THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934
OF THE UNITED STATES

VOLUME 8 NUMBER 142

Washington, Tuesday, July 20, 1943

The President

PROCLAMATION 2589

AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior, under authority of and in compliance with section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II[1] (53 Stat. 1431), has adopted and submitted to me the following amendments, which he has determined to be suitable amendments of certain of the regulations approved by Proclamation No. 2345 of August 11, 1939,[2] as last amended by Proclamation No. 2562 of July 14, 1942,[3] permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), I, Oscar L. Chapman, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby amend, as specified, the regulations approved by Proclamation No. 2345 of August 11, 1939, as last amended by Proclamation No. 2562 of July 14, 1942, and as so amended do hereby adopt such regulations as suitable regulations, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds," is amended to read as follows:

Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds

Waterfowl (except snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese, and swans), coots, rails and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons may be taken each day from one-half hour before sunrise to sunset, except in Alexander County, Illinois, geese may be taken only from sunrise to 12:00 o'clock noon, and in Texas white-winged doves may be taken only from noon to sunset, during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by

(Continued on p. 9399)

[1] 4 F.R. 2731.
[2] 4 F.R. 3621.
[3] 7 F.R. 5471.

CONTENTS

THE PRESIDENT

PROCLAMATION: Page
Amendments of regulations relating to migratory birds 9397

REGULATIONS AND NOTICES

AGRICULTURAL ADJUSTMENT AGENCY:
Crop parity payment regulations, 1942 9900
ALIEN PROPERTY CUSTODIAN:
Subordination orders:
Amber Mines, Inc. 10045
Byk, Inc. 10046
Steffens, Jones and Co., Inc. 10046
Vesting orders:
Abe Appliances 10033
Adlanco X-Ray Corp. 10041
Alber, Margareta 10042
Albers, Mary 10035
Alfa-Romeo, S. A. 10033
Amer, Elizabeth B. 10042
American Felsol Co. 10035
Baessler, Anna 10035
Bencs, Stephen 10036
Berger, Bertha 10043
Cantale, Natale 10036
Capocciamo, John 10043
Carrera, Florentino 10037
"Corrado" Societa Anonima di Navigazione 10033
Cuneo, Vittorio 10043
Daly, Margaret P. 10044
Davis, Horace 10044
Dundek, Mary 10045
Eckert, Emma H. 10045
Faust, Edwin G. and Paul D. 10037
Friedman, Nathaniel E. 10037
Girten, Michael F. 10038
Helmke, Emma Juliane 10038
Hesse, Holger 10034
Igersheimer, Adolph 10038
Klesse, Armand 10039
Lembo, Pitro 10039
Molitor, Alfrieda Johanna Eichholz 10039
Mugnaini, Giuseppe 10040
Neuhuettler, Joseph 10040
Pospischil, Kathe 10041
Schaefer, John Gabriel 10041
Siemens & Halske A. G. 10034
Sumida, T., & Co., Ltd. 10032
Yokohama Specie Bank, Ltd. (Honolulu) 10032

(Continued on p. 9398)

FEDERAL REGISTER

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

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

BITUMINOUS COAL DIVISION: Page
District 10, minimum price schedule amended 9937
Hearings, etc.:
Applications dismissed (2 documents) 10026
Expiration of Coal Act; statement of the Director 10026
Goodrich, B. F., Co 10025
Logan Clay Products Co 10026
Oakland Coal Co 10025
Rio Grande Coal Co 10026
Truck Coal Association of Western Pennsylvania 10025
CENSUS BUREAU:
Foreign Trade Statistics; government supplies shipped abroad 9936
CIVIL AERONAUTICS BOARD:
Air traffic; light and signal rules 9936
CIVIL SERVICE COMMISSION:
War service recruitment and placement 9900
COAST GUARD:
Approval of equipment; miscellaneous amendments 10023
FEDERAL POWER COMMISSION:
Jersey Central Power and Light Co., hearing 10030
FISH AND WILDLIFE SERVICE:
Swan Lake National Wildlife Refuge, Mo., fishing 10023
FISHERIES COORDINATOR:
Alaskan salmon canning industry; miscellaneous amendments 10024
FOOD AND DRUG ADMINISTRATION:
Definitions and standards for food; miscellaneous amendments 9936
GENERAL LAND OFFICE:
Land withdrawals:
California 10027
Nevada 10027

CONTENTS—Continued

GRAZING SERVICE: Page
Field employees:
Wage fixing procedures 10027
Wage recommendations 10027
INDIAN AFFAIRS:
Loans from industry among Indians and tribal funds 9937
INTERIOR DEPARTMENT: (*see also* component agencies)
Patent policies and procedures; delegation of authority 10023
INTERSTATE COMMERCE COMMISSION:
Reicing of potatoes:
Common carriers by railroad (4 documents) 10030, 10031
Louisiana and Arkansas Railway Co 10031
NATIONAL LABOR RELATIONS BOARD:
Run-off elections, notice of open hearing on policy 10031
OFFICE OF DEFENSE TRANSPORTATION:
Conservation of rail equipment, exceptions and permits; merchandise traffic 10023
Starkville, Miss., area; coordinated operations of certain taxicab operators 10046
OFFICE OF ECONOMIC WARFARE:
Board of Economic Warfare, et al.; ratification and continuation of orders, licenses, etc. 9938
OFFICE OF PRICE ADMINISTRATION:
Adjustable pricing (GMPR, Am. 57) 9991
Adjustments, exceptions, etc.:
California Roasters Co 9996
Furst-McNess Co 9992
General Foods Sales Co., Inc. 10022
List of orders filed (2 documents) 10047, 10050
Lumber, hardwood; distribution yard sales 10047
McCormick and Co 9996
Ritter, W. M., Lumber Co 9992
Walter, B., and Co 9992
Apparel; outerwear garments (RMPR 287, Am. 1) 10001
Beef and veal carcasses and wholesale cuts (RMPR 169, Am. 21) 9995
Bituminous coal (2d Rev. Max. Export Price Reg., Am. 3) 9998
Farm equipment (MPR 246, Am. 8) 9997
Firewood (RO 14, Am. 2) 10022
Food and drink sold for immediate consumption; Ohio, designated counties (Restaurant MPR 3-5, Am. 1) 10001
Food rationing; institutional users (Gen. RO 5) 10002
Fuels, solid (MPR 121, Am. 19) 9992
Gasoline; Puerto Rico (RO 5E) 9975
Hogs, dressed, and wholesale pork cuts (RMPR 148, Am. 5) 9998
Logging services and stumpage purchasers; request for approval of joint action program 10047
Logs and bolts (MPR 348, Am. 6) 10023
Lumber, Appalachian hardwood (MPR 146, Am. 13) 9998
Potatoes and onions (RMPR 271, Am. 4) 9995
Potatoes, white, canned in tin (Rev. SR 1, Am. 19) 10002

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Pulpwood:
Certain Southeastern states (MPR 388, Am. 2) 9993
Eastern Virginia (MPR 437) 9993
Radios and phonographs (MPR 430) 9971
Regional, state, and district office orders:
Fluid milk and cream, California (4 documents) 10048, 10049
Ice, California 10048
Rubber commodities (MPR 220, Am. 10) 9997
Virgin Islands; prices (MPR 395, Am. 2) 9996
RAILROAD RETIREMENT BOARD:
Municipal Docks Railway, Jacksonville, Fla.; examiner designated 10050
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Carver, Wm. R 10052
Commonwealth and Southern Corp. (Del.) 10051
Connecticut and Passumpsic Rivers Railroad Co 10052
International Utilities Corp 10051
McClellan, Patrick H 10053
Moores-Coney Corp 10052
Nash, A., Co 10052
South Carolina Electric and Gas Co. and General Gas and Electric Corp 10051
SELECTIVE SERVICE SYSTEM:
Local Board physical examination; waiver of requirements 9937
WAGE AND HOUR DIVISION:
Fruit and vegetable packing and farm products assembling industry; committee appointment (2 documents) 10029
Learner employment certificates (2 documents) 10028
WAR DEPARTMENT:
Les Fils de J. Kahn, et al., order discontinuing royalty payments 10024
Procurement and disposal of equipment and supplies; miscellaneous amendments 9908
WAR FOOD ADMINISTRATION:
Bartlett and Beurre hardy pears; California, Oregon and Washington (FDO 65) 9905
Chicory, packaged (FDO 5, Am. 2) 9906
Dairy products:
Butter (FDO 2-2) 9904
Cheddar cheese (FDO 15-2) 9904
Dried skim milk (FDO 54-2) 9904
Duluth-Superior, Minn.-Wis. marketing area; handling of milk 9903
WAR PRODUCTION BOARD:
Ammunition (L-286) 9951
Containers:
Cans (M-81) 9957
Shipping containers, wooden and fibre (P-140) 9968
Shipping drums, new steel (M-255) 9967
Textile bags (M-221) 9965

(Continued on next page)

CONTENTS—Continued

	Page
WAR PRODUCTION BOARD—Con.	
Controlled materials plan:	
(CMP 4)	9949
(CMP 4, Brass Mill Warehouse Direction 1)	9951
(CMP 4, Supp. Brass Mill Warehouse Direction 1-a)	9951
(CMP 4, Wire Mill Warehouse Direction 1)	9951
(CMP 5, Int. 8)	9951
Cooking utensils (L-30-d)	9939
Files (L-216, Schedule V)	9943
Laboratory equipment (L-144, Int. 1)	9942
Logging services and stumpage purchasers; approval of joint action program (Certificate 96)	10053
Machinery, food processing (L-292)	9953
Railroad equipment (L-97)	9941
Suspension orders:	
Baer Bros	9938
Cutting Room Appliances Corp	9938
Zynda Brewing Co	9939

regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State, Alaska, Puerto Rico, or in the District of Columbia during the period constituting the open season where taken and for an additional period of 45 days next succeeding said open season, but no such bird shall be possessed in any State, Alaska, Puerto Rico, or the District of Columbia at a time when such State, Alaska, Puerto Rico, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl and coot.—The open seasons on waterfowl (except geese in Alexander County, Illinois, snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese, and swans), and coot, in the several States, Alaska, and Puerto Rico, shall be as follows, both dates inclusive:

In Iowa, Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont, Wisconsin, and Wyoming, September 25 to December 3.

In California, (except on the Colorado River and within ten miles of its western bank), Colorado, Connecticut, Idaho, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York (except certain hereinafter designated portions of Essex, Clinton, and Washington Counties) including Long Island, Oklahoma, Oregon, Rhode Island, Utah, Washington, and West Virginia, October 15 to December 23.

On the Colorado River in California and within ten miles of its western bank, November 2 to January 10.

In those portions of Essex and Clinton Counties, New York, east of the Delaware and Hudson Railroad tracks and that part of Washington County east of the aforesaid tracks to and including the town of South Bay and all of the waters of South Bay and one mile distant from such waters in any direction, September 25 to December 3.

In Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 2 to January 10.

In Puerto Rico, December 15, to February 12.

In Fur Districts 1 and 3 in Alaska, as defined in the regulations governing the taking of game in Alaska adopted July 13, 1943 (8 F.R. 9341), September 21 to November 29; and in the remainder of Alaska, September 1 to November 9: Provided, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30; and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 15, and thereafter from land or water during the open seasons for other waterfowl in these States.

Geese, in Alexander County, Illinois, October 15 to December 13.

Rails and gallinules (except coot).—The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.

Louisiana, September 15 to December 15.

Maine, and Wisconsin, September 25 to December 3.

Maryland, September 1 to October 31.

Massachusetts, and New York, including Long Island, October 15 to December 23.

Minnesota, September 16 to November 30.

Puerto Rico, December 15 to February 12.

California, District of Columbia, Hawaii, Idaho, Iowa, Montana, Nevada, Oregon, Tennessee, and Washington, no open season.

Woodcock.—The open seasons on woodcock shall be as follows, both dates inclusive:

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Pennsylvania, and Wisconsin, October 1 to October 15.

That part of New York lying south of the line above described and in Indiana and West Virginia, October 15 to October 29.

That part of New York known as Long Island, and in New Jersey, and Rhode Island, November 1 to November 15.

Arkansas, and Oklahoma, December 1 to December 15.

Connecticut, October 16 to October 30.

Delaware, and Maryland, November 15 to November 29.

Louisiana, and Mississippi, December 15 to December 29.

Maine, New Hampshire, Ohio, and Vermont, October 10 to October 24.

Massachusetts, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Minnesota, October 3 to October 17.

Missouri, November 10 to November 24.

Virginia, November 20 to December 4.

Mourning or turtle dove.—The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

Alabama, Georgia, Louisiana, Mississippi, and South Carolina, November 20 to December 19.

Arizona, California, Colorado, Kansas, Nevada, New Mexico, and Oklahoma, September 1 to October 12.

Arkansas, Delaware, Kentucky, Maryland, Tennessee, and Virginia, September 16 to October 15.

Florida, December 1 to December 30.

Idaho, September 1 to September 10.

Illinois, and Missouri, September 1 to September 30.

Minnesota, September 16 to September 30.

North Carolina, November 25 to December 24.

Oregon, September 1 to September 15.

Texas, in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Bell, Falls, McLennan, Hill, Navarro, Kaufman, Hunt, Hopkins, Delta, and Lamar Counties, and all counties north and west thereof, September 1 to October 12; in remainder of State, November 20 to December 19.

White-winged dove.—The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, September 13 to September 19.

Band-tailed pigeon.—The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, New Mexico, and Washington, September 16 to October 15.

California, December 1 to December 30.

Oregon, September 1 to September 30.

Regulation 5—Daily Bag and Possession Limits on Certain Migratory Game Birds

The subtitles "Sora," "Coot" and "Mourning or turtle dove and white-winged dove" of Regulation 5 are amended to read as follows:

Sora and Coot.—Twenty-five in the aggregate of both kinds, and any person at any one time may possess not more than 25 in the aggregate of both kinds.

Mourning or turtle dove and white-winged dove.—Ten in the aggregate of

both kinds, and any person at any one time may possess not more than 10 mourning doves or more than 20 white-winged doves.

Regulation 6—Shipment, Transportation, and Possession of Certain Migratory Game Birds

Regulation 6 is amended by striking out the numerals "30" wherever they occur in the said regulation and by inserting in lieu thereof the numerals "45", and the second paragraph of the said regulation is amended to read as follows:

Not more than the number of such birds permitted by regulation 5 of these regulations to be taken by one person in one day, or in 2 days in the case of white-winged doves, woodcock and ducks (except wood ducks), nor more than 6 geese, including brant, in the aggregate of all kinds of which not more than 4 in any combination may be species other than blue geese, shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken or from Canada or Mexico into the United States.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this fifteenth day of July, 1943.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United State of America, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16th day of July, in the year of our Lord nineteen hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-11587; Filed, July 19, 1943; 11:08 a. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RECRUITMENT AND PLACEMENT

Section 18.4 *Recruitment and placement* is amended as follows:

§ 18.4 *Recruitment and placement*—(a) *Procedure in filling vacancies.* * * *

(7) Upon the receipt of a request for names of qualified persons, the Commission will supply an adequate number from the head of appropriate lists of eligibles, or from such other sources as, in the judgment of the Commission, may be appropriate. The eligibles supplied by the Commission will not include the name of persons suggested by the appointing officer unless, in the judgment of the Commission, such persons are among the best qualified and available persons known to the Commission.

The Commission will not normally certify the name of a person proposed by an agency unless and until it has had a minimum period of two weeks in which to certify qualified applicants in response to the requisition. Under emergency circumstances, the Commission may shorten the time period specified in the preceding sentence, and the Commission may require a longer time period in the event of doubt as to the qualifications of the proposed appointee and in the temporary absence of other better qualified candidates.

Whenever public announcement is made of a special competitive examination for filling a particular vacancy in which the statement is made that the register will expire upon appointment to the particular vacancy, such vacancy may not thereafter be filled noncompetitively by promotion, transfer, reinstatement, or otherwise. Applications for such examination, however, may be accepted by the Commission from persons who are currently in the Federal service, or who have a status for reappointment to such service, and who are specially recommended by the appointing officer at any time before appointment is made to the vacancy involved. The qualifications of such persons will be rated under the competitive standards observed in the examination, and their names will be entered on the register and certified as if they had orginally filed an application in the competitive examination.

* * * * *

(d) *Selection.* The nominating or appointing officer shall, with sole reference to merit and fitness, make selections for appointment from the names of eligibles furnished by the Commission unless better qualified persons for the position in question could be obtained by the Commission by presenting for consideration other names on the list of eligibles or by going outside the list entirely. The names of persons suggested by an appointing officer will not be included among the eligibles furnished by the Commission unless, in the judgment of the Commission, such persons are among the best qualified and available persons known to the Commission. An appointing officer who passes over an eligible granted disability preference or military preference and selects a person not granted such preference shall file with the Commission a statement setting forth in detail his reasons for so doing, which reasons shall not be made available to the veteran or to anyone else except in the discretion of the appointing officer.

The Commission may, in its discretion, require that selections for appointment be made in the order and manner provided for in Part 7 of this chapter.

(E.O. No. 9063 dated February 16, 1942, 7 F.R. 1075; E.O. No. 9243 dated September 12, 1942, 7 F.R. 7213; Directive X, War Manpower Commision dated September 14, 1942, 7 F.R. 7298)

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 43-11553; Filed, July 17, 1943; 1:52 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

PART 741—1942 CROP PARITY PAYMENT REGULATIONS

SUBPART E—1942

Parity payments for the 1942 crop year will be made to producers of corn (in the commercial corn-producing area), wheat, and types 41-44, 46, and 51-55 tobacco, who comply with the provisions of these regulations.

Sec.
741.401 Eligibility for payment.
741.402 Rate of payments and deductions.
741.403 Division of payments and deductions.
741.404 Proration of net deductions.
741.405 Deductions incurred on other farms.
741.406 General provisions relating to payments.
741.407 No deduction for association expenses.
741.408 Application for payment.
741.409 Appeals.
741.410 Forms and instructions.
741.411 Performance of duties of State and County committees in Hawaii and Puerto Rico.
741.412 Definitions.
741.413 Authority and availability of funds.

AUTHORITY: §§ 741.401 to 741.413, inclusive, issued under 56 Stat. 664, 52 Stat. 38, 45; 7 U. S. C. 1301, 1303.

§ 741.401 *Eligibility for payment.* An application for parity payment with respect to a crop may be made by any person for whom, under the provisions of § 741.403, a share in the payment with respect to a crop may be computed.

§ 741.402 *Rates of payments and deductions*—(a) *Corn*—(1) *Payment; corn-allotment farms.* 7.2 cents per bushel of the normal yield of corn for each acre in the corn allotment.

(2) *Deduction*—(i) *Corn-allotment farms.* 10 times the payment rate for each acre planted to corn in excess of the corn allotment. The deduction for excess corn acreage shall not exceed the payment computed for corn plus 10 times the payment rate for each acre planted to corn in excess of 130 percent of the corn allotment.

(ii) *Non-corn-allotment farms.* 10 times the payment rate for each acre planted to corn in excess of 15 acres or 130 percent of the corn allotment, whichever is larger.

(b) *Wheat*—(1) *Payment; wheat-allotment farms.* 13.7 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(2) *Deduction*—(i) *Wheat-allotment farms.* 10 times the payment rate for each acre planted to wheat in excess of the wheat allotment except that the deduction for any person who seeded within his allotment but who did not store his excess volunteer wheat until it could be marketed free of marketing quota penalty shall be (a) ten times the payment rate for each acre by which the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity is in excess of the allotment times his percentage share (applicable if the wheat allotment exceeds 15 acres or if the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reached maturity is less than 110 percent of the wheat allotment) or (b) the sum of the wheat payment for the farm and 10 times the payment rate for each acre of wheat harvested in excess of 15 acres times his percentage share (applicable if wheat allotment is 15 acres or less and the sum of acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity equals or exceeds 110 percent of wheat allotment): *Provided, however,* That on any farm in the Southern Region except Oklahoma and Texas, which comprised more than one farm under the 1941 Agricultural Conservation Program, but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction for excess wheat acreage for the combined farm shall not exceed the larger of (1) the deduction which would have been computed had there been no combination for 1942 and (2) the wheat payment for the combined farm.

(ii) *Non-wheat-allotment farms.* Ten times the payment rate for each acre of wheat on the farm harvested for grain, or for any other purpose after reaching maturity, in excess of the larger of 15 acres or the wheat allotment or permitted acreage, whichever is applicable, or, in the East Central Region and in the Southern Region except Texas and Oklahoma, in excess of the largest of (a) the wheat acreage allotment or permitted acreage, whichever is applicable, (b) 15 acres, or (c) if no wheat is sold from the farm, 3 acres per family living on the farm and having an interest in the wheat crop grown thereon: *Provided,* That for any farm in the Southern Region except Oklahoma and Texas, which in 1941 comprised more than one farm but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction shall not exceed the deduction which would have been computed had there been no combination for 1942.

(c) *Tobacco (Types 42–44, 46 and 51–55*—(1) *Payment.* 1 cent per pound of the normal yield of tobacco for the farm for each acre in the tobacco allotment.

(2) *Deduction.* 10 times the payment rate for each acre of tobacco harvested in excess of the tobacco allotment or permitted acreage, whichever is applicable.

(d) *Tobacco (Type 41)*—(1) *Payment.* .2 cent per pound of the normal yield of tobacco for the farm for each acre in the tobacco allotment.

(2) *Deduction.* 10 times the payment rate for each acre of tobacco harvested in excess of the tobacco allotment or permitted acreage, whichever is applicable.

§ 741.403 *Division of payments and deductions.* The net payment or net deduction computed for any farm with respect to any crop shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) grown on the farm in 1942. Such determination shall be made at the time the county committee approves the application for payment: *Provided,* That if any such crop is not grown on the farm in 1942, or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plantbed disease, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1942: *And provided further,* That, in cases where two or more separately owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Agency as an area in which a substantial proportion of the farms comprise two or more separately owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such crop agree, as shown by their signatures on the application for payment or a separate statement, the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes as each such class shares in the crop, or proceeds thereof, with respect to which the payment or deduction is being made. In cases where landlords, tenants, or sharecroppers have lost their interests in any crop for which special crop allotments are determined after planting but prior to harvest thereof, by reason of the acquisition of title to or lease of the farm for use in connection with the national war effort, the net payment (excluding any compensation for the loss of payment) or the net deduction computed with respect to such crops shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such crops except for such acquisition of title or lease.

Notwithstanding any other provisions herein, any deduction computed for failure to store excess volunteer wheat until it could be marketed free of marketing quota penalty shall be considered as a personal deduction for the person who failed to comply.

§ 741.404 *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

§ 741.405 *Deductions incurred on other farms*—(a) *Other farms in the same county.* Each person's share of the net deduction computed for a farm shall be deducted from his share of the net payment computed for any other farm in the county.

(b) *Other farms in the same State.* Each person's share of the net deduction computed for all farms in the county shall be deducted from his share of the net payment computed for any other farm in the State, if the State committee finds under the 1942 Crop Parity Payment Program that the crops grown on the farms for which net deductions are computed substantially offset the contribution to the program on other farms.

§ 741.406 *General provisions relating to payments*—(a) *Payments restricted to effectuation of purposes of the program.* All or any part of any payment which otherwise would be computed for any person under this program may be withheld or required to be returned if he adopts or has adopted any practice which tends to defeat any of the purposes of the 1942 Crop Parity Payment Program; if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or if, with respect to grazing land, forest land, or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

Practices which tend to defeat the purposes of this program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

Practice and Amount To Be Withheld or Refunded

(1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease or operating agreement, or by an oral or written agreement supple-

mentary to such lease or operating agreement, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any Government payment which the tenant or sharecropper has received or is to receive for participating in the 1942 Crop Parity Payment Program.

Amount: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the rental customarily paid in the community for similar land and use, a sum of money or any thing, or service of value equivalent to all or a portion of the Government payment which may be, is being, or has been earned by the tenant or sharecropper.

Amount: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(3) A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1942 Crop Parity Payment Program, or knowingly shows incorrectly his or their acreage shares of a crop, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of any Government payment to which they are entitled.

Amount: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(4) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but causes or fails to prevent the substantial offsetting of such performance by the farming operations of a partnership, association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

Amount: The amount of the net deduction computed for such business enterprise.

(5) A partnership, association, estate, corporation, trust, or other business enterprise carried on its operations so as to qualify for payment, but one of the persons who is interested in and in position to control the operations or policies of such partnership, association, estate, corporation, trust or other business enterprise, substantially offsets such performance by such person's individual operations.

Amount: All or any part of the person's payments shall be forfeited except that the amount so forfeited shall not be less than the greater of the amount of the deduction incurred with respect to the person's farm or the person's share of the payment computed for the partnership, association, estate, corporation, trust, or other business enterprise, and the payments to the partnership, association, estate, corporation, trust, or other business enterprise, shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

(6) A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm allotments in another State.

Amount: The net amount of the deduction which would be computed for such person for such overplanting if the farms were in the same State.

(7) A person rents land for cash, standing, or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

Amount: The net amount of the deduction which would be computed if the person were entitled to receive all the crops planted on the land so rented.

(8) A person participates in the planting, production, or harvesting of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the planting, production, or harvesting of a crop if the committee finds that he furnished labor, machinery, workstock, or financial assistance for the planting, production, or harvesting of such crop and that he has a financial interest in such crop.)

Amount: The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops planted, produced, or harvested.

(9) A tenant, in settling his obligations under a written or oral rental contract or operating agreement, or a written or oral contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord or operator the whole or any part of any Government payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the regional director.

Amount: The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by such landlord or operator the whole of the payments with respect to all of his farms under the program involved: *Provided, however,* That, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's or operator's payments shall be withheld or recovered.

(10) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the Government payment that would otherwise be made to the tenant or sharecropper with respect to such crop.

Amount: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(11) A person misuses or participates in the misuse of a marketing card with respect to any crop for which marketing quotas are in effect or fails to file or knowingly falsifies any report required by or under the regulations pertaining to marketing quotas for the 1941-42 or 1942-43 marketing year and such misuse or failure to file or falsification of such report results in any erroneous or incomplete record pertaining to any farm in connection with marketing quotas.

Amount: The entire payment which has been or would otherwise be made to such person with respect to the farm.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except for indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1942 any change in the arrangements which existed on the farm in 1941 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1942 program than would have been made to the landlord or operator for performance on the farm under the 1941 program, payments to the landlord or operator under the 1942 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1941 had been continued in 1942, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1942 is less than the average number on the farm during the three years 1939 to 1941 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph (c) is subject to approval or disapproval by the state committee.

If the state committee finds that any person who files an application for payment pursuant to the provisions of the 1942 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under

the 1942 Crop Parity Payment Program to which such person would normally be entitled, the War Food Administrator may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1942 program.

(d) *Deductions in cases of erroneous notice of acreage allotments.* Notwithstanding the provisions of § 741.402, in any case where, through error in a county or State office, the producer was officially notified of an allotment or permitted acreage for a crop larger than the finally approved allotment or permitted acreage for that crop and the county and State committee find, if the notice was in writing, or the county and State committees, with the approval of the Chief of the Agricultural Adjustment Agency, find, if the notice was not in writing, that the producer, acting upon information contained in the erroneous notice, planted an acreage to the crop in excess of the finally approved allotment of permitted acreage, the producer will not be considered to have exceeded the allotment or permitted acreage for the crop unless he planted an acreage to the crop in excess of the acreage stated in the notice erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of that stated in the notice erroneously issued.

(e) *Operated farms.* Payments will be made only with respect to farms that are operated except in areas designated by the Agricultural Adjustment Agency as areas in which a substantial number of farms will not be operated for causes beyond the control of the operators. In these areas the payment for any crop on a farm that is not operated will be computed on the smaller of (1) the acreage allotment or (2) 125 percent of the acreage planted to the crop.

§ 741.407 *No deduction for association expenses.* No part of the parity payment computed for any farm shall be deducted for county association expenses incurred or to be incurred in connection with 1942 crop parity payments.

§ 741.408 *Application for payment.* Applications heretofore or hereafter filed in the county office for 1942 agricultural conservation and parity payments or for 1942 parity payments will be regarded as applications for 1942 crop parity payments and the data on these applications will be used in determining 1942 crop parity payments.

§ 741.409 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting his right to or the amount of payment for any farm in which he has an interest as landlord, tenant, or sharecropper. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If he is dissatisfied with the decision of the county committee he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under the section by the county of State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

§ 741.410 *Forms and instructions.* The Agricultural Adjustment Agency shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.

§ 741.411 *Performance of duties of State and county committees in Hawaii and Puerto Rico.* The Officer in Charge of the Office of the Agricultural Adjustment Agency for the Territory of Hawaii or for Puerto Rico, as the case may be, shall perform the duties of both the State and county committees as set forth in these regulations.

§ 741.412 *Definitions.* As used herein and in all forms and documents relating to 1942 crop parity payments for producers of corn (in the commercial corn-producing area) wheat or tobacco, unless the context or subject matter otherwise requires, the terms:

(a) "Secretary," "Regional Director," "State committee," "county committee," "person," "landlord," "tenant," "sharecropper," "commercial corn-producing area," "special crop allotment," "acreage planted to corn," and "acreage planted to wheat," shall have the same meanings as are assigned to them in ACP-1942 as amended.

(b) "Farm" means the area of land considered as a farm for the purposes of ACP-1942, as amended.

(c) "Parity" and "marketing year" shall have the same meanings as those assigned to them in the Agricultural Adjustment Act of 1938.

(d) "Allotment" means the allotment established for the farm in accordance with ACP-1942, as amended.

(e) "Normal yield" means the normal yield for a commodity determined in accordance with ACP-1942, as amended.

(f) "Permitted acreages of wheat or tobacco" means the permitted acreage of such commodity determined in accordance with ACP-1942, as amended.

(g) Non-corn-allotment farm and non-wheat-allotment farm mean such farms as defined in ACP-1942, is amended.

§ 741.413 *Authority and availability of funds.* These regulations are issued pursuant to the authority to make commitments for such payments vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1943, and the Department of Agriculture Appropriation Act, 1944, sections 301 and 303 of the Agricultural Adjustment Act of 1938, as amended, and pursuant to the authority vested in the War Food Administrator by Executive Order 9322, as amended by Executive Order 9334.

Done at Washington, D. C., this 16th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11434; Filed, July 16, 1943; 3:39 p. m.]

Chapter IX—War Food Administration

PART 954—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING OF MILK

§ 954.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 1941 Supp., 900.1-900.16; 7 F.R. 3350; 8 F.R. 2315), a public hearing was held upon certain proposed amendments to the marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Duluth-Superior marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

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

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

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as

and is applicable only to persons in the respective classes of industrial and commercial activity specified in the tentatively approved marketing agreement, upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers of more than 50 percent of the volume of milk covered by the said order, as amended and as hereby further amended, which is marketed within the Duluth-Superior marketing area, have signed the tentatively approved marketing agreement, as amended, regulating the handling of milk in the aforesaid marketing area, and it is hereby further determined that the issuance of this order further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of the order and who, during the determined representative period, were engaged in the production of milk for sale in the Duluth-Superior marketing area.

Order relative to handling. It is therefore ordered that from and after the effective date hereof the handling of milk in the Duluth-Superior marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete § 954.1 (a) (8) and substitute therefor the following:

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

2. Substitute the term "War Food Administrator" for the term "Secretary" wherever appearing in the order.

3. Delete § 954.5 (a) (1) and substitute therefor the following:

(1) Class I milk—For each delivery period the price for Class II milk for such delivery period plus $0.52.

4. Delete § 954.5 (a) (2) and substitute therefor the following:

(2) Class II milk—For each delivery period the price which results from the following computation by the market administrator: (i) determine the average of the daily prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period; (ii) multiply by 4; (iii) add 25 percent thereof; and (iv) add an additional 7/10 cent for each 1/10 cent that the average f. o. b. gross factory price per pound of dry skim milk solids for human consumption as reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc., for the month second preceding such delivery period is above 7 cents.

5. Renumber as § 954.12 the section headed "Market Advisory Committee" which appeared as § 954.11 in Amendment No. 1, effective February 1, 1942.

6. Add as § 954.14 the following:

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

Issued at Washington, D. C., this 16th day of July 1943, to be effective on and after the 20th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11517; Filed, July 17, 1943; 11:26 a. m.]

Chapter XI—War Food Administration

[FDO 2-2]

PART 1401—DAIRY PRODUCTS

BUTTER

Pursuant to the authority vested in me by Food Distribution Order No. 2, dated January 5, 1943, as amended, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* As follows:

§ 1401.15 *Percentages of butter to be set aside during the months of August, September, and October, 1943.* (a) Each person who is required to set aside butter during the month of August, September, or October, 1943, pursuant to the provisions of Food Distribution Order No. 2, as amended, shall set aside during each of said months in which he is required to set aside butter, a quantity of butter equal to at least the following percentages of all butter produced by him during each such month:

(1) August, 40 percent;
(2) September, 30 percent;
(3) October, 30 percent.

(b) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 2, 8 F.R. 253, 5696)

Issued this 19th day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-11593; Filed, July 19, 1943; 11:29 a. m.]

[FDO 15-2]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

Pursuant to the authority vested in me by Food Distribution Order No. 15, dated February 6, 1943, as amended, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* As follows:

§ 1401.3 *Percentages of Cheddar cheese to be set aside during the months of August, September, and October, 1943.* (a) Each person who is required to set aside Cheddar cheese during the month of August, September, or October, 1943, pursuant to the provisions of Food Distribution Order No. 15, as amended, shall set aside in each of said months in which he is required to set aside Cheddar cheese, a quantity of Cheddar cheese equal to at least the following percentages of all Cheddar cheese produced by him in each such month:

(1) August, 60 percent;
(2) September, 60 percent;
(3) October, 50 percent.

