 Stat. 1385, 55 Stat. 796; 10 U.S.C. 456, 903) [Par. 5, AR 35-1540, December 19, 1942, as amended by C 1, February 1, 1943]

§ 33.73 *Persons missing, or missing in action.* Claims of beneficiaries of persons missing, or missing in action, are payable upon a finding of death by the Secretary of War as prescribed in the act of March 7, 1942, Public Law 490, 77th Congress. (Also see AR 35-1320¹) (41 Stat. 367, 42 Stat. 1385, 55 Stat. 796; 10 U.S.C. 456, 903) [Par. 9, AR 35-1540, December 19, 1942, as amended by C 1, February 1, 1943]

[SEAL]

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

[F. R. Doc. 43-2741; Filed, February 19, 1943;
11:17 a. m.]

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

CIVILIAN DENTAL ATTENDANCE

Section 77.43 is amended as follows:

§ 77.43 *Civilian dental attendance—*

(a) *Emergency dental attendance.* When a dental officer is not available, and the required service cannot be rendered by the medical officer, one being available (see § 77.40 (e)), civilian dental service for the relief of pain or acute septic conditions or for first-aid treatment of dental injuries due to direct violence suffered by one of the personnel enumerated in § 77.40 (c), may be obtained on Government account in the same manner as civilian medical attendance is obtained, whether the personnel in need of dental treatment be on duty, or on furlough or leave of absence. (See § 77.3.) Such service will be confined to the relief of the immediate emergency only. Follow-up procedures are subject to the provisions of (b) below.

(b) *Routine or extensive dental attendance.* (1) Civilian dentists may not be employed at Government expense for the treatment of chronic lesions, filling operations, prosthetic replacements, and other prolonged or extensive procedures, such as those required following the relief of an immediate emergency, until specific authority for such employment has been received from command-

ing generals of service commands. Except that in the case of military personnel on duty without troops in foreign countries, dental service of this character which is urgently necessary may be procured without awaiting advance authority from commanding generals of service commands, provided that this will not apply to the employment of civilian dentists for elective dentistry. For the dentistry obtained without prior authority under the provisions of the foregoing sentence, the authority of commanding generals of service commands will be applied for in submitting the dentist's account in each case.

(2) In requesting authority to employ a civilian dentist, information will be given as follows:

(i) The character and extent of the disability.

(ii) Its origin or causation, and, if due to external violence, what the violence was, when it occurred, and whether it was suffered in the actual performance of duty.

(iii) The professional procedures considered necessary to correct it.

(iv) What measures of relief have been taken by the medical officer, or, if no measures have been taken, the reasons therefor.

(v) An estimate of the time required for its correction and the probable costs thereof.

(vi) A statement of the duties upon which the patient is engaged and how his absence therefrom, should dental treatment require it, would affect the public interest.

(vii) When last on duty at a station where the services of a dental officer were available.

(viii) The probable length of tour of duty at their present station.

(ix) Present status, whether duty, leave, or furlough. If on leave or furlough, the day and hour the leave or furlough started and the day and hour of termination should be stated.

(x) The probability of their attendance at one of the next summer training camps, and the camp they will attend, if known.

(3) Application for authority to employ civilian dental service having been made as above, commanding generals of service commands may, as they consider proper, grant or deny the request or recommend that the patient be ordered to a station where he can receive treatment from a dental officer. (R.S. 161; 5 U.S.C. 22) [Par. 5, AR 40-510, July 31, 1942, as amended by C 1, September 10, 1942]

[SEAL]

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

[F. R. Doc. 43-2742; Filed, February 19, 1943;
11:17 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

POLICY WITH RESPECT TO TAX EXEMPTION

Sections 81.804a and 81.809a are added as follows:

§ 81.804a *Definitions.* The following terms are used in this procurement Regulation No. 8 as they are defined in Treasury Decision 5114: "Prime contract" means a contract made by the United States. "Purchase article" means any article purchased as such by the United States under a prime contract. "Construction article" means any article for use as equipment, material, or supplies by a prime contractor in performing a prime contract: *Provided, however,* That payment for the article is made by the United States. "Subsidiary article" means any article which by itself or after being combined by any persons with other articles is incorporated in a purchase article or construction article.

The following terms are defined for the purposes of this Regulation No. 8 as follows: "Subcontract" means any purchase or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of another contract or subcontract. "Article" includes any material, part, assembly, machinery, equipment, or other personal property.

§ 81.809a *Policies with respect to contracts or purchases made on or after March 1, 1943—*(a) *Army-Navy joint tax exemption policies with respect to Federal excise taxes.* The Under Secretary of War, jointly with the Under Secretary of the Navy, has issued the memorandum dated January 4, 1942, quoted below. The purpose of the policies stated therein is to reduce administrative work caused to Government departments and to contractors with respect to Federal excise tax exemptions. It is believed that the new policies will also tend to eliminate confusion which has arisen particularly in connection with purchases, on a tax exempt basis in accordance with Treasury Decision 5114, by fixed price (lump sum) contractors and subcontractors, of articles and supplies for incorporation in or use in connection with supplies or work to be furnished or performed under a prime contract with the Government. The policies outlined in the memorandum have no application whatsoever to state and local taxes or exemptions thereunder or to fixed price (lump sum) prime contracts or subcontracts made prior to March 1, 1943, or to subcontracts or purchase orders thereunder. (The memorandum does not change or have any effect upon the exemption expressly provided by section 3442 (1) of the Internal Revenue Code under which contractors manufacturing taxable purchase articles may obtain subsidiary articles tax exempt in the manner provided in that section and applicable regulations.) The memorandum follows:

POLICY AS TO FEDERAL EXCISE TAX EXEMPTIONS—TO BECOME EFFECTIVE MARCH 1, 1943.

The War and Navy Departments adopt the following policies as to the payment of Federal excise taxes and exemptions therefrom, with respect (a) to all contracts executed by the Government after March 1, 1943, and all subcontracts thereunder and (b) to all subcontracts made after March 1, 1943 under cost-plus-a-fixed-fee prime contracts, regardless of when the prime contracts were executed. Certain terms used in this memo-

¹ Administrative regulations of the War Department relating to pay of military personnel.

random are defined in Note 1 below. The purpose of these policies is to reduce administrative work caused to Government Departments and to contractors with respect to Federal excise tax exemptions and to avoid the complications which have arisen in connection with purchases on a tax exempt basis in accordance with Treasury Decision 5114 by fixed price (lump sum) contractors and subcontractors.

1. The Government may make direct purchases of articles subject to Federal excise taxes ("purchase articles") on a price basis which either includes or excludes such taxes. In general, it will be War and Navy Department policy to make such direct purchases on a tax exclusive basis except where administrative convenience makes tax inclusive purchasing preferable.

2. In general, fixed-price (lump-sum) contractors, subcontractors, suppliers and materialmen will not be authorized to purchase "construction articles", "subsidiary articles" or articles used or consumed in the performance of the prime contract or subcontract, on a tax-exclusive basis pursuant to Treasury Decision 5114, and no tax exemption certificates will be issued in respect thereof.

3. A prime contractor under a cost-plus-a-fixed-fee or cost prime contract, or any cost-plus-a-fixed-fee or cost subcontractor thereunder, may purchase any articles subject to Federal excise taxes ("construction articles", "subsidiary articles", or articles used or consumed in the performance of such prime contract or subcontract) on a price basis which either includes or excludes such taxes: *Provided*, That in general purchases on a tax exclusive basis shall be made by a cost-plus-a-fixed-fee subcontractor only where there is no fixed-price contractor intervening between such subcontractor and the prime contractor. Tax exemption certificates will be issued where purchases are made on a tax-exclusive basis pursuant to the policy announced in this paragraph. In general, it will be War and Navy Department policy to have such cost-plus-a-fixed-fee contractors and cost-plus-a-fixed-fee subcontractors make such purchases on a tax exclusive basis except where administrative convenience makes tax inclusive purchasing preferable. The term "cost contract" includes any contract provision on a cost basis and any contract for special additional facilities or emergency plant facilities of the Government-ownership type or substantially in the form approved by the Advisory Commission to the Council of National Defense and published in the FEDERAL REGISTER on October 19, 1940 (5 F.R. 4147, No. 205).

4. Exceptions to the policies prescribed in this memorandum may be authorized by the War or Navy Departments in order to facilitate procurement.

5. Bidders and contractors will be advised of the policies herein set forth as promptly as possible, so that they may make plans, fix prices, and prepare cost analyses consistently with such policies.

6. The policies herein contained have no application to state and local taxes. These policies will likewise not necessitate any change in the policies applicable to fixed-price prime contracts and subcontracts executed prior to March 1, 1943, and subcontracts thereunder.

Dated this 4th day of January 1943.

ROBERT P. PATTERSON,
Under Secretary of War,
JAMES V. FORRESTAL,
Under Secretary of the Navy.

NOTE 1. This note in the statement of policy refers to the definitions set out in § 81.804a.

(b) *Changes effected by the new policies.* The principal changes effected by the new policy are:

(1) Under the new policies, fixed price (lump-sum) prime contracts made on or

after March 1, 1943, for acquisition by the War Department of articles subject to Federal excise taxes ("purchase articles") will in general be made on a price basis which excludes such Federal excise taxes. The chief of any supply service may authorize any contract or class of prime contracts to be made on a price basis which includes such Federal excise taxes.

(2) Fixed price (lump-sum) prime contractors under contracts made on or after March 1, 1943, and subcontractors under them will not in general be authorized to purchase "subsidiary articles" (see § 81.804a) or articles used or consumed in the performance of the prime contract on a tax exclusive basis pursuant to Treasury Decision 5114.

(3) Where the prime contract with the Government is on a cost-plus-a-fixed-fee basis, regardless of the date of the execution of the prime contract, a fixed price (lump-sum) subcontractor thereunder whose subcontract is made on or after March 1, 1943, will not be authorized to purchase "subsidiary articles," or articles used or consumed in the performance of the prime contract or subcontract, on a tax exclusive basis pursuant to Treasury Decision 5114.

(4) Cost-plus-a-fixed-fee prime contractors and cost-plus-a-fixed-fee subcontractors acting under them (where no lump sum contractor intervenes between the prime contractor and the cost-plus-a-fixed-fee subcontractor) will normally purchase articles which are subject to Federal excise tax on a tax exclusive basis.