(b) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O.9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FBO 15, 8 F.R. 1704, 5698)

Issued this 19th day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-11592; Filed, July 19, 1943; 11:29 a. m.]

[FDO 54-2]

PART 1401—DAIRY PRODUCTS

DRIED SKIM MILK

Pursuant to the authority vested in me by Food Distribution Order No. 54, issued by the War Food Administrator on May 29, 1943, effective pursuant to Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* As follows:

§ 1401.28 *Percentages of dried skim milk to be set aside.* (a) Each person who is required to set aside dried skim milk pursuant to the provisions of Food Distribution Order No. 54 shall set aside in the calendar month of August 1943, and in each succeeding calendar month, a quantity of spray dried skim milk equal to 75 percent of all spray dried skim milk produced by him during each such month, and a quantity of roller dried skim milk equal to 75 percent of all roller dried skim milk produced by him during each such month.

(b) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 54, 8 F.R. 7210)

Issued this 19th day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-11594; Filed, July 19, 1943; 11:29 a. m.]

[FDO 65]

PART 1405—FRUITS AND VEGETABLES

BARTLETT AND BEURRE HARDY PEARS GROWN IN CALIFORNIA, OREGON, OR WASHINGTON

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of pears produced in the States of California, Oregon, or Washington, for defense and private account, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.16 *Restrictions relative to the shipment of pears*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "pears" means any and all strains of the Bartlett and Beurre Hardy varieties of fresh pears grown in the States of California, Oregon, or Washington.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) The term "region 1" means the State of California.

(4) The term "region 2" means the States of Oregon and Washington.

(5) The term "ship" means to convey fresh pears, or to cause fresh pears to be conveyed, by railroad, truck, boat, or any other means whatsoever from a point within region 1 to a point without region 1, or from a point within region 2 to a point without region 2.

(6) The term "shipper" means any person (except a carrier of pears owned by another person) who ships pears.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "canned pears" means pears which have been packed for commercial purposes in hermetically sealed metal or glass containers and sterilized in the containers by the use of heat.

(9) The term "canner" means any person who packs pears for commercial purposes in hermetically sealed metal or glass containers and sterilizes said pears in the containers by the use of heat.

(10) The term "season" means from April 1 of any year through March 31 of the succeeding year.

(b) *Restrictions.* (1) No person may during the season beginning April 1, 1943, except pursuant to (b) (2) or (b) (3) hereof, ship (i) any pears from region 1 in excess of 100% of the quantity of pears shipped by such person from said region 1 for fresh consumption during the season beginning on April 1, 1942, or (ii) any pears from region 2 in excess of 75% of the quantity of pears shipped by such person from said region 2 for fresh consumption during the season beginning on April 1, 1942: *Provided,* That any person who has shipped in excess of the quotas herein prescribed prior to the effective date hereof shall not be deemed to have violated the provisions of this order.

(2) The Director may authorize any person to ship a particular lot of pears if (i) the pears are not suitable for canning; (ii) canning facilities are not accessible; or (iii) for any other reason the Director may deem necessary in order to effectuate the purposes of this order.

(3) The Director may, notwithstanding any other provision hereof, if he deems that such will tend to effectuate the purposes of this order, issue general authorizations from time to time authorizing the shipment of certain varieties, grades, or sizes of pears and the quantities thereof which may be shipped.

(4) The Director may, notwithstanding any other provision hereof, if he deems that such will tend to effectuate the purposes of this order, prescribe the minimum grade of all pears which may be shipped from region 1 or region 2.

(5) Each person, prior to making each shipment of pears, shall, when the Director so prescribes and announces, cause each such shipment to be inspected by a duly authorized representative of the Federal-State Inspection Service; and each such shipper shall submit promptly, or cause to be submitted promptly, to the program manager for the region from which the respective lot of pears is shipped, the Federal-State shipping point inspection certificate with respect to each shipment of pears by such person, which certificate shall set forth the variety, grade, or size of the pears contained in such lot or shipment.

(6) No canner may, from the effective date hereof, can any pears in region 1 or region 2 until after said canner has delivered to the Director a written notice of intent to can pears.

(7) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Administration.* (1) The Director shall designate one person to be program manager for region 1 and one person to be program manager for region 2, and shall prescribe the duties of such program managers and fix the amount of their salaries. Insofar as he performs functions for the United States, a program manager shall act under his appointment as collaborator without compensation from the United States, which appointment will be otherwise provided. Each program manager shall be subject to removal by the Director at any time, and all of his acts shall be subject to the continuing right of the Director to disapprove of the same at any time and, upon such disapproval, his acts shall be deemed null and void except insofar as any other person has acted in reliance thereon or in compliance therewith prior to such disapproval. Each program manager is authorized and directed to:

(i) Receive and examine the inspection certificates; compile records of shipments; assemble data with respect to the growing, shipping, and marketing conditions affecting pears; and furnish to the Director such available information as may be requested;

(ii) Keep books and records which will clearly reflect all of his acts and transactions, which books and records shall be subject at any time to examination by the Director;

(iii) Collect the assessments, as provided in this order, from those persons required by the order to pay such assessments;

(iv) Deliver to the Director, promptly after the designation of the respective program manager, a bond, in an amount and with surety thereon satisfactory to the Director, conditioned upon the faithful performance of his duties under this order;

(v) Employ and fix the compensation of such persons as may be necessary to enable him to perform his duties hereunder: *Provided,* That only collaborators without compensation from the United States may be employed by the program manager, and the program manager may recommend to the Regional Administrator, War Food Administration, San Francisco, California, persons to be appointed as such collaborators.

(vi) Obtain a bond with reasonable surety thereon covering each employee of his office who handles funds under the order;

(vii) Investigate and report to the Director any violation of this order;

(viii) Submit to the Director for approval a budget of expenses hereunder of the program manager and the advisory committee;

(ix) Pay out of the funds collected by him as program manager the cost of his bond and of the bonds of his employees, his own compensation and that of his employees, the per diem allowance and traveling expenses of the advisory committee, and all other expenses necessarily incurred by him in the performance of his duties hereunder;

(x) Cause his books of account to be audited whenever requested by, and submit a copy of such audit to, the Director; and

(xi) Perform such other duties as the Director may from time to time specify.

(2) The Director shall appoint in each region designated herein such number of persons as he deems appropriate to act as an "advisory committee" or as "ad-

visory committees" and may also appoint an alternate for each member. Any such alternate shall act only in the event that the member for whom he is alternate is unable to act. Each member of the committee shall be subject to removal by the Director at any time. Each advisory committee shall meet at the call of its chairman or at the call of a majority of the members thereof. The committee members may be paid their actual traveling expenses and each member, except the program manager, may be paid $10 for each day of attendance at a committee meeting. Each advisory committee shall counsel with the program manager for the respective region, and shall recommend to the Director such amendments to this order and such changes in the operation thereof as it deems advisable. Each advisory committee may also recommend such person or persons as it may prefer for the position of program manager of the region in which such committee is located. Each advisory committee may further recommend to the Director action to be taken with respect to petitions for relief from hardship, filed in accordance with (f) hereof.

(3) Each shipper and each canner, respectively, doing business in region 1 or region 2, shall pay to the program manager for the respective region his pro rata share, as is specified by the Director, of the expenses which the Director finds will be necessarily incurred by the respective program manager in accordance with the provisions hereof. Each shipper shall, with respect to each shipment of pears, pay the aforesaid assessment to the program manager (within ten days after the end of each calendar month after said assessment is specified) of the region from which the respective shipment of pears was made. Each canner doing business in region 1 or region 2 shall, with respect to each lot of pears purchased for canning, pay the aforesaid assessment to the program manager (within ten days after the end of each calendar month after said assessment is specified) of the region in which the respective lot of pears was canned.

(4) At the end of each season, the program manager in each region specified herein shall refund to each shipper and canner, respectively, any amount paid in excess of such person's pro rata share of the aforesaid expenses incurred by the Program Manager, in accordance with the provisions hereof.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of fresh or canned pears of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Acts of 1942.

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

(g) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using pears, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(h) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the War Food Administrator, be addressed to the Regional Program Manager located in the region where such reports or communications originate.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., July 22, 1943.

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

Issued this 19th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11595; Filed, July 19, 1943; 11:29 a. m.]

[FDO 5, Amdt. 2]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

RESTRICTING THE SALE OF PACKAGED CHICORY

Food Distribution Order No. 5 (8 F.R. 512), issued by the Secretary of Agriculture on January 12, 1943, as amended, is hereby further amended to read as follows:

§ 1490.1 *Restrictions on sale of packaged chicory*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "processor" means any person engaged in the business of processing dried chicory root.

(2) The term "packager" means any person engaged in the business of packaging chicory in consumer size packages for retail distribution.

(3) The term "chicory" means pure roasted chicory, whether granulated, in rolls, compressed tablet, or in any other form; or that portion of pure roasted chicory compounded with cereal, peas, beans, or any other substance except coffee.

(4) The term "packaged chicory" means pure chicory, or that portion of pure chicory which is compounded with cereal, peas, beans, or any other substance except coffee, in consumer size

packages intended or suitable for retail distribution.

(5) The term "bulk chicory" means pure chicory, or that portion of pure chicory which is compounded with cereal, peas, beans, or any other substance except coffee, which is not sold in consumer size packages intended or suitable for retail distribution.

(6) The term "package" means the act of placing pure chicory, or chicory compounded with cereal, peas, beans, or any other substance except coffee, in consumer size packages intended or suitable for retail distribution.

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

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

(9) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing chicory in accordance with said Food Distribution Regulation 2.

(10) The term "Armed Services of the United States" means, the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(b) *Restrictions.* During the calendar month of July 1943 and each calendar month thereafter, no processor or packager shall sell to purchasers other than governmental agencies a total quantity of packaged chicory which is in excess of 25 percent of the total quantity of bulk chicory delivered by such processor or packager to persons other than processors or packagers in the immediately preceding month: *Provided,* That, during the first 15 days of any such calendar month, a processor or packager may sell any portion of his allowable package sales which was not sold in the preceding month.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of chicory of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

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

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provisions of this order from receiving, making any deliveries of, or using chicory, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD-5.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e.w.t., July 19, 1943. With respect to violations, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 5, as heretofore amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

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

Issued this 16th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

[F. R. Doc. 43-11518; Filed, July 17, 1943; 11:26 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 81 and 83 are hereby prescribed. These regulations are also contained in War Department procurement regulations dated September 5, 1942 (7 F.R. 8082), as amended by Change No. 20, 6 July 1943.[1] In section numbers the figures to the right of the decimal point correspond with respective paragraph numbers in the procurement regulations.

AUTHORITY: 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.

GENERAL INSTRUCTIONS

In § 81.107 paragraphs (h) and (i) are amended as follows:

§ 81.107 *Authority with respect to procurement.* * * *

(h) *Delegation to Chief Counsel and Chief, Legal Branch to approve contract forms.* Under date of June 18, 1943, the following memorandum was issued:

Memorandum for: Chief Counsel, Purchases Division, Chief, Legal Branch, Purchases Division

Subject: Delegation of Authority to Approve Contract Forms and Deviations from Approved Forms.

The authority delegated to the Director, Purchases Division, by the Commanding General, Services of Supply, dated September 15, 1942 and the authority delegated to me by the Under Secretary of War, dated September 15, 1942 (in respect of matters relating to the Army Air Forces) to act for the Secretary of War or the Under Secretary of War in approving War Department contract forms and deviations from approved forms is hereby further delegated to the Chief Counsel, Purchases Division, and to the Chief, Legal Branch, Purchases Division, Army Service Forces, or either of them, and to any person who for the time being may be acting in either capacity.

ALBERT J. BROWNING,
Colonel, General Staff Corps,
Director, Purchases Division.

(i) *Authority delegated by these procurement regulations.* These regulations to the extent, and only to the extent, that they actually confer authority upon the chiefs of the technical services and other officers or civilian officials of the War Department to exercise power to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon shall constitute a redelegation by the Commanding General, Army Service Forces of the authority delegated to him as set forth in § 81.107(e), and by the Special Representative of the Under Secretary of War of the authority delegated to him, as set forth in § 81.107(g). The authority granted as provided in the preceding sentence, of course, does not dispense with the necessity of obtaining any approval expressly specified in any paragraph of these procurement regulations (see e. g. § 81.315(a)). Authority conferred upon the chiefs of the supply services under any paragraph of these procurement regulations may be redelegated (with or without power of further redelegation) to such officer or officers or civilian official or officials as the chiefs of the technical services severally may direct, whether or not express mention of the powers of redelegation is made in any such paragraph, unless it is expressly provided in the paragraph that the power shall not be redelegated. The exercise prior to the date of these regulations of any such authority by any such officer or officers or civilian official or officials is hereby ratified and confirmed in all respects.

* * * * *

Section 81.108 (e) is amended as follows:

§ 81.108 *Applicability as to various activities.* * * *

(e) *Definition of terms*—(1) *Technical services and supply services.* Pursuant to Circular No. 30, Army Service Forces, May 15, 1943, the designation of "supply services" is changed to "technical services." This change is being made in the Procurement Regulations as occasion arises to reprint pages for other reasons. In the meantime, the term "supply services" should be read as "technical services".

(2) *Service commands.* These regulations are applicable to the procurement activities of the service commands. Where procurement is accomplished by a service command at the direction of the chief of a technical service or his duly authorized representative, the directions will contain references to the applicable paragraphs of the procurement regulations and will also contain supplementary instructions where appropriate. In such a case, for the purposes of these regulations, the procurement shall be regarded as procurement by the technical service concerned and the contract will be regarded as a contract of that technical service. In all other cases, the service command accomplishing the procurement shall act independently of any technical service and the term "technical service" and the term "service", as used in these regulations, shall be deemed to refer to the service commands and the term "chiefs of technical services" and "chiefs of services" shall be deemed to refer to the Commanding Generals of the Service Commands. In connection with this subparagraph (2) see subparagraph (1) above.

* * * * *

GENERAL PURCHASE POLICIES

Section 81.223 (a) is amended as follows:

§ 81.223 *Factors governing placement of contracts.* * * *

(a) *Ability to perform.* Primary emphasis shall be placed upon securing performance or deliveries at the time, in the quantity, and of the quality required by the war program. In addition an effort should be made to have for each item of supply and equipment at least two producers so located as not to be subject to the same hazard. The effort to be made shall be such as is deemed reasonable by the chief of the technical service concerned.

* * * * *

Section 81.228 is added as follows:

§ 81.228 *Labor aspects of production rescheduling*—(a) *General policy.* (1) When production in an individual plant is reduced substantially as a result of rescheduling, withdrawal or reduction of contracts or for other reasons, the War Manpower Commission will be informed of the change so that that agency may (i) work with the employer, determine the number and types of workers to be released and on what date; and (ii) arrange for the immediate reemployment of the displaced workers in other essential industry.

(2) In such cases, workers to be released as a result of the cut-back will be notified of their pending separation, of the assistance to be provided by the War Manpower Commission in obtaining other employment for them, and, so far as security considerations permit, of the reasons for the cut-back.

(3) These arrangements are desired to avoid impairment of labor morale, to insure continuous employment of workers in essential jobs and to avoid public impression that cut-backs are due to poor allocation of materials, inefficient management of the facility itself or unsatisfactory work by the employees laid off.

(4) To accomplish these objectives, the procedure specified in paragraphs (b) to (d) of this section will be followed. The procedure applies only after final decision to make a cut-back is reached and it has been determined that the facilities made available by the cut-back probably will not be used by another contracting agency. Application of the procedure should not be withheld because of a vague possibility that some other agency might use the facilities.

(b) *Procedure for technical services.* Each technical service is responsible for:

(1) Notifying the regional office of the War Manpower Commission in whose area the plant is located of the cut-back, transmitting a copy of the notification to the headquarters office of the technical service involved. If the technical service making the notification has knowledge of subcontractors and suppliers who will be substantially affected, notification concerning these employers should also be transmitted to the appropriate War Manpower Commission regional offices.

(2) Advising management of the cut-back and the reasons therefor. If the notification is first made verbally, it should be confirmed by letter. Management should be asked to notify the workers affected and their union representatives if any. Management should also be asked to inform such of their subcontractors or suppliers as may be substantially affected by the cut-back.

[1] For previous changes see 7 F.R. 8163, 9268, 9660, 10184, 10247, 10640, 10906; 8 F.R. 401, 411, 2531, 3339, 3486, 3752, 5133, 5210, 8629 and 8918.

(3) Preparing official statements to the press announcing the curtailment and the reasons for it. These statements will be cleared with the Bureau of Public Relations. After the latter's approval they will be transmitted to the appropriate field procurement office for release in the locality in which the facility is located. Such action is normally desirable only when a large lay off results or there is an unusually adverse community reaction to the change.

(4) Establishing and operating necessary controls to insure that management carries out its responsibilities.

(5) Transmitting to the War Manpower Commission information concerning where, in the technical service's opinion, the displaced workers might be reemployed with advantage to the war production program.

(6) Determining that classified information is not revealed in notifications, explanations, meetings, press releases, etc., except as authorized in § 5.4.

(c) *Responsibilities of the management of the affected facilities.* (1) Appropriate notification to workers individually or as a group using written or verbal methods as indicated by the individual situation.

(2) Notification to subcontractors and suppliers with a request that they in turn inform such of their employees as may be released because of the change.

(3) Cooperate with the War Manpower Commission in determining the workers to be released and in placing them elsewhere. Management should also give the War Manpower Commission the names of such of the subcontractors and suppliers who, it is believed, will be substantially affected.

When the facility involved is a Government owned one, the Commanding Officer will discharge the responsibilities of management as described above.

(d) *Temporary curtailments.* When a temporary curtailment of production due to changes in specifications, change over to production of a different product or to other factors occurs, the following procedure will be followed:

(1) The technical service involved will notify the contractor of the change and reasons therefor. The technical service will make every effort to give the contractor such information as will permit exact determination of the date on which employment operations will be resumed.

(2) Management will be asked to transmit this information to the workers affected and to take steps to avoid disintegration of its labor force pending resumption of full operations. However, it is not desirable that the temporarily displaced workers be idle during the interim. Therefore, management should solicit the aid of the War Manpower Commission in finding temporary local employment for the workers involved.

In § 81.292 paragraphs (b) and (c) are amended as follows:

§ 81.292 *Responsibility of the chiefs of the supply services and the commanding generals of the service commands.* * * *

(b) Responsibility for the preparation, typing, checking, and distribution of the daily report on procurement (daily log). The Statistics and Progress Branch, Control Division, Headquarters, Army Service Forces, will advise as to the form and distribution of this report. The Control Approval Symbol for this report is ICY-32.

(c) Responsibility for the preparation of individual strips for all purchase actions in excess of $150,000. From these strips arranged in alphabetical order, pages will be made up for a quarterly report. These pages will be submitted to the Statistics and Progress Branch for reproduction and final compilation of the report required to be filed with Congress pursuant to Public Law 528, 77th Congress. That Branch will advise as to the form and time schedule of these strips. The Control Approval Symbol for this report is ICY-35.

* * * * *

The introductory paragraph in § 81.294 is amended as follows:

§ 81.294 *Monthly summary of purchase actions.* A summary of all negotiated purchase actions in excess of $10,000 will be rendered for each calendar month as of the last day thereof and submitted on an 8"x10½" sheet through the offices of the chiefs of the various services in accordance with the time schedule (5 calendar days after close of the month) and procedure stated in § 81.291 (e) (on the basis of net obligations undertaken during the month and not appropriations authorized). The form set forth below will be used for all reports submitted following the submission of the reports covering the month of April, 1943. Accordingly, the reports submitted in June covering purchase actions in May and any unreported activity for previous months will be on the new form.

Control Approval Symbol ICY-34

(1) Station _____ (2) Date of Submittal _____, 19____.
(3) Transactions not previously reported for month of _____ (4) Reported through _____.

Subject: Summary report of purchase actions in excess of $10,000.

(5) Value of negotiated purchase actions:
a. Original awards _____
b. Cancellations _____ (Decrease).
c. Changes and supplements reported on blue purchase action reports _____
d. Changes and supplements not reported on blue purchase action reports _____
e. Net total _____

(6) Number of negotiated purchase actions.
a. Original awards _____
b. Cancellations _____ (decrease)
c. Net total _____

(7) Signature _____
Name _____
Rank: Service _____

* * * * *

CONTRACTS

In § 81.302 subparagraph (4) of paragraph (c) is amended as follows:

§ 81.302 *Definitions.* * * *

(c) *Contracting officer.* * * *

(4) A designation authorized by subparagraph (3) above may be made by instructions relating to particular contractual instruments or classes of instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. In no event, however, shall a representative, by virtue of his appointment as such, be empowered to execute any contract or supplemental agreement (as distinguished from change order). Of course, if he has also been appointed a contracting officer pursuant to subparagraph (1) of this paragraph, he may, pursuant to any authority conferred by such appointment, execute contracts or supplemental agreements.

* * * * *

Section 81.303a is added as follows:

§ 81.303a *Use of letters of intent and letter orders*—(a) *Letters of intent and letter orders.* The use of letters of intent and letter orders (see § 81.386a) was frequently necessary in the earlier stages of the war procurement program to enable contractors to start work immediately upon war contracts prior to the time when the information was available upon which a definitive contract could be negotiated and without the delay incident to contract negotiations. At the present stage of the procurement program, such temporary contractual instruments will be used only for the most cogent reasons and will be superseded at the earliest possible moment by definitive contracts. In general, such instruments should be used only (1) where it is essential to give the contractor a binding commitment to permit of preparatory work immediately and without any delay, or (2) where because of the experimental nature of the work involved or the lack of definite information as to the volume of supplies to be ordered, the amount of work to be done, or detailed specifications, it is impossible to negotiate a definitive contract. Such instruments should not be used as a method of delaying the making of a definitive contract until a substantial portion of the contractor's performance of the contract has been completed. The standard termination provisions for inclusion in letter orders and letters of intent (see § 81.386a) leave room for the insertion of a date by which the definitive contract is to be executed, and also permit postponement of such date by mutual consent (see paragraph 6 (a) of the contract forms set forth in §§ 81.1307, 81.1308, 81.1309, 81.1310). The date inserted should be the earliest date feasible under the circumstances, and postponement should not be consented to except for good cause.

(b) *Use of provisions for allowance of profit in standard termination provisions.* The standard termination provisions (see § 81.386a) permit of an allowance for profit in the event of termination of a letter of intent or letter order for the convenience of the Government. The chiefs of the technical services will include such provisions for a profit allowance (other than those providing for the payment of a unit price for completed articles) only (1) in those letter orders and letters of intent which, because of inability on the part of the Government to furnish full specifications or essential information or other similar reason, will

necessarily remain in effect for a considerable period before they can be superseded by definitive contract, or (2) in cases where the contractor is required to proceed under a letter of intent or letter order, although willing to quote a reasonable fixed price, solely because the Government for its own interest is unwilling immediately to negotiate a definitive contract.

Section 81.304 (a) is amended as follows:

§ 81.304 *Definitions*—(a) *Standard forms of contract.* The phrase "standard forms of contract", as used in §§ 81.304 to 81.308g, includes:

(1) Forms of contract which may from time to time be approved for the general use of all technical services by the Chief Counsel or the Chief, Legal Branch, Purchases Division, Headquarters, Army Service Forces. The following contract forms are hereby approved for such use:

(i) United States Standard forms of contract: *Provided,* They comply with the requirements of §§ 81.322 to 81.365 inclusive.

(ii) War Department Contract Form No. 1, Lump Sum Supply Contract. (See § 81.1301)

(iii) War Department Contract Form No. 2, Lump Sum Construction Contract. (See § 81.1302)

(iv) War Department Contract Form No. 3, Fixed-Fee Architect-Engineer Contract. (See § 81.1303)

(v) War Department Contract Form No. 4, Fixed-Fee Architect-Engineer Contract. (See § 81.1304)

(vi) War Department Contract Form No. 5, Short-Form Supply Contract (Negotiated). (See § 81.1305)

(vii) War Department Contract Form No. 6, Offer and Acceptance. (See § 81.1306)

(viii) War Department Contract Form No. 7, Letter Purchase Order. (See § 81.1307)

(ix) War Department Contract Form No. 8, Letter Contract (Supplies). (See § 81.1308)

(x) War Department Contract Form No. 9, Letter Contract (Fixed-Fee Construction). (See § 81.1309)

(xi) War Department Contract Form No. 10, Letter Contract (Lump Sum Construction). (See § 81.1310)

(xii) War Department Contract Form No. 11, Defense Supplies Corporation Contract. (See § 81.1311)

(xiii) War Department Contract Form No. 12, Fixed-Fee Architect-Engineer-Construction-Management Services Contract. (See § 81.1312)

(xiv) War Department Contract Form No. 13, for contracts with War Supplies Limited. (See § 81.1313)

(xv) War Department Contract Form No. 14, Government-owned Equipment Rental Agreement. (See § 81.1314)

(xvi) War Department Contract Form No. 15, Negotiated Electric Service Contract. (See § 81.1315)

(xvii) War Department Contract Form No. 16, Lump Sum Contract for Architect-Engineer Services with Optional Supervision. (See § 81.1316)

(xviii) War Department Contract Form No. 17 (W. D. Forms Nos. 47 and 47-a). Government's Order and Contractor's Acceptance. (See § 81.1317)

(2) Forms of contract, devised by a particular technical service, or a staff division exercising procurement functions, to meet the needs of a recurrent situation or a special type, which may from time to time be approved by the Chief Counsel or the Chief, Legal Branch, Purchase Division, Headquarters, Army Service Forces (see § 81.107 (h)), for the general use of that technical service or staff division. Forms so approved should be periodically revised (see § 81.301 (a)) to accord with requirements of these procurement regulations published following approval of the forms. If deviation from such requirements appears to be necessary, the forms should be resubmitted for approval.

(3) The forms of contract enumerated below have been approved pursuant to subparagraph (2) above:

Office of the Chief of Chemical Warfare Service:	
Short Form Research Contract (consideration nominal).	
Office of the Chief of Engineers:	
Engineer Form No. 4B	Release of Claim for Additional Fee.
Engineer Form No. 4C	Release of Claim for Additional Fee to Extent Only of Joint-Venturer.
Engineer Form No. 17	Hire by Government of Plant or Equipment.
Engineer Form No. 80	Fixed-Fee Construction Subcontract Under Fixed-Fee Construction Contract.
Engineer Form No. 81	Lump Sum Construction Subcontract Under Fixed-Fee Construction Contract.
Engineer Form No. 82	Fixed-Fee Construction Subcontract Under A-E-C-M Services Contract.
Engineer Form No. 83	Lump Sum Construction Subcontract Under A-E-C-M Services Contract.
CE Form No. 186	Lease of Plant.
Engineer Form No. 213a	Quotation.
Engineer Form No. 213b	Purchase Order.
Engineer Form No. 429	Water Service, No Connection Charge.
Engineer Form No. 430	Electric Service, No Connection Charge.
Engineer Form No. 431	Gas Service, No Connection Charge.
Office of the Chief of Ordnance:	
Notice of Award (Ordnance Procurement Instructions, ¶ 13,002)	
Purchase Order Form (O. P. I. ¶ 13,003)	
Equipment Lease Form (O. P. I. ¶ 13,004)	
Facility, Lease and Operation Form (O. P. I., ¶ 13,005)	
Disposition of Personal Property—Form S (O. P. I., ¶ 13,006.1)	
Disposition of Personal Property—Form S (Allocation) (O. P. I., ¶ 13,006.2)	
Gage Repair Contract (O. P. I., ¶ 13,008)	
Lease of Government-Owned Machine Tool Equipment, etc., and Supplement Thereto (O. P. I., ¶¶ 13,009.1 and 13,009.2)	
Supplemental Agreement for Modifying Production Rates in Existing Contracts (O. P. I., ¶ 13,015)	
Extension of Letter Contract (O. P. I., ¶ 13,016)	
Office of The Quartermaster General:	
QMC Form No. 300	Purchase Order for Use in Purchasing Certain Food Supplies.
QMC Form No. 308	Purchase Order.
QMC Form No. 315	Invitation, Bid and Acceptance Form for Purchasing Coal.
QMC Form No. 327	Contract for Sale of Waste Material.
Uniform Burial Contract.	
Contract for Purchasing Lublicating Oils and Greases.	
Office of the Chief Signal Officer:	
O. C. S. O. Form No. 6-D	Purchase Order.
W. D. S. C. Form No. 57	General Contract for Trunkline and other Communication Facilities and Services.
W. D. S. C. Form No. 134	Contract for Communication and Electric Time Facilities and Services.
W. D. S. C. Form No. 1137	Telephone Service Order.
W. D. S. C. Form No. 1165	General Contract for Commercial Telephone Service Similar to That Furnished the Business Public.
Letter Contract for Supplies.	
Letter Contract for Motion Picture Training Film.	
Contract for Motion Picture Training Film.	
General Contract for Operation and Maintenance in Connection with Army Telephone Systems.	
Office of The Surgeon General:	
S. G. Form No. 1-C	Supply Contract.
S. G. Form No. 2	Long Form Supply Contract.
S. G. Form No. 3-A	Purchase Order.
Contract with Universities for Courses of Instruction.	
Contract with Universities for Research in Prevention of Epidemic Diseases.	
Contract for Blood Plasma Processing.	
Supplemental Agreement for Use of Cellular Residue.	
Office of the Chief of Transportation:	
TC Form No. 101	Lease of Equipment Under Public No. 779, 77th Congress.
TC Form No. 102	Lease of Equipment, with Indemnity, Under Public No. 779, 77th Congress.
TC Form No. 104	Freight Handling Agreement.

Army Air Forces:
- Matériel Command, Contract Form No. 32—Fixed Price Supply Contract.
- Army Air Forces, Form No. 98—Purchase Order.
- Letter Contract, Fixed Price.
- Letter Contract, Cost-Plus-A-Fixed-Fee.
- Cost-Plus-A-Fixed-Fee Supply Contract (CPFF Form 3, revised).
- General Airlines Service Contract.
- Flying School Contract.

Army Specialized Training Division:
- Training Unit Contract.

Special Service Division:
- Contract for Physical Distribution of 16 mm Films.
- Contract for Physical Distribution of 35 mm Films.
- Contract for Radio and Phonograph Recordings.
- Contract for Correspondence Instruction.

Service Commands:
- General and Medical Laundry Contracts (see Memorandum No. S5-93-43, Office of The Adjutant General, May 22, 1943).

* * * * * * *

Section 81.306(d) is amended as follows:

§ 81.306 *Making and approval of contracts, supplemental agreements and change orders.* * * *

(d) *Contracts, supplemental agreements and change orders requiring approval of Purchases Division.* The approval of the Purchases Division, Headquarters, Army Service Forces shall be obtained, as herein provided, in connection with all contracts other than those specified in § 81.306 (a), and all supplemental agreements and change orders other than those specified in § 81.306 (c). Where approval is necessary solely because one or more provisions of the contract, supplemental agreement or change order fail to comply with the requirements of §§ 81.322 through 81.365 or present a matter or matters of policy which should be considered by authority higher than the supply service, the necessary approval may be obtained, prior to execution of the instrument on behalf of the technical service, on submission of the contract or the material provisions thereof to the Chief Counsel or the Chief, Legal Branch, Purchases Division, whose approval will be signified by indorsement, memorandum, letter or telegram in response to the request for approval; or on submission of the contract, supplemental agreement or change order, after execution on behalf of the technical service, for approval and manual execution by the Director, Purchases Division. In every other instance the contract, supplemental agreement or change order must be submitted, after execution on behalf of the technical service, for approval and manual execution by the Director, Purchases Division. Upon receipt of requests for the approval of deviations from the contract clauses set forth in §§ 81.365 (a) to 81.365 (i), the Chief Counsel or the Chief, Legal Branch, Purchases Division, will attend to all necessary clearances with the Insurance Branch, Fiscal Division, Headquarters, Army Service Forces.

Section 81 308b is amended as follows:

§ 81.308b *Correction of mistakes.* (a) Effecting amendment of contracts with the least possible delay to correct misunderstanding, mistakes, errors, and ambiguities will facilitate the prosecution of the war by expediting the procurement program and by giving contractors proper assurance that mistakes unavoidable in a war program as large and extensive as that now in progress, will be corrected expeditiously and fairly. Accordingly, mistakes may be corrected by supplemental agreement pursuant to Title II of the First War Powers Act, 1941, and Executive Order No. 9001, as follows:

(1) Each chief of a technical service may, within the time prescribed by § 81.308f, enter into a supplemental agreement correcting mistakes found by the chief of the technical service to be of the following types:

(i) Misunderstandings, mistakes, and errors of the parties to a written agreement, or ambiguities therein, the correction of which would result in benefit to the Government;

(ii) Misunderstandings, mistakes and errors of the parties to a written agreement, or ambiguities therein, which consist solely of a failure to express in the written agreement the true agreement between the parties in accordance with the negotiations between them, or of a mutual mistake as to a material fact;

(iii) Mistakes and errors of a contractor, even if unilateral which consist solely of the failure of the contractor, in good faith, to set forth in a bid or in a written agreement what he intended to include therein.

Except as to misunderstandings, mistakes, errors or ambiguities of the type referred to in subdivision (i) above, the authority conferred upon the chiefs of the technical services by this subparagraph (1) is subject to the following limitations:

(*a*) The notice of the mistake must have been given by the Contractor to the Contracting Officer before completion of performance or termination of the contract;

(*b*) The change involved must not result in an adjustment in excess of $50,000; and

(*c*) Where the contract was made as a result of a formal or informal invitation to bid the change must not result in the payment to the contractor of a sum in excess of the amount of any bid submitted by any other bidder upon substantially the same terms and conditions, except that if the contract was not originally placed on a basis of competition as to price but primarily on the basis of other considerations the limitation contained in this subdivision (*c*) shall not be applicable.