(c) *Issuance to be in accordance with policy.* Except as provided in paragraph (d) of this section, no tax exemption certificate will be issued by any officer or employee of the War Department or pursuant to Treasury Decision 5114 in a manner inconsistent with the policies outlined in the preceding paragraph and set forth in the memorandum quoted in paragraph (a) of this section. Nothing in these regulations or in the memorandum quoted in paragraph (a), however, requires any contractor or subcontractor to forego any Federal excise tax exemption to which he may be entitled otherwise than under Treasury Decision 5114 (see for example, Internal Revenue Code, sec. 3442). Where contractors are entitled to any such exemption, contracting officers should take precautions to see that prices under lump-sum contracts are fixed after giving due consideration to the effect of such exemption.

(d) *Variations from policy.* The chief of any supply service may authorize variations (consistent with applicable tax exemption laws and tax regulations) from the policies set forth in the memorandum quoted in paragraph (a) of this section and from the regulations herein prescribed in accordance therewith in paragraphs (b) and (c) of this section, in any case or class of cases where he finds that such action is necessary to facilitate procurement. Any variations so authorized will be reported at once in writing to the Director, Purchases Division, Headquarters, Services of Supply. (Variations authorized by paragraph (f) of this section need not be so reported.)

(e) *Changes.* The chief of each supply service will make necessary changes

in existing bid forms, specifications, and instructions relating to bids and evaluation of contracts to carry out the policies set forth in the memorandum quoted in paragraph (a) of this section. Great care will be exercised in drawing contracts and purchase orders to make certain that their provisions reflect accurately the intention of the parties with respect to taxes and that they are consistent with the policies above mentioned.

(f) *Exception to tax policy with respect to radio apparatus, parts, and similar terms.* In some instances contractors have experienced difficulty in ascertaining what items and parts of certain specialized military and naval equipment are subject to the tax on radio apparatus and parts imposed by section 3404, Internal Revenue Code, section 545, as amended by Revenue Act of 1941. Accordingly, as an exception to the tax policy set forth in paragraph (a) (see par. (d) of this section), contracting officers are given authority to make prime contracts by the terms of which the prime contractor will be permitted to make purchases, on a basis exclusive of the tax imposed by section 3404, of articles which are or may be subject to the tax imposed by that section, whether such articles (1) constitute subsidiary articles, or (2) are acquired by the prime contractor for transfer by him to the United States as purchase articles. With respect to any such purchases, the prime contractor may be authorized to issue tax exemption certificates in accordance with Treasury Decision 5114 and subject to its limitations. The authority granted by this paragraph will not be exercised unless the contracting officer is of the opinion that purchase of such articles on a tax inclusive basis will involve special difficulties to the prime contractor or his suppliers and subcontractors in ascertaining whether particular items are subject to tax.

(g) *Taxable articles manufactured by the prime contractor and included in a purchase article as a component part thereof.* The tax policy set out in paragraph (a) of this section is not intended to prevent the Government from buying purchase articles on a basis exclusive of any taxes on component parts of such purchase articles where such component parts (1) have been manufactured by the prime contractor himself and (2) have been included in the purchase article by such manufacturer himself. Buying such purchase articles from prime contractors on a basis exclusive of any tax imposed with respect to such component parts pursuant to the provisions of section 3444, Internal Revenue Code, as amended by section 553 (d), Revenue Act of 1941, is consistent with the above mentioned tax policy.

(Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C. Sup. 601-622)

[SEAL]

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

[F. R. Doc. 43-2743; Filed, February 19, 1943; 11:17 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

APPLICATION, ISSUANCE, ETC.

FEBRUARY 10, 1943.

Acting pursuant to the authority vested in me by sections 308 and 501 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 501 of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.	
501.1	Application.
501.2	Issuance of registration certificate.
501.20	Previously registered aircraft.
501.21	New or previously unregistered aircraft.
501.22	Effective date.
501.3	Transferability.
501.4	Duration.
501.5	Display.
501.6	Invalidation.
501.7	Surrender.
501.8	Notice of change of address.

§ 501.1 *Application.* Application for the registration of an aircraft shall be made upon the applicable form prescribed and furnished by the Administrator.

§ 501.2 *Issuance of registration certificate.*

§ 501.20 *Previously registered aircraft.* A registration certificate will be issued by the Administrator for aircraft previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, only if:

(a) The applicant mails or delivers a duly executed application for registration to the Administrator; and

(b) The applicant submits with such application proof satisfactory to the Administrator that the applicant is a citizen of the United States;¹ and

(c) The applicant submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of the Regulations of the Administrator of Civil Aeronautics, evidencing his ownership of the aircraft; and

(d) The conveyance submitted with the above application establishes in the recordation system of the Administrator, title to the aircraft in the applicant; *Provided*, That this requirement shall not be applicable to contracts of conditional sale in which the seller is the recorded owner of the aircraft.

§ 501.21 *New or previously unregistered aircraft.* A registration certificate

¹ "Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory or Possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions. (Section 1 (13), Civil Aeronautics Act of 1938).

will be issued by the Administrator or his authorized inspector for aircraft not previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, only if:

(a) The applicant mails or delivers a duly executed application for registration to the Administrator or his authorized inspector; and

(b) The applicant submits with such application proof satisfactory to the Administrator that the applicant is a citizen of the United States; and

(c) The applicant submits satisfactory proof of ownership of such aircraft.

§ 501.22 *Effective date.* Aircraft will be deemed to be registered upon the date that the documents required by §§ 501.20 and 501.21, whichever is applicable, are received by the Administrator or his authorized inspector.

§ 501.3 *Transferability.* A registration certificate is not transferable except that upon the transfer of ownership of an aircraft registered as civil aircraft of the United States, the registration and certificate issued pursuant thereto may be transferred to the purchaser upon the following conditions:

(a) The purchaser is a citizen of the United States; and

(b) On the date the registered owner transfers ownership of such aircraft, he shall endorse the registration certificate in the manner provided thereon and deliver such certificate to the purchaser; and

(c) On the date of transfer, an application for registration of the aircraft in the name of the purchaser, together with all documents required by § 501.20, are mailed to the Administrator.

§ 501.4 *Duration.* The registration and certificate issued pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided*, That such registration and certificate may be cancelled by the Administrator at any time within 90 days after issuance and thereafter they shall immediately expire upon the date:

(a) The aircraft is registered under the laws of any foreign country; or

(b) The registration of the aircraft is cancelled at the written request of the owner; or

(c) The aircraft is totally destroyed or scrapped; or

(d) The ownership of the aircraft is transferred, unless the certificate is transferred in accordance with § 501.3.

§ 501.5 *Display.* A registration certificate shall be carried at all times in the aircraft and shall be presented upon the request of any duly authorized representative for the Administrator, or any state or municipal official charged with enforcing local laws or regulations involving Federal compliance.

§ 501.6 *Invalidation.* Any registration of an aircraft by the Administrator shall be null and void if at the time of registration:

(a) The aircraft was registered under the laws of any foreign country; or

(b) The person registered as owner was not the true and lawful owner of the aircraft; or

(c) The person registered as owner was not a citizen of the United States; or

the interest of such person in the aircraft was created by any transaction not entered into in good faith, but for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, as amended, prohibiting the registration of an aircraft in the name of a person not a citizen of the United States.

§ 501.7 *Surrender.* Upon the suspension, revocation, expiration or invalidation of a registration certificate, the owner of the aircraft shall, upon request, surrender such certificate to any authorized representative of the Administrator.

§ 501.8 *Notice of change of address.* The registered owner of any aircraft shall notify the Administrator immediately of any change of address.

This amendment shall become effective March 31, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-2745; Filed, February 19, 1943; 11:21 a. m.]

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

REQUIREMENTS, ELIGIBILITY, ETC.

FEBRUARY 10, 1943.

Acting pursuant to the authority vested in me by sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, I hereby adopt Part 503 of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.	
503.1	Recordation required.
503.2	Eligibility.
503.3	Notice of transfer.

§ 503.1 *Recordation required.* All conveyances affecting the title to, or interest in, any aircraft registered under the provisions of the Civil Aeronautics Act of 1938, as amended, shall be executed upon the applicable form prescribed by the Administrator, or a form deemed by the Administrator to be its equivalent, and shall be recorded with the Administrator.

§ 503.2 *Eligibility.* A conveyance shall be eligible for recordation only if:

(a) It is accompanied by a duly executed application for registration, together with all the documents required by § 501.2 of the Regulations of the Administrator of Civil Aeronautics; *Provided*, That this paragraph shall not apply to conveyances affecting an interest in, but not title to the aircraft, or conveyances transferring ownership to a person not eligible to obtain registration; and

(b) It is accompanied by a certificate of ownership for the aircraft which is the subject of the conveyance, if such certificate has been issued by the Administrator; *Provided*, That, in the event of

¹ On or after the effective date of these regulations the Administrator will issue a certificate of ownership which lists ownership and liens as of that date. These certificates of ownership will be issued for each aircraft as to which a conveyance is received for recordation. Thereafter no conveyance will be eligible for recordation unless accompanied by a certificate of ownership.

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

In § 322.9 (c) Minimum Price Schedule, add the mine index numbers in

groups shown. Group No. 1: 116, 162, 2266; Group No. 2: 90, 161, 373; Group No. 5: 1197; Group No. 6: 1693, 2616; Group No. 7: 34, 160, 2581; Group No. 21: 2487.

[Docket No. A-1832]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF

FOR TRUCK SHIPMENTS

§ 322.23 General prices—Supplement T

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

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

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

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

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

It is ordered, That pending final disposition of the above entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: February 1, 1943.

[SEAL]

DAN H. WHEELER,
Director.

Code member index	Mine index No.	Mine	Seam	Base Sizes										
				Lump, over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea 3/4" x 1 1/4"	Run of Mine	2" N/S	1 1/4" Slack	3/4" Slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Frick Coke Company, H. C. ¹	161	National #1	Pittsburgh	295	285	275	255	235	235	230	240	210	200	190
ARMSTRONG COUNTY														
Vance Coal Corp. ¹	373	Top Block	U. Freeport	290	280	270	250	245	235	220	225	205	195	185
FAYETTE COUNTY														
Carpentertown C. & C. Co. ¹	2373	Lemont #4	Pittsburgh	330	320	310	290	270	260	255	260	230	220	205
Dearth Coke Company (Lawrence Parshall) ¹	2586	Violet Mine	Pittsburgh	306	290	280	265	245	230	230	230	220	215	195
Gallatin Coal Co. (Lemino Lenz) ¹	2615	Gallatin	Sewickley	295	285	275	260	240	230	230	230	215	210	195
Vanek Brothers (John Vanek) ¹	1508	Uledi	Pittsburgh	300	290	280	265	245	230	230	230	220	215	195
White & Frederick Coal Co. (C. M. White) ¹	2616	White & Frederick #3 (S)	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Wynn Coal & Coke Co. (Martin W. Ruane) ¹	1663	Crystal Strip	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
GREENE COUNTY														
Hilverding, Virgil ¹	1067	Porter	Waynesburg	285	275	265	255	235	225	225	220	200	190	170
Santora-Graham & Peterson Coal Co. (L. H. Peterson) ¹	2581	Mapel-Sterling	Pittsburgh	295	285	275	265	250	240	235	240	210	200	185
WASHINGTON COUNTY														
Arcure, John	2620	Westland, S. D.	Pittsburgh	295	285	275	250	240	225	215	225	200	190	180
Dry Run Coal Co. (Robert G. Hague) ¹	1197	Dry Run (D)	Redstone	285	275	265	240	225	215	210	215	195	185	175
Frick Coke Company, H. C. ¹	90	Hazel	Pittsburgh	315	305	295a	270a	260a	245a	230a	245	210	195	190
Frick Coke Company, H. C. ¹	162	National # 3	Pittsburgh	315	305	295	270	260	245	230	245	210	195	190
Hillman Coal & Coke Company. ¹	34	Clyde # 2 (D)	Pittsburgh	330	320	310	280	270h	255h	245	255h	225h	215h	190h
WESTMORELAND COUNTY														
Hepner, Ernest ¹	1280	Wagner	Miller	285	275	265	245	225	220	215	225	205	195	185
Lentz, John ¹	2621	Kuhns # 2	Pittsburgh	300	290	280	265	260	250	230	235	215	205	195
Mammoth Coal & Coke Company (John H. Dent) ¹	2266	Mammoth	Pittsburgh	310	300	290	280	260	250	250	245	225	215	195
Miller, J. Frank (J. Frank Miller Coal Company) ¹	116	King	Pittsburgh	310	300	290	280	260	250	250	245	225	215	195
Seonor Coal Co. (W. H. Seonor) ¹	2487	Seonor-Alcorn	Pittsburgh	295	285	275	255	245	240	235	235	215	205	195

¹ Indicates change in ownership only.

(a) For mechanically cleaned coal add: 10¢ to Size Groups 3, 4, 5, 6, 7.

(b) For mechanically cleaned coal add: 10¢ to Size Groups 5, 6; 5¢ to Size Groups 8, 9, 10, 11.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway heading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group Nos.													
								1	2	3	4	5	6	7	8	9	10				
505	Beamer, Frank (Beamer Pochontas Coal Co.)	Beamer, Frank	4	Wolch	Davy W. Va.	N&W	30	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
130	Pochontas Fuel Company, Inc.	Angle	3	Poca #1	Elkhorn, W. Va.	N&W	20	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
332	Lundy C. L. Jr. (The Red Ash Coal Company)	The Red Ash Co.	4	Red Ash	Iager, W. Va.	N&W	30	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

†When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.
*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area—Supplement T

Code member index	Mine	County	Seam	All lump 3/4" or larger, all over and stove	All nut or pea smaller 1 1/4" top size or smaller	Screned M/R	Straight mine	1 1/2" screenings	3/4" screenings
Lundy C. L. Jr. (The Red Ash Coal Company)	The Red Ash Coal Co. Hillside	McDowell	Red Ash	335	300	235	235	200	200
Smith, W. F.	Hillside	Fayette	Sewell	300	300	235	235	200	200

[F. R. Doc. 43-2687; Filed, February 18, 1943; 11:10 a. m.]

[Docket No. A-1833]
PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines and for a change in shipping point for the coals of Mine Index No. 335.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9

and for a change in the shipping point for the coals of Mine Index No. 335 in District No. 9 from point Nebo, Kentucky to Providence, Kentucky; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 329.24 (General prices in cents per net ton for shipment into any market area)

is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof.
It is further ordered, That the price classifications and minimum prices heretofore established for the coals of Mine Index No. 335 for all shipments except truck shall no longer be applicable to shipments of such coals originating at point Nebo, Kentucky.
It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be

filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.
Dated: January 29, 1943.

(SEAL) DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 Alphabetical list of code members—Supplement R

Mine Index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
335	Brown, Jack	Brown #1	9	1 50	Providence	L&N-IC
1038	Brown, Jack	Brown No. 2	9	50	Providence	L&N-IC
1033	Dixon & Dixon (Leslie Dixon)	Morris	9	40	Nortonville	L&N-IC
1035	Dwine, Buck	Schindler	9	30	Nortonville	L&N-IC
1055	Morris Brothers (Arthur Morris)	Morris No. 2	9	10	St. Charles	IC
1056	Norton Coal Corporation	East Opening No. 1	12	40	Nortonville	L&N-IC
1057	Norton Coal Corporation	East Opening No. 2	10	40	Nortonville	L&N-IC
1047	Taylor & Green (Archie Green)	Burl	1	30	Island	L&N
823	Waltrip, Marion H.	Waltrip	9	30	Owensboro	L&N

† Shipping point, Nebo, Kentucky, Freight Origin Group 30 is no longer applicable.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 335, 1033, 1035, 1055, 1056, 1057, 1047, 823 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Bechtel Creek Coal Company, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 General prices in cents per net ton for shipment into any market area—
Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos.												
				1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	26, 27	28, 29
HOPKINS COUNTY																
Brown, Jack.....	1058	Brown No. 2.....	#9.....	210	200	190	180	175	165	165	155	145	115	55	125	120
Dixon & Dixon (Leslie Dixon).....	1053	Morris.....	#9.....	210	200	190	180	175	165	165	155	145	115	55	125	120
Morris Brothers (Arthur Morris).....	1055	Morris No. 2.....	#9.....	210	200	190	180	175	165	165	155	145	115	55	125	120
Norton Coal Corporation.....	1056	East Opening #1.....	#12.....	210	200	190	180	175	165	165	155	145	115	55	125	120
Norton Coal Corporation.....	1057	East Opening #2.....	#11.....	210	200	190	180	175	165	165	155	145	115	55	125	120

[F. R. Doc. 43-2688; Filed, February 18, 1943; 11:10 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter III—Bureau of the Public Debt

[1943 Department Circular 394, 2d Am.]

PART 300—DISTINCTIVE PAPER FOR UNITED STATES CURRENCY AND OTHER SECURITIES

DESCRIPTION OF PAPER

FEBRUARY 18, 1943.

Section 300.2 of Department Circular No. 394, dated February 1, 1928 (31 CFR 300.2), as amended April 22, 1941 (6 F.R. 2191), is hereby further amended to read as follows:

§ 300.2 *Description of paper.* The paper is cream-white bank-note paper which closely resembles in general appearance the paper now in use, and which must conform to specifications prescribed by the Secretary of the Treasury, in which currency paper and bond paper may be differentiated. The distinctive feature, identical for all paper used for the production of paper currency and public debt issues of the United States, shall consist of small segments of fiber, either natural or synthetic, colored red and blue, incorporated in the body of the paper while in process of manufacture and evenly distributed throughout.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-2739; Filed, February 19, 1943; 10:39 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

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

PART 1010—SUSPENSION ORDERS

[Suspension Order S-239]

THOMAS OIL COMPANY

J. D. Thomas, doing business as Thomas Oil Company, Saratoga Springs, New York, is engaged in the marketing of motor fuel. During the months of May, June and July, 1942, the Thomas

Oil Company, in wilful violation of Limitation Order L-70, made deliveries of motor fuel to R. C. Vrooman Service Station, Van Dorn and Maple Streets, Saratoga Springs, New York, and to Manny's Service Station, 77 Putnam Street, Saratoga, New York, which the Company owns, substantially in excess of the amounts permitted to be delivered to such stations in accordance with the provisions of Limitation Order L-70.

These violations of Limitation Order L-70 have impeded and hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.239 *Suspension Order S-239.* (a) J. D. Thomas, doing business as Thomas Oil Company, his successors and assigns, shall not deliver, or cause to be delivered, directly or indirectly, any motor fuel, as defined in Limitation Order L-70, to R. C. Vrooman Service Station, Van Dorn and Maple Streets, Saratoga Springs, New York, and to Manny's Service Station, 77 Putnam Street, Saratoga, New York.

(b) Nothing contained herein shall be deemed to relieve J. D. Thomas, doing business as Thomas Oil Company, his successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 22, 1943, and shall remain in effect until May 22, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 18th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2724; Filed, February 18, 1943; 4:34 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-244]

DE WITT-NASH CO.

The De Witt-Nash Company, Cleveland, Ohio, is a roaster and wholesale distributor of coffee. In the months of August and September, 1942, the Company delivered to its customers approximately 10,715 pounds of coffee in excess

of the amounts it was permitted to deliver under the provisions of Conservation Order M-135. These excessive deliveries were caused by the Company's inexcusable negligence in failing to compute its quota in the proper manner.

These violations of Conservation Order M-135 have given the Company an advantage over its competitors and have made it appropriate that the Company's future deliveries of coffee should be restricted to compensate for such over-deliveries. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.244 *Suspension Order S-244.*

(a) During each of the calendar months of March, April and May, 1943, deliveries of coffee by The De Witt-Nash Company, its successors and assigns, shall not exceed 15,670 pounds, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve The De Witt-Nash Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect March 1, 1943, and shall expire on May 31, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 18th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2725; Filed, February 18, 1943; 4:34 p. m.]