(2) In any other case where the chief of a technical service determines that it will facilitate the prosecution of the war to execute a supplemental agreement to correct a mistake, he will first obtain approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(3) Approval of the Director, Purchases Division, will not be required in the case of any supplemental agreement correcting a mistake, under which the Government receives adequate new legal consideration, regardless of whether the supplemental agreement involves an adjustment amounting to $50,000 or more, and regardless of the time of execution of such supplemental agreement.

(b) Requests for approval by the Director, Purchases Division, Headquarters, Army Service Forces, of supplemental agreements to correct misunderstandings, mistakes, errors and ambiguities in contracts in accordance with the provisions of this section will be accompanied by a full statement of the circumstances including all relevant papers or copies thereof. The evidence submitted shall show that an error or mistake was made or that a misunderstanding or ambiguity exists, in what it consists, and how it occurred, the true intent of the parties, and the effect of the mistake, if not corrected, upon the financial condition of the contractor. When this paragraph does not require that the approval of the Director, Purchases Division, be obtained, the chief of the technical service approving or executing such agreement will see that a similar statement is prepared with respect to each such supplemental agreement and that such statement and all relevant papers and evidences are carefully preserved. Attention is directed to the provisions of § 81.308g.

Section 81.318 (b) is rescinded as follows:

§ 81.318 *Special cases.* * * *

(b) *United States Employees' Compensation Commission.* [Rescinded]

Section 81.325 is amended as follows:

§ 81.325 *Anti-discrimination clause.* (a) Every contract, regardless of subject matter or amount, will contain the following clause without deviation:

Anti-discrimination.—(a) The Contractor, in performing the work required by this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

(b) The Contractor agrees that the provision of paragraph (a) above will also be inserted in all of its subcontracts. For the purpose of this article, a subcontract is defined as any contract entered into by the contractor with any individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the supplies or services furnished under this contract: *Provided, however,* That a contract for the furnishing of standard or commercial articles or raw material shall not be considered as a subcontract.

(b) The contract clause set forth in paragraph (a) above is required, under

the provisions of Executive Order No. 9346 issued under date of May 27, 1943, to be included "in all contracts hereafter negotiated or renegotiated * * *". The inclusion of the word "renegotiated" has been interpreted as imposing the requirements set forth in paragraphs (c) and (d) below.

(c) Whenever the terms of a contract or contracts are to be modified by the execution of a supplemental agreement, and the contract or contracts to be modified do not contain a clause identical in wording with that set forth in paragraph (a) of this section, such supplemental agreement will provide that the contract or contracts are modified to include such a clause.

(d) Normally the provisions of paragraph (c) above will not be applicable to renegotiation agreements executed pursuant to the Renegotiation Act referred to in Procurement Regulation No. 12 (§§ 81.1200–81.1292). If, however, the renegotiation agreement expressly purports to modify the terms of specified existing contracts with respect to future deliveries, the provisions of paragraph (c) will be applicable. Likewise, if the renegotiation agreement is to be followed by a supplemental agreement or agreements, modifying, with respect to future deliveries, the terms of existing contracts, such supplemental agreement or agreements will provide for the inclusion, in the contracts modified thereby, of the clause set forth in paragraph (a) of this section.

(e) The clause set forth in paragraph (a) of this section, which prohibits discrimination against any employee or applicant for employment because of "national origin", is construed as prohibiting discrimination based on non-citizenship as well as discrimination based on country of origin. In this connection, see § 81.990.

Section 81.329a is amended as follows:

§ 81.329a *"Changes" article for supply contracts.* In any case where it is desired to include in a supply contract a provision giving the contracting officer in addition to the powers set forth in § 81.1301 (b) a power by change order (1) to increase or decrease within stated percentage limits the quantity of articles called for by the contract or (2) to accelerate or reduce the rate of delivery of the articles in the quantity called for by the contract, the following article relating to changes may be used instead of the article set forth in § 81.1301 (b).

ARTICLE * * * *Changes.* The Contracting Officer may at any time, by a written order, and without notice to the sureties make changes of any one or more of the following types: (a) changes in the directions as to shipment and packing of any supplies; (b) increases or decreases in the quantity of supplies to be furnished hereunder, the total increase or decrease not, however, to exceed _____% of the quantity of supplies deliverable hereunder; (c) changes in the drawings or specifications, where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications; (d) extensions of the delivery schedules hereunder reducing the rate of deliveries of the supplies called for by this contract; or (e) accelerations of the delivery schedules hereunder by an increase or increases in the rate of deliveries hereunder. Unless consented to in writing by the Contractor, no change orders hereunder of the type mentioned in clause (d) of the preceding sentence shall cause decreases in the deliveries hereunder, and no change orders of the type mentioned in clause (e) of such sentence shall cause increases in the deliveries called for hereunder, amounting respectively in the aggregate in any one month to more than _____% of the quantity of supplies, the delivery of which is called for in such month by the delivery schedule originally contained in this contract. If such changes cause an increase or decrease in the amount of work under this contract or in the cost of performance of this contract or in the time required for its performance an equitable adjustment shall be made which adjustment may include in any instance an adjustment (i) in the purchase price, including (but not limited to) any adjustment in unit price fair in the light of any change in volume caused by such order, and (ii) in the delivery time or schedule, or (iii) in either the price or delivery schedule and the contract shall be modified in writing accordingly. Any claim for adjustment under this article must be asserted within 30 days from the date the change is ordered: *Provided, however,* That the Contracting Officer, if he determines that the facts justify such action, may receive, consider and adjust any such claims asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Article _____ (Disputes) hereof. But nothing provided in this Article shall excuse the Contractor from proceeding with the contract as changed.

When the article set forth in § 81.1301 (b) is used, the fourth sentence of the article set out above beginning with the words "Any claim for adjustment * * *" may be used, at the discretion of the Contracting Officer, in lieu of the fourth sentence (beginning with the same words) of the Article 2 of the contract form set forth in § 81.1301. The provisions of clauses (d) and (e) of the first sentence of the foregoing article, or either of such clauses, may be omitted in the discretion of the Contracting Officer and, in the event of any such omission, the second sentence of the article will either be omitted or appropriately modified.

Section 81.334 is amended as follows:

§ 81.334 *Records of Government-owned property.* All contracts, in connection with which property or supplies of any kind owned by the United States are furnished to a contractor for use on the contract or as guides, samples, etc. will contain the following clause without deviation:

Records of Government-owned property

The Property Officer, _____, is designated as the officer to maintain the necessary property records in connection with this contract, as contemplated by AR 35-6520.[1]

Section 81.338 is amended as follows:

§ 81.338 *Plant protection clause.* In those cases where the Contracting Officer deems it necessary to retain some control as to the plant protective devices in a particular plant, the contract will contain a clause substantially similar to one of those set forth below. Such a clause will not normally be necessary in construction contracts.

Plant protection.—The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage.

Plant protection.—The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage. If the Contracting Officer from time to time shall require the installation of plant protective devices or the employment of watchmen, guards or other personnel, or both, in addition to those deemed necessary by him on the date the Contractor shall commence performance of this contract, the cost of any such devices installed or the pay of any such personnel employed, or both, at the written request and upon the written authorization of the Contracting Officer, shall be reimbursed to the Contractor upon submission of vouchers approved by the Contracting Officer, provided that no reimbursement of the cost of any such installation or pay of any such personnel, or both, shall be made in excess of the cost thereof, as estimated in advance and approved in writing by the Contracting Officer.[1]

Plant protection.—(a) The Contractor and such Subcontractor, at his own expense, at all times during the term of this contract, or any subcontract hereunder, shall continue all such precautions for the guarding and protection of his plant, property and work in process, as immediately prior to the date of this contract have been taken by the Contractor or Subcontractor for the protection of the plant, and shall make available such information with respect thereto as the Contracting Officer may request.

(b) The Contractor agrees to furnish the authorized Security and Safety personnel of the War Department with a survey of the existing internal security system at the Contractor's plant. The Contractor agrees, at his own expense, to make the changes set forth in Appendix _____ hereto annexed and made a part hereof to cause his existing internal security system to comply with the regulations of _____
(Chief of Technical Service)
including the recommendations made by the appropriate War Department Internal Security personnel.

(c) At any time during the term of this contract, the Contracting Officer or his duly authorized representative may require the Contractor or Subcontractor to install and maintain in and about the plant additional protective devices, equipment and personnel. The Contractor and each Subcontractor shall submit promptly to the Contracting Officer or his duly authorized representative, for prior approval as to estimated cost, detailed inventories, including the estimated cost of each item of protective devices or equipment so required to be installed and of installing the same and a detailed estimate of the cost of maintaining any such additional protective devices or equipment and personnel.

[1] Administrative regulations of the War Department pertaining to property accountability and responsibility.

[1] If desired an additional provision may be added, reading substantially as follows:

Provided further that no reimbursement of the cost of any such installation or pay of any such personnel is being made to the contractor by other means.

(d) The Contractor or Subcontractor shall be reimbursed, upon the submission of a voucher approved by the Contracting Officer or his duly authorized representative, the invoice price of the additional plant protective devices or equipment so required pursuant to Paragraph (c) hereof. In addition the Contractor or Subcontractor shall be reimbursed the reasonable cost of installing such additional plant protective devices or equipment. Such reasonable cost shall include only transportation to the Contractor's or Subcontractor's plant, direct labor, and direct material necessary for the installation of the additional plant protective devices or equipment. The Government shall not be under obligation to make reimbursement of total cost of such additional plant protective devices or equipment and of installing the same in excess of the estimate approved in advance by the Contracting Officer unless payment of such excess shall be approved or ratified by the Contracting Officer as reasonable. If the Contracting Officer and the Contractor or Subcontractor, as the case may be, are able to agree upon the amount of the cost of such additional devices or equipment, such sum shall be the amount to be reimbursed hereunder.

(e) Title to all plant protective devices and equipment added under Paragraph (c) of this Article shall be in the Government. The Contractor or Subcontractor, during the term of this contract or any extension thereof or during the term of the Subcontract or any extension thereof, at his own expense, shall maintain and keep in good condition and repair all such protective devices and equipment. If such protective devices and equipment are to be installed on premises leased by the Contractor, the Contractor shall take appropriate steps to preserve the Government's right to remove such property pursuant to Paragraph (g) of this Article.

(f) The _____ or his
(Chief of Technical Service)
duly authorized representative, and authorized plant protection personnel of the War Department, at all times during the performance of this Contract or any extension thereof, or during the term of the Subcontract or any extension thereof, and until after expiration of the right of removal set forth below, shall have access to the Contractor's plant, or the plant of the Subcontractor, in order to inspect, inventory, or remove any of said plant protective devices or equipment required pursuant to Paragraph (c) hereof, and to inspect the premises with respect to compliance with all regulations and requirements concerning plant protection, including any recommendations made by the appropriate War Department Internal Security personnel.

(g) After the completion or termination of this contract and prior to final settlement thereof, the Contractor, or the Subcontractor, as the case may be, shall have the option, exercisable in writing, to purchase at the then value as fixed by the Contracting Officer, or his duly authorized representative, any special plant protective devices or equipment theretofore installed in his plant pursuant to Paragraph (c). Not later than the date of final settlement, the Contractor or Subcontractor shall notify the Contracting Officer in writing to remove any such devices or equipment as to which the option to purchase is not to be exercised, and the Government shall have the right, at any time within 180 days after the receipt of such notice, to remove at its own expense any such plant protective devices or equipment.

(h) The Contractor agrees to insert in each of his subcontracts the following provision:

"The Subcontractor agrees to be bound by the provisions of Article _____ of the
(This Article)
prime contract with the Government insofar as they are applicable to this contract. The Prime Contractor will reimburse the Subcontractor for the cost of such special devices, equipment and personnel as have been or hereafter may be added by the Subcontractor, pursuant to Paragraph (c) of Article _____, for which reimbursement has not been made by the Government direct to the Subcontractor according to the terms set forth in Paragraph (d) of Article _____."

(i) For the purpose of this Article a subcontract is defined as any contract or agreement entered into between the Contractor and any other party, for the performance of all or any part of the work called for under this Contract.

(j) The Contractor, upon the request of the Contracting Officer, shall dismiss any officer or employee whose continued employment is deemed by the Contracting Officer to endanger the safety of the plant. In the event any such officer or employee is reinstated upon request of the Contracting Officer, the Contractor shall be reimbursed the costs incident to such rehiring, including back wages approved by the Contracting Officer.

(k) If guard personnel are members of the Civilian Auxiliary to the Military Police or successor organization, the Contractor shall be reimbursed for such additional cost approved by the Contracting Officer as may be incurred because of compliance with regulations and orders issued by a military commanding officer in charge of the Contractor's plant guards.

Section 81.363 is amended as follows:

§ 81.363 *Disposition of government-owned property by contractors.* The following clause may be inserted in cost-plus-a-fixed-fee contracts when authorized by the provisions of § 83.727:

* * * * *

In § 81.373 paragraph (f) is added as follows:

§ 81.373 *Where the contract contains no article substantially in the form set forth in § 81.234 or § 81.324 (a), or where there is failure to agree on a negotiated settlement.* * * *

(f) The provisions of this paragraph do not apply to letters of intent, letter purchase orders and letter contracts (see §§ 81.303a (a), 81.386a to 81.386a (d)).

Section 81.386a is added as follows:

§ 81.386a *Standard termination provisions for letter orders and letters of intent.* The standard termination provisions for inclusion in letter orders (see § 81.303a) are those set forth in § 81.1307 (f) (Letter Order for Supplies, No Price Stated), § 81.1308 (f) (Letter Order for Supplies, Price Stated), § 81.1309 (f) (Letter Order for Cost-Plus-a-Fixed-Fee Construction), and § 81.1310 (f) (Letter Order for Lump Sum Construction). As to letters of intent, provisions conforming as nearly as may be to the provisions set forth in the cited sections shall be regarded for purposes of this section as standard termination provisions. As used in this section and in §§ 81.303a and 81.303a (a) the term "letter order" includes instruments of the type hitherto sometimes referred to as letter contracts or letter purchase orders.

(a) *Technical services authorized to include standard termination provisions in existing letter orders and letters of intent.* (1) The standard termination provisions furnish expeditious and equitable methods of terminating letter orders and letters of intent, and provide for a negotiated settlement of the amount due by reason of termination, thus in various respects reducing misunderstanding, expense, auditing difficulties, delays in settlements, and other inconvenience both for the Government and for contractors in a manner which will facilitate the prosecution of the war. Use of such provisions will assist materially in enabling contractors, whose letter orders and letters of intent have been terminated, to undertake other production on war work at an early date, in a manner consistent with the public interest.

(2) The chiefs of the several technical services, in their discretion and without the approval of higher authority, are hereby authorized by supplemental agreement to amend any letter of intent or letter order to include therein the substance of the appropriate standard termination provisions, other than those provisions which permit an allowance of profit (except that the unit price may be paid for completed articles if the terminated instrument specifies a unit price). Wherever possible, such amendments will be made prior to the giving of notice of termination. However, the chiefs of the several technical services are authorized to make such amendments even after the giving of a termination notice (compare § 81.373).

(3) Amendment of any type other than that authorized in subparagraph (2) of this paragraph (and other than the execution of a definitive contract), of the termination provisions of a letter of intent or letter order, whether effected before or after the giving of a notice of termination, will be made only with the approval of the Director, Purchases Division, Headquarters, Army Service Forces.

(4) Pursuant to the First War Powers Act, 1941, and Executive Order No. 9001, authority is delegated to the chiefs of the technical services to make amendments consistently with the provisions of this paragraph. It is determined that the making of such amendments will facilitate the prosecution of the war. The chiefs of the technical services will be liberal in permitting and agreeing to such amendments.

(5) Amendments pursuant to this paragraph should not be utilized to delay in any manner whatsoever the execution of a definite contract (see § 81.303a).

(b) *Procedure on termination under standard termination provisions.* In general, and so far as relevant, the procedure in terminating letter orders and letters of intent containing standard termination provisions will be similar to that provided in §§ 81.370 to 81.386 inclusive, making due allowance for the difference between such instruments and definitive contracts. The chief of each technical service may prescribe such instructions, not inconsistent with these regulations, regarding termination of

such instruments as he may deem proper.

Section 81.390 (f) is amended as follows:

§ 81.390 *Assignments.* * * *

(f) *Recognition of assignments prohibited by Revised Statutes.* Assignments or transfers of contracts and claims prohibited by sections 3477 and 3737 of the Revised Statutes are merely voidable and may be validated by the Government. Authority to validate such assignments or transfers is vested in the chiefs of the technical services.

* * * * *

INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

In § 81.605 (a) subparagraph (9) is amended as follows:

§ 81.605 *Assignments*—(a) Federal *standard stock catalog classes.* * * *

(9) *Assignment of boats, vessels and floating equipment (FSSC Class 9).*

Item	Specs.[1]	Req.	Funds	Pur.	Insp.
All Boats, Vessels and Floating Equipment Except those listed below	TC	TC	TC	TC	TC
Boats, Vessels and Floating Equipment Required for river, harbor and fortification works	ENG	ENG	ENG	ENG	ENG
Barrage Balloon Equipment:					
Boats, Power Driven BB	ENG	ENG	ENG	TC	TC
Boats, Catamaran BB	ENG	ENG	ENG	TC	TC
Barges, Double End BB	ENG	ENG	ENG	TC	TC
Barges, Power Driven BB	ENG	ENG	ENG	TC	TC
Corps of Engineers Tactical Equipment:					
Boats, Assault	ENG	ENG	ENG	ENG	ENG
Boats, Reconnaissance	ENG	ENG	ENG	ENG	ENG
Boats, Storm	ENG	ENG	ENG	ENG	ENG
Boats, Pneumatic	ENG	ENG	ENG	ENG	ENG
Boats, Power, Utility w/Trailer	ENG	ENG	ENG	ENG	ENG
Floats, Pneumatic	ENG	ENG	ENG	ENG	ENG
Pontons, Equipage	ENG	ENG	ENG	ENG	ENG
Pontoon Gear, Navy Type:[1]					
Barges and Pontoons for Bridge and Wharf Construction and Corps of Engineers Lightorage	ENG	ENG	ENG	TC	TC
Barges and Pontoons, all Other Uses	TC	TC	TC	TC	TC
Rafts, Life for Aircraft	AAF	AAF	AAF	AAF	AAF

[1] All boats, barges, vessels and floating equipment, excluding pneumatic boats, purchased by the Army from the Navy, shall be purchased from the Navy by the Transportation Corps.
Vessels over 1,000 tons D. W. are procured by Maritime Commission, with Transportation Corps responsible for determination of requirements.

In § 81.606 paragraphs (f) and (g) are amended as follows:

§ 81.606 *Purchases under contracts of Procurement Division, Treasury Department.* * * *

(f) *Form of purchase order to be sent to General Schedule of Supplies contractors.* The term "purchase order" has been used throughout these regulations in reference to orders placed under General Schedule of Supplies contracts. It is to be noted, however, that the order placed under such contracts does not perform the same function that is performed by a purchase order sent to ordinary contractors. There already exists between the Government and the General Schedule of Supplies contractor a binding contract. All that is necessary is to advise the contractor in writing of the desire to have a certain quantity of the item furnished under that contract. The purchase order may, therefore, be a less detailed document than the usual purchase order. It need not contain any of the usual contract clauses that are customarily printed on the reverse side of a purchase order. It should, however, contain a reference to number of the General Schedule of Supplies contract, as well as most of the information customarily called for on the facing page of a purchase order. A copy of each purchase order representing a purchase under a General Schedule of Supplies contract will be forwarded to the Procurement Division, Treasury Department as soon as practicable after the date of issuance.

(g) *Mandatory schedules.* The following is a list of the classes of the General Schedule of Supplies which are mandatory on the field services of the War Department:

Description of item	Schedule of Supplies	Period
Explosives and blasting accessories	4, Supp. No. 1	Jan. 1 to Dec. 31, 1943.
Gasoline and fuel oil	7 and 14, Regions 1 to 6, inclusive.	July 1, 1943, to June 30, 1944.
Tire chains	8, Supp. No. 3	Jan. 1 to June 30, 1943 (extended to June 30, 1944).
Greases and gear lubricants	14, Supp. No. 1	May 15, to Dec. 31, 1943.
Automotive storage batteries	17, Supp. No. 2	Sept. 15, 1942, to Mar. 15, 1943 (extended to Sept. 15, 1943).
Telephones and parts	17, Supp. No. 6	Sept 1, 1941, to Aug. 31, 1942 (extended to Aug. 31, 1943).
Electric lamps	17, Supp. No. 3A	Sept. 1, 1942, to Aug. 31, 1943.
Wood furniture	26, Part I	June 1 to Dec. 31, 1942 (portion extended to Dec. 31, 1943).
Wood furniture	26, Part I	Jan. 1 to Dec. 31, 1943.
Victory chairs	26, Part I, Supp. No. 1	Apr. 1 to Dec. 31, 1943.
Common spline-seat chair	26, Part I, Supp. No. 2	June 1, 1943, to Dec. 31, 1943.
Steel furniture	26, Part II	Jan. 1 to Dec. 31, 1942 (portion extended to Dec. 31, 1943)
Floor coverings	27, Supp. No. 5	Jan. 1 to Sept. 30, 1943.
Floor and window coverings (not obligating the field services of the War Department for certain items.	27, Supp. No. 7	Apr. 15 to Sept. 30, 1943.
Books	35	Dec. 1, 1942, to Nov. 30, 1943.
Books	35, Supp. No. 2	Dec. 21, 1942, to Nov. 30, 1943.
Machine tools (only the following items: 40-M-8, 40-M-9, 40-M-9-100, and 40-P-22 to 40-P-37, incl.).	40	Mar. 1 to Aug. 31, 1943.
Woodworking saws	40, Supp. No. 1	Aug. 15, 1942, to June 30, 1943 (extended to June 30, 1944).
Binders	53, Supp. No. 1	Feb. 15 to Nov. 30, 1943.
Paper drinking cups	53, Supp. No. 2	July 1, 1943, to June 30, 1944.
Office equipment	54	July 1, 1942, to June 30, 1943 (portion extended to June 30, 1944).
Offset duplicating supplies and certain office equipment.	54	July 1, 1943 to June 30, 1944.
Electric typewriters	54, Supp. No. 5 (issued in Amendment No. 56).	Aug. 1, 1942, to June 30, 1943 (extended to June 30, 1944).
Office equipment	54, Supp. No. 7 (issued in Amendment No. 113).	Oct. 24, 1942, to June 30, 1943 (extended to June 30, 1944).
Office equipment	54, Supp. No. 10	Dec. 22, 1942, to June 30, 1943 (extended to June 30, 1944).
Copy holders and recording and reproducing machines.	54, Supp. No. 11	Feb. 15 to June 30, 1943 (portion extended to June 30, 1944).
Portable drinking fountains	63, Supp. No. 1	Mar. 1, 1942, to Feb. 28, 1943 (extended to Feb. 29, 1944).
Airplane tires and tubes	83	Apr. 21 to June 30, 1942 (extended to Sept. 30, 1943).
Recording and transcription service	103, Supp. No. 2	Sept. 15, 1942, to Aug. 31, 1943.
Household and quarters furniture	(Part 1)	July 1 to Dec. 31, 1943.
Household and quarters furniture	(Part 2)	June 15 to Dec. 31, 1943.
Household and quarters furniture	(Part 3)	July 1 to Dec. 31, 1943.

* * * * * * * *

LABOR

Copeland ("Anti-Kickback") Act

Section 81.907 (a) is amended as follows:

§ 81.907 *Applicability*—(a) *Character of contracts.* Generally the Act applies to contracts and subcontracts regardless of amount for the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States.

* * * * *

In § 81.908 subparagraphs (2) and (3) of paragraph (c) and subparagraph (2) of paragraph (i) are amended as follows:

§ 81.908 *Procedure.* * * *

(c) *Submission of weekly affidavits and subcontractors summaries.* * * *

(2) After such examination and check as may be made, one affidavit and one copy of the payroll of each contractor and subcontractor engaged on Federal construction (except shipbuilding and railroad), covering the weekly payroll periods ending nearest January 15, April 15, July 15, and October 15 shall be submitted quarterly by the contracting officer or other designated officer to the U. S. Department of Labor within 14 days after the close of the specified payroll period.

(3) Affidavits and payrolls for all contracts (except shipbuilding and rail-

roads) located in the States listed below should be mailed to the addresses indicated:

State	*Location of regional office*
North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi	Harris P. Dawson, Jr., Bureau of Labor Statistics, 4th Floor, Carl Witt Bldg., Atlanta, Ga.
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut	Frances M. Jones, Bureau of Labor Statistics, 294 Washington St., Boston, Mass.
Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota	Harry D. Wilson, Bureau of Labor Statistics, 1212 Merchandise Mart, 222 West North Bank Dr., Chicago, Ill.
Ohio, Kentucky, West Virginia	Victor S. Baril, Bureau of Labor Statistics, 1236 Engineers' Bldg., 1365 Ontario Ave., Cleveland, Ohio.
Texas, Oklahoma, Louisiana	C. Wilson Randle, Bureau of Labor Statistics, B-10 Rio Grande National Bldg., Dallas, Tex.
Montana, Idaho, Wyoming, Utah, Colorado, New Mexico	Paul E. Warwick, Bureau of Labor Statistics, 422 Chamber of Commerce Bldg., Denver, Colo.
Michigan	Randle E. Dahl, Bureau of Labor Statistics, Room 926, David Stott Bldg., 1150 Griswold St., Detroit, Mich.
Missouri, Arkansas, Nebraska, Kansas, Iowa	Odis C. Clark, Bureau of Labor Statistics, Fidelity Bldg., c/o National War Labor Board, Kansas City, Mo.
New York, New Jersey	Harold R. Hosea, Bureau of Labor Statistics, 713 Parcel Post Bldg., 341 Ninth Ave., New York, N. Y.
Pennsylvania, Maryland, Delaware, District of Columbia, Virginia	Harry Ober, Bureau of Labor Statistics, 1634 Widener Bldg., Chestnut & Juniper Sts., Philadelphia, Pa.
California, Washington, Oregon, Nevada, Arizona	Louis M. Solomon, Bureau of Labor Statistics, 355 Market Street, Rm. 153-B, San Francisco, Calif.

* * * * *

(i) *Authorized payroll deductions.* * * *

(2) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with the District of Columbia, Federal, or State credit union statutes.

* * * * *

Section 81.909 is amended as follows:

§ 81.909 *Alternative procedures for railway carriers.* By letters of October 5, 1942 and January 22, 1943 from the Secretary of Labor to the Secretary of War, a partial exemption regarding the submission of weekly reports above described in § 81.908 (a) was granted to railway carriers and an alternative method for obtaining permission of the Secretary of Labor to make certain types of deductions was approved. Copies of these letters may be obtained from the office of Labor Relations Branch, Industrial Personnel Division, Headquarters, Army Service Forces.

In § 81.912 paragraphs (a) and (f) are amended as follows:

§ 81.912 *Regulations, forms and procedure*—(a) *Regulations.* The regulations of the Secretary of Labor described in §§ 81.908 through 81.908 (l) where pertinent, are applicable to all contracts subject to the Act.

* * * * *

(f) *Procedures; prevailing rate information.* Each request submitted as indicated in paragraph (e) of this section will be accompanied by one or more copies of Department of Labor Form BB-15, executed in accordance with the instructions on that form, which require a separate form for each occupation. In filling out this form, the contracting officer will consult the following and consider the information obtained therefrom in forming the opinion which he is required to state on the form:

(1) The Building Trades Council (or some other local federation or council of the various craft unions),

(2) Independent labor organizations not allied with the local Building Trades Council,

(3) Municipal officials (the commissioner of public works, the city clerk or other officials in charge of municipal construction who have data on the wage rates paid on city projects),

(4) The employers' organizations (such as Master Builders, the Master Painters, or other contractors' associations, the local chamber of commerce, etc.),

(5) Individual contractors and architests in the locality,

(6) The State Labor Department or its equivalent,

(7) The contracting officer and supervising superintendent, and

(8) The local office of the United States Employment Service or affiliated agency.

* * * * *

Section 81.921 is amended as follows:

§ 81.921 *Seamless hosiery industry.* Manufacture or furnishing of seamless hosiery.

Date effective: July 8, 1943.

Wage: 40 cents per hour or $16.00 per week for a week of 40 hours, arrived at either upon a time or piece-work basis, provided that learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which were adopted for the purposes of this determination.

Section 81.925 is amended as follows:

§ 81.925 *Men's neckwear industry.* Manufacture and supply of men's neckwear (exclusive of knitted neckwear and of women's ties of design and construction similar to such men's neckwear.

Date effective: July 8, 1943, except that learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after July 8, 1943, in the performance of contract bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Wage: 50 cents per hour or $20.00 per week for a 40-hour week arrived at either upon a time or piece work basis: *Provided,* That learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which were adopted for the purposes of this determination.

Establishments manufacturing products as defined in this industry shall be granted a tolerance for persons actually employed as boxers and trimmers: *Provided,* That such boxers and trimmers be paid not less than 40 cents per hour or $16.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification.

Section 81.928 is amended as follows:

§ 81.928 *Handkerchief industry.* The handkerchief industry, for the purpose of this determination, is defined as follows: The manufacture of men's, women's and children's handkerchiefs, plain or ornamented, from any material.

Date effective: July 8, 1943.

Wage: 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis: *Provided,* That learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which were adopted for the purpose of this determination.

Section 81.964 (w) is added as follows:

§ 81.964 *Interpretations, former and present.* * * *

(w) *National War Labor Board approval required for premium pay on sixth day of workweek.* On May 31, 1943, the National War Labor Board adopted a resolution to the effect that, where, pursuant to the terms of a collective bargaining agreement, or the custom and practice in a plant, a premium rate or extra compensation was regularly paid, prior to October 1, 1942, for services performed on Saturday, as such, not more than time and one-half premium wage compensation may be paid, without the approval of the National War Labor Board, for services performed on the sixth day of work in the regularly scheduled workweek, in accordance with the provisions of Executive Order 9240.

In § 81.975 a footnote is added to paragraph (a) as follows:

§ 81.975 *Executive Order No. 9250.* * * *

(a) *Title II of Executive Order No. 9250 provides* * * *[1]

Section 81.976i is rescinded as follows:

§ 81.976i *Limitations on certain salaries* (§ *4001.9*). [Rescinded.]

Sections 81.977w to 81.977bb inclusive, and § 81.977dd, as published in the FEDERAL REGISTER January 12, 1943 (8 F.R. 401), are hereby rescinded.

In § 81.977ll paragraph (g) is rescinded and paragraph (p) is amended as follows:

§ 81.977ll *Functions and jurisdictions of the Salary Stabilization Unit and its regional offices.* * * *

(g) *Applications for authorization of salaries in excess of $25,000 limit.* [Rescinded] (The section formerly appearing at this paragraph was rescinded by section 4 (b), Act of April 11, 1943, Public Law 34, 78th Congress. See footnote to paragraph 7 of Executive Order quoted in § 81.975 (a)).

* * * * *

(p) *Effect of modification or reversal.* If a decision with respect to any application is modified on reconsideration by the head of a regional office, or is modified or reversed by the Deputy Commissioner, such modification or reversal shall, from its effective date, be deemed to be the determination of the Commissioner under § 4001.4 of the general regulations of the Economic Stabilization Director, ((§ 81.976d) (§§ 1002.10 and 1002.11 of the Salary Stabilization regulations) (§§ 81.977m and 81.977n)); but no reversal or partial reversal of a prior decision approving an application, wholly or in part, shall take effect before the first day of the payroll period immediately following the date of such reversal, and payments for services rendered between the effective date of the prior decision and the effective date of the reversal shall not be held to be in contravention of the Salary Stabilization Regulations, T. D. 5186, except as provided in the last clause of paragraph 10 thereof.

* * * * *

Section 81.978 is amended as follows:

§ 81.978 *Wage stabilization policy of the National War Labor Board.* (a) The policy directive given the National War Labor Board by Congress and by the President is clear. Under that directive, the Board will act on the presumption that wage rates prevailing on September 15, 1942 are proper. The Board will grant wage increases over the level prevailing on September 15, 1942 only in exceptional cases and in accordance with the following paragraph of Executive Order No. 9250 of October 3, 1942:

> The National War Labor Board shall not approve any increases in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

The National War Labor Board will examine carefully each claim for such exceptional treatment before approving any increase. In considering specific cases, the Board will be guided by the following general principles. The application of these principles by regional directors will be subject to all general orders of the Board and to its announced rules of procedure.

(1) *Maladjustments.* If a group of employees has received increases amounting to 15% in their average straight-time rates over the level prevailing on January 1, 1941, the Board will not grant further increases as a correction for maladjustments.

Beginning about January 1, 1941 a race between wages and prices began. Between that date and May, 1942, when the President's seven point program to stabilize the cost of living was announced the cost of living had risen 15% as measured by the general index of the Bureau of Labor Statistics.

In the same period, very considerable but varying increases in wage rates were made. The irregularity of wage increases caused many maladjustments in the wage relationships between different plants and industries. A substantial majority of industrial workers had received more than 15% increase; some had received less.

To correct these maladjustments, the Board will consider requests for general increases in straight-time rates up to 15% above the level prevailing on January 1, 1941. This policy sets a terminal point for general wage increases. It is not applicable to individual workers or to employees in particular job classifications. It will be applied only to groups composed of all the employees in a bargaining unit, in a plant, a company, or an industry, depending upon the circumstances of each case.

Adjustment of wage rates to correct maladjustments may be made by regional directors: *Provided, however,* That their authority in this regard will be limited to cases arising in those industries which have been specifically designated by the Board, and if in the judgment of a regional director a wage adjustment for the correction of a maladjustment would act to unstabilize wages, the case shall be referred by him to a tri-partite regional panel.

A list of designated industries is attached hereto and may be enlarged or modified by the Board from time to time. Any proposed wage adjustments in industries not listed must be referred to the National War Labor Board at Washington for action.