PART 1068—CANS

[Amendment 1 to Conservation Order M-81 as Amended—Jan. 13, 1943]

Section 1068.1 *Conservation Order M-81* (8 F. R. 516) is hereby amended in the following particulars:

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

(2) "Tinplate" means any sheet steel coated with tin and includes "primes" "seconds", "waste-waste" (except "electrolytic waste-waste") and all other forms of tinplate except waste.

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

(4) "Blackplate" means any sheet steel 29-gauge or lighter, other than tinplate or terneplate. The term includes "blackplate rejects" and "electrolytic waste-waste", and all other forms of blackplate except waste.

3. Paragraph (c) (3) is amended to read as follows:

(3) No product packed in a can shall be repacked for sale in a can or any other container by the same or a different person in the same or a different form except to the extent specifically permitted in the schedules attached to this order or pursuant to Conservation Order M-104.

4. The paragraph numbered (2) in the explanatory text at the heading of Schedule I is amended to read as follows:

9. The items in Schedule III hereinafter listed are amended to read as follows:

Product	Packing quota	Can sizes		Can material	
		Body	Ends	Body	Ends
23. Toilet bowl cleaners, limited to cleaners containing not less than 70% disulphate of soda. Until June 30, 1943.	50% 1942.	10 oz.	Blackplate.	Blackplate.	Blackplate.
28. Paints, copper bottom or antifouling.	Unlimited.	1-gal.	1.25 tin.	1.25 tin.	Blackplate (50% of bottoms to be made from frozen blackplate or blackplate rejects).
29. Paints: Oil or oil-resinous, ready to use, semi-paste, including but not limited to white lead in oil and colors in oil. Pigmented lacquers.	35% 1942.	1-gal.	Fibre.	Fibre.	Fibre bottom: blackplate ring. Plug made from waste blackplate recovered in manufacture of ends for 1-gal. fibre bodied paint cans.
31. Shoe polish, leather dressing, and saddle soap. Until June 30, 1943.	50% 1942.	Any size.	Frozen blackplate and blackplate rejects.	Frozen blackplate and blackplate rejects.	Frozen blackplate and blackplate rejects.
32. Soap, paste, limited to mechanical's hand soap.	100% 1942.	3-lb.	Frozen blackplate and blackplate rejects.	Frozen blackplate and blackplate rejects.	Frozen blackplate and blackplate rejects.

10. Schedule III is amended by the addition of the following item:

Product	Packing quota	Can sizes		Can materials	
		Body	Ends	Body	Ends
37. Ointment and salve.	Unlimited.	1/4-oz., 1/2-oz., 1-oz.	Limited to frozen tinplate and frozen blackplate and blackplate rejects.	Limited to frozen tinplate and frozen blackplate and blackplate rejects.	Limited to frozen tinplate and frozen blackplate and blackplate rejects.

Issued this 18th day of February 1943.

CURRIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-2726; Filed, February 18, 1943; 4:34 p. m.]

11. Schedule III is amended by the addition of the following item:

Product	Packing quota	Can sizes		Can materials	
		Body	Ends	Body	Ends
57. Condensed Milk, as defined by the Federal Security Administrator, Federal Register, July 2, 1940, § 18,525, page 2444, and § 18,530, page 2445, as amended, Federal Register, August 8, 1941, pages 3873 and 3874.	100% 1942.	14 oz.	1.25 tin.	1.25 tin.	1.25 tin.

6. The paragraph numbered (2) in the explanatory text at the heading of Schedule II is amended to read as follows:

(2) All persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears, and chemically treated blackplate wherever the double asterisk appears. Wherever the double asterisk appears, to the extent that chemically treated blackplate is not available, 0.50 tinplate is to be used by manufacturers and cans made therefrom accepted by users, to the greatest extent available, in preference to 1.25 tinplate.

7. Items 1 and 5 of Schedule II are amended to read as follows:

Product	Packing quota	Can sizes		Can materials	
		Body	Ends	Body	Ends
1. Bacon.	None.	1.25 tin*	1.25 tin.**	1.25 tin*	1.25 tin.**
5. Tongue.	50% 1942.	1.25 tin*	1.25 tin.**	1.25 tin*	1.25 tin.**

8. Schedule II is amended by the addition of the following items:

Product	Packing quota	Can sizes		Can Materials	
		Body	Ends	Body	Ends
17. Liquid Edible Oils, including only animal, vegetable, olive, fish and other marine animal, and edible blends of such oils.	50% 1942 pack of size 5 gal.	5-gal. reusable.	1.25 tin.	1.25 tin.	1.25 tin.
18. Citrus Concentrates.	None.	10.	1.25 tin.	1.25 tin.	1.25 tin.
19. Butter and Oleomargarine.	None.	10.	1.25 tin*	1.25 tin.	1.25 tin.
20. Maple Syrup, limited to syrup made by the evaporation of maple sap, containing not more than 35 percent water and weighing not less than 11 pounds to the gallon.	Unlimited.	1-gal.	Frozen tinplate.	Frozen tinplate.	Frozen tinplate.

(2) All persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears, and chemically treated blackplate wherever the double asterisk appears. All persons using cans marked with the asterisk, are hereby required to accept from the manufacturer making delivery, to the greatest extent available, cans made as specified of 0.50 tinplate wherever the single asterisk appears: and cans made as specified of chemically treated blackplate wherever the double asterisk appears.

5. Item 57 in Schedule I is amended to read as follows:

Product	Packing quota	Can sizes		Can materials	
		Body	Ends	Body	Ends
57. Condensed Milk, as defined by the Federal Security Administrator, Federal Register, July 2, 1940, § 18,525, page 2444, and § 18,530, page 2445, as amended, Federal Register, August 8, 1941, pages 3873 and 3874.	100% 1942.	14 oz.	1.25 tin.	1.25 tin.	1.25 tin.

6. The paragraph numbered (2) in the explanatory text at the heading of Schedule II is amended to read as follows:

(2) All persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears, and chemically treated blackplate wherever the double asterisk appears. All persons using cans marked with the asterisk, are hereby required to accept from the manufacturer making delivery, to the greatest extent available,

7. Items 1 and 5 of Schedule II are amended to read as follows:

Product	Packing quota	Can sizes		Can materials	
		Body	Ends	Body	Ends
1. Bacon.	None.	1.25 tin*	1.25 tin.**	1.25 tin*	1.25 tin.**
5. Tongue.	50% 1942.	1.25 tin*	1.25 tin.**	1.25 tin*	1.25 tin.**

8. Schedule II is amended by the addition of the following items:

Product	Packing quota	Can sizes		Can Materials	
		Body	Ends	Body	Ends
17. Liquid Edible Oils, including only animal, vegetable, olive, fish and other marine animal, and edible blends of such oils.	50% 1942 pack of size 5 gal.	5-gal. reusable.	1.25 tin.	1.25 tin.	1.25 tin.
18. Citrus Concentrates.	None.	10.	1.25 tin.	1.25 tin.	1.25 tin.
19. Butter and Oleomargarine.	None.	10.	1.25 tin*	1.25 tin.	1.25 tin.
20. Maple Syrup, limited to syrup made by the evaporation of maple sap, containing not more than 35 percent water and weighing not less than 11 pounds to the gallon.	Unlimited.	1-gal.	Frozen tinplate.	Frozen tinplate.	Frozen tinplate.

PART 1075—CONSTRUCTION

[Conservation Order L-41, as Amended Feb. 19, 1943]

Conservation Order L-41 as heretofore amended is hereby amended to read as follows:

§ 1075.1 *Conservation Order L-41—Definitions.* For the purpose of this order:

- (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.
- (2) "Construction" means the erection, construction, reconstruction, restoration, or remodeling of any structure or project, or additions thereto or extensions or alterations thereof, but not including:

- (i) "Maintenance and repair" as defined in paragraph (a) (12);

- (ii) The excavation or other movement of earth where no material except earth or other unprocessed material is to be incorporated.
- (3) "Residential construction" means any construction where the principal designed function of the structure or project is or will be to provide living space or accommodations.
- (4) "Multiple residential construction" means any residential construction where the principal designed function of the structure or project is or will be to provide living space or accommodations for six or more families, or which is divided or to be divided into six or more suites.
- (5) "Agricultural construction" means any construction, (other than residential construction), where the principal designed function of the structure or project is or will be the production of agricultural products including, but not limited to, those produced by farmers, plant-

ers, ranchmen, dairymen, poultrymen, or nut or fruit growers.

(6) "Industrial construction" means any construction where the principal designed function of the structure or project is or will be the manufacture, processing or assembling of goods or materials.

(7) "Other restricted construction" means any construction, other than residential, multiple residential, agricultural, or industrial construction, including, but not limited to, commercial, highway, roadway, sub-surface, railroad, and utilities construction, whether publicly or privately financed.

(8) "Project" means all separate structures or units of construction situated in close proximity to each other and integrated to serve a single general use; it does not mean a particular construction operation or job. In no case shall a single structure or unit of construction be subdivided into more than one project for the purpose of this order.

(9) "Begin construction" means to initiate construction, or to resume construction which has not been carried on as one continuous construction job, by physically incorporating or installing into a structure or project on the site, material which is to be an integral part of the structure or project.

(10) "Cost" shall be the sum of the total cost or value, whichever is higher, of the following (except as qualified in (a) (11) below):

(i) Material which is to be an integral part of the structure or project, including articles, chattels, or fixtures which are to be physically incorporated in and used as a part of the structure or project, or are to be so substantially affixed thereto that they cannot be detached without materially injuring them or the structure or project;

(ii) Labor engaged in the construction;

(iii) Architects', engineers' and contractors' services.

(11) "Cost" does not include the following:

(i) The value of used material, articles, chattels or fixtures which have been severed from the same or another structure or project and are to be used without change in ownership, nor the cost or value of labor engaged in incorporating the same;

(ii) The cost or value of production machinery or equipment to be used directly in the manufacturing, processing or assembling of goods or materials;

(iii) The value of labor, not entailing financial outlay, of an owner or tenant and members of the owner's or tenant's immediate family residing with him, on a structure or project owned or leased by him.