(2) *Inequalities and gross inequities.* The wage rate inequalities and the gross inequities which may require adjustment under the stabilization program are those which represent manifest injustices that arise from unusual and unreasonable differences in wage rates.

Wage differentials which are established and stabilized are normal to American industry and will not be disturbed by the Board.

The Board itself will review cases where evidence is submitted to show that existing differences in wage rates are so discriminatory as to make their continuance a manifest injustice. Such evidence may be submitted to the regional director. If the regional director is satisfied that the evidence submitted so justifies, the claim may then be transmitted to the National War Labor Board in Washington for consideration.

(3) *Substandards of living.* In the President's Message of April 27, 1942 and again in the Executive Order of October 3, 1942, the word "substandard" is used with reference to the need for eliminating substandards of living. The National War Labor Board has dealt with but a very few cases in which the substandard issue has been a factor. Therefore, the Board is not in a position at this time to enunciate a general policy to govern the adjustment of wages to eliminate substandards of living. The Board will not undertake to measure substandards of living by any fixed wage rate.

Such cases involving substandards of living as may arise will be considered by the Board on their individual merits until sufficient experience has accumulated to permit the statement of a more general policy.

(4) *Effective prosecution of the war.*—Under Executive Order 9250, the National War Labor Board may approve any increase of the wage rates prevailing on September 15, 1942 if such an increase is necessary "to aid in the effective prosecution of the war." Every adjustment in September 15, 1942 wage levels that the Board may make will be, in its judgment, for a more effective prosecution of the war.

The National War Labor Board will not approve wage increases for the purpose of influencing or directing the flow of manpower.

When in a particular case management and labor, in cooperation with the War Manpower Commission and other government agencies, have taken concerted action to solve a manpower need, the Board will consider a request in that case to correct whatever inequalities or gross inequities may then need correction.

(b) *Policy directive clarifying Executive Order 9328.* Executive Order No. 9328 was issued April 8, 1943. (See § 81.984.) On May 12, 1943, the Director of Economic Stabilization issued a policy directive clarifying and defining the basis of the War Labor Board in making wage adjustments under that order. The text of the directive follows:

> Executive Order No. 9328, dated April 8, 1943, is hereby supplemented under section 5 as follows:
>
> 1. In order to provide clear-cut guides and definite limits as a basis for correcting sub-

[1] Section 7 was rescinded by section 4 (b), Act of April 11, 1943, Public Law 34, 78th Congress, which reads as follows:

(1) Section 7 of Title II and all other provisions of Executive Order 9250, "providing for the stabilization of the national economy" issued October 3, 1942, and all provisions of § 4001.9, promulgated by the Economic Stabilization Director on October 27, 1942, which are in conflict with this section are hereby rescinded; and (2) all orders, regulations, and other directives, and all decisions, promulgated or made by virtue of said Executive Order or regulation which are in conflict with this section are hereby rescinded.

standards of living, and as a basis for permitting the Board to make within the existing price structure and within existing levels of production costs, minimum and non-inflationary adjustments which are deemed necessary to 'aid in the effective prosecution of the war or to correct gross inequities' within the meaning of section 1 of the Act of October 2, 1942, the Board is authorized to establish as rapidly as possible, by occupational groups and labor market areas, the wage-rate brackets embracing all those various rates found to be sound and tested going rates. All the rates within these brackets are to be regarded as stabilized rates, not subject to change save as permitted by the Little Steel Formula. Except in rare and unusual cases in which the critical needs of war production require the setting of a wage at some point above the minimum of the going wage bracket, the minimum of the going rates within the brackets will be the point beyond which the adjustments mentioned above may not be made. The careful application of these wagerate brackets to concrete cases within the informed judgment of the War Labor Board will strengthen and reinforce the stabilization line to be held. Maladjustments between wages and the cost of living will be considered by the Board only for the purpose of correcting substandard conditions of living, or determining adjustments within the 15% limit of the Little Steel Formula. In connection with the approval of wage adjustments necessary to eliminate substandards of living or to give effect to the Little Steel Formula or in connection with the adoption of a longer work week, the Board may approve wage or salary adjustments for workers in immediately interrelated job classifications to the extent required to keep the minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency.

2. All wage adjustments made by the Board which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments, shall become effective only if also approved by the Economic Stabilization Director. The Board shall cooperate with the Office of Price Administration or such other agency as the Economic Stabilization Director may designate with a view to supplying the Economic Stabilization Director with the data necessary to judge the effect of any proposed wage adjustment on price ceilings and the levels of production costs.

(c) *Statement of Director of Economic Stabilization regarding Policy Directive of May 12, 1943.* In issuing the general policy directive, the Director of Economic stabilization stated:

1. The directive makes clear that alleged maladjustments between the cost of living and existing wage schedules will be considered by the Board only to the extent necessary to eliminate substandard conditions of living or to determine wage adjustments within the 15% limit of the Little Steel Formula.

2. The directive makes clear the ancillary authority of the Board to make wage adjustments to keep the minimum differentials between immediately interrelated job classifications necessary to maintain productive efficiency.

This authority is needed to enable the Board to avoid intraplant inequities which would otherwse be created by wage adjustments ordered by the Board to elminate substandard conditions of living or to satisfy the Little Steel Formula.

Similar adjustments for immediately interrelated salary job classification may be necessitated, and are authorized, when a longer work week is adopted which creates a maladjustment between the pay of workers on an hourly basis and those on a salary basis.

Adjustments of this character, however, are to be so staggered as to avoid the need for adjustment in higher wage or salary brackets.

3. The directive also makes clear the authority of the Board to make wage adjustments within the existing price structure and within existing levels of production for the purpose of stabilizing wage schedules for recognized categories of employments in various labor markets. It does not permit adjustments to correct "inequalities" which were permitted by the Executive Order of October 3, 1942. It does, however, permit the Board to make adjustments in accordance with the language of the Act of Congress of October 2, 1942, "to aid in the prosecution of the war or correct gross inequities": *Provided* Such adjustments do not increase prices or increase production costs. Such adjustments, except where necessary to eliminate substandard conditions of living or to give effect to the Little Steel Formula, are not to bring the wages of the worker affected above the minimum of the going rates for comparable work in comparable plants or establishments in the same labor market.

In rare and unusual cases where critical war production cannot otherwise be obtained, the minimum of the preexisting going rates may be stepped up to the next lowest of the going rates for other most nearly comparable work in the same labor market. A good example of such a case is the situation found in the canning and first processing of perishable foods and feeds industries in a number of localities where the necessary seasonal labor to process this year's crops cannot be recruited on the basis of last year's obsolete wage schedules. On May 10th a special directive was issued to deal with this situation.

Apart from the rare and exceptional case, adjustments to the minimum of the applicable going rates are to be made, not to increase existing wage schedules, but only to bring obvious and sporadic stragglers into line.

4. The directive again makes clear that any wage adjustments which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments, cannot become effective until approved by the Economic Stabilization Director.

Section 81.979 is amended as follows:

§ 81.979 *Jurisdiction and procedure of Regional War Labor Boards.* On April 5, 1943, the War Labor Board created twelve regional war labor boards and outlined the jurisdiction of these regional boards and the procedure to be followed in matters within their jurisdiction. This information is contained in the succeeding paragraphs.

(a) *Constitution of regions and regional War Labor Boards.* (1) A regional war labor board has been established in each of the following regions:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island. 209 Washington Building, Boston, Mass.

Region II: New York, the Northern part of New Jersey (including following counties: Sussex, Passaic, Bergen, Warren, Morris, Hudson, Union, Middlesex, Somerset, Monmouth, Hunterdon). 220 E. 42nd Street New York, N.Y.

Region III: Pennsylvania, Maryland, Delaware, District of Columbia, Southern part of New Jersey (including following counties: Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May). Room 423 Stephen Girard Building, 21 S. 12th Street, Philadelphia, Pa.

Region IV: Virginia, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida. 116 Candler Building, Atlanta, Ga.

Region V: Ohio, Kentucky, West Virginia. 3rd Floor, Guardian Building, 629 Euclid Avenue, Cleveland, Ohio.

Region VI: Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota. 222 W. Adams Street, Room 533, Chicago, Ill.

Region VII: Missouri, Arkansas, Kansas, Iowa, Nebraska. 11th Floor, Fidelity Building, 911 Walnut Street, Kansas City, Mo.

Region VIII: Texas, Oklahoma, Louisiana. 9th Floor, New Mercantile Bank Building, Dallas, Texas.

Region IX: Colorado, New Mexico, Utah, Wyoming, Idaho, Montana. 604 Boston Building, Denver, Colo.

Region X: California, Nevada, Arizona. 1355 Market Street, San Francisco, Calif.

Region XI: Michigan. Room 1164 Penobscot Building, Detroit, Mich.

Region XII: Washington, Oregon, Alaska. White Henry Stewart Building, Seattle, Wash.

(2) Each regional war labor board consists of the following members appointed by the National War Labor Board:

(i) Eight representatives of labor, four of whom are to be regular members and four alternate members.

(ii) Eight representatives of industry, four of whom are to be available for service with the regional war labor board at any given time.

(iii) Representatives of the public, four of whom are to be available for service with the regional war labor board at any given time. There is a chairman and one vice-chairman, designated by the National War Labor Board from among full-time members.

(3) Six members constitute a quorum and 12 constitute full attendance; the composition at any given time is to be equally tripartite.

(4) The National War Labor Board, after considering the recommendations of the regional war labor boards, appoints tripartite panels in appropriate places throughout the regions to serve in dispute cases, as hereinafter described.

(5) The staff of each regional war labor board consists of a wage stabilization director, a disputes director, a regional attorney, and such other assistants as the National War Labor Board may approve. The staff is under the general supervision of the regional war labor board.

(6) Regional representatives designated by the Director of the U. S. Conciliation Service of the Department of Labor act as liaison officers between each regional war labor board and the U. S. Conciliation Service.

(b) *Procedure in dispute cases not involving wages or salaries.* (1) Immediately upon the certification of a labor dispute to the National War Labor Board, under the provisions of Executive Order No. 9017, the regional war labor board for the region in which the dispute has arisen will be notified and the formal certification, together with all other available data and reports, will be transmitted to it (except in those cases in which the National War Labor Board

may elect to retain original jurisdiction or refer the case to an authorized agency or commission or back to the conciliation service.)

(2) Upon receipt of the certification, the case will be considered by a New Case Committee of the regional war labor board, composed of the chairman or vice-chairman, one industry, and one labor member, and the disputes director. If the committee does not consider the case ready for a hearing, it may refer the case back to the parties for further negotiation or to the regional representative of the Conciliation Service for further information or further investigation or conciliation. If the case is deemed ready for a hearing, the committee will designate a tripartite panel to hear the case, unless the parties agree to have the case heard by a single person, in which event the regional war labor board will designate one of the public panel members or some other suitable person to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned.

(3) The New Case Committee, in determining what action to take, will consult with the regional representative of the Conciliation Service. If it is determined to set the case down for hearing, the parties shall be notified at least 10 days in advance of the date and place of the hearing. They shall be requested to submit to the disputes director a written and signed statement of such of the facts as they can agree upon, together with such supplementary statements, briefs, and exhibits as they believe necessary to explain and support their respective contentions. There should be included a statement by the employer as to whether price relief will be requested if a wage or salary increase is directed. These documents will be transmitted to the panel prior to the hearing. (In cases where, prior to certification, the commissioner of conciliation has obtained from the parties an agreed statement of facts and the other documents above mentioned, this procedure may be modified accordingly.)

(4) The hearing before the panel will be informal and, save, in exceptional cases and upon the instructions of the regional war labor board, not stenographic record of the hearing will be kept. Upon the conclusion of the hearing, if a settlement is not effected, the panel will submit its report and recommendations as speedily as possible to the regional war labor board, together with the written statements, briefs, and exhibits of the parties. Copies of the report and recommendations will be furnished to the authorized representatives of each of the parties to the dispute, and the parties will be afforded one week after receipt of the report within which to submit comments to the regional war labor board. (In unusual cases and for good cause shown this time may be extended by the regional chairman.)

(5) If the panel's report is unanimous, the regional war labor board will not, save in exceptional cases, hear argument upon the matter but will proceed to a decision. If the report is not unanimous, the regional war labor board may in its discretion hear argument upon the case before reaching a decision.

(6) Any regional war labor board may certify to the National War Labor Board any case, or any question in any case, upon which it desires the National War Labor Board's decision; but the National War Labor Board may in its discretion reject such certification and require the regional war labor board to decide the case or the particular question, with or without a subsequent review by the National War Labor Board.

(c) *Procedure in dispute cases and in arbitration proceedings involving wages or salaries.* The procedure will be the same as in other dispute cases (see paragraph (b) of this section), except as follows:

(1) If an agreement between the parties calling for a wage or salary adjustment is brought about, the conciliator assigned to the dispute or the panel chairman or the hearing officer, as the case may be, will file the agreement directly with the appropriate regional wage stabilization director together with a completed application Form 10, which he will assist the parties in preparing. Conciliators, through the regional representative and panels will be at liberty in all cases to consult the regional wage stabilization director in advance of any settlement regarding the application to the particular situation of the Board's wage stabilization policy.

(2) If an agreement to refer the wage or salary question to arbitration is brought about, whether as a result of conciliation or without it, and the arbitrator's award provides for a wage or salary adjustment, the arbitrator shall file the award, together with a completed application Form 10 (or if the parties prefer not to sign such a form, a statement of the necessary facts on which to base a decision) directly with the appropriate regional wage stabilization director. Arbitrators should consult the regional wage stabilization director, in advance of any award, regarding the application to the particular situation of the Board's wage stabilization policy.

(3) After either of the above steps has been taken, the procedure will be the same as in voluntary wage and salary adjustment cases. In all cases the conciliator, hearing officer, or panel chairman should remind the employer that he should promptly apply to the Office of Price Administration for price relief if he intends to make any order requiring increased payment of wages and salaries the basis for asking such relief.

(d) *Procedure in voluntary wage and salary adjustment cases.* This procedure is set forth in paragraphs (e) to (h) of this section.

(e) *The handling of preliminary inquiries about jurisdiction.* (1) An employer or a union (or an employee or a group of employees not represented by a union with respect to an adjustment) directly concerned in a proposed wage or salary adjustment may ask the nearest office of the Wage and Hour and Public Contracts Division of the U. S. Department of Labor in the region (hereinafter referred to as the Wage and Hour Office) for a ruling as to whether the proposed adjustment may be made without Board approval. The Wage and Hour Office, as agent of the National War Labor Board, shall then issue a written ruling and send copies of it to the person or persons who made the inquiry and to the appropriate regional attorney.

(2) If said ruling is that the proposed wage or salary adjustment may be made without approval of the Board:

(i) The ruling shall be deemed to be authoritative and shall remain in effect unless reversed as provided below.

(ii) If, on receipt of the ruling from the Wage and Hour Office, it is reversed by the regional attorney (after consultation, where necessary, with the regional wage stabilization director), the Wage and Hour Office shall be notified promptly, and it shall immediately notify the person or persons who made the inquiry that the adjustment requires approval. If in the meantime the employer has made the adjustment, relying upon the ruling by the Wage and Hour Office that it did not need approval:

(*a*) The adjustment may be continued in effect for a period of ten days following the notification by the Wage and Hour Office, within which period the employer may file with the Wage and Hour Office (jointly with a duly recognized collective bargaining agency, or by himself, as subsequently provided), an application for approval of the adjustment and

(*b*) If such an application is so filed, the adjustment may be further continued in effect until and unless it is finally disapproved. Such disapproval shall take effect only from the date of the issuance of the order of disapproval.

(iii) If the Wage and Hour Office to which an inquiry has been addressed rules that the proposed adjustment cannot properly be made without approval, the ruling shall be deemed to be authoritative. The person or persons who made the inquiry may seek from the regional attorney, by written petition filed within 10 days after the ruling of the Wage and Hour Office, a reversal of the ruling. The regional attorney's ruling (after consultation, where necessary, with the regional wage stabilization director) on the question so submitted shall be final and shall be transmitted to the applicant through the Wage and Hour Office.

(f) *The filing of applications for approval of wage or salary adjustments.* (1) Each application for approval of proposed voluntary wage or salary adjustments (other than those described in paragraph (c) of this section) shall be filed with the nearest Wage and Hour Office in the region. All applications shall be made upon appropriate forms prepared by the National War Labor Board.

(2) Such applications may be of two kinds. The first kind, in which approval is sought of an adjustment agreed upon by the parties, may be signed by any party (or jointly by any or all the parties) to the contract. The application shall state whether all the parties to the contract have signed the application and shall state the name and address of each

party who has not signed the application. If there be any such party who has not signed, the Wage and Hour Office at which the application was filed shall, as agent of the Board, before acting on the application, send said party a notice of the application. The notice shall request the party to state whether he contests the fact of the contract having been made. If, within seven days of the sending of the notice, he has not filed a statement contesting such fact or if he files a statement admitting it, the application will then be acted upon. If he contests the fact of the contract having been made, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor, unless (i) the contract was in writing, (ii) the writing or a certified or otherwise authenticated copy thereof has been produced, and (iii) the Wage and Hour Office is satisfied that no substantial question exists as to the party being a party thereto. Where the Wage and Hour Office is so satisfied, it shall rule accordingly and proceed with the handling of the application. The ruling may be reviewed (on petition of the protesting party) by the regional attorney when the application is transmitted to the regional war labor board under subparagraph (7) below. His ruling shall be final.

(3) The second kind of application, in which an employer on his own initiative wishes to make a wage or salary adjustment, shall be signed either (i) jointly by the employer and a duly recognized collective bargaining agent for any or all of the employees who are to be affected by the proposed wage or salary adjustment, or (ii) by the employer alone. In either case the application shall state whether or not there is a duly recognized collective bargaining agent (for any or all of the affected employees) which has not joined with the employer in the application. If it appears that there is such an organization which has not so joined, the Wage and Hour Office at which the application was filed shall, before acting on the application, send to the appropriate local officials of such organization a notice of the application, requesting the organization, if it has any objections to the application being acted upon, so to inform the office. If no such objections are filed within seven days of the sending of the notice, or if the organization in question states that it has no objections, the application will then be acted upon. If objections are made within said period, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor.

(4) In cases where the employer has signed or joined in signing an application for approval of a wage or salary increase he shall state in the application whether he intends to make the proposed increase, if approved, the basis of the application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.

(5) In cases where the employer has not signed or joined in signing an application for approval of a wage or salary increase, he shall be requested in the notice of the filing of the application sent to him by the Wage and Hour Office to state whether he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices. He shall be asked to make this statement (i) within seven days of the sending of said notice or (ii), if (as described in subparagraph (2) above) he contests the fact of the agreement or arbitration award having been made, within seven days of any ruling by the Wage and Hour Office finding him to be a party to said agreement.

(6) If the employer states that he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, (i) his statement shall be entered in an appropriate place on the application before the application is acted on by the regional wage stabilization director as provided below, and (ii) the employer will be required to furnish further information, the nature and effect of which will be set forth under paragraph (j) below.

(7) When an application has been submitted to a Wage and Hour Office and no preliminary inquiry about jurisdiction has been made under paragraph (e) of this section, the office shall first make certain that the application needs approval. If the office believes that approval is not or may not be required by the applicable regulations and orders, the office shall proceed exactly as if the applicant has asked for a preliminary ruling on jurisdiction. If no jurisdictional question is involved or if such a question has been cleared up under paragraph (e) above, the Wage and Hour Office shall see that appropriate forms are fully and accurately filled out and shall transmit them to the regional wage stabilization director of the appropriate regional war labor board.

(8) Upon receipt of the application, the regional wage stabilization director, acting in collaboration with the regional attorney, shall first make certain that the application requires Board approval (unless this question has already been ruled upon and determined under paragraph (e) above). If it is determined by the regional attorney that the application does not require Board approval, a written ruling to that effect shall be made and copies sent to the applicant or applicants. If it is determined that the application requires Board approval, it shall be acted upon as provided in paragraph (i) of this section. In any case, the regional wage stabilization director may, before acting, obtain further needed information informally from the applicant or applicants, from the Wage and Hour Office, from the United States Bureau of Labor Statistics, or any other source or refer the application back to the Wage and Hour Office for such information as he may specify. In cases where the application reveals that the employer intends to make the proposed increase the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, the Regional Wage Stabilization Director shall send a copy of the application to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C.

(g) *Application by Employers' Association for approval of wage or salary adjustment.* (1) Application for approval of a wage or salary adjustment may be made on a form approved by the National War Labor Board on behalf of more than one employer by an employers' association or other similar organization. Such an application may be executed by the appropriate representative of the association or other similar organization acting on behalf of all such employers.

(2) The application shall state, in addition to the other matters required by paragraphs (e) to (h) of this section, the name and address of each employer on whose behalf it is made and who has not signed the application. The application shall be filed with the Wage and Hour Office in the city where the association or other similar organization customarily carries on its wage or salary negotiations. The Wage and Hour Office with which the application is filed shall, before acting on the application, send to each such employer a notice of the application.

(3) The notice shall request the employer to state whether he has authorized the applicant to file the application on his behalf. If the employer has not filed a statement contesting the authorization within seven days of the sending of the notice or if he files a statement admitting it, the application will then be acted upon. If he contests the fact of authorization, he will not be considered as a party to the application.

(4) The application shall be accompanied by individual statements which shall contain for each employer the information required by the National War Labor Board's Form No. 10, except that, where such information is identical for all or some of the employers, an appropriate consolidated statement containing such information may be filed with the application.

(5) In all other respects the procedure herein set forth shall obtain, and the word "employer" wherever used herein shall, for the purpose of this section, include, "employers' association or other similar organization".

(h) *Single application by employer with plants or establishments in more than one region.* (1) In the case of an employer with plants or establishments in more than one region, a single application may be filed covering employees in all or some of such plants or establishments.

(2) The application may be filed at the regional Wage and Hour Office in the region where the employer maintains his principal place of business.

(3) The application shall be accompanied by individual statements which

shall contain for each plant or establishment covered by the application on the information required by the National War Board's Form No. 10, except that the regional director of the Wage and Hour Office may, in appropriate cases and for good cause shown, modify this requirement so as to provide for one or more consolidated statements covering all or some of the plants or establishments.

(4) Upon receipt of the application, together with such statements, the said regional director of the Wage and Hour Office, if not satisfied that sufficient data and information have been presented with respect to each plant or establishment, may require the applicant to submit additional data or information or may refer any statement relating to a particular plant or establishment not in his region to the appropriate regional director of the Wage and Hour Office for such additional data or information as may be necessary.

(5) When the regional director of the Wage and Hour Office is satisfied that sufficient data and information have been presented, he shall transmit the application, together with the statements and all other pertinent information, to the appropriate regional war labor board which shall inform other affected regional war labor boards and shall act on the application unless it determines that due to the scope of the employer's operations, or because of important policy questions, the application should be referred to Washington.

(6) In all other respects, the procedure herein set forth shall obtain.

(i) *Disposition of applications for approval or wage or salary increases in which the application indicates that no price relief will be sought if approval is granted.* (1) In cases where he is authorized so to do by orders or regulations of the National War Labor Board, the regional wage stabilization director shall rule upon the application, subject to the rights of review hereinafter set forth and subject to his right to refer any case for decision with his recommendation to the regional war labor board, if he believes that the case is sufficiently important from a stabilization point of view or presents sufficiently serious and doubtful questions of interpretation of policy to justify such action.

(2) If the regional wage stabilization director disapproves the application (or approves a lesser increase than that requested), the applicant, or any applicant if there be more than one, may within ten days after the date of the issuance of the ruling file with the regional war labor board a petition for a review.

(3) Copies of all rulings made by regional wage stabilization directors shall be promptly filed with the chairman of the regional war labor board, whose duty it will be to lay before the regional war labor board for such action as it may care to take all rulings which involve serious questions of policy. Copies shall also be promptly filed with the National War Labor Board's wage stabilization division together with such additional information as the division may require for purposes of review.

(j) *Disposition of applications for approval of wage or salary increases in which the applicant states that he intends to make the proposed wage or salary increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.* The procedure shall be the same as in the cases described under paragraph (i) of this section except that:

(1) A copy of the application shall be sent by the regional wage stabilization director to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C. Copies of any forms which the employer has filled out, pursuant to the requirement of the Office of Price Administration (and which have been supplied for that purpose by said Office to the Wage and Hour Offices) shall be sent at the same time as the copy of the application to the Office of Price Administration.

(2) In those cases where the Office of Price Administration determines that the proposed wage or salary adjustment will not require an adjustment of the employer's prices or an amendment of the regulations establishing those prices, the Regional War Labor Board will be so notified. In cases where such notice has been received, the ruling of the regional stabilization director or of the regional war labor board may be made effective without further reference to the Office of Price Administration or the Office of Economic Stabilization.

(3) In those cases where the Office of Price Administration determines that approval of the wage or salary increase will necessitate an adjustment of the employer's prices or an amendment of the regulations establishing these prices, the regional war labor board will be no notified. In such cases, if the application for a wage or salary increase is approved, the ruling shall state that it will become effective only on final approval by the Economic Stabilization Director, as required by the provisions of Executive Order No. 9250.

(4) Unless the regional war labor board has been notified as in subparagraph (2) above, copies of every ruling shall be sent to the Office of the Economic Adviser, Office of Price Administration, Washington, D. C.

(k) *Authority of Regional War Labor Boards*—(1) *Applications for approval of voluntary wage or salary adjustments.* (i) Each regional war labor board shall have authority to approve or disapprove applications for voluntary wage or salary adjustments.

(ii) Each such ruling shall be final, subject only to the National War Labor Board's right of review on its own initiative. Any reversal or modification of such ruling by the National War Labor Board shall take effect only from the date of its issuance: *Provided, however,* That, if a ruling denying an application for permission to make a wage or salary adjustment is overruled, the final ruling of the National War Labor Board shall incorporate as the effective date of the adjustment the date specified in the application or such other date as the National War Labor Board shall specify.

(iii) Copies of all such rulings and of any accompanying opinions (together with such other material as the wage stabilization division may require) shall, when issued, be filed with the National War Labor Board. Unanimous rulings may be issued when made. Rulings which are not unanimous may be issued only upon the expiration of ten days after the date of their receipt in Washington (subject thereafter to the National War Labor Board's power of nonretroactive review on its own motion), unless (*a*) the ruling is earlier approved by the National War Labor Board, or (*b*) within the ten-day period the National War Labor Board sets the case down for review, in which event the ruling will be stayed until the case is finally disposed of.

(2) *Directive orders in dispute cases.* (i) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policies of the National War Labor Board. Each order shall bear the date of its actual issue and the date it becomes effective. Orders requiring a wage or salary adjustment and other orders in cases where, in the judgment of the Regional War Labor Board, immediate compliance is not necessary in the public interest, shall not become effective until the time within which a petition for review may be filed has elapsed. If such a petition is filed, the order, if not then in effect, shall remain suspended until the National War Labor Board otherwise directs.

(ii) Copies of all directive orders and of any accompanying opinions (together with such other material as the wage stabilization division may require) shall, when issued, be filed with the National War Labor Board.

(iii) Within fourteen days of the date of issuance of any directive order, any party may file with the Board at Washington, D. C., an original and four copies of a petition (including a legal brief if he desires) setting forth objections to the directive order and seeking review thereof by the National War Labor Board. In such cases the burden will be on the petitioner to persuade the Board that (*a*) a novel question is involved of sufficient importance to warrent national action, or (*b*) that the procedure resulting in the order was unfair to the petitioner and has caused substantial hardship, or (*c*) that the order exceeds the National War Labor Board's jurisdiction or contravenes when issued, be filed with the National War Labor Board.

(iv) The party filing the petition shall at the same time serve a copy thereof upon each other party and shall file a copy with the regional war labor board. The regional war labor board and the parties may within seven days after receipt of the copy of the petition file an original and four copies of a reply or comment with the National War Labor Board and serve the same upon each other party. If the original petition relates only to a part of the order, the

reply or comment may include a request to review other parts thereof. Upon proper cause shown, the National War Labor Board may extend the period within which parties may file petitions and replies or comments.

(v) The National War Labor Board may on its own motion assume jurisdiction over any dispute case at any stage of the proceedings either before or after the final order of a regional war labor board.

(vi) If the National War Labor Board takes jurisdiction of a case on its own motion or on petition of a party for review, it shall determine what, if any, further oral or written argument of the parties it will require or permit.

(l) *Regional War Labor Boards subject to National War Labor Board policies.* Decisions, regulations, and policies which the National War Labor Board will continue to announce from time to time shall control the regional war labor boards, Wage and Hour Offices, and staffs in performing the duties and exercising the powers assigned to them herein.

Section 81.979a is amended as follows:

§ 81.979a *War Labor Board instructions to Regional Boards re Executive Order 9328 and supplementary directive of May 12, 1943.* On May 29, 1943, the National War Labor Board announced that instructions for handling certain types of wage and salary cases under the "Hold-the-Line" Executive Order No. 9328 have been sent to its Regional Boards and industry commissions. The Board pointed out that under the Exeutive Order "reasonable adjustments of wages and salaries in case of promotions, reclassifications, merit increases, incentive wage or the like" may be made by the Board if such adjustments "do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices."

(a) Within the meaning of the provision of the Executive Order quoted in the initial paragraph of this section, the Regional Boards were instructed that they may deal with the following three types of cases within their sound discretion:

(1) Intra-plant adjustments which are necessary to do equity and to promote production and which are not mentioned in the May 12 directive of the Economic Stabilization Director.

(2) Applications by employers not under the Fair Labor Standards Act to pay time and one-half for hours over forty, or to change from a fluctuating to a fixed workweek for the purpose of computing overtime as currently permitted to employers who are under said Act.

(3) Adjustments incident to the improvement of work conditions which do not involve increasing basic wage rates and which do not exceed the sound prevailing practice in the industry or area. The adjustments specified in subparagraph (3) includes such items as vacation pay, sick leave plans, night shift bonuses, and holiday pay.

(b) The Board's instructions also stated that specific regulations for approval of incentive plans cannot be given until further experience with various types of cases have been reported to the National Board. The Board emphasized that the working out of such incentive plans is particularly suited to collective bargaining and that where a collective bargaining agency exists it should be consulted in the preparation of such plans. Reiterating that the Little Steel Formula usually requires that the adjustment be applied to the largest appropriate group, the Board stated that in unusual cases where adjustments are being sought by a single individual or for relatively few persons, the formula may be applied to them where the application would "afford an equitable and expeditious method of disposing of the case."

(c) In cannery cases, the Board stated that rates may be adjusted through use of the wage rate bracket section of the May 12 directive of the Economic Stabilization Director in cases where it would not be practicable to use the Director's earlier order on canneries issued May 11, 1943.

Section 81.979e is rescinded as follows:

§ 81.979e *National War Labor Board decentralization plan.* [Rescinded]

Section 81.980e is amended, paragraphs (a), (b), (c) and (d) (8 F.R. 2531) being rescinded.

§ 81.980e *General Order No. 5.*

General Order No. 5. Subject to the requirements of General Order No. 31, wage adjustments may be made in wage rates of individual employees, without approval of the National War Labor Board, if they are incident to the application of the terms of a wage agreement which existed previous to or has been approved since October 3, 1942, or incident to an established or approved wage rate schedule covering the work assignments of employees and are made as a result of:

(a) Individual promotions or reclassifications

(b) Individual merit increases within established rate ranges

(c) Operation of an established plan of wage increases based upon length of service within established rate ranges

(d) Increased productivity under piecework or incentive plans

(e) Operation of an apprentice or trainee system

Wage adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(a) *Interpretation No. 1 of General Order No. 5.* [Rescinded]

(b) *The reduction or acceleration of the time intervals.* [Rescinded.]

(c) *Where a length of service schedule contains several steps.* [Rescinded]

(d) *A wage rate schedule.* [Rescinded]

Section 81.980f is amended, paragraphs (a) and (b) being rescinded.

§ 81.980f *General Order No. 6.*

General Order No. 6. (a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.

(b) If a wage rate or range of rates for a job classification has not theretofore been established by the employer for the plant involved, the rate or rate range should bear the same relation to rates or ranges of rates for similar classifications in the area as the existing rates or rate ranges in the plant bear to comparable rates or rate ranges in the area: *Provided, however,* That schedules covering new establishments or new departments within existing establishments must be submitted for approval as provided in General Order No. 31.

(a) *General Order No. 6-A.* [Rescinded]

(b) *Interpretation No. 1 of General Order No. 6.* [Rescinded]

Section 81.980g is amended as follows:

§ 81.980g *General Order No. 7.*

General Order No. 7. Since Title VI, section 1 of Executive Order No. 9250, dated October 3, 1942, states that "nothing in this order shall be construed as affecting the present operation of the Fair Labor Standards Act," and since statutes and orders of the duly constituted authorities of the several states fixing minimum rates for certain types of workers carry out the true purposes and intent of the Fair Labor Standards Act, and are designed and intended to eliminate substandards of living within the meaning of section 2 of Title II of Executive Order No. 9250, the National War Labor Board hereby approves increases in wage and salary rates made in compliance with such statutes and orders, *Provided, however,* That, if any changes in such statutes or orders are made or promulgated after April 8, 1943, increases in wage or salary rates directed thereby may not be made without the approval of the Board.

In § 81.980i, section III of General Order No. 9 of the National War Labor Board contained therein is amended as follows:

§ 81.980i *General Order No. 9.* * * *

III. *Salary increases which do not require Board approval.* Subject to the requirements of General Order No. 31, salary adjustments may be made in salary rates of individual employees over which the Board has jurisdiction without the approval of the Board, if they are incident to the application of the terms of a salary agreement which existed previous to or has been approved since October 27, 1942, or incident to an established or approved salary rate schedule and are made as a result of:

(a) Individual promotions or reclassifications

(b) Individual merit increases within established rate ranges

(c) Operation of an established plan of salary increases based on length of service within established rate ranges

(d) Increased productivity under incentive plans

(e) Operation of an apprentice or trainee system, or

(f) Such other reasons, or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

Salary adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

* * * * *

Paragraph (b) is added to § 81.980j as follows:

§ 81.980j *General Order No. 10.* * * *

(b) *Ruling of War Labor Board on payment of bonuses.* On April 2, 1943, the National War Labor Board clarified its position on bonus payments by explaining that a bonus may not be paid without Board approval, if no bonus was paid in the year immediately preceding the proposed payment. The term "preceding bonus year" as used in General Order No. 10 has been interpreted to mean the year, calendar or fiscal, immediately preceding the year, calendar or fiscal, in which it desired to pay a bonus. If no bonus was paid in the year immediately preceding, no bonus may be paid without Board approval.

Section 81.980l is amended as follows:

§ 81.980l *General Order No. 12-B.*

General Order No. 12-B. General Order No. 12, adopted November 12, 1942, was revoked as of December 29, 1942. In its stead the procedures set forth in the Joint Statement of the National War Labor Board and the Commisioner of Internal Revenue, dated December 26, 1942 were adopted as General Order No. 12-A on January 6, 1943. General Order No. 12-A was revoked on May 25, 1943, and in its stead there was adopted, as General Order No. 12-B, the Joint Statement of the National War Labor Board and the Commissioner of Internal Revenue, dated May 25, 1943, and set forth hereinafter.

JOINT STATEMENT OF THE NATIONAL WAR LABOR BOARD AND THE COMMISSIONER OF INTERNAL REVENUE

On November 12, 1942, and December 26, 1942, the National War Labor Board and the Commissioner of Internal Revenue issued joint statements with respect to the procedure to be followed in making adjustments in salaries and wages of state, county, municipal and other non-federal governmental employees. It was stated that Congress in the Act of October 2, 1942, clearly intended that all employers and all employees would be covered by the national stabilization policy, and since millions of public employees are engaged in the same kind of work as private employees, the duty of public employers to conform to that policy is as plain as that of private employers It was also stated that the Joint Committee on Salaries and Wages had been authorized to advise whether particular adjustments were in accordance with the national stabilization policy.

It is presumed that public employers will continue to cooperate as they have in the past and will not make adjustments in wages or salaries which would be in contravention of the national stabilization policy as expressed in Executive Order 9250 of October 3, 1942, and Executive Order 9328 of April 8, 1943, and the Economic Stabilization Director's policy directive of May 12, 1943. Adjustments will continue to be deemed approved without the necessity of filing certificates for the information of the Board or the Commissioner, and adjustments will neither be approved nor disapproved by the National War Labor Board or the Commisioner of Internal Revenue.

The Joint Committee on Salaries and Wages will continue to advise, when requested, as to the national stabilization policy. However, it should be understood that reliable advice relating to the national stabilization policy may also be obtained from the Regional War Labor Boards and the regional offices of the Bureau of Internal Revenue, as well as from the Commissioner of Internal Revenue, in Washington and the National War Labor Board.

On November 25, 1942, the National War Labor Board determined that General Order No. 12, applies to employees of the District of Columbia. It is therefore to be assumed that General Order No. 12-B likewise applies to such employees.

In paragraph (b) of § 81.980n the following Engineers fixed-fee projects are added in their proper sequence as follows:

§ 81.980n *General Order No. 14* * * *

(b) *Government-owned, privately-operated facilities.* * * *

Non-manual employees employed on the following fixed-fee Engineers projects are embraced within the delegation to the War Department Agency.

Engineers projects	Nearest city	State
* * *	*	*
Alterations and additions to existing laundry.	Chatham	Massachusetts.
Alterations and additions to existing laundry.	Falmouth	Massachusetts.
* * *	*	*
Customhouse wharf	Portland	Maine
* * *	*	*

Paragraph (c) is added to § 81.980p as follows:

§ 81.980p *General Order No. 16.* * * *

(c) *Effect of Executive Order No. 9328 on General Order No. 16.* General Order No. 16 has neither been impaired nor amended as a result of Executive Order No. 9328. It remains in full force and effect. (Letters from National War Labor Board Chairman to Secretary of Labor, made public June 4, 1943.)

Section 81.980bb is added as follows:

§ 81.980 bb *General Order No. 31.*

General Order No. 31. The following regulations supplementary to General Orders 5, 6, and 9 relating to wage and salary schedules and to plans for making individual wage and salary adjustments under such schedules are hereby adopted.

I. *Established schedules within the meaning of General Orders 5 and 9*—A. *Definitions and criteria*—1. *Specific criteria for all established schedules.* A "schedule" involves job-classification rates or rate ranges and a plan for making individual adjustments within and between such rates or rate ranges.

a. Job-classification rates or rate ranges in existence on May 31, 1943, do not require approval of the National War Labor Board.

(1) Rate ranges consist of clearly designated minimum and maximum rates in existence as of May 31, 1943, for jobs of similar skill and responsibility. (Such minimum and maximum rates are not necessarily the rates actually being paid on May 31, 1943, for particular job classifications. Thus individual minimum or maximum or with-in-grade rates may be "vacant" at any given time. Nor are the established minimum and maximum rates for any given job classification necessarily determined by the fact that for special reasons particular employees may be receiving less than the minimum or more than the maximum rate. Save as exceptional cases may be brought to the Board's attention, no rate range exists (a) where the employer customarily pays single rates for particular job classifications, or (b) where jobs are remunerated on a piece-rate method of wage payment.)

b. A *plan* for making individual adjustments within and between rate ranges which was in existence on May 31, 1943, does not require Board approval if

(1) It is contained in a collective bargaining agreement in existence on May 31, 1943; or

(2) It conforms to the employer's practice prior to October 27, 1942, as demonstrated by (a) a plan formally communicated to the employees; or (b) the employer's payroll records; or

(3) It was specifically approved by the National War Labor Board or any of its authorized agents or agencies; or

(4) It includes one or more of the following methods and conforms to the appropriate standards set forth under each:

(a) *Merit increases.* (These increases may be made only within rate ranges)

i. These are individual wage or salary rate adjustments made as a reward for superior quantity and/or quality of work or service.

ii. No employee may receive more than two merit increases during any calendar year.

iii. Except in cases where there have been substantial fluctuations in employment, no more than 50 percent of the average number of employees in a job classification may receive merit increases during any calendar year.

iv. No merit increase may exceed 33⅓ percent of the difference between the minimum and maximum rates of the appropriate range.

(b) *Automatic length of service increases.* (These increases may be made only within rate ranges)

i. These are individual adjustments usually made automatically at the end of specified periods of satisfactory service.

ii. Frequency of adjustment may not exceed four times in any calendar year.

iii. Amount of adjustment may not exceed 25 percent of the difference between the minimum and maximum rates of the appropriate range.

(c) *Promotions or reclassifications.* (These adjustments may be made between single-rate jobs as well as between jobs which bear rate ranges)

i. These are individual adjustments which result from moving an employee into a different job classification.

ii. When promoted or reclassified to a higher-rated job, an employee may receive a rate not in excess of 15 percent above his rate on his former job or the minimum rate for the new job, whichever is higher: *Provided, however,* That where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience.

(d) *Apprentice or trainee system.* (Under these systems, adjustments may be made with respect to jobs which bear single rates as well as with respect to jobs which bear rate ranges.)

i. These are individual rate adjustments resulting from improvement, over specified periods of time, in the productive abilities of apprentices or trainees who are employed under a bona fide apprentice or trainee plan as defined below.

ii. Apprenticeship plans—with respect to length of apprenticeship period; proportion of number of apprentices to number of journeymen; and relation of apprentice wage rate at various periods to journeymen wage rate—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iii. Learner or trainee plans—with respect to length of learning period; proportion of number of learners to number of experienced workmen in a given job classification; and relation of learner or beginner rate to the rate paid experienced workmen—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iv. Nothing in this section precludes the reexamination or modification of existing apprentice or trainee programs in the interest of greater production for the war effort.

2. *General criteria for all established schedules.* a. Each job classification must be clearly defined and described.

b. Except where there has been a substantial fluctuation in employment, proportionate distribution of employees within and among rate ranges must remain substantially the same from quarter-year to quarter-year.

c. No appreciable increase in the level of production costs may result from individual rate adjustments.

B. *Records.* Any employer who makes individual wage or salary rate adjustments pursuant to an established schedule must hereafter keep the following records available in his establishment(s) for a period of two years:

1. The rate or range of rates for each job classification.

2. The description of each job classification.

3. A statement of the plan of making adjustments within the rate ranges and between the rates or rate ranges.

4. The date when the schedule was established.

5. For each job classification in which merit increases have been made, the number of employees in each such job classification during the payroll period when adjustments were made.

6. With respect to each employee who received an adjustment:

a. Name of employee

b. Date on which employee was hired

c. For each adjustment given to the employees:

(1) Date of adjustment

(2) Job classification prior to and after the adjustment

(3) Rate of pay prior to and after the adjustment

(4) Reason for adjustment.

No particular order or form is prescribed for these records, provided that the information required is easily obtainable.

II. *New schedules.* A. All wage or salary rate schedules which are not exempt from the requirement of Board approval under (I) above must be submitted for approval to the appropriate Regional War Labor Board. Pending final action by the Board, individual rate adjustments may be made in accordance with the criteria set forth under (I) above.

B. *Requirements for obtaining approval*—1. *Rate ranges.* (Where ranges are desired for the purpose of making individual merit or length-of-service increases.)

a. *Existing establishments.*—(1) The minimum rate for each job classification shall be fixed at (a) the minimum rate prevailing in the plant or establishment for each job classification or (b) at a level not exceeding the minimum of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market, whichever is higher; provided, however, that in rare and unusual cases where the critical needs of war production require, a higher minimum rate may be set.

(2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.

b. *New establishments or new departments in existing establishments.* (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the minimum rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.

(2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.

2. *Single rates* (where single rates are desired for making promotions or reclassifications or for making individual rate adjustments under apprentice or trainee plans).

a. *Existing establishments.* (1) A reclassification of single rates for existing establishments, may, if designed to bring about a more harmonious and appropriate relationship of rates within an establishment, be approved where it will not appreciably affect the level of production costs or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

b. *New establishments or new departments in existing establishments.* (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.

3. *Plans for making adjustments between rates or within and between rate ranges* (existing establishments or new establishments and departments). A proposed plan for making individual adjustments within and between rate ranges should contain the following information with respect to one or more of the methods outlined below. The plan should also indicate to what extent the adjustments to be made thereunder will affect the proportionate distribution of employees within and among the rates or rate ranges, and to what extent production costs will be increased thereby. The plans so submitted need not necessarily conform to the criteria set forth in (I) above.

a. *Merit increases.* (1) The number of increases within the appropriate range to be given to any employee during the calendar year.

(2) The percentage of the number of employees in each job classification who will receive increases during the calendar year.

(3) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases to be given in each job classification.

b. *Automatic length of service increases.* (1) How frequently such increases are to be given during the calendar year.

(2) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases which are to be given in each job classification.

c. *Promotions or reclassifications.* (1) The rate to be paid upon promotion or reclassification to a higher-rated job (whether the minimum rate called for by the new job, or a rate in excess of such minimum).

(2) If a rate in excess of the minimum called for by the new job is to be paid, the criteria that will determine the rate should be described (i. e. special skill and experience, other unusual qualifications, etc.).

d. *Apprentice or trainee systems.* (1) How does the plan conform to the standards set forth in appropriate collective bargaining agreements or in appropriate regulations of federal or state agencies with respect to the following items: length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen in a given job classification; relation of apprentice or learner rate at various periods to the rate paid experienced workmen?

C. Any employer who makes individual wage or salary adjustment pursuant to an approved schedule must keep in his establishment(s) for a period of two years the records listed in (I).

III. Any employer who wishes to change one or more provisions of his established or approved wage or salary rate schedules may obtain consideration of such proposed change from the appropriate Regional War Labor Board without the necessity of having his entire schedule approved or reapproved.

IV. If there is a duly recognized or certified labor organization which represents any or all of the employees included in a proposed schedule or in a proposed change in any existing schedule, approval must be jointly requested by the employer and such labor organization. But if agreement on any point can not be reached, the parties may jointly submit the issues to the appropriate Regional War Labor Board for determination or may ask the Regional Board to refer the matter to the National War Labor Board for determination. Failing joint submissions, the matter will be treated as a dispute case.

V. Where an application includes more than one establishment, it shall set forth separately a schedule for each establishment, or for groups of similar establishments.

VI. Companies having establishments in more than one Region may apply for approval of schedules, where approval is necessary, in each of the Regions where the establishments are located or in the Region in which is located the company office at which the schedules are determined. In the latter case, the Regional Board may, if it considers that the application warrants national consideration, refer it to the National War Labor Board.

Section 81.983d is added as follows:

§ 81.983d *Procedure under Executive Order 9250.* (a) When probable noncompliance on the part of a prime contractor with Executive Order 9250 or the regulations is discovered by or brought to the attention of the technical services, such agency should inform each such prime contractor of the apparent violation and advise him to bring his practices in compliance with the provisions of the Executive Order and the regulations.

(b) The technical services should report apparent violations of Executive Order 9250 to the Labor Branch, Industrial Personnel Division, Headquarters, Army Service Forces, Washington, D. C., their reports should include the following information:

(1) Name and address of contractor.

(2) Date, number and place of performance of contract.

(3) Résumé of facts constituting alleged violations including approved wage rates, by whom approved, wages actually paid, names or designations of persons paid, dates of alleged improper payments, and name of party making payments if other than contractor.

(4) The Regional War Labor Board or other agency which has jurisdiction over approval of wage rates in the case.

(c) Each probable violation reported to the Labor Branch, Industrial Personnel Division, will be taken up with the appropriate Government agency authorized, under Executive Order 9250 and the regulations issued thereunder, to determine whether a violation has, in fact, occurred, the extent of the violation and the corrective action to be taken.

(d) When the technical services have made such report of a probable violation, no further action is required of them until they are specifically directed by the Labor Branch of the Industrial Personnel Division to withhold payments or

take other action in a particular case. If the contractor is found, by the appropriate Government agency, to have violated Executive Order 9250 or the regulations, specific instructions will be issued through the Labor Branch, Industrial Personnel Division, to the technical service.

(e) Final determinations of violations are in all cases to be made by the National War Labor Board or other wage agency named in the regulations. The technical services are not required or authorized to make the determination, in the first instance, that the prime contractor is guilty of violation of the Order and regulations. Agencies of the War Department are not required to conduct audits, investigations, or payroll reviews merely for the purpose of ascertaining whether or not contractors have complied with the Order and regulations.

(f) All responsibilities which the technical services had prior to issuance of Executive Order 9250 on this regulation with respect to reimbursement of contractors in accordance with other laws and regulations are in no way affected by this regulation.

EMPLOYMENT OF ALIENS

Section 81.990 is added as follows:

§ 81.990 *Joint statement on employment of aliens*—(a) *Statement.* Under date of June 7, 1943, the Secretary of War, the Attorney General, the Secretary of the Navy and the Chairman of the Maritime Commission issued a joint statement on the employment of aliens. This statement reads as follows:

I. *Introductory statement.* 1. The protection of the war effort against espionage, sabotage, and subversive activities is paramount to all other considerations. The Departments of War, Justice and Navy, and the Maritime Commission, recognize clearly the importance of meeting to the fullest possible extent the expanding military and industrial demands for manpower. The governmental agencies herein named are, therefore, making this joint statement with respect to the national policy to the end that the available manpower may be utilized by contractors and sub-contractors to the maximum degree consistent with the paramount importance of internal security.

2. The granting of full employment opportunities to all loyal and qualified workers irrespective of national origin or citizenship is urged upon and expected of all contractors and sub-contractors of the government agencies herein named. The applicable national policy was clearly stated by the President in his statement of July 11, 1942, in which he said:

"Persons should not hereafter be refused employment, or persons at present employed discharged, solely on the basis of the fact that they are aliens or that they were formerly nationals of any particular foreign country. A general condemnation of any group or class of persons is unfair and dangerous to the war effort. The Federal Government is taking the necessary steps to guard against, and punish, any subversive acts by disloyal persons, citizens as well as aliens."

3. The policy and procedure herein outlined apply to the employment of aliens by Government contractors and sub-contractors within the continental United States. Special regulations apply to the employment of aliens on shipboard and in territories outside of the continental United States.

II. *Permission to employ an alien is required in only two classes of cases.* 4. Contractors and sub-contractors are required to obtain the written consent of the head of the Government department concerned, before employing aliens under the following conditions only:

(a) *Aeronautical contracts:* Written consent is required before an alien employee may be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials under contracts involving aircraft, aircraft parts, or aeronautical accessories for the United States.

(b) *Classified contracts:* Written consent is required before aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials.

5. War and Navy Department and Maritime Commission contractors and sub-contractors may employ aliens as freely as American citizens except under the specific conditions specified in paragraph 4, (a) and (b), above.

III. *Application of anti-discrimination clause.* 6. Pursuant to Executive Order No. 8802, dated June 25, 1941, an anti-discrimination clause (sometimes called "non-discrimination" clause) has been included in all War and Navy Department and Maritime Commission contracts entered into since June 25, 1941. This clause requires the granting of full employment opportunities to all loyal and qualified workers regardless of race, creed, color, or national origin. This clause is intended to apply equally to citizens and noncitizens. For contractors or sub-contractors of the War or Navy Departments, or of the Maritime Commission to require American citizenship as an essential condition for employment is considered for employment is considered a breach of the clause in the contract and is contrary to the national policy as expressed in the Executive Order.

7. Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment. Failure to request consent for the employment of, or to employ such an alien upon securing consent, if except for his alien status he would have been employed, constitutes a breach of the anti-discrimination clause of the contract and is contrary to national policy as expressed in the Executive Order. If a contractor refuses employment to a qualified and authorized alien worker, he should be prepared to present specific and sufficient reasons to avoid a charge of discrimination.

8. In no case, except those in which an individual alien is denied employment by the specific action of the War or Navy Departments or the Maritime Commission, is a contractor justified in informing an applicant that he is being refused employment because of Government regulations. The same considerations apply to removal from employment.

IV. *Procedure for requesting consent to employ aliens for work on aeronautical or classified contracts.* 9. In order to obtain consent of the Head of the Government Department concerned, for the employment of an alien on an aeronautical or classified contract, the alien and the contractor are required to fill out their respective parts of an Alien Questionnaire form. The procedure in this connection is as follows:

(a) The alien may go to the nearest office of the United States Employment Service, which will furnish him with the application form and will assist him in filling out his portion of the Questionnaire. However, if the contractor has forms and office facilities conveniently available, the alien may go directly to the contractor's plant and may there fill out his portion of the questionnaire. The Plant Security Officer is instructed to furnish to contractors the Alien Questionnaire forms. However, the form may also be secured from the local office of the United States Employment Service.

(b) When the alien's portion of the Questionnaire has been completed, the form will then be submitted to the employer who will fill out his portion of the Questionnaire. Insofar as possible, statements made by the contractor or reported by him, regarding the loyalty of the alien, should be factual rather than simply expressions of opinion.

(c) When the contractor has completed the Alien Questionnaire (seven copies), he will retain one copy and will deliver the others to the plant security officer. This officer will retain one copy and will forward the others to the authorized representative of the head of the department concerned.

(d) This representative, after full investigation of the loyalty of the alien applicant makes his recommendation, pursuant to which the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission grant or deny consent to employ the alien. Notice of such action is sent directly to the contractor. In the normal case, the employer should receive a decision on his request within less than two weeks from the date the application is filed with the plant security officer.

V. *Significance of, and appeals from denial of consent.* 10. The denial of consent does not necessarily indicate a decision that the alien concerned has disloyal tendencies, but may merely mean that his loyalty to the United States has not yet been positively proved.

11. If consent is denied, the contractor should promptly so inform the alien applicant, and at the same time advise him as to possible reconsideration.

12. Reconsideration of a denial of consent may be requested by either the alien or the contractor and additional evidence of loyalty, and letters of recommendation, may be sent direct to the Office of the Provost Marshal General.

13. Aliens whose applications for employment on aeronautical or classified contracts have been denied by the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, should be directed to the United States Employment Service for referral to other work.

VI. *No penalties apply if consent is obtained before employing aliens on aeronautical and classified contracts.* 14. Some contractors

and sub-contractors have hesitated to employ aliens because of a lack of clear understanding of the statutory restrictions, and concern as to the penalty for violation thereof. It is repeated and emphasized that the only restrictions are those set forth in paragraph 4 above, and that an employer is not subject to any penalty if, in good faith, he obtains the written consent of the head of the Government department concerned before an alien is permitted to have access to the work, plans, or trials under aeronautical or classified contracts.

VII. *Responsibilities for plant security.* 15. The contractor is responsible for the protection of the plant against all persons who might endanger its security, regardless of their citizenship. Contractors will comply with detailed regulations concerning plant security issued from time to time by the War and Navy Departments and the Maritime Commission, including:

(a) Complying with the provisions of their contracts respecting the safeguarding of all plans and specifications and all work under these contracts.

(b) In any case and at any time, where there is a definite indication that an employee is subversive or engaged in subversive activities, no investigation will be conducted by the employer, but the facts will be furnished to the Federal Bureau of Investigation for appropriate consideration. (Employees have the same duty of reporting in this regard as have employers.)

VIII. *Prior statements and contract provisions.* 16. This joint statement is applicable with equal force to the employment of aliens under all existing contracts. If any clause of any existing contract prescribes greater restrictions on the employment of aliens than are hereby required or permitted, the Government will waive compliance with such clause, to the extent that it conflicts with this Statement.

17. All previous statements of the Departments of War, Navy, Justice, and the Maritime Commission with respect to the policy and procedure in connection with the employment of aliens, are hereby superseded insofar as they may be inconsistent with any statements contained herein.

HENRY L. STIMSON,
Secretary of War.
FRANCIS BIDDLE,
Attorney General.
FRANK KNOX,
Secretary of the Navy.
E. S. LAND,
Chairman, U. S. Maritime Comm.

(b) *Procedure.* It is to be noted that under Article IV of the Joint Statement set forth in paragraph (a) of this section, it is contemplated that the Alien Questionnaire, when completed, will be delivered to the plant security officer. If, at a given plant, there is no plant security officer, the questionnaire should be delivered to the Director of Internal Security at the Headquarters of the Service Command within the limits of which the plant is located.

MISCELLANEOUS PURCHASE INSTRUCTIONS

Section 81.1187 is added as follows:

§ 81.1187 *Restrictions on purchases of selected items for the duration of the war.* Circular No. 420 issued by the Director, Bureau of the Budget, under date of May 21, 1943, provides as follows:

TO THE HEADS OF EXECUTIVE DEPARTMENTS, INDEPENDENT ESTABLISHMENTS AND AGENCIES

Subject: Restrictions on Purchases of Selected Items for the Duration of the War.

The necessity for maximum curtailment of expenditures by all agencies, and the scarcity of materials used in the manufacture of numerous office equipment and supply items, require immediate administrative action to limit the purchase of luxury and nonessential items.

The head of each Government agency is hereby requested to issue instructions to all offices under his jurisdiction, prohibiting, for the duration of the war, the purchase in the commercial market of the following list of items, as well as any additional items which he may choose to add.

1. All items of steel furniture, such as desks, tables, chairs, stands, file cabinets, supply cabinets, wardrobes, costumers, coat racks, etc.
2. All items of leather upholstered furniture such as chairs, davenports, etc.
3. Baskets, waste, metal
4. Book ends
5. Calendar pads and stands, other than standard Government specification, as furnished from Procurement stock or from the General Schedule of Supplies
6. Carafes and carafe sets
7. Carpets
8. Cases, brief, leather
9. Clocks
10. Cushions, chair, rubber, cork, or from similar critical material.
11. Cuspidors.
12. Desks (over $100)
13. Frames, picture (except frames for maps or charts)
14. Guards, telephone wire or coil
15. Lamps, desk and floor
16. Letter openers, metal
17. Mats, chair, from rubber or similar critical material
18. "Memo-pal" or similar metal roller-type memo pads
19. Mirrors
20. Pens, fountain, desk sets (over $2.00)
21. Plate glass tops for desks, tables, etc.
22. Rugs
23. Shears
24. Stands, smoking
25. Tables (over 96 inches)
26. Trays, ash
27. Trays, desk, metal
28. Work organizers, leather

Many of the items listed above will be available from time to time from Federal surplus property stocks and may be obtained from that source by filing Purchase Authority with the appropriate Regional Property Officer of Treasury Procurement. [See § 81.613 and following].

In the event any of the items listed herein are found to be absolutely necessary for operation and unavailable from surplus stores of the Procurement Division, requests for purchase in the commercial market should be submitted to the head of the agency for advance approval.

Instances have been reported where agencies, especially through their field offices, have ignored War Production Board priority regulations and purchased such items as stapling machines, staples, gem clips, rubber-bands, twine, etc., in local markets at exorbitant prices. Any steps necessary should be taken to prevent such purchases.

It will be appreciated if three copies of instructions issued pursuant to this circular are forwarded to the Equipment and Supply Section, Estimates Division, Bureau of the Budget, upon issue.

HAROLD D. SMITH,
Director.

The purchase of the items referred to in the above circular is prohibited for the duration of the war except in accordance with the provisions of said circular.

Section 81.1307 is amended to read as follows:

§ 81.1307 *W. D. Contract Form No. 7.*

W. D. Contract Form No. 7.

LETTER ORDER FOR SUPPLIES

(No priced stated)

Contract No._____
(Negotiated)
Date_____
Place_____
_____
(Contractor)
_____
(Address)

GENTLEMEN:

1. An order is hereby placed with you for the manufacture and delivery to the Government of the following supplies:

_____
_____
_____

2. You are directed, upon your acceptance of this order, to proceed immediately to procure the necessary equipment and materials, and to commence the manufacture of the supplies called for in paragraph 1, and to pursue such work with all diligence to the end that the supplies may be delivered to the Government at the earliest practicable date.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal Law, Executive Order, or War Department Procurement Regulations to be included in contracts for supplies of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 1[1] and will include all applicable articles then required by Federal Law, Executive Order and War Department Procurement Regulations to be included in contracts for supplies of the kind herein described. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($ _____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate.

[1] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on a fixed-price contract form for supplies other than W. D. Contract Form No. 1.

6. (a) In case a definitive contract is not executed by _____, 19____ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree upon a negotiated settlement on reasonable terms of the amount to be paid by reason of such termination (but no allowance of profit will be made to you *in case of termination pursuant to paragraph 6 (a)*).[2] Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made) to reimburse you for the costs incurred by you in the performance of this order and for any amounts paid by you or for your account in settling withe the approval of the Contracting Officer your applications for commitments made in the performance of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (a) of this order, such allowance of profit will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.[2]

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, completed supplies, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, completed supplies, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government) will be treated and resolved as a dispute under the "Disputes" article[3] incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. Th sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same:

_____

9. Your acceptance of this order will be indicated by affixing your signature to this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 194__. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

UNITED STATES OF AMERICA,

By _____

[CORPORATE SEAL]

_____
(Official title)

Accepted _____, 19____

_____
(Contractor)

By_____
(Title)

_____
(Address)

Section 81.1308 is amended to read as follows:

_____

[2] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

[3] Where the letter order is for an amount less than $5,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 81.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 81.326 or that contained in General Provision 11 of W.D. Contract Form No. 17 (§ 81.1317).

§ 81.1308 *W. D. Contract Form No. 8.*

W. D. Contract Form No. 8

LETTER ORDER FOR SUPPLIES

(Price stated)

Contract No_____

(Negotiated)

Date_____

Place _____

_____
(Contractor)

_____
(Address)

GENTLEMEN:

1. An order is hereby placed with you for _____at a unit price of
(quantity and item)
_____ dollars ($_____).

2. Deliveries on this order shall begin on or about _____, 19____, and shall be completed on or before _____ 19____. Pending execution of a definitive contract, payment will be made at the price above mentioned for each item of supplies delivered and accepted, upon the submission of properly certified invoices or vouchers.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for supplies of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Departmen Contract Form No. 1[4] and will include all applicable articles then required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for supplies of the kind herein described. The definitive contract will also contain a detailed delivery schedule and prices, terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate.

6. (a) In case a definitive contract is not executed by _____, 19_____ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree upon a negotiated settlement on reasonable terms of the

[4] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on a fixed-price contract form for supplies other than W. D. Contract Form No. 1.

amount to be paid by reason of such termination (but no allowance of profit will be made to you in case of termination *pursuant to paragraph 6 (a)*,[5] except to the extent that the unit price for completed supplies may include a profit). Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made):

(1) To pay you the unit price above specified for all completed supplies;

(2) To reimburse you for the costs incurred by you with respect to the uncompleted portion of this order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments with respect to such uncompleted portion of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments with respect to the uncompleted portion of this order, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you (except as the payment of the unit price for completed supplies may include a profit). If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of profit (in addition to any profit included in paying the unit price for completed supplies) will be made to you with respect to the work done by you on uncompleted supplies prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.[5]

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, completed supplies, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon repayment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, completed supplies work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government*)[5] will be treated and resolved as a dispute under the "Disputes" article[6] incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same:

---

9. Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 19__. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

[CORPORATE SEAL]

UNITED STATES OF AMERICA,

By _____

_____

(Official Title)

Accepted _____, 19____.

_____

(Contractor)

By _____

(Title)

_____

(Address)

Section 81.1309 is amended to read as follows:

§ 81.1309 *W. D. Contract Form No. 9.*

LETTER ORDER

(For Cost Plus a Fixed Fee Construction)

Contract No._____

(Negotiated)

Date_____

Place_____

_____

(Contractor)

_____

(Address)

GENTLEMEN:

1. An order is hereby placed with you to furnish the equipment and materials (except such as are furnished by the Government) and perform the work necessary for the construction and completion of:_____

The cost of the project is now estimated to be _____ Dollars ($_____), exclusive of any fee to you.

2. The work shall be started immediately upon your acceptance hereof and shall be completed within _____ months thereafter. Your acceptance hereof shall operate as a notice to you to proceed.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for work of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 3[1] and will include all applicable articles then required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for work of the kind herein described. The definitive contract will also contain detailed terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ Dollars ($_____) in the aggregate. Subject to the foregoing limitations, reimbursements will be made to you in the manner described and for the items set forth in War Department Contract Form No. 3 as reimbursable items when approved or ratified by the Contracting Officer.

6. (a) In case a definitive contract is not executed by _____, 19____ (or any subsequent date at any time mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree upon a negotiated settlement on reasonable terms of the amount to be paid by reason of such termination (but no allowance of profit will be made to you *in case of termination pursuant to*

---

[5] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

[6] Where the letter order is for an amount less than $5,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 81.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 81.326 or that contained in General Provision 11 of W. D. Contract Form No. 17 (§ 81.1317).

[1] With appropriate modifications, this letter order may also be used where the definitive contract is to be written on W. D. Contract Form No. 4 or 12.

paragraph 6 (a).[2] Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of payments previously made) to reimburse you for the costs incurred by you in the performance of this order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligation for commitments made in the performance of this order. In lieu of reimbursing you for expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of a fee will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances; but such fee shall in no event exceed ____ per cent (____%) of so much of the estimated cost set forth in paragraph 1 as is allocable to such work.[3]

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment, materials or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it may assume, or for the settlement of which it shall have reimbursed you.

[2] Where the letter order is for an amount less than $5,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 of 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 81.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 81.326 or that contained in General Provisions 11 of W. D. Contract Form No. 17 (§ 81.1317).

[3] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a fee in the event of a termination for the convenience of the Government*)[3] will be treated and resolved as a dispute under the "Disputes" article incorporated in this order by reference.

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same

_____

9. Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 19____. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

UNITED STATES OF AMERICA,

[CORPORATE SEAL] By _____

_____ (Official Title)

Accepted _____, 19____.

_____ (Contractor)

By _____ (Title)

_____ (Address)

Section 81.1310 is amended to read as follows:

§ 81.1310 *W. D. Contract Form No. 10.*

LETTER ORDER FOR LUMP SUM CONSTRUCTION

Contract No. _____ (Negotiated)

Date _____

Place _____

_____ (Contractor)

_____ (Address)

GENTLEMEN:

1. An order is hereby placed with you to furnish the equipment and materials and perform the work necessary for the construction and completion of:

_____

2. The work shall be started immediately upon your acceptance hereof and shall be completed within _____ months thereafter. Your acceptance hereof shall operate as a notice to you to proceed.

3. All applicable articles (other than the article "Termination for the Convenience of the Government") now required by Federal law, Executive Order, or War Department Procurement Regulations to be included in contracts for work of the kind herein described are incorporated herein by reference.

4. By your acceptance hereof, you undertake without delay to enter into negotiations with the War Department looking to the execution of a definitive contract which will follow in the main War Department Contract Form No. 2[1] and will include all applicable articles then required by Federal law, Executive Order and War Department Procurement Regulations to be included in contracts for work of the kind herein described. The definitive contract will also contain detailed terms and conditions as agreed to by the parties, which may or may not be at variance with the provisions of this order.

5. Pending the execution of a definitive contract, each expenditure, order, subcontract or commitment made by you in furtherance of the performance of this order for an amount in excess of _____ Dollars ($_____) will be subject to the written approval of the Contracting Officer, and you are not authorized to expend or obligate, in furtherance of your performance hereunder, more than _____ ($_____) in the aggregate.

6. (a) In case a definitive contract is not executed by _____, 19____ (or any subsequent date mutually agreed upon) because of the inability of the parties to agree upon a definitive contract, this order will terminate on the stated date or such subsequent date, as the case may be.

(b) The Government may at any time terminate this order in whole or in part for its convenience by giving you written notice of such termination.

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree upon a negotiated settlement on reasonable terms of the amount to be paid by reason of such termination (but no allowance of profit will be made to you *in case of termination pursuant to paragraph 6 (a)*).[2] Any such negotiated settlement shall be embodied in a Supplemental Agreement.