(12) "Maintenance and repair" means such work as is necessary to keep a structure or project in sound working condition, or to rehabilitate a structure or project or any portion thereof when the same has been rendered unsafe or unfit for service by wear and tear or other similar causes. The term does not include any building operation or job where a structural alteration or change in design is to be made. However, different materials may be used and different types of articles, chattels or fixtures (but of the same general nature)

may be incorporated, provided that there are no such structural alterations or changes in design. No building operation or job may be part construction and part maintenance and repair, as the terms are used herein, but if any construction is to be done, the entire building operation or job is construction. Maintenance and repair does not include the reconstruction or restoration of a structure or project or portion thereof destroyed by fire, flood, tornado, earthquake, act of God or the public enemy.

(b) *Prohibited construction.* (1) No person shall begin construction, carry on any construction begun in violation of any order in the L-41 series, cause such construction to be begun or carried on or participate in such construction, or order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material for such purposes.

(2) The terms and restrictions of (b) (1) shall not apply where the construction is of:

(i) A structure or project to be the property of the Army or Navy of the United States, the United States Maritime Commission, Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, or the Office of Scientific Research and Development;

(ii) A structure or project which is to be used directly in the discovery, development or depletion of mineral deposits;

(iii) A type subject to the provisions of any order in the M-68 series (Part 1047) relating to the production and distribution of petroleum, or is of a type subject to the provisions of any Petroleum Administrative Order (Chapter XIII), and such construction is permitted only to the extent authorized by the applicable order in the M-68 series or by the applicable Petroleum Administrative Order;

(iv) Telephone facilities or equipment, including facilities or equipment for such telegraph or teletypewriter service as may be conducted by a telephone operator, other than buildings, and is authorized or permitted under the terms of Order L-50 (§ 1095.1);

(v) Railroad tracks, together with necessary operating facilities, but not including buildings, tunnels, overpasses, underpasses, or bridges;

(vi) Facilities, other than buildings, to be owned by a producer, as defined in Order P-46 (§ 978.1), pertaining to utilities, and which are to be used directly in providing one or more of the services set forth in paragraph (a) (1) of said order;

(vii) Irrigation pipe lines or drainage tile drains, classified as agricultural construction under this order, in which no materials except earth or other unprocessed material or clay or non-reinforced concrete tile not more than 12 inches in internal diameter are incorporated.

(viii) Agricultural construction necessary to the installation of material or equipment, the distribution of which is controlled by Order L-170 (§ 1029.10) or orders in the M-21 series (Part 962), and which are listed in Schedule 1 of Food Production Order 3 of the United States Department of Agriculture,

(ix) A structure or project which can be completed with materials which have been or can be obtained without priorities assistance (other than priorities assistance assigned by paragraph (b) (1) of Conservation Order M-208 (§ 3049.1) or which have been acquired with priorities assistance, for a purpose other than to be incorporated into the construction of the structure or project, before construction was begun, (but may, pursuant to applicable orders and regulations of the War Production Board, be used in the construction of such structure or project)—and no material will be used to provide electric, gas, water, steam or sanitation services for the incorporation of which specific authorization is required under Order P-46 (§ 978.1), unless such authorization has been received before construction of the structure or project was begun—and

(a) The construction is residential (but not multiple residential), or is specifically listed on Schedule B attached hereto, and the estimated cost is less than \$200, or

(b) The construction is multiple residential, agricultural or other restricted construction, is not specifically listed on Schedule B, and the estimated cost is less than \$1,000, or

(c) The construction is industrial, is not specifically listed on Schedule B, and the estimated cost is less than \$5,000, or

(d) The construction is the minimum necessary to make safe and to protect any structure or project (or the contents thereof) damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy, or

(e) The construction is agricultural and the immediate construction thereof is determined by the United States Department of Agriculture, in accordance with such administrative procedures as may be from time to time prescribed, to be necessary to avert threatened loss of farm products: *Provided*, That within two weeks of such determination Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section.

(3) The terms and restrictions of (b) (1) shall not apply where the construction is to reconstruct or restore:

(i) Residential or multiple residential construction damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy, or to build in its place and stead new residential or multiple residential construction: *Provided, however*, That the estimated cost of such reconstruction, restoration, or new construction shall be less than \$5,000, and that within two weeks of such damage or destruction Form PD-105 (for residential) or Form PD-200 (for multiple residential) is filed in accordance with the provisions of paragraph (f) of this section;

(ii) Agricultural construction damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy where the immediate reconstruction thereof is determined by the United States Department of Agriculture, in accordance with such administrative procedures as may be from time to time prescribed, to be essential to the agricultural program: *Provided*, That within two weeks of such damage or destruction

Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section:

(iii) Industrial or other restricted construction, not specifically listed on Schedule B, damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is necessary for the prosecution of the war or the protection of public health or safety: *Provided*, That within five days of the damage or destruction notice thereof is given by telegraph to the War Production Board setting forth (a) the cause of the damage or destruction, (b) the function of the structure or project which has been damaged or destroyed, (c) the type of construction, (d) why immediate reconstruction or restoration is necessary, and (e) the estimated cost of reconstruction: *And provided further*, That within two weeks of the giving of such telegraphic notice, Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section. Nothing contained in this subparagraph (3) shall be interpreted as a commitment that priorities assistance will be accorded to any particular construction authorized by the provisions of this subparagraph and the Director General for Operations may at any time either order said construction to cease or require any modification thereof that seems to him to be proper.

(4) The terms and restrictions of (b) (1) shall not apply where the construction has been or is hereafter authorized by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations or the Director General for Operations of the War Production Board by the issuance of:

(i) One of the preference rating orders or certificates listed on Schedule A attached hereto, as that schedule may be amended from time to time, according priorities assistance to the construction; or

(ii) An order specifically authorizing the construction.

(5) The exceptions set forth in paragraphs (b) (2) (ix) (a), (b) (2) (ix) (b), and (b) (2) (ix) (c) shall not be construed to authorize separate or successive construction operations commencing after September 6, 1942, the aggregate cost of which over any continuous twelve-month period exceeds the amount specified in the applicable paragraph for the particular structure or project; not including in said aggregate cost the cost of any construction thereon during said period authorized under the provisions of paragraph (b) (2) (ix) (d), (b) (2) (ix) (e), (b) (3) and (b) (4).

(c) *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered material which he knows, or has reason to believe, will be used in violation of the terms of this order.

(d) *Further construction limitations.* Nothing in this order shall be construed to authorize the use or delivery of any material, or the application or extension of any preference rating, in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by

the Director of Priorities, Office of Production Management, by the Director of Industry Operations or by the Director General for Operations of the War Production Board.

(e) *Orders or certificates not constituting authorization.* The assignment of a preference rating by a PD-1, PD-1A, or other certificate, or by any order, other than those listed on Schedule A, shall not constitute authorization to begin construction.

(f) *Application for authority to begin construction.* (1) The application forms prescribed by paragraphs (f) (2) and (f) (3) hereof shall be executed by the person who is or is to be the owner of the structure or project for which authorization is required by the terms of this order, or his duly authorized agent.

(2) If the applicant requires priorities assistance for the proposed construction, an application shall be made for the appropriate preference rating order or certificate listed on Schedule A on the form referred to therein.

(3) Where the applicant does not require priorities assistance, application for specific authorization to begin construction referred to in paragraph (b) (4) (ii) hereof may be made by filing Form PD-200, or such other forms as may hereafter be prescribed. Such forms are to be filed in the manner prescribed on Schedule A for the filing of applications for Preference Rating Order P-19-h.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any

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

(h) *Communications.* Applications, communications and reports under this order shall, unless otherwise directed in Schedule A or by specific instructions be addressed to: War Production Board, Washington, D. C., Ref.: L-41.

Those relating to residential construction shall in addition be conspicuously marked "Res.", those relating to multiple residential construction "M. R.", those relating to agricultural construction "Agr.", those relating to industrial construction "Ind.", and those relating to other restricted construction "O. R."

This order, as amended, shall supersede all orders, amendments and interpretations in the L-41 series heretofore issued, except L-41-a, L-41-b and its interpretation, and L-41-c.

Issued this 19th day of February 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

The following preference rating orders and certificates are listed pursuant to paragraph (b) (4) (i) of the above order. A general description of the type of construction covered by each, the appropriate application form and where such form should be filed, are given solely for the purposes of identification.

Preference rating order	Type of construction	Application form	Where filed
P-14-a	Shipyards and shipways	No form	Maritime Commission, Washington, D. C.
P-14-b			
P-19	Structures or projects important to the war effort and essential civilian needs, other than housing.	No further application accepted under P-19 and P-19-a. Apply for P-19-h.	
P-19-a			
P-19-d	Publicly financed war housing.	No further applications accepted; see P-19-h.	
P-19-g			
P-19-e	Public roads	Application is made by or through the Public Roads Administration of F. W. A. Form PD-200.	
P-19-h			
P-19-l	Structures and projects important to the war effort and essential civilian needs, including war housing owned by FPHA and farm dwellings (for other housing see P-55 below).		At the following places or such other places as may be prescribed: Agricultural and farm dwellings with Department of Agriculture County War Board having jurisdiction over location of the site. All other types of construction with War Production Board, Washington, D. C.
P-41	Construction of air transport facilities.	Expired Oct. 1, 1942.	
P-55	Housing and Remodeling of housing except farm dwellings and housing owned by the FPHA.	Form PD-105 and Form PD-105A.	With FHA field office having jurisdiction over location of the site.
P-55, Amended.			
P-59 as amended	Construction of certain types for production of chemicals.	Form PD-315.	With War Production Board Washington, D. C., Ref: P-59.
P-98-b	Construction related to petroleum enterprises as defined and limited therein.	See orders in M-68 series.	
P-110	Remodeling of housing programmed for critical areas by the National Housing Agency.	No further applications accepted.	
P-130	Construction of certain facilities other than buildings by telephone companies and construction by such companies of facilities necessary to serve defense projects.	See order Form PD-685.	With War Production Board, Washington, D. C., or such other place as may be prescribed.
P-132	Construction of certain facilities other than buildings by telegraph companies and construction by such companies of facilities necessary to serve defense projects.	See order Form PD-683.	With War Production Board, Washington, D. C., or such other place as may be prescribed.
Certificates:			
PD-3			
PD-3A	Certain specific types of construction of the Army or Navy	PD-3A	With the contracting or procurement official having jurisdiction of the contract.