(d) If you and the Contracting Officer are not able to agree upon such a negotiated settlement within 90 days after the effective date of the termination (or within such longer period as at any time may be mutually agreed upon), the Government binds itself (without duplication of any of the following payments or of any payments previously made) to reimburse you for the cost incurred by you in the performance of the order and for any amounts paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. In lieu of reimbursing you for the expenditures made by you in settling any of your obligations for commitments, the Government, in the discretion of the Contracting Officer, may assume such obligations or any of them. The total of such reimbursement (and of all payments previously made), together with the amount of any obligations assumed, shall not exceed the amount above specified.

If such termination shall take place pursuant to paragraph 6 (a) of this order no allowance of profit will be made to you. If termination shall take place for the convenience of the Government pursuant to paragraph 6 (b) of this order, such allowance of profit will be made to you with respect to the work done by you prior to the effective date of the termination as the Contracting Officer may find to be reasonable under all the circumstances.[2]

(e) The Government may permit you to sell or retain at prices or on terms agreed to by the Government any equipment materials

[1] With appropriate modifications, this Letter Order may also be used where the definitive contract is to be written on W. D. Contract Form No. 16.

[2] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

or work in process and the proceeds of any such sale, or such agreed prices, shall be paid or credited to the Government in such manner as the Contracting Officer may direct.

(f) Upon payment or reimbursement to you pursuant to paragraph 6 (c) or 6 (d) of this order, title to all equipment, work in process, materials, plans, information, and other things, for which you are so paid or reimbursed (except such property as may be sold or retained by you as above provided) will vest in the Government (if title thereto has not already become vested in the Government). The Government will also become entitled to any rights under any commitment which it shall have reimbursed you.

(g) Any dispute which arises under this paragraph 6 regarding a matter of fact (*including any dispute (1) as to whether termination has in fact taken place for the convenience of the Government or because of the inability of the parties to agree upon a definitive contract, or (2) as to the extent of any allowance of a profit in the event of a termination for the convenience of the Government*)[2] will be treated and resolved as a dispute under the "Disputes" article incorporated in this order by reference.[3]

(h) Partial payments on account of any amount admittedly due to you pursuant to this paragraph 6 may be made by the Government at any time in the discretion of the Contracting Officer.

7. After your acceptance hereof, partial and advance payments, in accordance with regulations from time to time applicable, may be made to you upon your application.

8. The sums to be expended by the Government hereunder are chargeable to the following allotments, the available balances of which are sufficient to cover the same: _____

9. Your acceptance of this order will be indicated by affixing your signature on this letter and two copies thereof and mailing or delivering the executed original and one executed copy to the Contracting Officer not later than _____, 19____. Such acceptance will constitute this order a contract on the terms set forth herein.

10. This instrument is authorized by and has been negotiated under the First War Powers Act, 1941, and Executive Order No. 9001.

UNITED STATES OF AMERICA,
By _____
_____
(Official Title)
(Corporate Seal)

*Accepted*_____, 19____
_____
(Contractor)
_____
(Title)
_____
(Address)

In § 81.1317, paragraphs (1) and (2) of explanatory notes at beginning of section are amended as follows:

[2] The italicized words will be omitted where existing letter orders and letters of intent are amended to contain the standard termination provisions as authorized by subparagraph (2) of § 81.386a (a). The italicized words will be included in new letter orders and letters of intent only in compliance with § 81.303a (a).

[3] Where the letter order is for an amount less than $5,000, the "Disputes" articles will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 81.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in §81.326 or that contained in General Provision 11 of W. D. Contract Form No. 17 (§ 81.1317).

§ 81.1317 *W. D. Contract Form No. 17 (W. D. Forms Nos. 47 and 47a).*

EXPLANATORY NOTES: (1) W. D. Contract Form No. 17, comprising War Department Forms Nos. 47 and 47a, is available for *optional* use by the technical services (including the service commands) in contracting for *any* supplies or services not exceeding *$500,000* in amount, regardless of the number of payments or the time of performance involved.

(2) Subject to the $500,000 limitation, the chiefs of the technical services (including the commanding generals of the service commands) may prescribe regulations governing the use of the form by their respective commands.

* * * * *

PART 83—DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY

DISPOSITION OF PROPERTY

§ 83.701 *Rescission of regulation.* This Procurement Regulation No. 7 does not rescind, amend, or otherwise affect the provisions of Technical Manual 38-220 or other Directives concerning stock control for military property. All other regulations and instructions inconsistent herewith are hereby rescinded. This Procurement Regulation No. 7 does not, however, rescind or in any way supersede any other Army Regulations or manuals of procedure dealing with the disposition of property except to the extent of any inconsistency with the provisions hereof.

§ 83.702 *Property defined.* The term "property" as hereinafter used in this Procurement Regulation No. 7 means all property, title to which is in the Government, other than real property. This disposition of real property is governed by AR 100-62 (§§ 52.5-52.16) and 100-63: This Procurement Regulation No. 7 is not applicable to property not owned by the Government which is in the hands of a contractor under a contract in process of termination, but the general principles stated in § 83.702 are equally applicable to such property.

§ 83.703 *Classification of property.* The following classifications of property owned by the United States and under the control of the War Department are established for the purpose of this Procurement Regulation No. 7.

(a) All property is divided into military property and non-military property.

(b) Military property consists of all supplies and equipment held for issue or issued, to or for troops, military posts within the United States, and theaters of operation; and includes tactical supplies and equipment, subsistence items, and property required by tables of allowances, tables of basic allowances, and tables of equipment.

(c) Non-military property is all property other than military property. Non-military property is in turn divided into industrial property and miscellaneous property.

(1) Industrial property is all equipment and materials which are used or usable, directly or indirectly in manufacturing or processing activities, other than military property. Industrial property includes machine tool equipment; processing equipment; construction equipment of all kinds; perishable tools, gages and precision measuring equipment; plant protective equipment and clothing; manufacturing aids; buildings, fixtures and appurtenances when severed from realty; raw materials, partly fabricated materials, completely processed or fabricated materials; scrap, cuttings and by-products of all kinds and forms resulting directly or indirectly from manufacturing operations; and all other equipment, assemblies and subassemblies, materials and by-products of industrial operations; which may be used directly or indirectly in manufacturing activities: *Provided*, That no articles of military property and no article specifically listed as miscellaneous property in subparagraph (2) below shall be classified or treated as industrial property within the meaning of this paragraph.

(2) Miscellaneous property is all non-military property other than industrial property. Miscellaneous property includes, but is not limited to, all automotive vehicles and equipment, typewriters, office machinery and equipment, office furniture and fixtures, electrical building materials, plumbing and heating materials, and agricultural equipment, that art not classified as military property under paragraph (b) of this section.

(d) All property is classified in respect of degree of serviceability as serviceable and unserviceable.

(e) Serviceable property is property which is suitable for use in its existing condition.

(f) Unserviceable property is property which is unsuitable for use in its existing condition, and scrap and waste. Unserviceable property is divided into repairable property and non-repairable property.

(1) Repairable property is unserviceable property which can in the best interests of the Government be mended or restored to serviceability. This Procurement Regulation No. 7 does not relate to the repair or reclamation of Government property, which is governed by Circular 75, War Department, 1943, and Pamphlet No. 38-1, War Department, 1943.

(2) Nonrepairable property is unserviceable property which cannot in the best interests of the Government be mended or restored to serviceability, and scrap and waste. Nonrepairable property includes, but is not limited to obsolete property and also any industrial equipment, components and assemblies (whether partially or completely fabricated, processed or assembled) for which there is no reasonable use except as scrap.

(g) All serviceable property is classified in respect of state of supply as authorized, excess and surplus.

(1) Authorized is, in the case of military property, the maximum stock level authorized for a particular organization, supply point, or technical service, and, in the case of non-military property, the amount for which there is an immediate or definitely foreseeable need for use in the function, activity, and

project or industrial operation in connection with which the property was acquired or accrued.

(2) Excess is any amount above the authorized amount.

(3) Surplus is an amount declared by competent authority to be, or deemed to be, above the amount for which there is an immediate or definitely foreseeable need for use in the War Department in accordance with the provisions of this Procurement Regulation No. 7.

§ 83.704 *Negotiation.* The term "negotiation" as used in this Procurement Regulation No. 7 means any method of reaching an agreement on the terms of sale except the formal sealed bid procedure contemplated by section 3709 Revised Statutes with respect to purchases. (There is no statutory requirement for such procedure in the case of sales of government property. See Opinions of the Judge Advocate General dated March 19, 1941, SPJGC 1941, 163, and March 30, 1943, SPJGC, 1943, 3449).

§ 83.705 *Disposition of proceeds of sale.* The subject of disposition of the proceeds of sales of property (other than Government property being used by or in the care custody or possession of contractors under cost-plus-a-fixed-fee contracts which is dealt with in § 83.727) is not covered by this Procument Regulation No. 7. Reference is made to AR 35-780 and AR 35-6660.

§ 83.706 *Written contracts of sale, numbering and distribution thereof.* All contracts for the sale of property for an amount in excess of $1,000 and all contracts for more than $500 which are not to be performed within sixty days, and all contracts authorized under §§ 83.721, 83.722, 83.723 (a), or 83.724 shall be evidenced by a written contract. Unless otherwise prescribed by the chief of the technical service concerned, all other sales may be evidenced on an accounting form acceptable to the Fiscal Director, Headquarters, Army Service Forces, who shall in this respect be deemed to be acting as representative of the Secretary of War. The provisions of § 81.309 and of § 81.318b (e) of this chapter relating to the numbering of contracts are applicable to contracts for the sale of property except that in connection with such contracts a separate series of numbers will be used in which the letter "s" will be added immediately after the letters representing the technical service (or service command) concerned. Contracts for the sale of property will be distributed in the same manner as other contracts (see §§ 81.315-81.318), except that (1) when a sale of War Department property is made under a contract or agreement the officer or agent of the War Department by whom funds are received as a result thereof will, in turning the funds over to a disbursing officer, accompany such remittance with a copy of the contract or agreement covering the terms of the sale; and (2) the original signed number of each unnumbered contract of sale will be forwarded through channels to the General Accounting Office instead of being sent to the Finance Officer, as in the case of unnumbered contracts of purchase.

§ 83.707 *Compliance with OPA and WPB regulations.* All sales or other transfers (except transfers within the Government) of property made under the authority of this Procureemnt Regulation No. 7 or otherwise shall conform to applicable orders and regulations of the War Production Board and the Office of Price Administration.

§ 83.708 *Application to Army Air Forces.* This Procurement Regulation No. 7 is applicable to the Army Air Forces. Whenever the phrase "technical service" is used herein it shall include the Army Air Forces, and when the phrase "chief of a technical service" is used, it shall be deemed to include the Commanding General, Army Air Forces, or his delegate or delegates. Unless otherwise specifically indicated, wherever reference herein is made to the authority of or action by the Director, Production Division, Headquarters, Army Service Forces, such authority or action shall, with respect to the Army Air Forces, be exercised by the officer who is acting as Special Representative of the Under Secretary of War, under § 81.107 (g) of these Procurement Regulations.

§ 83.709 *Designation of Redistribution and Salvage Officer.* The chief of each technical service will designate a Redistribution and Salvage Officer in his office. In the case of the Army Air Forces, the Commanding General may designate such an officer in such Command or Commands of the Army Air Forces as he may specify. The Redistribution and Salvage Officer will assume responsibility for coordinating the activities of the technical service as to salvage activities; as to the determination of what items of non-military property are excess within the technical service; as to the determination of what items of military property should be processed for declaration by competent authority as surplus; and as to the acquisition and use by the technical service of military and non-military items available from other technical services. A report of the appointment of such officer will be made within five days of the receipt of this Procurement Regulation No. 7, to the Director, Production Division, Headquarters, Army Service Forces.

§ 83.710 *Sales over $1,000,000.* No contract of sale involving a price of more than $1,000,000, authorized by this Procurement Regulation No. 7 or otherwise, will be executed without the prior approval of the Director, Production Division, Headquarters, Army Service Forces.

§ 83.711 *Coordination with Property Officer.* All transfers or sales of property under authority herein contained must be coordinated with the Property Officer accountable for the property involved for compliance with applicable property accountability regulations.

§ 83.712 *Reports.* (a) On or before November 1, 1943, each technical service will report to the Director, Production Division, Headquarters, Army Service Forces, the following information as to transactions during the period July 1 through September 30, 1943; and will maintain such records as will permit submission of like reports of transactions for subsequent periods upon request of the Director, Production Division, Headquarters, Army Service Forces, and within 30 days of such request:

(1) Cost, estimated if not known, of serviceable property transferred to other technical services.

(2) Cost, estimated if not known, of serviceable property transferred to Government agencies and instrumentalities outside the War Department, separately by agencies and instrumentalities.

(3) Realization from property sold to purchasers as follows:

(i) Other government agencies or instrumentalities separately by agencies or instrumentalities.

(ii) Others than government agencies or instrumentalities separately as between sales of serviceable property and nonrepairable property (including scrap and waste).

(b) Cost figures required under subparagraphs (1) and (2) above will be such as to afford a fair indication of the magnitude of transfers. Record costs may be used without regard for storage, transportation, handling or other overhead costs. In the absence of record costs, estimates may be made on the basis of data at hand, without resort to refined accounting or engineering studies.

(c) The report required by § 83.712 shall be known as Redistribution and Salvage Report and shall carry Control Approval Symbol UPT-17.

§ 83.713 *Direct correspondence authorized.* Direct correspondence is authorized among all levels of the technical services and representatives of other Government agencies in respect of redistribution of available non-military property under this Procurement Regulation No. 7.

§ 83.714 *Special treatment of items of interest to a particular technical service.* The Director, Production Division, Headquarters, Army Service Forces, is authorized to require that specified items of nonmilitary property which may be of peculiar interest to a particular technical service be reported to such technical service prior to any circularization required under this Procurement Regulation No. 7 and to prescribe special treatment of such items.

DISPOSITION OF PROPERTY FOR PURPOSES DIRECTLY RELATED TO THE PROSECUTION OF THE WAR

§ 83.720 *Disposition of property.* Section 83.720 to 83.733, relates to the disposition of property without regard to its classification as military or non-military, or as to serviceability or state of supply. Since all sales, leases or transfers of property under the authority of the following §§ 73.721 to 83.733 will be for the purpose of enabling the property involved to be utilized directly in the prosecution of the war, the authority

granted by such sections may be exercised without first obtaining from the Chief of Staff a certificate under the Act of June 28, 1944, Title I, sec. 14a, 54 Stat. 681, 10 U. S. C. 1262a. The authority to dispose of industrial property under these sections is subject to the provisions of § 83.760 (a).

§ 83.721 *Authorization of the chiefs of the technical services.* The chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war, to make contracts by negotiation for the sale of, and to sell to manufacturers and suppliers having war contracts, including employees and suppliers of war contractors, any machine tool equipment, processing equipment, uniforms, safety clothing and equipment, plant protective clothing and other special articles necessary to persons employed in or otherwise connected with war industries or establishments, manufacturing aids, raw materials, manufactured materials or other materials or facilities presently owned or hereafter acquired by the Government. Such sales shall, however, be made only for the purpose of facilitating the performance of such war contracts. All such contracts will recite that they are entered into pursuant to the First War Powers Act and Executive Order 9001.

§ 83.722 *Sales to Red Cross and U. S. O.* The chiefs of the technical services are authorized to make contracts by negotiation and to sell to the Red Cross and the United Service Organization any military, subsistence or other supplies or property which the chief of the technical service finds is needed by such institution in connection with its activities with the Army: *Provided,* That no such sale of military property will be made without the prior approval of the Director, Stock Control Division, Headquarters, Army Service Forces, or in the case of the Army Air Forces, the Commanding General, Army Air Forces, or his delegate or delegates. All such contracts will recite that they are entered into pursuant to the First War Powers Act and Executive Order 9001. Copies of all such contracts for the sale of military equipment, munitions, or supplies, the original cost of which exceeded $2,000 will be transmitted to the Chairman of the Military Affairs Committees of the House and Senate within twenty-four hours after such contracts are made.

§ 83.723 *Leases.* The chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war—

(a) To enter into agreements to lease any machine tool equipment, processing equipment, manufacturing aids, or other facilities presently owned or hereafter acquired by the Government, and under the control of the chiefs of the technical services or any of them, such leases (1) to be made only to manufacturers and suppliers having war contracts and to suppliers of such war contractors, for the purpose of facilitating the performance of such contracts, (2) in no case to cover property having an estimated value in excess of $1,000,000 and (3) to comply with § 81.1002 and any other applicable sections of these procurement regulations.

(b) In cases where the property involved was acquired under authority of section 1 (b) of the Act of July 2, 1940 (54 Stat. 712) as continued in effect by section 13 of the Act of June 5, 1942, (Public Law 580, 77th Congress), to include in any lease agreement an option in the lessee to buy property which is the subject of the lease, such option comes into effect (1) either one year after the expiration of the lease or (2) upon the receipt by the contractor of a written notice from the Government that it does not desire to remove the facilities, whichever happens first; and to continue only for a limited time.

(c) To waive the requirement of performance bonds in connection with leases or agreements made pursuant to paragraphs (a) and (b) above.

§ 83.724 *Other sales and leases under the First War Powers Act.* In addition to contracts of sale and leases specifically authorized by §§ 83.721 through 83.723, the chiefs of the technical services are authorized to enter into by negotiation, any other agreements for the disposition of property (whether by sale, lease or otherwise, and with or without options to purchase) authorized by the First War Powers Act and Executive Order No. 9001: *Provided,* That the approval of the Director, Production Division, Headquarters, Army Service Forces, is first obtained.

§ 83.725 *Leases under other statutes.* In addition to the authority contained in the First War Powers Act, authority for the execution of leases may be found in other statutes. See AR 850-30[1] for the term of those statutes.

§ 83.726 *Required clauses.* All contracts and agreements authorized by §§ 83.721, 83.723 (a) or 83.724 will contain a "Disputes Clause" (§ 81.326), and "Officials Not to Benefit" clause (§ 81.322 and a "Covenant Against Contingent Fees." The latter clause will read as follows:

> The Purchaser warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or at at its option, to recover from the Purchaser the amount of such commission, percentage, brokerage, or contingent fee, in addition to the consideration herein set forth. This warranty shall not apply to commissions payable by the Purchaser upon contracts or purchases secured or made through bona fide established commercial agencies maintained by the Purchaser for the purposes of doing business.

§ 83.727 *Disposition by contractors.* The chiefs of the technical services are authorized, when it is determined by them that insertion of such provision will facilitate the prosecution of the war or is necessary to carry out the purposes specified in section 1 of the Act of July 2, 1940 (Public Law 703, 76th Congress, 54 Stat. 712), to insert in cost-plus-a-fixed-fee contracts heretofore or hereafter executed, the clause set forth in § 81.363, and any property may be disposed of by contractors pursuant to such clause.

§ 83.728 *Transfer to other Federal Agencies.* Any property not declared or deemed surplus may, upon the requisition of another Federal agency made pursuant to section 7 (a) of the Act of May 21, 1920 (41 Stat. 613) as amended by section 601 of the Act of June 30, 1932 (47 Stat. 417) and by the Act of July 20, 1942, (Public Law 670, 77th Congress, 56 Stat. 661, 31 U.S.C. 686), be transferred to such agency in accordance with said section: *Provided,* That military property will be transferred under the supervision and authority of the Director, Stock Control Division, Headquarters, Army Service Forces, or, in the case of the Army Air Forces, the Commanding General, Army Air Forces, or his delegate or delegates.

§ 83.729 *Transfer to other War Department components.* Any property may, by direction of the chief of the technical service having control thereof, be transferred to another War Department component which has need of such property and makes request therefor. Such transfers will be effected without any reimbursement or transfer of funds for either the cost of the property, packing, handling, or transportation. Transfers of military property will be made under the supervision and authority of the Director, Stock Control Division, Headquarters, Army Service Forces, or, in the case of military property of the Army Air Forces, the Commanding General, Army Air Forces, or his delegate or delegates.

§ 83.730 *Transfers to and from Navy.* Upon request from the Navy, any property may be transferred to the Navy with the approval of the chief of the technical service concerned and any property requested by the chief of the technical service concerned may be accepted from the Navy, in either case without reimbursement or transfer of funds for either the cost of the property, packing, handling or transportation, in accordance with the procedure established in § 83.731. Such transfers of property to the Navy will be subject to such further regulations and limitations as may be prescribed by the Director, Production Division, Headquarters, Army Service Forces, as to non-military property, of the Director, Stock Control Division, Headquarters, Army Service Forces as to military property, and of the Commanding General, Army Air Forces, as to property of the Army Air Forces.

§ 83.731 *Procedure for transfers without reimbursement.* Officers authorized to transfer or direct the transfer of property without reimbursement under § 83.729 or § 83.730 will prepare written orders or shipping tickets, listing in de-

[1] Administrative regulations of the War Department pertaining to the lease of personal property belonging to the United States under the control of the Secretary of War.

tail the property to be transferred, copies of which will be furnished to the Accountable Property Officer and the receiving officer. Such orders will contain a request that the authority directing the transfer be advised of any discrepancies between the order and the property shipped or received. A copy of such orders will be used as a valid debit or credit voucher to property accounts. An Accountable Property Officer will accept accountability of property transferred upon being furnished satisfactory evidence of receipt of property and of request thereafter by the chief of the technical service concerned. It will not be necessary to list dollar values of property transferred, for fiscal or accounting purposes.

§ 83.732 *Gifts and loans of drawings and similar property.* The chiefs of the technical services are authorized, without further approval, to give or lend drawings, manufacturing and other information and samples of supplies and equipment to be manufactured or furnished, to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department under approved production plans, and to give or lend to organizations engaged in experimental research, testing, or development such items and any other material, supplies or equipment for use in connection therewith: *Provided,* That if in the case of a gift the estimated value of the property in question exceeds $1,000, or, in the case of a loan, $50,000, the approval of the Director, Production Division, Headquarters, Army Service Forces, will first be obtained.

§ 83.733 *Exchange of property.* A number of statutes authorize the exchange of particular articles or types or classes of property in full or part payment for new articles or property of like character. (See 39 Stat. 635; 10 U.S.C. 1271; 40 Stat. 43, 849; 10 U.S.C. 1272; 38 Stat. 1064, 10 U.S.C. 1273; 38 Stat. 1161, 41 U.S.C. 26; 50 Stat. 64, 5 U.S.C. 118d; 53 Stat. 739, 10 U.S.C. 1271 (a); 44 Stat. 680, 10 U.S.C. 1209, 1210). Exchanges of property may be made with the prior approval of the Director, Production Division, Headquarters, Army Service Forces.

DISPOSITION OF NONREPAIRABLE PROPERTY

§ 83.740 *Disposition of nonrepairable industrial property*—(a) *Nonrepairable industrial property other than current production scrap.* Nonrepairable industrial property (other than current production scrap, which will be disposed of under (b) below, and industrial property to be disposed of under § 83.763 (d), will be disposed of as follows, unless disposed of under §§ 83.720 to 83.733 above.

(1) A list of the property involved will be prepared by or submitted to an officer designated by the chief of the technical service concerned, who will accomplish the following certification thereon:

It is my opinion that the property listed hereon is properly classified as nonrepairable industrial property in accordance with the provisions of Procurement Regulation No. 7, and that its condition is not due to fault or neglect.

The certifying officer will require the submission of such statement of facts, including any report of inspection, as he deems necessary as a basis for the execution of the certificate.

(2) A copy of such list appropriately certified will be furnished to the Property Officer accountable for the property involved and will operate as a credit voucher discharging accountability.

(3) Property so certified will be turned over to a salvage officer (who may be designated by the chief of the technical service concerned) together with a copy of such list appropriately certified. Property which cannot be certified under the foregoing provisions of this paragraph (a) will be held for report of survey or other action in accordance with applicable regulations. Upon completion of such action, the property involved will be turned over to a salvage officer who may be designated by the chief of the technical service concerned.

(b) *Current production scrap.* Current production scrap resulting from the fabricating or processing of raw materials (such as chips, cuttings, borings, and short ends of ferrous and non-ferrous metals, clippings and cuttings from wool and cotton fabric, residues from chemicals and plastics, rubber and treated fabric offal, glass, paper and lumber offal, damaged and unsuitable packing materials and containers), other than that disposed of by a cost-plus-a-fixed-fee contractor under contract provisions, will be turned over to a salvage officer (who may be designated by the chief of the technical service concerned), without the certification required under paragraph (a) above, and will be sold by negotiation or otherwise disposed of by such salvage officer under the direction of and pursuant to regulations established by the chief of the technical service concerned.

§ 83.741 *Disposition of nonrepairable military and miscellaneous property.* Unless disposed of pursuant to §§ 83.720 to 83.733 hereof, nonrepairable military and miscellaneous property will be turned over to a salvage officer in accordance with applicable regulations.

§ 83.742 *Disposition by salvage officer.* All property turned over to a salvage officer in accordance with the provisions of § 83.740 (a) and § 83.741 will be reclaimed, sold by negotiation in existing condition or after any processing, or otherwise disposed of, in accordance with applicable regulations, which, in the case of property turned over to a salvage officer under § 83.740 (a), may be regulations prescribed by the chief of the technical service concerned, and approved by the Director, Production Division, Headquarters, Army Service Forces.

§ 83.743 *Donations.* In addition to the methods of disposal provided in § 83.742, any property turned over to a salvage officer may be donated, without reimbursement except for the costs of packing, handling and transportation to schools for use in connection with vocational training, or to any charitable or tax-supported institution, with the prior approval of the Director, Production Division, Headquarters, Army Service Forces, or in the case of Army Air Forces, the Commanding General, Army Air Forces.

DISPOSITION OF SURPLUS SERVICEABLE MILITARY AND MISCELLANEOUS PROPERTY

§ 83.750 *Disposition of surplus serviceable military property.* In view of existing and potential shortages of materials, and to diminish so far as possible current demands upon the manufacturing and producing resources of the nation during the war period, it is important that serviceable property shall not be permitted to accumulate unreasonably and unnecessarily in the possession of the War Department. Accordingly in addition to the powers of disposition set forth in §§ 83.720 to 83.733 hereof and pursuant to the First War Powers Act and Executive Order 9001, and any other relevant provisions of law, in order to facilitate the prosecution of the war by making unneeded serviceable military property available for any proper use, chiefs of technical services are authorized to declare serviceable military property surplus, with the approval of, or subject to regulations prescribed by, the Director, Stock Central Division, Headquarters, Army Service Forces, or the Commanding General, Army Air Forces, or his delegate or delegates, as to property of the Army Air Forces, when the property is of no immediate or definitely foreseeable use (1) in the function, activity or project in connection with which it was acquired or accrued, and (2) to the technical service concerned; and to dispose of such property in the manner provided in §§ 83.752 and 83.753, notwithstanding the provisions of section 14a of Chapter 440 of Title I of the Act of June 28, 1940, 54 Stat. 681, 10 U.S.C. 1262a: *Provided,* That all sales of military property, the original cost of which exceeded $2,000, made pursuant to § 83.753 will be reported to the Chairmen of the Military Affairs Committee of the House and Senate within twenty-four hours after the contract is made.

(b) The chiefs of technical services may, with the approval of the Director, Stock Control Division, Headquarters, Army Service Forces, or of the Commanding General, Army Air Forces, or his delegate or delegates, as to property of the Army Air Forces, classify as industrial property and dispose of as such, any parts or components of items of military property which are held for issue or have been issued and which have been determined to be obsolete or excess.

§ 83.751 *Disposition of surplus miscellaneous property.* When miscellaneous property is found to be excess it will be circularized to such an extent as may be deemed desirable by the technical service concerned to effect expeditious redistribution by transfer within the War Department or in such other manner as is permitted under §§ 83.720 to 83.733 of this Procurement Regulation No. 7. In the case of items as to which purchase responsibility has been assigned to a par-

ticular technical service, such circularization will include in every case reporting to such technical service. Items which are not so redistributed within a reasonable time will be deemed to be surplus, without further determination.

§ 83.752 *Report to Procurement Division, Treasury Department.* Military property declared surplus under § 83.750, miscellaneous property deemed to be surplus under § 83.751, and industrial property required or permitted to be reported to Procurement Division, Treasury Department, under §§ 83.760 to 83.781 of this Procurement Regulation 7, will be reported to that agency, on the forms prescribed by that agency. Reference is made to § 81.613 (e) of these Procurement Regulations for a list of Regional Offices of the Procurement Division, Treasury Department, where reports of surplus property may be filed.

§ 83.753 *Disposition.* Property reported to the Procurement Division, Treasury Department, as surplus, will be delivered to or upon the order of that agency, or withheld from sale pending disposition by it for such time as may be prescribed by the Director, Production Division, Headquarters, Army Service Forces. At the expiration of such time or upon earlier clearance by the Procurement Division, the property may be sold by negotiation under the direction of the chief of the technical service concerned.

DISPOSITION OF SERVICEABLE INDUSTRIAL PROPERTY

§ 83.760 *General.* The prompt return to industry of all forms of property and materials not immediately needed by the War Department which are usable directly or indirectly in manufacturing or processing activities is necessary to the successful prosecution of the war and to the protection of the national economy against shortages of needed materials. It is accordingly determined that all such property for which there is no immediate or definitely foreseeable need in connection with the function, activity, project or industrial operation in connection with which it was acquired, and which is not disposed of in accordance with the preceding provisions of this Procurement Regulation No. 7, is not essential to the national defense, and that its sale or other disposition will promote the Army procurement program and will facilitate the prosecution of the war.

(a) Industrial property in the hands of a contractor of the War Department with whom a contract is in process of termination may be disposed of pursuant to any provision of such contract. Furthermore, such property may be disposed of pursuant to §§ 83.720 to 83.733 of this Procurement Regulation No. 7 at any time prior to the transmittal of circularization lists under § 83.761 (c). During and after the circularization period specified in §83.761 (d) industrial property may be disposed of as provided in §§ 83.762 and 83.763.

(b) For the purpose of carrying out the policies stated in the introductory paragraph of the section, the chiefs of the technical services are directed to actively review the items of industrial property on hand and in process of manufacture, including industrial property title to which has in fact passed to the Government as the result of contract termination and which has not been disposed of pursuant to §§ 83.720 to 83.733 of this Procurement Regulation No. 7, to determine the essentiality of these items for the prosecution of approved functions, activities, projects or industrial operations and to establish procedures for the sale or disposition of excess items in accordance with the following provisions of these §§ 83.760 to 83.781.

§ 83.761 *Circularization.* Determinations will be made as frequently as practicable as to which items of serviceable industrial property on hand and in process of manufacture are excess, and such items, if not disposed of pursuant to §§ 83.720 to 83.733 of this Procurement Regulation No. 7, will be listed in the Circularization Lists for circularization in accordance with the following provisions of this paragraph. It is intended that determinations of excess will be made at the lowest practicable level within the technical service and that circularization will be effected contemporaneously within the technical service and among other technical services to the fullest extent practicable. The chiefs of the technical services will prescribe the intervals and levels at which determinations of excess will be made, and the levels from which circularization will be effected, with due regard for the nature of the property and the organization of the technical service.

(a) *Circularization lists.* Circularization Lists will be divided into Part 1, Part 2, Part 3, Part 4, and Part X. Property listed under the respective subdivisions will be referred to as "Part 1 property", "Part 2 property", and so forth.

(1) Part 1 will include all items of the nature set forth in § 83.780.

(2) Part 2 will include all construction equipment of a standard type not so restricted in design as to render it unsuitable for non-military use of a recurring nature. Such construction equipment includes, but is not limited to, drilling and boring equipment, earth and rock, including core drills, rock drills, churn drills, earth borers and horizontal augers; power cranes and shovels, drag lines, buckets, stiff-leg derricks, and dredges; scrapers, maintainers, and graders; tractors, track-laying and wheel types; tractor-mounted construction equipment including angledozers, bulldozers, and power control units; winches and hoists, contractors elevating; road brooms concrete buggies and carts, bins, centerline marking equipment, road discs, ditchers, aggregate dryers, joint and crack filling machinery, road forms, form tamping machines, mud jacks, portable snow loaders, tamping rollers, scarifiers, concrete towers, contractors' crawler wagons, and similar equipment; construction material mixers, spreaders, pavers, surfacers, finishers, tampers, vibrators, and related construction machinery; construction material processing equipment, including asphalt plants and portable crushers.

(3) Part 3 will include all items not included in Parts 1, 2, or 4 which, in the judgment of the technical service, have a reasonably foreseeable use for industrial or military purposes or for civilian supply and which cannot practicably and expeditiously be redistributed without wide circularization.

(4) Part 4 will include controlled materials in the forms and shapes and in the minimum quantities set forth in § 83.781. Part 4 will be subdivided into—

Part 4A, consisting of steel;
Part 4B, consisting of copper and copper base alloy; and
Part 4C, consisting of aluminum.

(5) Part X will include all items not included in Parts 1, 2, 3, and 4.

(b) *Description and coding.* (1) Circularization Lists will be on 8" x 10½" paper and will contain the following information:

(i) Identification of issuing office with station identification number and contract symbol assigned by the Chief of Finance.

(ii) Serial number of list. Each issuing office will serially number each list circularized beginning with the number 1.

(iii) Date of circularization, which will be the date of transmittal required under paragraph (c) of this section.

(iv) Date of transmittal to War Production Board required under § 83.763 (b), in the case of Part 1 and 4 property.

(v) Serial number of items or lots. Items or lots will be serially numbered under each part of each list, and, in the case of Part 1, under each section.

(vi) Description of items or lots. Descriptions will comprise such information as would be required by the controlling technical service if it were procuring the property, including, when pertinent, name of manufacturer, manufacturer's catalog number if available, identification numbers, location, age, condition, quantity and cost per unit if available.