SCHEDULE B

The following structures or projects are listed pursuant to paragraphs (b) (2) (ix) and (b) (3) (iii) of the above order:

(a) A structure or project which has as its principal designed function:

(1) Public or private amusement, entertainment or recreation, with the exception of playgrounds for children;

(2) Occupancy by not more than five establishments selling or dispensing goods, merchandise, food or drink, or providing services;

(3) Use as a club, lodge, fraternity or sorority house, association, auditorium or assembly hall;

(4) Manufacture, processing or assembling of any one or more of the following:

(i) Athletic supplies, sporting goods, or toys or games as defined in Order L-81.

(ii) Beverages, except milk.

(iii) Books, magazines, newspapers, greeting cards, or other printed or engraved matter.

(iv) Candy or chewing gum.

(v) Cigars, cigarettes, smoking or chewing tobacco or snuff.

(vi) Jewelry, watches, traveling bags, brushes, razors, pipes and like articles for personal use or adornment.

(vii) Furniture, silverware, china, household electrical appliances, draperies, and all other similar articles.

(viii) Musical instruments.

(ix) Stationery or office supplies.

(x) Toiletries or cosmetic products as defined in Order L-171.

(xi) Wearing apparel of every sort, nature or description, except for the Army or Navy;

(b) Industrial construction with a productive floor area of less than 10,000 square feet.

[F. R. Doc. 43-2733; Filed, February 19, 1943; 10:18 a. m.]

PART 1075—CONSTRUCTION

[Interpretation 1 of Conservation Order L-41 as Amended Feb. 19, 1943]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1075.1 Conservation Order No. L-41:²

(a) Paragraph (a) of Conservation Order No. L-41, as amended, places in different classes the construction of various structures or projects, and paragraph (b) (2) (ix) provides the limits within which the several classes of construction may be begun without authorization. Any structure shall be classified in accordance with such provisions unless it constitutes a part of a "project" as defined in paragraph (a) (8), in which event the classification of the project shall control.

(b) In connection with paragraphs (a) (3), (a) (4), (a) (5), (a) (6), and (a) (7), where part of a structure or project falls within one class under said order and other parts within another or other classes, the predominant designed use shall determine the classification of the whole structure or project.

(c) In connection with paragraphs (a) (5) and (a) (7), a structure to be used primarily for the storage of farm products which are produced by a person other than the proprietor of such structure shall be interpreted to be "other restricted construction."

(d) "Construction" as defined in paragraph (a) (2) includes the laying of asphalt tile, linoleum, cork tile, rubber tile, and linoleum, if the same is cemented to or in any way is affixed to the construction.

(e) The application of siding or roofing is "construction" as the word is used in paragraph (a) (2), where such siding or roofing is applied to a portion of a building or struc-

ture which is not in need of "maintenance and repair" as the words are used in paragraph (a) (12).

Issued this 19th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2734; Filed, February 19, 1943; 10:18 a. m.]

PART 3063—FOOTWEAR

[Amendment 1 to Conservation Order M-217, as amended Feb. 13, 1943]

Section 3063.1 Conservation Order M-217 is hereby amended:

1. By adding the following at the end of paragraph (b) immediately following (b) (9):

(10) "Line" means footwear of any one of the following types:

Men's dress.
Men's work.
Youths' and boys'.
Women's and growing girls'.
Misses' and children's.
Infants'.
House slippers.
Athletic.

to the extent that such type of footwear is manufactured for sale in the same manufacturer's price range; *Provided*, That

(i) Footwear of substantially identical kind and quality sold in more than one price range to different types of purchasers shall be deemed one line; and

(ii) In case the sale by the manufacturer is at retail or to a purchaser controlled by the manufacturer, the applicable price range shall be the retail price range.

(11) "Price range" shall have the usual trade significance, provided that the highest list price in the range does not exceed the lowest in the range by more than ten (10%) per cent.

(12) "Civilian footwear" as used in paragraph (i) means boots, shoes, slippers and other foot coverings made in whole or in part of leather or with rubber soles, not including rubber footwear.

2. By adding a new paragraph (i) after paragraph (h):

(i) *Restrictions on production of lines of footwear.* (1) Except on specific authorization of the Director General for Operations, no person shall in any six (6) months' period beginning March 1, 1943, complete the manufacture of more civilian footwear within any line than permitted in the table shown below:

Description	Maximum permitted amount or percentage per line
House slippers	75% of number manufactured from July 1, 1942, to Dec. 31, 1942, inclusive.
All others	100% of number manufactured from July 1, 1942, to Dec. 31, 1942, inclusive.

(2) Except on specific authorization of the Director General for Operations, no person shall manufacture any line of civilian footwear not manufactured by him in the period from July 1st, 1942 to December 31st, 1942.

(3) *Exceptions.* Notwithstanding the provisions of paragraphs (i) (1) or (i) (2):

(i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to a lower priced line of the same type of civilian footwear.

(iii) The manufacture of civilian footwear in a line not manufactured in the period from July 1, 1942 to December 31, 1942, may be completed if such footwear was put into process prior to February 19, 1943.

3. By relettering present paragraphs (i), (j), (k), (l) and (m) to (j), (k), (l), (m), and (n) respectively.

4. By relettering paragraph (n) to paragraph (o) and changing said present paragraph (n) to read as follows:

(o) *Effective dates.* The effective dates of the respective amended paragraphs of this order are as follows: Paragraphs (a), (b) (6) through (b) (9), (c) (4), (c) (5), (d) (1), (e) (3), (e) (5), (e) (6), (f) (2), (f) (3), (f) (4) and (g)—February 13, 1943; paragraphs (j), (k), (l), (m), (n) and (o)—February 19, 1943; paragraphs (b) (10), (b) (11), (b) (12) and (i)—March 1, 1943; paragraph (f) (1)—March 15, 1943; paragraph (c) (7)—March 31, 1943; paragraph (c) (8)—May 31, 1943; all other amended paragraphs—April 30, 1943.

Conservation Order M-217 as issued September 10, 1942 shall remain in full force and effect except as superseded on the effective dates, as stated above, of the foregoing amended paragraphs.

Issued this 19th day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-2735; Filed, February 19, 1943; 10:18 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 189, Amendment 6]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

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

In paragraph (a) of § 1340.308 a new subparagraph (8) is added, and in § 1340.313, paragraph (e) is redesignated as paragraph (d) and new paragraphs (c) and (e) are added, to read as set forth below:

§ 1340.308 *Definitions.* (a) * * *

(8) Reference to a bituminous coal producing district (e. g. "District No. 1") is a reference to the same district as defined in the Bituminous Coal Act of 1937, as amended.

§ 1340.313 *Appendix A: Maximum prices for bituminous coal for use as bunker fuel.* * * *

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

² 7 F. R. 5831, 6684, 8939, 10225, 10470, 10529.

¹ *Supra.*

(c) The following special rule shall apply to bunker fuel produced in Districts 1-4 and 6-8:

(1) Not more than 25 cents per net ton may be added to the maximum prices determined in accordance with paragraph (a) or (b) of this section when the bunker fuel has been produced at mines in Districts Nos. 1, 2, 3, 4, or 6.

(2) Not more than 25 cents per net ton may be added to the maximum prices determined in accordance with paragraph (a) or (b) of this section when the bunker fuel is high-volatile bituminous coal produced in Districts 7 and 8; and not more than 40 cents per net ton may be so added when the bunker fuel is low-volatile bituminous coal produced in Districts 7 or 8.

(e) Where the maximum price cannot be determined under paragraphs (a), (b) and (c) of this section, then the maximum price shall be a price determined by the supplier in accordance with specific authorization from the Office of Price Administration. A supplier who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration, Solid Fuels Branch, Washington, D. C., two copies of an application setting forth (1) a description of the bunker fuel for which a maximum price is sought, including the producing districts and mine index numbers of the originating mines, and, where a mixture is involved, the proportions of each of the different coals mixed; (2) a statement of the reasons why the bunker fuel in question cannot be priced under paragraphs (a), (b) and (c) of this section; and (3) any other facts which the supplier wishes to submit in support of the application.

This amendment shall become effective February 18, 1943.

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

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2728; Filed, February 18, 1943; 4:47 p. m.]

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

[MPR 129, Amendment 15]

CUTTER BOX OR HOUSEHOLD ROLLS, ETC.

- Cutter box or household rolls.
- Envelopes.
- Paper cups, paper containers and liquid tight containers.
- Sanitary closures and milk bottle caps.
- Drinking straws.
- Certain sulphate and certain sulphite papers.
- Certain tissue papers.
- Rope and jute papers.
- Technical papers.
- Gummed papers.
- Tags, pin tickets and marking machine tickets.
- Glazed and fancy papers.
- Resale book matches.
- Unprinted single weight crepe paper in folds.

¹ 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5172, 5780, 5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724, 10152, 10812.

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

In § 1347.12, paragraph (c) (1), the table of maximum prices is amended by changing the maximum manufacturer's delivered price per gross in item e from \$3.96 to \$3.84; in paragraph (c) (3) the date, February 15, 1943, is amended to read May 15, 1943 and in the second table of paragraph (c) (3) the retailer's maximum price per fold on 7½' x 20" (ratio 1½ to 1) is changed from 4 cents to 5 cents.

This amendment shall become effective February 18, 1943.

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

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2729; Filed, February 18, 1943; 4:47 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

SPECIAL SERVICE AUTHORIZATIONS

The Commission on February 16, 1943, effective immediately, amended § 1.366 as follows:

§ 1.366 *Special service authorizations.* Special service authority may be issued to the licensee of a standard broadcast station or, in connection with the furnishing of facilities for service to the United States Government, to the licensee of an international broadcast station or an international point-to-point station, for a service other or beyond that authorized in its existing license for a period not exceeding that of its existing license.

Application for special service authorization for standard broadcast stations must be made by formal application¹ and a satisfactory showing must be made in regard to the following, among others:

(a) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(b) That experimental operation is not involved as provided for by § 3.32 of the Rules and Regulations;

(c) That public interest, convenience, and necessity will be served by the authorization requested.

(Sec. 4 (i), 48 Stat. 1068, 47 U.S.C. 154(i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-2721; Filed, February 18, 1943; 3:16 p. m.]

*Copies may be obtained from the Office of Price Administration.
¹ Form 317.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 110]

PART 97—ROUTING OF TRAFFIC

DIVERSION AND REROUTING OF PETROLEUM AND PETROLEUM PRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of February, A. D. 1943.

It appearing that upon representations from the Petroleum Administration for War and the Office of Defense Transportation, an emergency exists requiring immediate action to prevent shortage of railroad equipment and congestion of traffic, and to promote the service in the interest of the public and the commerce of the people; *It is ordered, That:*

§ 97.7 *Diversion and rerouting of petroleum and petroleum products.* H. G. McNamara, whose office shall be in the office of the General Yardmaster of the Central Railroad of New Jersey, Elizabethport, N. J., is hereby designated and appointed as Agent of the Interstate Commerce Commission and vested with authority to divert or reroute carloads of petroleum and petroleum products destined to points in the New York Harbor area in the States of New Jersey and New York which cannot be currently placed for unloading at refineries, storage points, or other unloading points, to other refineries, storage points, or other unloading points on the line of the same or any other railroad in said area where such cars can be currently placed for unloading. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately and shall remain in force until further order of the Commission; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-2727; Filed, February 18, 1943; 4:44 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 178]

MATTRESS, BEDDING, AND RELATED PRODUCTS INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE 54

By virtue of and pursuant to the authority vested in me by the Fair Labor

Standards Act of 1938, I. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

Do hereby accept the resignation of Mr. James Dolly from Industry Committee No. 54 for the Mattress, Bedding, and Related Products Industry, and do appoint in his stead Mr. Alva W. Taylor of Nashville, Tennessee, as representative for the public on such committee.

Signed at New York, New York, this 18th day of February 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-2732; Filed, February 19, 1943;
9:22 a. m.]

[Administrative Order 177]

MISCELLANEOUS TEXTILE, LEATHER, FUR,
STRAW, AND RELATED PRODUCTS IN-
DUSTRIES

ACCEPTANCE OF RESIGNATION FROM AND
APPOINTMENT TO INDUSTRY COMMITTEE 55

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignations of Reverend Harlan Frost and Mr. Herman Michl from Industry Committee No. 55 for the Miscellaneous Textile, Leather, Fur, Straw, and Related Products Industries, and do appoint in their stead Reverend A. Herbert Haslam of Toledo, Ohio, and Mr. H. LaRue Frain of Philadelphia, Pennsylvania, respectively, as representatives for the public on such committee.

Signed at New York, New York, this 18th day of February 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-2731; Filed February 19, 1943;
9:22 a. m.]

OFFICE OF ALIEN PROPERTY CUS-
TODIAN.

[Vesting Order 862]

INTERESTS OF ANNA STROMEYER, ET AL.

Re: Interests of German nationals in certain real properties in Texas, certain bank accounts and a coin collection.

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

1. Finding that Anna Stromeier, Meta Eyl and Hans Eyl are citizens of and reside in Germany and are nationals of a designated enemy country (Germany);

2. Finding that said persons are the owners of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of the aforesaid Anna Stromeier, Meta Eyl and Hans Eyl, and each of them, in and to those certain real properties situated in the Counties of Milam, Galveston, Montgomery, Upton, Coleman,

Hardin and Leon in the State of Texas, more particularly described in Exhibit A attached hereto and made a part hereof, together with all fixtures, improvements and appurtenances thereto and any and all claims of Anna Stromeier, Meta Eyl and Hans Eyl, and each of them, for rents, refunds, benefits or other payments arising from the ownership of such property;

b. All right, title, interest and claim of any name or nature whatsoever of said Anna Stromeier, Meta Eyl and Hans Eyl, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them or any of them by Hutchings-Sealy National Bank of Galveston, Texas, and Republic National Bank of Dallas, Texas, or either of them, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to sue for and collect such obligations, and including particularly the account in said Hutchings-Sealy National Bank of Galveston carried in the name of Henry J. Runge, Agent, and the accounts in said Republic National Bank of Dallas carried in the names of Julius H. Runge, Attorney, Julius H. Runge, Agent and Julius H. Runge, Trustee, respectively; and

c. The interests of said Anna Stromeier, Meta Eyl and Hans Eyl, and each of them, in and to that certain coin collection in the possession of Henry J. Runge in Galveston, Texas,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining 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 the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 12, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(1) The following described land in the Henry J. Runge Subdivision of League No. 3 of the Fernando Rodriguez 3-League Grant, in Milam County, Texas, being Subdivisions 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27 and 28, and all of Subdivision 25, except 107.12 acres off the west side of Subdivision 25, which tract of 107.12 acres is bounded on the west by the west line of Subdivision 25, and bounded on the east by a line running parallel to the west line of Subdivision 25, and at a sufficient distance from said West Line to include 107.12 acres. It being the intention to convey all the land conveyed by Thomas W. Jackson to Henry J. Runge, by deed dated January 8th, 1890, recorded in vol. 26, page 294, of the Deed Records of Milam County, Texas, except those tracts conveyed to third parties prior to the death of the said Henry J. Runge, and except Subdivision 24 and the west 107.12 acres of Subdivision 25.

(2) The following described lands in Galveston, Texas:

(a) Lot 3 in Block 72, in the town of Arcadia, out of the I. & G. M. R. R. Company Survey No. 16, containing 63.9 acres, more or less.

(b) All of Block 62 in the town of Arcadia out of the I. & G. N. R. R. Company Survey No. 17, containing approximately 9 acres, more or less.

(c) All of the minerals and mineral rights which own in Blocks 9, 10, and 41, in the town of Arcadia out of the I. & G. N. R. R. Company Survey No. 17, each of said blocks containing 2 acres, more or less, said mineral rights being those mineral rights which were reserved in my favor in a deed to J. R. Beaver, conveying Block 41, and in a Deed to George Laine and wife, conveying Blocks 9 and 10.

The above described lots and blocks are shown by the map of the Angell-Runge Addition to the town of Arcadia, Texas, recorded in Book 91, page 218 of the Deed Records of Galveston County, Texas.

(d) Mineral rights and the right to explore for oil and gas in: A block of land six hundred and forty (640) feet in width, Northernly and Southernly, by seven hundred and twenty (720) feet in length, Easterly and Westerly, and being all that tract of ground known as the Park Site and bounded on the South by Park Street, and on the East by Peck Street, and on the North by Eighth Street, and on the West by Terry Street. Said tract of land 10.578 acres, more or less. Said Park Site being shown on a plat of the Arcadia Town Sight recorded in Book 91, Page 218 of the Galveston County Deed Records.

(3) The following described land in Montgomery County, Texas: Being that certain 1107-acre tract, described as follows: The E½ of the W½ of the Jas. Hodge League, Abstract No. 19, Montgomery County, Texas.

(4) The following described land in Upton County, Texas, to-wit: Being 426¼ acres in Upton County, Texas, and being a part of Survey No. 49, Certificate No. 371, issued to Mrs. Nancy A. Lee for 1280 acres, Patent No. 176, Vol. 34, to said Nancy A. Lee, Abst. No. 5576. The said 426¼ acres are the same conveyed by said Nancy A. Lee to J. M. Henderson and by said Henderson to Leon Haffin, and is more particularly described as follows, viz: Being a part of Survey No. 49, 1280 acres for Nancy A. Lee, beginning at a stake S. E. corner of said 1280 acre Survey; thence W. 1267

vrs.; thence N. 1900 vrs. a stake on N line of said Survey; thence E. 1267 vrs. to the N. E. corner of said Survey; thence S. 1900 vrs. to the place of beginning; and being the same land conveyed by Leon Hafin to Henry J. Runge, June 7, 1886, by deed recorded in Book 18, page 52, of the Deed Records of Upton County, Texas.

(5) The following described land in Coleman County, Texas, being all of Blocks Nos. 5, 6, and 7, of G. C. & S. F. Addition to the town of Santa Anna, a map of which is of record in Vol. 67, pages 434-435 of the Deed Records of Coleman County, Texas, and containing approximately 15.9 acres of land, more or less and being the same land described in the warranty deed from Gulf, Colorado, Santa Fe Railway Company to Henry J. Runge, dated February 2, 1889, recorded in Book U, page 505, of the Deed Records of Coleman County, Texas.

(6) The following described lands in Leon County, Texas, to-wit: The land in the Jose Marie Viesca 11-League Grant, in said County and being out of the parts of said Viesca 11-League Grant owned at one time by Kauffman & Runge and Selgfred Fruner as the same appears in a plat which was filed for record on September 9, 1885, and which now appears of record in Vol. U, page 203, in the Deed Records of Leon County, Texas.

(7) The land in Hardin County: A tract out of the S. Jackson Survey consisting of 25 acres.

[F. R. Doc. 43-2736; Filed, February 19, 1943; 10:37 a. m.]

[Vesting Order 765]

SOUTH TEXAS COMPRESS COMPANY

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

1. Having found in Vesting Order Number 60 of July 28, 1942, that South Texas Compress Company, a Texas corporation, is a national of a designated enemy country (Japan);

2. Finding that Jiro Hinomizu and Tokeo Sugiura, whose last known addresses are Japan, are nationals of a designated enemy country (Japan);

3. Finding that Yoichi Noda is residing in Japan or is a subject of Japan residing in Shanghai, China, enemy occupied country, and is, therefore, a national of a designated enemy country (Japan);

4. Finding that out of the total issued and outstanding capital stock of said business enterprise 625 shares of \$100 par value common stock thereof are registered in the names of and owned by the aforesaid Jiro Hinomizu, Yoichi Noda, and Tokeo Sugiura, in the following respective amounts:

Names:	Number of shares
Jiro Hinomizu.....	250
Yoichi Noda.....	125
Tokeo Sugiura.....	250
Total	625

5. Finding therefore that the aforesaid 625 shares of stock represent interests in said business enterprise owned by nationals of a designated enemy country (Japan);

6. Determining 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 the aforesaid designated enemy country (Japan);

7. Having made all determinations and taken all action, after appropriate consulta-

tion and certification, required by said Executive Order or Act or otherwise; and *

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian that 625 shares of stock referred to in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 25, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2737; Filed, February 19, 1943; 10:37 a. m.]