(vii) Specific instructions by which an interested agency may be guided in negotiating sale or transfer of property reported. Names, mail and telephone addresses of officers authorized to carry on negotiations may be either included in each list circularized, or published in bulletin form by the technical service concerned to all recipients of the lists.

(2) Items of property at any one location, of a cost, estimated if not known, of less than $100 per item may be reported in Part X either singly or in mixed lots with such abbreviated description as would inform an interested agency of the general nature and utility of such property, subject to inspection or the furnishing of a more detailed description upon specific inquiry.

(3) For the purpose of convenient abbreviation in communications regarding property circularized, items may be identified by code, which will include in sequence, the station identification num-

ber and contract symbol of the issuing office, serial number of item. For example, a particular heat exchanger listed as the second item in Part 1 of the third list circularized by an office of Ordnance Department having station identification number "123" would be identified as "123-Ord-3-1-BQ-2".

(c) *Transmittal of lists.* Circularization will be accomplished by transmitting copies of circularization lists as follows:

(1) Parts 1, 2, 3, and 4 to Production Division, Headquarters, Army Service Forces, to the Redistribution Division, War Production Board, Washington, D. C. Information copies will be transmitted to Procurement Division, Treasury Department, upon request of that agency, but the furnishing of such copies will not constitute a reporting as surplus of the items comprised therein.

(2) Part X, to Production Division, Headquarters, Army Service Forces, to procurement officers of other technical services at such levels and within such geographical areas as the technical service concerned deems desirable, and to the Regional Offices of War Production Board and the Procurement Division, Treasury Department, for the regions in which the property is located. Transmittal of Part I to the Procurement Division, Treasury Department will not constitute a reporting as surplus of the items comprised therein.

(3) Copies of Circularization Lists will be transmitted to the Navy Department as directed by the Director, Production Division, Headquarters, Army Service Forces.

(d) *Circularization period.* The period of 20 days after transmittal of copies of Circularization Lists will be referred to as the "circularization period."

§ 83.762 *Disposition during circularization period.* Before the termination of the circularization period, the technical service concerned will determine what property included in Circularization Lists should be retained for present or definitely foreseeable needs within such service for military or industrial purposes and will withdraw such property from availability. Property which is not so withdrawn may be disposed of in accordance with the provisions of §§ 83.720 to 83.733 of this Procurement Regulation No. 7 upon request of an interested service or agency made prior to the expiration of the circularization period. The Redistribution and Salvage Officer designated by the Chief of Engineers is specifically charged with acquiring items of Part 2 property not withdrawn under the first sentence of this paragraph, which are suitable for troop use or tactical operations.

§ 83.763 *Disposition after circularization period*—(a) *Disposition of Part 2 property upon termination of circularization period.* Upon the termination of the circularization period, Part 2 property which has not been withdrawn or disposed of under § 83.763 will be deemed to be surplus and will be promptly reported as surplus to the Regional Office of Procurement Division, Treasury Department, for the region in which the property is located, in the manner provided in § 83.752, and will be disposed of in accordance with the provision of § 83.753.

(b) *Disposition of Part 1 property and Part 4 property upon termination of circularization period.* Upon the termination of the circularization period Part 1 and 4 property which has not been withdrawn or disposed of under § 83.762 will be promptly reported as follows:

(i) Part 1 property, to Redistribution Division, War Production Board, Washington, D. C.

(ii) Part 4A property, to War Production Board, c/o Steel Recovery Corporation, 5835 Baum Boulevard, Pittsburgh, Pa.

(iii) Part 4B property, to War Production Board, c/o Copper Recovery Corporation, 200 Madison Avenue, New York, N. Y.

(iv) Part 4C property, to War Production Board, c/o Murray Cook, Agent for Metals Reserve Corporation, 155 East 44th Street, New York, N. Y. Such report may be made in the form of either the original Circularization List with Physical deletion of items withdrawn or disposed of under § 83.762, or the original Circularization List with a memorandum of deletions, or a new list including only items not withdrawn or disposed of under § 83.762.

(2) Part 1 and 4 property reported under this (b) may be (i) disposed of in accordance with the provisions of section II of this Procurement Regulation No. 7, or (ii) sold to any private purchaser, or (iii) delivered to Procurement Division, Treasury Department, upon request of that Division, or (iv) withdrawn, prior to disposal, for an immediate or definitely foreseeable use within the technical service concerned; provided that after the reporting of such property and prior to the expiration of the second calendar month following the month in which such property is reported, such disposititon or withdrawal will be subject to the specific authorization of War Production Board. Items sold under (ii) or delivered under (iii) of this subparagraph (2) will be deemed to be surplus for the purpose of such sale or delivery.

(c) *Disposition of Part 3 property and Part X property upon termination of circularization period.* Upon the termination of the circularization period, Part 3 and Part X property may be withdrawn or disposed of in the manner provided in paragraph (b) subparagraph (2) of this section, except that such withdrawal or disposition will not require the specific authorization of War Production Board prescribed by paragraph (b) subparagraph (2) of this section.

(d) *Disposition of slow-moving items.* Excess industrial property which has been circularized under these §§ 83.760 to 83.781 and has not been withdrawn or disposed of within a reasonable time (to be fixed by the technical service concerned, with due regard for the nature of the property) after (1) the expiration of the second calendar month after the month of reporting under paragraph (c) subparagraph (2) of this section, in the case of Part 1 and Part 4 property, (2) the clearance of items by Procurement Division, Treasury Department, in the case of Part 2 property, (3) the termination of the circularization period, in the case of Part 3 and Part X property, will be turned over to a salvage officer in the manner provided for nonrepairable property in § 83.740 (a).

§ 83.764 *Sales.* Sales of industrial property under these § § 83.760 to 83.781 will be made by negotiation under regulations prescribed by the responsible technical service and which will assure that the negotiating officer will obtain such degree of competititon, by inquiry or otherwise, as is practicable in the circumstances, and consistent with economy, efficiency and the expeditious completion of the proposed sale, and that the negotiating officer will make every effort to effect the sale in such manner and for such further uses as will most effectively facilitate the prosecution of the war.

§ 83.765 *Deviation from regulations in exceptional cases.* When adherence to the regulations prescribed in these §§ 83.760 to 83.781 would impede the expeditious return of unneeded industrial property to use in the war effort, the Director, Production Division, Headquarters, Army Service Forces, is authorized to permit deviation therefrom with respect to the disposition of classes or particular items of industrial property. Applications under these §§ 83.760 to 83.781 will include the following:

(a) A description of the class of items, or in the case of particular items, a reference to the list in which the items have been listed, or a description of the items in accordance with § 83.761 (b) (1) (vi) if they have not been listed.

(b) A statement of the circumstances indicating the desirability of deviation from the procedures established in §§ 83.760 to 83.781. Bulletins will be issued from time to time which will set forth classes of property in respect of which deviation will be permitted.

§ 83.766 *Industrial property peculiar to Army Air Forces.* These §§ 83.760 to 83.781 do not apply to industrial property to aircraft production to the extent that any of the provisions hereof may be inconsistent with procedures established for the redistribution of such property by or under the direction of the Aircraft Resources Control Office of the Aircraft Production Board.

§ 83.780 *Items to be included in lists of Part 1 property.*

Section	Item	Type and size limitations
AA	Power boilers	All types, 100 lbs. design pressure and up, except: boilers for locomotive use.
BA	Engines, Internal combustion	All gasoline, gas and diesel types in all sizes except: engines for marine and aircraft propulsion.
BB	Turbines	All types and sizes, except: turbines for marine propulsion.
BC	Compressors and dry vacuum pumps.	All types and sizes, except: compressors for air conditioning, ice making, food and beverage cooling, processing, preservation and cold storage systems; and compressors as part of air braking systems.
BD	Pumps industrial	All types and sizes, except: measuring and dispensing; reciprocating compressors and dry vacuum pumps (include under section BJ). Include: Cellar injectors and drainers; small water system pumping units and sets complete with tanks.
BE	Conveying machinery	All types and sizes, except: belting; farm machinery; power and hand lift trucks, cranes, hoists and platform elevators (include under sections BF or BG); construction machinery (include under Part 2); cars and car dumpers; steel mill tables, sintering conveyors and metal pig conveyors.
BF	Cranes and hoists	All types and sizes of: (a) Overhead electric traveling cranes; (b) Rotary or Whirley cranes; (c) Gantry cranes; (d) Locomotive cranes; (e) Hand and electric hoists.
BG	Trucks and tractors, industrial	All industrial types and sizes for intra-plant use.
BH	Fans, blowers and exhausters	Following types and sizes only: (a) Mechanical driven fans, forced or induced draft, all types and sizes; (b) Heavy process ventilating fans, 24" inlet and larger; (c) Planing mill exhaust fans, 15" inlet and larger. (Include high pressure blowers, compressors, exhausters and vacuum pumps under section BJ.)
BJ	High pressure blowers, compressors, exhausters, and vacuum pumps.	Rotative type, for pressure differentials of 1½ pounds and up. Include: diesel superchargers and scavengers. Exclude: blowers for shipboard use other than diesel superchargers and scavengers; centrifugal refrigeration compressors; aircraft engine superchargers.
BK	Mechanical power transmission equipment.	All open and enclosed gearing and mechanical drives for transmitting more than ¼ h. p., except: marine propulsion gears; gears built into turbines; types used on household, manually powered, automotive or farm machinery. Include: speed reducers; unmounted herringbone gears, 6" and larger; unmounted worm gears, fine and coarse pitch; unmounted spur gears, up to 6" diameter, 20 diametrical pitch and finer.
BLI	Coal stokers	All types, 30 feet of grate area and up.
BN	Flexible couplings	Bushed, spring and gear types, all sizes.
BQ	Heat exchangers	All equipment or apparatus (other than direct fired or direct contact involving physical mixing of the fluids) designed for the transference or exchange of heat between two or more fluids (liquids, gases or vapors).
BR	Plastics presses	All types and sizes of extrusion, injection and molding presses.
BT	Pressure vessels	All sealed metallic vessels or shells subjected to internal or external pressure designed for the purpose of retaining one or more fluids (liquids, gases or vapors). Exclude: direct fired vessels such as locomotives or boilers (include power boilers under AA); vessels for containing only water under pressure for domestic supply, or those containing air, the compression of which serves only as a cushion as in airlift pumping systems; vessels for storage or transportation designed for pressure below 30 pounds p. s. i. and vessels of less than 30 cubic feet in volume, regardless of pressure; vessels designed as heat exchangers of the surface type or enclosures therefor (include under BQ); vessels designed for cooking foodstuffs or used directly in preparing foodstuffs for packaging.
CA	Generators, motor generator sets, power frequency changers.	All electric types, integral sizes, except: internal combustion engine mounted accessories; generators for aircraft. (Include motor generators for plating and anodizing under Section EC.)
CB	Generator sets, electric	Internal combustion, steam and hydraulic drive, all types and sizes, except: marine propulsion.
CC	Switchgear, circuit breakers and transformers.	Following types and sizes only: (a) Electric meters and instruments, switchboard and portable type, including: indicating, integrating, curve drawing and recording voltmeters, ammeters, wattmeters, KVAR meters, frequency meters and power factor meters, and synchronizing balancing devices and load analyzers; (b) Switchgear and apparatus for power control, indoor and outdoor; including manually operated, mechanically operated or automatically controlled air break, air blast and oil break switches; (c) Transformers, power and distribution, instrument, series lighting and regulating; and auto transformers 100 KVA and up.
CD	Motor and motor control equipment, electric.	Following types and sizes only: (a) Shipboard type motors and controls; integral sizes; (b) Fractional horsepower motors; exclude: shipboard and aircraft type, and appliance type, and appliance type AC induction motors; (c) One to 200 HP totally inclosed, explosion proof, industrial type motors and controls; (d) Mill and crane type motors and controls integral sizes.
DA	Floor finishing equipment	All types and sizes.
DB	Pelleting presses	All types and sizes.
EA	Foundry equipment	All types and sizes of electric metal melting furnaces.
EB	Heat treating	All types and sizes of heat treating furnaces and their accompanying instruments.
EC	Plating and anodizing equipment.	Following types and sizes only: (a) Motor generator sets for plating and anodizing, 6 to 50 volts, 2000 amperes and up; (b) Rectifiers for plating and anodizing, 6 to 50 volts, 400 amperes and up.
ED	Welding and cutting equipment.	Following types only: (a) Gasoline engine driven arc welding machines; (b) Resistance welding equipment; (c) Bronze welding rod for gas welding; (d) Flame cutting machines.
KA	Railroad locomotives and rolling stock.	All types and sizes.
PA	Industrial type instruments	Following types and sizes only: (a) Pyrometers, multivoltmeter or potentiometer; all nonportable indicating, recording or controlling types. (b) Pressure-filled tube system temperature instruments; indicating, recording or controlling types: exclude: bi-metallic type temperature measuring instruments; (c) Differential flow and liquid level instruments: indicating, recording, integrating or controlling fluid manometer or bellows type. (d) Liquid level float instruments: indicating, recording or controlling types having an external float chamber used on industrial process applications; (e) Industrial thermometers having scale length commonly designated as 7", 9", 10" or 12" and any submarine type 5"; (f) Pressure gauges: circular dial pressure or vacuum types; (g) Control valves: diaphragm operated pneumatic or hydraulic types; (h) Regulators: self-operated valves used for controlling temperature, flow or liquid level, and weight loaded type valves used to control pressure; (i) Control valves: globe type with inner portion automatically positioned by pneumatic or hydraulic motive power, designed for use with industrial type instruments; (j) Liquid level controllers; float cage, external ball float or displacement type normally used for control of liquid level in industrial type processes.
RA	Fire extinguishers	All carbon dioxide types (portable, wheeled and systems). Include: fire extinguishers using extinguishing agents which are converted into carbon dioxide when expelled.
VA	Unit heaters	All industrial types.
VB	Oxygen equipment	Medical and safety types.
VC	Guard weapons & ammunition.	All types
VD	Valves	Industrial, marine, hydrant, sluice gate, drilling, flow line, cocks, etc. (but not refrigeration, aircraft, automotive, instrument, regulating and control valves) including (a) steel; all types, (b) iron; safety and relief and all other iron body, and (c) bronze safety and relief, compressed gas and cylinder and all others 100 lbs. W. S. P. and over.
VE	Pipe fittings	All standard size steel fittings for industrial work. Exclude fittings for low pressure steam or water heating or plumbing work.
VF	Stud bolts and nuts	½" to 1" diameter 3½" to 7" long, American Standard thread, carbon steel 70,000 p. s. i. min., alloy steel 125,000 p. s. i. min., in lots of 25 or more of a single item.
ZA	Machine tools	Following types, makes and sizes only: (a) Forging: All sizes of steam drop hammers, board drop hammers and forging hammers manufactured by Erie Foundry Co. or Chambersburg Engineering Co. since 1935. (b) Forging presses: Mechanical and hydraulic types and upsetters, capacity 500 tons and up, manufactured since 1935 by the following companies: Ajax Manufacturing Company, Birdsboro Steel Fdry. & Mach. Co., E. W. Bliss Company, Baldwin Southward Division, Clearing Machine Corp., Hydraulic Press Mfg. Co., Lake Erie Engineering Corp., National Machinery Co., United Engineering & Fdry, Watson Stillman Co., Williams, White & Company, R. D. Wood Company, Fulton Iron Works.

Section	Item	Type and size limitations
ZA	Machine tools—Continued.	(c) All types of Fellows Gear Co. machines. (d) Heald and Ex-Cell-O precision boring machines. (e) Way and special horizontal and vertical drilling machines. (f) All types of spur and helical gear grinders. (g) Internal centerless grinders. (h) Lathes, 30 inch swing and larger. (i) Planers, double-housing and open side, 72 inch and wider. (j) Jig borers, 45 inch and larger table travel. (k) Thread grinders, all makes, types and sizes
ZB	Precision instruments and gages.	Following types only: (a) Universal testing machines; (b) Rockwell hardness testers; (c) Brinell testers and microscopes; (d) Optical comparators; (e) Toolmakers microscopes; (f) Measuring machines; (g) Supermicrometers; (h) Vernier Tools; (i) Scales; (j) Micrometers.

NOTES: (1) Where integral sets cannot practicably be disposed of piecemeal, they will be included under majo classification and components will not be separately listed under other classifications.
(2) Include major repair parts with equipment to which they pertain.

§ 83.781 *Items to be included in lists of Part 4 property.*

Forms and shapes	*Minimum quantity per item of a simple size and grade*
Part 4A—Carbon and alloy steel:	
Carbon steel:	
Bars, cold finished	2,000 pounds
Bars, hot rolled	
Ingots, billets, blooms, slabs, tube rounds, skelp and sheet and tin bar	
Pipe (new only)	
Plates	
Sheets and strip	
Structural shapes and piling	
Tin plate, terne plate and tin mill black plate	
Wire rods, wire .0475 inch diameter and up, and other wire products	
Tubing, 1½ inch diameter and up (new only)	1,000 feet
Tubing under 1½ inch diameter (new only)	
Wire under .0475 inch diameter	500 pounds
All tool steel	100 pounds
Alloy steel:	
Bars, cold finished	2,000 pounds
Bars, hot rolled	
Ingots, billets, blooms, slabs tube rounds, sheet bar	
Pipe (new only)	
Plates and structural shapes	
Sheets and strip	
Wire rods, wire .0475 inch diameter and up, and other wire products	
Tubing 1½ inch diameter and up	1,000 feet
Tubing under 1½ inch diameter	
Wire under .0475 inch diameter	500 pounds
All stainless steel	
All tool steel	100 pounds
Part 4B—Copper and copper base alloy:	
Brass mill copper base alloy products:	500 pounds
Sheet and strip	
Rods, bars and wire (including extruded shapes, not including slugs)	
Tubing and Pipe	
Brass mill copper products:	
Plate, sheets and strip	
Rods, bars and extruded shapes (excluding wire bars and ingot bars)	
Tube and pipe	
Wire mill copper products:	
Wire and cable (including insulated wire and cable)	
Foundry copper and copper base alloy Products:	
Castings	
Part 4C—Aluminum:	300 pounds
Rod, bar, wire and cable	
Forgings, pressings and impact extrusions	
Castings	
Shapes, rolled or extruded	
Sheet, strip, plate and foil	
Tubing	
Ingot and powder	
Rivets	

NOTE: Smaller quantities than those above listed, but not less than the following, may be included in Part 4, if desired by the Technical Service concerned:

Carbon steel:	
Structural and plates	500 pounds.
Bar, sheet and strip, pipe and tube, and wire.	100 pounds
Tool steel	25 pounds
Alloy steel:	
Tool steel	25 pounds
All other	100 pounds
Copper and copper base alloy	100 pounds
Aluminum	100 pounds

WAR DEPARTMENT
Headquarters, Army Service Forces
WASHINGTON, D. C.

SPICY
Memorandum for: Director, Production Division
Date: 24 June 43.
Subject: Assignment of Control Approval Symbol.

1. The following report submitted by your office for clearance is approved in accordance with ASF Circular No. 17, April 13, 1943:
Redistribution and Salvage Report
2. The following symbol is assigned to the above report and should be inscribed in the upper right-hand corner of the first page:
Control Approval Symbol UPT-17
3. The words "Control Approval Symbol" as well as the symbol itself must appear in the upper right corner of the first page of the report. If the directive requires a report for which no standard form is required, the directive must specify the control approval symbol that is to appear on the report. It is not necessary to refer to the symbol in the requiring directive, if the directive requires submission of a report form on which the symbol has been reproduced.
4. It is requested that the following material be furnished this office as soon as the report has actually been requested of the agencies that are to prepare it:
a. One copy of the directive calling for the submission of the report and giving instructions for its preparation.
b. One blank copy of the report inscribed with the Control Approval Symbol.
5. Any major changes or revisions in the report as approved or in the instructions for its preparation should be resubmitted for clearance prior to issue.
By command of Lieutenant General Somervell.

C. F. ROBINSON,
Brigadier General, G. S. C.,
Director, Control Division.

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

[F. R. Doc. 43-11448; Filed, July 16, 1943; 2:22 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 60-1, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

LIGHT AND SIGNAL RULES: AIRCRAFT ON GROUND

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of July, 1943.

Effective July 13, 1943, § 60.60 of the Civil Air Regulations is amended to read as follows:

§ 60.60 *Aircraft on the ground.* Between sunset and sunrise, all aircraft parked or moved within, or in dangerous proximity to, the usable portion of all landing areas used for, or available to night flight operations shall be clearly illuminated or lighted, or the area marked with obstruction lights.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-11586; Filed, July 19, 1943; 10:53 a. m.]

TITLE 15—COMMERCE

Subtitle B—Regulations Relating to Commerce

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 41]

PART 30—FOREIGN TRADE STATISTICS

GOVERNMENT SUPPLIES SHIPPED ABROAD

JULY 17, 1943.

Section 30.46 (b) is hereby revoked and § 30.46 (a) is renumbered § 30.46.

(R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 43-11560; Filed, July 17, 1943; 5:01 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [sec. 701 (a); 52 Stat. 1055; 21 U. S. C. 371 (a)], the following regulations are hereby promulgated:

The following new regulation is added to the regulations for the enforcement of such Act (21 C. F. R. Part 2):

§ 2.13 *Conformity to definitions and standards of identity.* In the following conditions, among others, a food does not conform to the definition and standard of identity therefor:

(a) If it contains an ingredient for which no provision is made in such definition and standard;

(b) If it fails to contain any one or more ingredients required by such definition and standard;

(c) If the quantity of any ingredient or component fails to conform to the limitation, if any, prescribed therefor by such definition and standard.

PART 10—DEFINITIONS AND STANDARDS FOR FOODS

Section 10.0 of the regulations under such Act, entitled "General Regulation" (21 C.F.R. 10.0, Supp. 1939), is amended to read as follows:

§ 10.0 *General regulations.* (a) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable also to such terms when used in regulations promulgated under the Act.

(b) If a regulation prescribing a definition and standard of identity for a food has been promulgated under section 401 of the Act and the name therein specified for the food is used in any other regulation under section 401 or any other provision of the Act, such name means the food which conforms to such definition and standard, except as otherwise specifically provided in such other regulation.

(c) No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under section 401 of the Act shall be construed as affecting the application of any provision of the Act or regulations thereunder. For example, all regulations under section 401 contemplate that the food and all articles used as components or ingredients thereof shall be clean, sound and fit for food; a provision in such regulations for the use of coloring or flavoring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

[SEAL] PAUL V. MCNUTT,
Administrator.

JULY 16, 1943.

[F. R. Doc. 43-11598; Filed, July 19, 1943; 11:25 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 29—LOANS TO INDIANS FROM INDUSTRY AMONG INDIANS AND TRIBAL FUNDS

MISCELLANEOUS AMENDMENTS

The following sections and paragraphs are amended to read:

§ 29.1[1] *Eligibility.* * * *

(d) To be eligible for a loan from industry among Indians funds, or for the use of tribal funds in the establishment and operation of tribal enterprises, a tribe must have a plan of operation and management acceptable to the Commissioner of Indian Affairs.

§ 29.7 *Application and requests, approval by Commissioner.* Requests of tribes for use of tribal funds in the development and operation of tribal enterprises shall be submitted to the Commissioner of Indian Affairs for prior approval.

Applications of the following character shall also require prior approval of the Commissioner:

(a) Applications of Government employees;

(b) Applications from individuals who will have an aggregate indebtedness to the United States exceeding $3,000;

(c) Applications for loans from tribal funds for the purchase of livestock, machinery, and equipment, and for the development and cultivation of irrigable allotments, with maturities exceeding six years;

(d) Applications for loans from industry among Indians for the development and cultivation of irrigable allotments with maturities exceeding six years;

(e) Applications of old, indigent, or disabled Indians for support purposes;

(f) Applications of cooperative associations;

(g) Applications for enterprises which are not conducted on lands within the boundaries of the reservation;

(h) Applications of tribes for loans from industry among Indians funds.

§ 29.20 *Default.*[2] Failure on the part of any tribe to use tribal funds advanced for tribal enterprises in accordance with its agreement, shall be grounds for any one or all of the following steps to be taken at the option of the Commissioner of Indian Affairs:

(§§ 29.20 (a) to 29.20 (i) inclusive, continue as approved Oct. 24, 1941; 6 F.R. 5662.)

(53 Stat. 302, 303, Pub. Law 645, 77th Cong.; 25 U.S.C. Supp. 303, 306, 306A)

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 2, 1943.

[F. R. Doc. 43-11555; Filed, July 17, 1943; 10:04 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2010]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER CORRECTING ORDER GRANTING RELIEF

Order correcting order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for Mine Index No. 1629.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with this Division by District Board No. 10, requesting, among other matters, the establishment both temporary and permanent, of price classifications and minimum prices for the coals in Size Group 29 of New Coal Co. Mine, Mine Index No. 1629, of New Coal Company, in District No. 10, for truck shipments.

Supplement T attached to and made a part of the Order Granting Temporary Relief and Conditionally Providing For Final Relief issued in the above-entitled matter on June 8, 1943, 8 F.R. 8523, inadvertently established a minimum price for the said coals in Size Group 34 rather than in Size Group 29 as requested in the original petition. It appears, therefore, that the said Supplement T should be corrected accordingly.

Now, therefore, *It is ordered,* That Supplement T, § 330.25 (*General prices in cents per net ton for shipment into all market areas*), attached to and made a part of the order granting temporary relief and conditionally providing for final relief, issued on June 8, 1943, 8 F.R. 8523, in the above-entitled matter, be, and it hereby is, amended by deleting therefrom the designation "Size Group 34" and substituting in lieu thereof the designation "Size Group 29."

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11447; Filed, July 16, 1943; 1:25 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 623—CLASSIFICATION PROCEDURE

[Amdt. 168, 2d Ed]

WHEN LOCAL BOARD PHYSICAL EXAMINATION NOT REQUIRED

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

1. Amend § 623.41 to read as follows:

When Local Board Physical Examination Not Required

§ 623.41 *Local board physical examination not required in certain cases.* (a) The physical examination of registrants by an examining physician shall not be required when:

(1) Under the provisions of § 623.35, the Director of Selective Service or the State Director of Selective Service waives such examination; or

(2) The examining physician is disqualified to make such examination under the provisions of § 603.63; or

(3) The registrant is a delinquent; or

(4) The registrant is outside an area where local boards are organized; or

(5) The registrant is outside the area of his local board and the local board determines that the registrant is so far from his local board as to make his return for such examination a hardship; or

(6) The registrant fails to appear at the time and place fixed for his examination.

[1] 6 F.R. 5662.

[2] 6 F.R. 5664.

(b) When physical examination by an examining physician is not required under the provisions of this section, the registrant affected shall be classified in the manner provided in paragraph (f) of § 623.51.

2. Amend the regulations by deleting § 623.42 in its entirety.

3. Amend paragraph (f) of § 623.51 to read as follows:

§ 623.51 *Procedure for classification after physical examination.* * * *

(f) If the physical examination of the registrant by an examining physician has been waived or is not required, the classification of the registrant shall be completed in the manner set forth in this section with the exception that the local board shall make its determination without the assistance of a report of the examining physician and shall not consider whether the registrant has a physical or mental defect which would require that he be classified in Class IV-F. Such registrant shall, therefore, be classified in either Class I-A, Class I-A-O, or Class IV-E. The classification thus made by the local board shall have the same effect as a classification made following physical examination by an examining physician. The rights and obligations of each such registrant following classification under such circumstances are exactly the same as if he had been classified following a physical examination by the examining physician.

* * * * *

4. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 16, 1943.

[F. R. Doc. 43-11561; Filed, July 17, 1943; 11:18 a. m.]

Chapter VIII—Office of Economic Warfare

[Order No. 1]

ORDERS, LICENSES, ETC. OF BOARD OF ECONOMIC WARFARE AND CERTAIN CORPORATIONS

RATIFICATION AND CONTINUATION IN EFFECT

By virtue of the authority vested in me by Executive Order No. 9361 of July 15, 1943 (8 F.R. 9861), *It is hereby ordered,* As follows:

Pending my further order, all licenses, orders, rules and regulations, procedures, instructions and delegations of authority, of whatever character, heretofore issued, prescribed or executed by, on behalf of, or with respect to, the Board of Economic Warfare, the corporations referred to in paragraph 2 of said order, and, with respect to their activities and transactions in or pertaining to foreign countries, the corporations referred to in paragraph 3(b) of said order, are hereby ratified, confirmed and continued in effect, and any action taken thereunder shall be deemed to be in conformity with said order, even though performed in the name of the Board of Economic Warfare.

[SEAL] LEO T. CROWLEY,
Director.

JULY 16, 1943.

[F. R. Doc. 43-11491; Filed, July 17, 1943; 9:08 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

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

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S-343]

CUTTING ROOM APPLIANCES CORPORATION

Cutting Room Appliances Corporation, 45 West 25th Street, New York, New York, has appealed from the provisions of Suspension Order S-343, issued June 18, 1943. After a review of the case by the Chief Compliance Commissioner, it has been determined that Suspension Order S-343 should be modified so as to expire at an earlier date than is now specified.

In view of the foregoing, it is hereby ordered that paragraph (d) of § 1010.343 Suspension Order S-343, issued June 18, 1943, be amended to read as follows:

(d) This order shall take effect June 20, 1943, and shall expire on August 20, 1943.

Issued this 17th day of July 1943.

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

[F. R. Doc. 43-11534; Filed, July 17, 1943; 11:21 a. m.]

PART 1010—SUSPENSION ORDER

[Suspension Order S-365]

BAER BROTHERS

Abraham Baer and Max Baer are partners, doing business under the firm name of Baer Brothers, and operating a factory in Stamford, Connecticut, which makes such products as paints and varnishes; gold, aluminum and bronze powders and leaf. Their office is located at 738-48 West 37th Street, New York, New York. During the period July 14, 1942 through November 9, 1942, the respondents processed approximately 63,000 pounds of copper scrap without obtaining authorization from the War Production Board, in fact contrary to specific instruction of the War Production Board. This was a violation of Supplementary Order M-9-b, as amended May 9, 1942. During the period June 1, 1942 through July 19, 1942, the respondents sold approximately 972 pounds of bronze powder, in violation of Supplementary Conservation Order M-9-c-3, as amended June 1, 1942. On June 15, 1942 the War Production Board authorized the respondents to sell certain specified bronze powders, pursuant to a request made by the respondents, but during the period July 16, 1942 through October 31, 1942, the respondents sold bronze powders which were not permitted under Supplementary Conservation Order M-9-c-3 and were not included in the said authorization granted on July 15, 1942. Despite the fact that respondents had been directed in the authorization from the War Production Board, dated July 15, 1942, to deliver to each purchaser of bronze powder a copy of the said authorization of July 15, 1942, which contained certain instructions to guide the purchasers, nevertheless, respondents failed to supply such purchasers with copies of the said letter of authorization.

These violations by the respondents, who had been in this business for over half a century, were wilful. They not only involved critical metal, but were performed, in some instances, contrary to specific and clear instructions from the War Production Board. Critical material has been diverted by the respondents from uses authorized by the War Production Board and their acts have hampered and impeded the war effort of the United States. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.365 *Suspension Order S-365.* (a) Deliveries of material to Abraham Baer and to Max Baer, doing business as Baer Brothers, or otherwise, their or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Abraham Baer or Max Baer, doing business as Baer Brothers, or otherwise, their or its successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Abraham Baer or Max Baer, doing business as Baer Brothers or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the 17th day of July, 1943 and shall expire on the 17th day of November, 1943.

Issued this 12th day of July 1943.

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

[F. R. Doc. 43-11535; Filed, July 17, 1943; 11:22 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-367]

ZYNDA BREWING COMPANY

The Zynda Brewing Company, a corporation of Detroit, Michigan, is engaged in the business of manufacturing, bottling and selling malt beverages. During the months of June through November, 1942, the company used in the bottling of such beverages 3704 gross of closures in excess of its quota for those months as established and provided under Conservation Order M-104. During this period the company knew of the provisions of Conservation Order M-104 and knew the extent of its quota as established therein, but knowingly and wilfully exceeded its quota.

The company did further during the period from June to December, 1942 inclusive, purchase and accept excessive deliveries of closures as defined in Order M-104 and by so doing effected an increase in its inventory thereof in the amount of 638 gross over and above 20% of the number used during the calendar year 1941 as provided in said order which also was a knowing and wilful violation thereof.

These violations of Conservation Order M-104 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.367 *Suspension Order S-367.* (a) During the months of July, August and September, 1943, the Zynda Brewing Company, its successors and assigns, shall not use in the bottling of malt beverages more than 50% of the closures which it would otherwise be entitled to use under the provisions of Conservation Order M-104.

(b) Nothing contained in this order shall be deemed to relieve the Zynda Brewing Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 17, 1943, and shall expire on September 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 16th day of July 1943.

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

[F. R. Doc. 43-11536; Filed, July 17, 1943; 11:22 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L-30-d, as Amended July 17, 1943]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

Section 1052.5 *Supplementary Limitation Order L-30-d* is hereby amended to read as follows:

§ 1052.5 *Supplementary Limitation Order L-30-d*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person who produces or assembles any article listed on Schedule A or Schedule B attached to this order, or any part for any such article.

(2) "To produce" or "to assemble" an article does not include the application of a coating or finish or the attaching of bails, handles, spouts or ears to articles which are otherwise completed.

(3) "To put into process" means for a person to perform the first manufacturing or assembly operations on material or parts received by him.

(4) "Base period" means the twelve months ending June 30, 1941.

(5) "Joining hardware" means nuts, screws, nails, bolts, clasps, rivets and other similar items of small hardware used for joining or other similar purposes.

(6) "Repair parts" means any part for an article or product which is not produced for or used in a new article or product.

(7) "Preferred order" means any purchase order, contract, or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(b) *Prohibition of production of articles on Schedule A.* No manufacturer shall produce or assemble any of the articles listed on Schedule A or parts (including repair parts) for such articles containing any metal.