[Vesting Order 813]

FUJI TRADING COMPANY, INC.

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

1. Finding that Kaku Nagano, whose last known address is Tokyo, Japan, is a national of a designated enemy country (Japan);

2. Finding the 8,780 shares of \$10 par value common capital stock of Fuji Trading Company, Inc., an Illinois corporation, Chicago, Illinois, are registered in the name of and owned by said Kaku Nagano;

3. Finding that said corporation is a business enterprise within the United States and that said 8,780 shares constitute a substantial part (namely, 58.5%) of all outstanding capital stock of said business enterprise and are evidence of control thereof;

4. Determining, therefore, that said business enterprise is controlled by said Kaku Nagano and is a national of a designated enemy country (Japan);

5. Determining 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 the aforesaid designated enemy country (Japan);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 2 hereof to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

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

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on February 2, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-2738; Filed, February 19, 1943; 10:37 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under Rev. MPR 125]

G-M BRASS AND ALUMINUM FOUNDRY COMPANY

ORDER ADJUSTING MAXIMUM PRICE

Order No. 4 under Revised Maximum Price Regulation No. 125—Nonferrous castings.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1395.12 of Revised Maximum Price Regulation No. 125, *It is hereby ordered:*

(a) W. H. Gayton and Kermit R. Merrill, a partnership doing business as G-M

Brass and Aluminum Foundry Company, at Benton Harbor, Michigan, may sell and deliver, and Viloco Machine Company, Benton Harbor, Michigan, may buy and receive brass castings on the so-called "conversion" basis, at the price of nine and one-half cents (\$.09½) per pound, all, or substantially all, of the metal for such castings to be furnished by the buyer.

(b) All of the prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 shall become effective February 19, 1943.

Issued this 18th day of February 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-2710; Filed, February 18, 1943;
11:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 7-674]

SALT LAKE STOCK EXCHANGE—NATIONAL TUNNEL & MINES CO.

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of February, A. D., 1943.

In the matter of application by the Salt Lake Stock Exchange to extend Unlisted Trading Privileges to National Tunnel & Mines Company Common Stock, No Par Value.

The Salt Lake Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of National Tunnel & Mines Company; and

After appropriate notice a hearing having been held in this matter at the Denver Regional Office of the Commission; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the application of the Salt Lake Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of National Tunnel & Mines Company be and the same is hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-2718; Filed, February 18, 1943;
3:15 p. m.]

[File No. 7-679]

BOSTON STOCK EXCHANGE—ERIE RAILROAD CO.

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 16th day of February, A. D., 1943.

In the matter of application by the Boston Stock Exchange to extend unlisted trading privileges to Erie Railroad Company certificates of beneficial interest in the common stock, no par value.

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to the Certificates of Beneficial Interest in the Common Stock, No Par Value, of Erie Railroad Company; and

After appropriate notice a hearing having been held in this matter at the Boston Regional Office of the Commission; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Certificates of Beneficial Interest in the Common Stock, No Par Value, of Erie Railroad Company be and the same is hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-2717; Filed, February 18, 1943;
3:15 p. m.]

[File No. 59-38]

UNITED PUBLIC UTILITIES CORPORATION AND ITS SUBSIDIARY COMPANIES

NOTICE OF FILING APPLICATION, ETC.

Notice of filing of respondents' application and order reconvening hearing for purpose of considering said application.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of February 1943.

The Commission having previously, by order dated March 4, 1942, under section 11 (b) (1) of the Public Utility Holding Company Act of 1935, ordered that United Public Utilities Corporation divest itself of all its interests in, and in the properties and assets owned or operated by, the following companies: Fort Smith Gas Company, Southern Gas Producing Company, Cap. F. Bourland Ice Company, Alabama United Ice Company, Louisiana Ice Service, Incorporated, and Texas Ice & Refrigerating Company, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate;

Notice is hereby given that United Public Utilities Corporation, a registered holding company, has filed on February 17, 1943 an application requesting the entry of an order by this Commission

under section 11 (c) of the Act extending the time for compliance with our order of March 4, 1942 for a period of one year;

It appearing to the Commission that it is appropriate in the public interest of investors and consumers that the hearing herein be reconvened for the purpose of considering said application;

It is ordered, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk, at 10:00 a. m., e. w. t., on the 2d day of March 1943. All persons desiring to be heard, or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII on or before March 1, 1943. At said reconvened hearing on that day, the issues will be limited to a consideration of the request presented by said application;

All interested persons are referred to said application, which is on file in the office of said Commission for full details concerning the application;

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice;

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether or not the United Public Utilities Corporation has exercised due diligence in its efforts to comply with the order of this Commission dated March 4, 1942;

(2) Whether an extension of one year in which to comply with our order of March 4, 1942, as requested by applicant, is necessary or appropriate in the public interest or for the protection of investors or consumers, or whether a shorter period would be adequate.

Notice of such hearing is hereby given to the respondents and applicant herein, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors and consumers.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and intervenor, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-2720; Filed, February 18, 1943;
3:15 p. m.]

[File No. 70-193]

CENTRAL STATES POWER & LIGHT CORPORATION

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of February 1943.

Central States Power & Light Corporation, a registered holding company and a subsidiary of Ogden Corporation, also a registered holding company, having on November 1, 1940 filed a declaration under the Public Utility Holding Company Act of 1935, with respect to certain capital contributions by it to its subsidiary companies, namely: Central States Power & Light Corporation of Oklahoma, Central Light & Power Company, Missouri Electric Power Company and Utilities Production Corporation; and

Central States having requested permission to withdraw said declaration, and having represented in such request that since the filing of said declaration Central States has undertaken a program of liquidation; that Central States has disposed of its investments in Central Light & Power Company and Utilities Production Corporation; that Central States Power & Light Corporation of Oklahoma has been dissolved; and that the sale of all the property and certain other assets of Missouri Electric Power Company is in process and subsequent to such sale the company will be dissolved; and

It appearing to the Commission that the withdrawal of said declaration is consistent with the public interest;

It is ordered, That the request of Central States Power & Light Corporation be, and it hereby is, granted, and said declaration is hereby deemed withdrawn. By the Commission.

[SEAL]

ORVAL L. DuBOIS, Secretary.

[F. R. Doc. 43-2719; Filed, February 18, 1943; 3:15 p. m.]

[File No. 70-662]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL. ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of February, A. D., 1943.

In the matter of Consolidated Electric and Gas Company, Central Indiana Gas Company and Hoosier Gas Corporation.

Consolidated Electric and Gas Company, a registered holding company, and its subsidiary companies Central Indiana Gas Company and Hoosier Gas Corporation, having filed declarations and applications, with amendments thereto, pur-

suant to the Public Utility Holding Company Act of 1935, particularly sections 7, 9, 10 and 12 thereof and Rules U-42, U-43 and U-44 promulgated thereunder, regarding a reduction of Central Indiana Gas Company's capital stock from \$4,648,969.62 to \$4,000,000, through reclassification of its outstanding stock consisting of 54,000 common shares without par value, all of which is owned by Consolidated Electric and Gas Company, into 40,000 common shares of \$100 par value, and regarding the reduction of the capital stock of Hoosier Gas Corporation from \$535,199.96 to \$500,000 through reclassification of its outstanding 18,257 shares of no par common stock and 400 shares of \$100 par value preferred stock, all of which common and preferred stock are owned by Consolidated Electric and Gas Company, into 10,000 shares of \$50 par value common stock and regarding the pledge by Consolidated Electric and Gas Company of the new common shares of Central Indiana Gas Company and Hoosier Gas Corporation under the indenture securing the Collateral Trust Bonds of Consolidated Electric and Gas Company, in substitution for the old shares of preferred and common stock of Central Indiana Gas Company and Hoosier Gas Corporation which will be surrendered and cancelled; and

Said applications and declarations having been filed on January 8, 1943 and certain amendments having been filed thereto, the last of said amendments having been filed on February 3, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said applications and declarations within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met

and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications, as amended, and to permit said declarations, as amended, to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid applications, as amended, be and hereby are granted forthwith and that the aforesaid declarations, as amended, be and hereby are permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS, Secretary.

[F. R. Doc. 43-2716; Filed, February 18, 1943; 3:15 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued February 18, 1943.

CURTIS CALDER, Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-h.....	11692	Northern States Power Co., Minneapolis, Minn.	High Bridge & Aldrich substations.....	2/8/43
P-19-h.....	25271	H. K. Ferguson Co., Cleveland, Ohio.	Metal & Thermit Corp., Chicago, Ill.; Metal & Thermit Corp., New York, N. Y.; Los Angeles By Products Co., Los Angeles, Calif.; Los Angeles By Products Co., Dallas, Tex.; Vulcan Detinning Co., Buffalo, N. Y.; Vulcan Detinning Co., Sewaren, N. J.; Vulcan Detinning Co., Neville Island, Pa.; Standard Metal Refining Co., Baltimore, Md.	2/10/43
P-19-a.....	835-a	Aluminum Co. of America, Pittsburgh, Pa.	East St. Louis, Ill.....	2/8/43
P-19-h.....	34683	War Relocation Authority, Denver, Colo.	Heart Mountain Project, Cody, Wyo.....	2/10/43

[F. R. Doc. 43-2722; Filed, February 18, 1943; 4:34 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued

certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construc-

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tion of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued February 18, 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-h.....	8829	Carnegie Illinois Steel Corp., Pittsburgh, Pa.	Gary, Ind.	2/13/43
P-19-h.....	8830	Carnegie-Illinois Steel Corp., Pittsburgh, Pa.	Dravosburg, Pa.	2/13/43
P-19-h.....	34634	Standard Oil Co. of Indiana, Chicago, Ill.	River Rouge, Mich.	2/10/43
P-19-h.....	11939	Federal Works Agency, Washington, D. C.	Victoria, Tex. (WPW 41-271)	2/11/43
P-19-h.....	30795	H. K. Ferguson Co., Cleveland, Ohio.	Birmingham, Ala.	2/10/43

[F. R. Doc. 43-2723; Filed, February 18, 1943; 4:34 p. m.]