(c) *Restrictions on production of articles on Schedule B.* No manufacturer shall produce or assemble any articles listed on Schedule B or any parts (including repair parts) for such articles containing any metal except in accordance with the provisions of that schedule.

(d) *Exceptions.* The provisions of paragraphs (b) and (c) shall not apply to:

(1) Articles produced in fulfillment of preferred orders;

(2) Articles containing no metal, except for the minimum amount of iron and steel not exceeding 5% of the weight of the article contained in necessary joining hardware;

(3) Articles the production of which is governed by Supplementary Limitation Orders L-30-a, L-30-b, or L-30-c, as amended from time to time, or

(4) Articles produced from iron or steel which, on November 17, 1942, had been cut, blanked or otherwise formed to size or shape for such article (except material which is in mill standard gauges and sizes).

(e) *Provisions concerning distribution.* (1) For the purpose of this paragraph (e):

(i) "Special order" means a rated purchase order or contract bearing a statement that the preference ratings were assigned pursuant to Form WPB-547 (formerly PD-1X). It is the policy of the War Production Board to assign such ratings only to take care of emergencies or to fill special needs arising from war conditions.

(ii) "Total quarterly production" means either the total dollar value or the total number of units of each article produced under this order during a calendar quarter. Articles produced or sold on preferred orders shall be disregarded in this calculation.

(2) Of his total quarterly production of any article each manufacturer shall allocate his sales so that 25% are sold on special orders and 75% on other orders. Fifteen days after the end of the quarter any balance of the 25% for which he has no special orders may be sold on other orders. For example, articles produced in the third quarter and held for sale on special orders may be sold on or after October 15th on other orders.

(3) It is hereby declared to be the policy of the War Production Board that each manufacturer shall distribute equitably all articles sold on other than special orders. In line with this policy, each manufacturer should follow his 1942 pattern of distribution, making any adjustments necessary to take care of population and other changes resulting from war conditions. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

(4) It is hereby further declared to be the policy of the War Production Board that the following articles produced in accordance with Schedule B shall be sold for use only by commercial or industrial establishments, and not by the general public:

Baking pans—commercial type.
Heavy duty roast pans.
Basting spoons.
Cake turners.
Can openers—institutional type.
Ice cream dippers.

Ice picks
Scoops.
Wire whips.
Garment hangers.

(5) In complying with the provisions of subparagraphs (3) and (4) above, each manufacturer shall fill all rated orders (other than special orders) in accordance with applicable War Production Board Regulations. However, it should be noted that under Priorities Regulation No. 3, as amended, articles produced under this order are not subject to preference ratings assigned by any Regulations or Orders of the War Production Board for maintenance, repair or operating supplies (including CMP Regulation Nos. 5 and 5A).

(f) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Office of Production Management or the War Production Board limits the use of any material in the production of any articles to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

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

(h) *Appeals.* Any appeal from this order should be made on Form WPB-1477 (formerly PD-500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(i) *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 person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(j) *Reports.* Each manufacturer shall file with the War Production Board, on or before August 15, 1943, Form WPB-2861 showing the amount of iron and steel by weight put into process by him during the base period in the production of each article in column (2) of Schedule B which he produces or intends to produce after June 30, 1943. This reporting provision has been approved by the Bureau of the Budget in accordance with the Federal Reporting Act of 1942.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L-30-d.

Issued this 17th day of July 1943.

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

SCHEDULE A: *Prohibited articles.* The production of the following articles is prohibited in accordance with the provisions of paragraph (b) of this order, except as provided in paragraph (d):

Cake coolers
Camp grids
Candlesticks
Carpet beaters
Clothes pins
Concrete garbage receptacles containing more than 5 percent, by weight, of metal, exclusive of the weight of separate bases or blocks
Cup frames
Curtain rods and fixtures and drapery attachments
Cuspidors and spittoons
Dish pans
Dust pans, silent butlers and crumb sets
Fly swatters
Funnels
Household storage articles (all articles designed for the storage of foods or household supplies, including but not limited to, vegetable bins, canisters, spice sets, bread boxes, cake covers or safes, holders for salt, soap or cleanser cartons, step-on cans and window boxes for the storage of food, but excluding (i) pails, buckets and tubs; and (ii) containers designed for the packing, shipment or delivery of materials or products of any kind, including but not limited to, cans as defined in Conservation Orders M-81 or M-135, glass containers or closures as defined in Limitation Order L-103, and drums as defined in Limitation Order L-197
Picnic stoves
Pot chains
Pot cover holders
Sink accessories, including but not limited to, sink drainers, dish drainers, rinsing pans and pot scourers (except pot scourers produced from wire scrap only)
Soap savers and soap dishes
Toilet paper holders
Tooth brush holders
Towel bars and racks
Wash boards

SCHEDULE B. *Permitted articles.* The production of the articles listed must conform to the restrictions of this schedule in accordance with the provisions of paragraph (c) of Order L-30-d, except as provided in paragraph (d) of that order.

No manufacturer shall produce or assemble any article falling within any class in column (1) or any part for such article, containing any metal, except articles listed in column (2) conforming to the restrictions of column (3) and containing only the metals listed in column (4).

Definitions of terms used in column (4)

"Iron and steel" means unalloyed iron and steel.

"Black steel" means uncoated, polished or lacquered carbon steel. It does not include any steel which has a metal or vitreous-enameled coating.

"Plated" means that the iron or steel may be plated with another metal when not prohibited by any M Order or any other Order of the War Production Board.

"Specified materials" means iron or steel which falls within one or more of the following classes:

(i) Iron or steel obtained pursuant to a special sale as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(ii) Top cuts of steel (being that portion of steel in ingot normally discarded as not meeting special quality requirements of the customer's order for which it was melted);

(iii) Bessemer processed steel;

(iv) Sheet mill seconds, rejects and wasters, 28-gauge and heavier;

(v) Tin mill black plate rejects, 29 and 30-gauge;

(vi) Iron or steel obtained from a warehouse (as defined in Conservation Order M-21-b);

(vii) Rerolled rail steel.

(viii) Scroll-sheer butts and slitter waste;

(ix) Wire shorts and rejects.

Quarterly quotas of iron and steel. Except in fulfillment of preferred orders, no manufacturer shall put into process during any calendar quarter, beginning July 1, 1943, more iron and steel, by weight, in the production of any articles listed in column (2) and parts for such articles, than the percentage specified in column (5) of the average quarterly amount of iron and steel, by weight, put into process by him in the production of such articles and parts during the base period. Unless otherwise noted, the base period production shall include all articles of the type listed in column (2) produced by him in the base period, whether or not they conformed to the limitations of columns (3) and (4).

In addition to his quota as explained above, a manufacturer may put into process in the production of any articles during any calendar quarter any unused part of his previous quarter's quota of iron and steel for such articles.

(1) Class of articles	(2) Permitted type in each class	(3) Restrictions on size, weight, etc.	(4) Permitted metals	(5) Quarterly quotas
Miscellaneous cooking utensils (any utensil containing more than 10%, by weight, of metal which is designed primarily for use in the preparation or cooking of food, whether for household, institutional, commercial, governmental or any other purpose.	Utensils containing more than 10% but less than 20% of metal, by weight.		Iron and steel; plated	100% plus 5% for repair parts.
	Frying pans	Top diameter—8 to 12 inches, inclusive.	Black steel	55%.
	Baking pans of a type designed for household use.		Black steel; only Bessemer or material in inventory on July 17, 1943.	July to Sept., 1943—50%; Oct. to Dec., 1943, and thereafter—25%.
	Baking pans of a type designed for use and reuse in commercial bakeries and institutions.		Tin plate and black steel	75%.
	Heavy duty roast pans	Without covers; capacity—675 cubic inches to 2000 cubic inches, inclusive; two or three reinforcing straps; wired edges.	Black steel	50%.
Kitchen tools (articles containing more than 5% by weight, of metal, commonly known as kitchen tools, including, but not limited to, can openers, jar openers, bottle openers, strainers, flour sifters, food whips, food mills, dippers, scoops, choppers, slicers, corers, mashers, shapers, beaters, graters, grinders, cutters, sieves, cake turners, basting spoons, cork screws and skewers, but excluding cutlery (which is governed by Limitation Order L-140-a), electrical appliances (as governed by Limitation Order L-65), gas appliances and power-driven equipment.	Basting spoons	Over-all length, 14 to 21 inches, inclusive.	Bessemer steel; plated	35%.
	Cake turners	Over-all length, 13 to 21 inches, inclusive.	Bessemer steel; plated	30%.
	Can openers, household type.	Not more than 16 oz. of metal.	Iron and steel; plated	50%.
	Can openers, institutional type.		Iron and steel; plated; bronze bearings and bushings.	15%.
	Egg beaters, rotary type	Over-all length, 10 inches or more.	Iron and steel; plated	30%.
	Flour sieves	With wood rims	Iron and steel	35%.
	Food choppers and grinders.		Iron and steel; tinned, if permitted under Order M-43, or under relief granted pursuant to an appeal from that Order.	75%.
	Food mills		Iron and steel; plated	35%.
	Ice cream dippers, commercial type.		Iron and steel; plated; die-cast zinc gears.	15%.
	Ice picks	Wood handles; metal in ferrules and blades only; length of blade, including part in handle—5½ inches or less.	Iron and steel	50%.
	Jar wrenches	No rubber; not more than 12 oz. of metal.	Iron and steel; plated	25%.
	Scoops, commercial type	Iron and steel in blade only; Over-all length—6 to 10 inches, inclusive.	Iron and steel; plated; only specified materials or material in inventory on March 23, 1943.	30%.
	Wire strainers		Iron and steel; plated	25%.
	Wire whips, commercial type.	Over-all length—12 inches or more.	Iron and steel; plated	25%.
	Repair parts for any kitchen tool.		Any metal, subject to applicable M Orders.	5% of metal in such tool in base period.
Clothes wringers (except wringers which are integral parts of power-driven equipment as covered by Limitation Orders L-6 and L-91, as amended from time to time).	Hand clothes wringers	Weight—18 pounds or less; not more than 50% of metal, by weight.	Iron and steel	50%, plus 5% for repair parts.
Carpet sweepers	Carpet sweepers	Containing 1½ pounds of metal or less.	Iron and steel	20%.
Vacuum bottles and jugs	Vacuum bottles with capacity of one quart or less.		Iron and steel; plated	75%.
Lunch boxes and dinner pails	Workers' lunch boxes of a type designed to hold a vacuum bottle.	28-gauge or lighter	Iron and steel; only specified materials and material in inventory on July 17, 1943.	July-Sept., 1943 and Oct.-Dec., 1943—100%; Jan.-Mar., 1944 and thereafter—75%.
	Miners' dinner pails		Iron and steel; tinplate for water compartment only, if permitted under Order M-21-a or under relief granted pursuant to an appeal from that Order.	July-Sept., 1943, and Oct.-Dec., 1943 100% of average quarterly number of units in base period; Jan. to Mar., 1944 and thereafter—75% of same.
Closet accessories, including but not limited to coat and garment hangers (whether used in closets or elsewhere), tie racks and boot and shoe trees, except coat and hat hooks if expressly permitted by Order L-236 or a Schedule under it.	Garment bags	Metal in hooks and joining hardware only.	Iron and steel	100%.
	Garment hangers, other than hangers specifically designed for trousers or skirts only.	No wire heavier than .1205 inch.	Iron and steel; only if obtained by special sale under Priorities Regulation 13 or in inventory on July 17, 1943.	20%.
Pails, buckets and tubs, except: (i) pails or tubs designed expressly for use as packing or shipping containers; and (ii) dairy pails	Pails, buckets and tubs	Metal in hoops, bails, ears, handles and joining hardware only, not exceeding 15% of total weight.	Iron and steel; zinc coated	Unlimited.

[F. R. Doc. 43-11519; Filed, July 17, 1943; 11:19 a. m.]

PART 1188—RAILROAD EQUIPMENT

[General Limitation Order L-97, as Amended July 17, 1943]

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

§ 1188.1 *General Limitation Order L-97*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

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

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

(2) "Locomotives" means all types of new or used locomotives, including but not limited to steam, electric, diesel, diesel-electric gasoline and gasoline-electric locomotives. This definition does not include underground mine-type locomotives.

(3) "Producer" means any person engaged in the production of new locomotives; or in the repairing, rebuilding, redesigning, or otherwise processing of used locomotives.

(4) "Produce" means to produce new locomotives; or to repair, rebuild, redesign or otherwise process used locomotives for the purpose of sale or resale. This definition does not include the repairing, rebuilding, redesigning or otherwise processing of used locomotives by or for the owner thereof.

(c) *Restrictions on production and delivery of locomotives.* Irrespective of the terms of any contract of sale or purchase or of any other commitment, no producer shall produce or deliver any locomotives except as authorized pursuant to the provisions of paragraphs (d), (e), and (f) hereof.

(d) *Production and delivery schedules.* (1) Each producer shall schedule, or reschedule, if necessary, his production and make deliveries of locomotives in accordance with such specific directions as may be issued from time to time by the War Production Board.

(2) The production and delivery schedules established by any specific direction issued pursuant to paragraph (d) (1) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and without regard to production schedules in effect on January 1, 1943, and may be altered only upon specific direction of the War Production Board.

(3) If it becomes impossible for any producer to maintain production and delivery of locomotives in accordance with any such schedule, he shall immediately notify the War Production Board, and, unless otherwise directed by the War Production Board, he shall continue to produce and deliver locomotives in the order set forth in such schedule and shall postpone production and delivery of any such locomotives only to the extent required by the circumstances causing his failure to maintain production and delivery as required by such schedule.

(e) *Prohibition of transfer of used locomotives.* Except as provided in paragraph (f) hereof, no person shall sell, lease, trade, lend, deliver, ship or transfer any used locomotive, and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any used locomotive.

(f) *Exceptions from prohibition of transfer of used locomotives.* Nothing in paragraphs (c), (d) or (e) hereof shall be construed to prevent:

(1) Any sale, lease, trade, loan, delivery, shipment or transfer of any used locomotive which has been specifically authorized by the War Production Board pursuant to an application filed upon Form PD-747; or

(2) Railroads from selling, leasing, trading, loaning, delivering, shipping or transferring used locomotives to other railroads; or

(3) The redelivery (to the owner) of any used locomotive which has been repaired, rebuilt, redesigned or otherwise processed for such owner; or

(4) Any of the following transactions in used locomotives pursuant to established practices:

(i) Customary daily switching operations for which charges are made on either an hourly or a tonnage basis;

(ii) Any delivery, shipment or transfer from one branch, division or section of a single enterprise to another branch, division or section of the same enterprise;

(iii) Leases or loans between persons who are parents or subsidiaries of each other, or who are subsidiaries of the same parent; or

(iv) Leases or loans in cases of emergency: *Provided,* That each such lease or loan is limited to a period not to exceed thirty days, and that application for confirmation thereof is forwarded to the War Production Board on Form PD-747 by the lessor within 48 hours after delivery of the locomotive.

(5) Any person from transferring title to a locomotive which has been delivered pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to January 1, 1943, or from retaking, repossessing or obtaining redelivery of any such locomotive upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to such date.

(g) *Restriction on dismantling or scrapping.* Except upon specific authorization of the War Production Board, application for which may be filed upon Form PD-747, no person shall dismantle or scrap any locomotive.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sale or disposal of locomotives, which records shall be available for audit and inspection by duly authorized representatives of the War Production Board.

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

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

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

(l) *Communications.* All communications concerning this order should be addressed to War Production Board, Transportation Equipment Division, Washington, D. C., Ref.: L-97.

Issued this 17th day of July 1943.

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

INTERPRETATION 1

As used in paragraph (g) and authorizations issued thereunder.

1. The term "dismantle" means to remove or strip all usable parts from a locomotive for re-use on other locomotives and to reduce the remainder to scrap material;

2. The term "scrap" means to reduce the entire locomotive to scrap material without removing any parts for re-use. (Issued Feb. 15, 1943.)

INTERPRETATION 2

The question has arisen to what extent a production and delivery schedule for a given number of locomotives, prescribed for a producer by the War Production Board pursuant to paragraph (d) (1) of Order L-97, takes precedence over any preference ratings which may be applied or extended to him, either for the locomotives themselves or for parts thereof.

A production and delivery schedule so established is protected by paragraph (d) (2), which provides that it "shall be maintained without regard to any preference ratings already assigned or hereafter assigned . . .". This protection of the schedule under Order L-97 extends not only to locomotives in completed form, but also to any locomotive parts manufactured by the producer which enter into the scheduled locomotives, to the extent that the diversion of such parts to fill rated orders would interfere with fulfillment of the prescribed schedule. (Issued April 12, 1943.)

[F. R. Doc. 43-11520; Filed, July 17, 1943; 11:19 a. m.]

PART 1261—LABORATORY EQUIPMENT

[Interpretation 1 of General Limitation Order L-144, as Amended]

The following Interpretation is issued to General Limitation Order L-144, as amended:

The word "distributor", wherever it appears in Order L-144 [§ 1261.1] includes only distributors located in the United States, its territories or possessions. The order permits delivery to "distributors" without requiring specific authorization on Form WPB-1414 (formerly PD-620). The purpose of this provision is to eliminate the necessity of double authorizations on the sale of equipment from producer to distributor followed by resale from distributor to user. It was contemplated, however, that the distributors would be reselling either to the Army or Navy or serial-numbered laboratories, or to other persons who had received specific authorization on Form WPB-1414; and therefore the War Production Board would have control over the

ultimate disposition of the equipment. In the case of sales to distributors in foreign countries, the War Production Board has no control over sales by the distributor to the ultimate user. For this reason distributors in foreign countries must receive specific authorization on Form WPB-1414, just as in the case of any other foreign purchaser.

Issued this 17th day of July 1943.

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

[F. R. Doc. 43-11521; Filed, July 17, 1943; 11:19 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANIC'S HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, AND MACHINE TOOL ACCESSORIES

[Schedule V to Limitation Order L-216]

FILES

§ 3114.6 *Schedule V to Limitation Order L-216*—(a) *Definitions.* For the purpose of this schedule, including the appendix:

(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) "Producer" means any person engaged in the manufacture of files.

(3) "File" means any file or rasp including American Pattern, Swiss pattern and straight and curved-tooth milled files and rasps, but excluding rotary files, finning burs and small burs as defined in Schedule IV of this order, and excluding ampoule scorers, surgical rasps, dental files and veterinarian rasps and files.

(4) "Total quarterly production" means the total number of units of all types and sizes of files manufactured by a producer in any given quarter.

(b) *Limitations on manufacture and sale.* On and after July 17, 1943, no person shall manufacture or sell any file of size and type other than the sizes and types listed in the appendix hereto attached, subject to the following provisions:

(1) Any producer may apply to the War Production Board for permission to manufacture and sell files for special or precision work which do not conform to the dimensional specifications contained in the attached appendix: *Provided, however,* That the total quantity of such special files to be manufactured by such producer during any quarter shall not exceed six per cent of such producer's average total quarterly production for the year 1942.

(2) The limitations contained in this paragraph (b) shall not be deemed to prohibit the completion and sale of any files for which the producer has material on hand on July 17, 1943, nor to prohibit the sale of any files from inventories on hand as of July 17, 1943.

(c) *Tolerance permitted for file dimensions.* The following tolerances are permitted in the width and thickness dimensions for finished files shown in the attached appendix:

(1) *American pattern files and rasps.*

(i) Warding files plus or minus 1/32" in both width and thickness.

(ii) Other American pattern files up to and including 6" in length plus or minus 1/16" in width and 1/32" in thickness.

(iii) Other American pattern files over 6" in length—plus or minus 1/16" in both width and thickness.

(iv) Horse rasps and shoe rasps—plus or minus 1/8" in both width and thickness.

(2) Straight and curved-tooth milled files—plus or minus 1/16" in both width and thickness.

(3) *Swiss pattern files.* (i) Three square, half-round and crossing files—plus or minus 1/16" in both width and thickness.

(ii) Other Swiss pattern files up to and including 6" in length—plus or minus 1/32" in width and 1/64" in thickness.

(iii) Other Swiss pattern files over 6" in length—plus or minus 1/32" in both width and thickness.

(d) *Limitation on steel sizes.* On and after July 17, 1943, no producer shall purchase any steel for incorporation into a type and size of file with respect to which the attached appendix indicates that a specified steel size is to be used in such manufacture, other than the size of steel permitted in the appendix for such type and size of file, subject to standard mill tolerances.

(e) *Necessity for preference ratings.* (1) No producer shall sell or deliver any metal cutting file except in accordance with the provisions of General Preference Order E-6, as amended from time to time.

(2) No producer shall sell or deliver any file other than a metal cutting file pursuant to any purchase order placed prior to July 17, 1943 unless such order bears a preference rating of A-9 or higher, nor pursuant to any purchase order placed subsequent to July 17, 1943 unless such order bears a preference rating of AA-5 or higher, or except pursuant to specific permission of the War Production Board.

Issued this 17th day of July 1943.

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

APPENDIX

TABLE 1—AMERICAN PATTERN FILES

Mill Files[1]

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch: Bastard Min.	Bastard Max.	Smooth Min.	Smooth Max.
4	7/16	5/64	54	62		
6	5/8	1/16	48	52	68	74
7	47/64	1/16	45	50		
8	13/16	9/64	43	46	56	62
10	1	11/64	33	41	51	56
12	1 3/16	3/16	24	37	45	50
14	1 3/4	7/32	20	33	39	43
16	1 17/32	1/4	25	29		

Mill Files—2 Round Edges[1]

Length (inches)	Width (inches)	Thickness (inches)	Bastard Min.	Bastard Max.	Smooth Min.	Smooth Max.
6	5/8	1/16	48	52		
8	13/16	9/64	43	46		
10	1	11/64	33	41		

Mill Files—Blunt[1]

[Also known as Special Cross-cut files]

Length (inches)	Width (inches)	Thickness (inches)	Bastard Min.	Bastard Max.	Smooth Min.	Smooth Max.
6	5/8	1/16	48	52		
7	47/64	1/16	45	50		
8	13/16	9/64	43	46		
10	1	11/64	33	41		

[1] Mill files shall be made from the following steel sizes:

Length of file (inches)	Width of Steel (inches)	Thickness of Steel (inches)
4	.420	.081
6	.620	.116
7	.715	.124
8	.810	.142
10	1.000	.167
12	1.190	.195
14	1.380	.225
16	1.240	.255

Square Files

Length (inches)	Width of Stile (inches)	Cuts—teeth per inch: Bastard Min.	Bastard Max.	Second Cut Min.	Second Cut Max.	Smooth Min.	Smooth Max.
4	7/16	43	48	56	63	72	79
6	3/4	33	37	43	49	55	61
8	11/16	25	29	36	41	44	49
10	7/8	22	25	31	35	39	44
12	15/16	19	21	29	31	36	39
14	1 1/8	16	18	25	28	33	36
16	1 1/4	15	17				
18	1 3/8	14	16				

Round Files[2]

Length (inches)	Width of Stile (inches)	Bastard Min.	Bastard Max.	Second Cut Min.	Second Cut Max.	Smooth Min.	Smooth Max.
4	7/16	37	44	46	53	58	65
6	3/4	26	31	34	39	46	51
7	17/64	25	30				
8	11/16	21	25	23	32	39	43
10	7/8	19	21	26	29	36	39
12	15/16	17	19	23	26	32	35
14	1 1/8	16	18	21	23	30	33
16	1 1/4	15	17				

[2] Bastard sizes 6-inch and larger and second cut sizes 12- and 14-inch are double cut. All other sizes are single cut.

TABLE 1—AMERICAN PATTERN FILES—continued

Half-Round Files [4]

Length (In.)	Width (Inches)	Thickness (Inches)	Cuts—teeth per inch											
			Bastard				Second cut				Smooth			
			Back		Flat		Back		Flat		Back		Flat	
			Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
4	7/16	1/8	37	45	37	45	51	59	51	59	65	73	65	73
6	5/8	5/32	29	34	29	34	41	46	41	46	50	56	50	56
8	3/4	7/32	24	28	24	28	33	37	33	37	44	50	44	50
10	15/16	9/32	21	24	21	24	29	32	29	32	39	43	39	43
12	1 1/8	11/32	19	21	18	20	26	29	26	29	34	37	34	37
14	1 5/16	13/32	17	19	16	18	23	26	23	26	31	34	31	34
16	1 1/2	29/64	15	17	14	16	20	23	21	24	29	32	29	32

Knife Files

Length (Inches)	Width (Inches)	Thickness		Bastard		Second cut		Smooth	
		Thick edge (Inches)	Thin edge (Inches)	Min.	Max.	Min.	Max.	Min.	Max.
4	15/32	7/64	1/32	49	55	60	68	82	90
6	11/16	5/32	1/16	41	45	52	59	66	73
8	7/8	3/16	1/16	33	37	42	48	54	60
10	1 1/16	1/4	1/16	28	32	34	39	43	49

[4] Flat sides are double cut. Second-cut sizes 4- and 6-inch and all smooth sizes may be single or double cut on the back. All other double cut on back.

Flat Files [2]

Length (Inches)	Width (Inches)	Thickness (Inches)	Cuts—teeth per inch					
			Bastard		Second cut		Smooth	
			Min.	Max.	Min.	Max.	Min.	Max.
4	7/16	7/64	40	48	50	58	65	73
6	5/8	9/64	30	33	41	45	52	57
8	13/16	11/64	23	26	33	37	44	48
10	1	15/64	20	22	29	32	37	41
12	1 3/16	17/64	17	19	26	28	33	36
14	1 3/8	19/64	16	18	23	25	29	32
16	1 17/32	11/32	14	16	21	23	29	32
18	1 23/32	23/64	13	15				

Hand Files [2]

6	5/8	9/64	31	35	41	46	50	56
8	13/16	11/64	23	26	34	38	44	50
10	1	15/64	20	23	29	32	38	42
12	1 3/16	17/64	17	19	26	28	34	38
14	1 3/8	19/64	16	18	24	26	31	34
16	1 17/32	11/32	15	17				

Hand Finishing Files [2]

12	1 3/16	17/64					35	40
14	1 3/8	19/64					33	38

Warding Files

4	7/16	1/16	50	55	68	73	84	91
6	5/8	5/64	41	45	55	59	68	73
8	25/32	3/32	34	37	44	48	55	60
10	15/16	1/8	28	31	36	39	43	48

Pillar Files

6	7/16	7/32	34	40	44	50	56	64
8	9/16	9/32	28	32	37	42	47	54
10	11/16	11/32	23	26	33	37	43	48
12	13/16	13/32	20	23				

[2] Flat, Hand and Hand Finishing files shall be made from the following steel sizes:

Length of file, inches	Width of steel	Thickness of steel
	Inches	*Inches*
4	.430	.107
6	.620	.140
8	.810	.180
10	1.000	.230
12	1.180	.265
14	1.360	.300
16	1.540	.345
18	1.720	.360

TABLE 1—AMERICAN PATTERN FILES—continued

Three Square Files

Length, inches	Width of side, inches	Cuts—teeth per inch					
		Bastard		Second-cut		Smooth	
		Min.	Max.	Min.	Max.	Min.	Max.
6	1/2	33	37	43	49	55	61
8	5/8	25	29	36	41	44	49
10	3/4	22	25	31	35	39	44

Double-Ender Files

Length, inches	Width of side, inches	Cuts—teeth per inch	
		Minimum	Maximum
7	7/32	58	63
8	9/32	55	59
9	11/32	52	56
10	3/8	47	51

Taper Files

Length, inches	Tapers single cut			Slim tapers			Extra slim tapers			Double extra slim tapers		
	Width of side	Teeth per inch		Width of side	Teeth per inch		Width of side	Teeth per inch		Width of side	Teeth per inch	
		Min.	Max.		Min.	Max.		Min.	Max.		Min.	Max.
	In.			In.			In.			In.		
4				1/4	58	63	3/16	61	68	5/32	62	70
4½				17/64	55	60	17/64	60	65	11/64	61	68
5				5/16	54	59	7/32	59	64	3/16	60	69
5½							1/4	58	63			
6	1/2	40	45	3/8	50	55	9/32	55	60	7/32	58	63
7	9/16	37	42	13/32	45	50	11/32	51	56	1/4	55	60
8	5/8	30	40	1/2	41	45				5/16	52	57
10	3/4	32	36									

Band-Saw Files—Blunt

Length (inches)	Regular			Slim		
	Width of side (inches)	Teeth per inch		Width of side (inches)	Teeth per inch	
		Min.	Max.		Min.	Max.
6	1/2	40	45	3/8	50	55
8	5/8	36	40	1/2	41	45

TABLE 1—AMERICAN PATTERN FILES—continued

Pitsaw Files

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch			
			Back		Flat	
			Min.	Max.	Min.	Max.
6	7/16	7/32	47	50	47	50
8	9/16	9/32	43	46	43	46

Cant-Saw Files

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch			
			Back		Sides	
			Min.	Max.	Min.	Max.
6	17/32	13/64	49	55	49	55
8	15/16	17/64	44	48	44	48
10	15/16	9/16	39	43	39	43

Cross-Cut Files (Great American)

8	15/16	9/32	42	48	43	49
10	15/16	23/64	38	43	39	43

Aluminum Files [5]

Length (inches)	Width		Thickness		Cuts—teeth per inch					
					Flat		Half Round			
							Back		Flat	
					Min.	Max.	Min.	Max.	Min.	Max.
	H. Rd.	Flat	H. Rd.	Flat						
6	17/32	5/8	9/64	9/64	16	18	16	18	16	18
8	23/32	15/16	13/64	11/64	14	16	15	17	15	17
10	29/32	1	1/4	15/64	14	16	15	17	15	17
12	15/16	15/16	11/32	17/64	14	16	14	16	14	16
14	13/32	1 3/8	13/32	19/64	14	16	14	16	14	16
16	19/32	17/32	15/32	11/32	14	16	14	16	14	16

Foundry Files [5]

8	13/16	13/16	15/64	11/64	24	27	25	28	24	27
10	1	1	9/32	15/64	21	23	23	25	21	23
12	13/16	13/16	11/32	17/64	16	18	20	23	18	20
14	13/32	1 3/8	13/32	19/64	15	18	18	20	16	18
16	19/32	17/32	15/32	11/32	15	17	16	18	15	17

[5] Flat Aluminum Files, Flat Foundry Files, Flat Lead Float Files and Flat Long Angle Lathe Files shall be made from the same steel sizes as shown in footnote 2 for Flat Files and Hand Files.

TABLE 1—AMERICAN PATTERN FILES—continued

Brass Files—Half Round

Length (inches)	Width (inches)	Thickness (inches)	Cuts—teeth per inch			
			Back		Flat	
			Min.	Max.	Min.	Max.
6	17/32	9/64	28	32	28	32
8	23/32	13/64	22	26	22	26
10	29/32	1/4	21	25	21	25
12	1 3/16	11/32	19	21	19	21

Lead Float Files—Half Round

8	3/4	7/32	17	19	17	19
10	15/16	9/32	15	17	15	17
12	1 1/8	11/32	13	15	13	15

Lead Float Files—Flat [5]

Length (Inches)	Width (Inches)	Thickness (Inches)	Cuts—teeth per inch	
			Minimum	Maximum
8	13/16	11/64	17	19
10	1	13/64	15	17
12	1 3/16	17/64	13	15

Long Angle Lathe—Flat [5]

10	1	15/64	22	26
12	1 3/16	17/64	20	24
14	1 23/64	19/64	19	21

Flat Wood Rasps

Length (inches)	Width (inches)	Thickness (inches)	Bastard		Smooth	
			Teeth per row	Rows per inch	Teeth per row	Rows per inch
8	13/16	9/32	7	6 2/3	8	10
10	1	11/32	7	5 3/4	9	8 2/3
12	1 3/16	13/32	7	5 1/4	10	8 2/3
14	1 3/8	15/32	7	4 3/4	11	6 2/3
16	1 17/32	17/32	7	4 1/4	12	5 3/4

Wood Rasps Half-Round—Bastard

Length (inches)	Width (inches)	Thickness (inches)	Cuts			
			Back		Flat	
			Teeth per row	Rows per inch	Teeth per row	Rows per inch
6	5/8	15/64	7	9	6	9
8	13/16	5/16	8	6 2/3	7	6 2/3
10	1	13/32	8	5 3/4	7	5 3/4
12	1 3/16	15/32	8	5 1/4	7	5 1/4
14	1 3/8	17/32	9	4 3/4	7	4 3/4
16	1 9/16	37/64	10	4 1/4	7	4 1/4

Wood Rasps Half-Round—Smooth

6	5/8	15/64	8	12	7	12
8	13/16	5/16	9	10	8	10
10	1	13/32	10	8 2/3	9	8 2/3
12	1 3/16	15/32	11	8 2/3	10	8 2/3
14	1 3/8	17/32	12	6 2/3	11	6 2/3
16	1 9/16	37/64	13	6 2/3	12	6 2/3

Cabinet Rasps—Second Cut

6	23/32	3/16	7	9	6	9
8	15/16	1/4	9	8 2/3	8	8 2/3
10	1 1/8	9/32	11	6 2/3	10	6 2/3
12	1 5/16	11/32	11	6 2/3	10	6 2/3
14	1 9/16	13/32	12	6 2/3	11	6 2/3

Cabinet Rasps—Smooth

6	23/32	3/16	10	12	9	12
8	15/16	1/4	12	12	11	12
10	1 1/8	9/32	12	10	11	10
12	1 5/16	11/32	15	10	14	10
14	1 9/16	13/32	15	10	14	10

[5] Flat Aluminum Files, Flat Foundry Files, Flat Lead Float Files and Flat Long Angle Lathe Files shall be made from the same steel sizes as shown in footnote 2 for Flat Files and Hand Files.

TABLE 1—AMERICAN PATTERN FILES—continued

Horse Rasps—Plain Half File

Length (inches)	Width* (inches)	Thickness (inches)	Cuts			
			Rasp Side		File Side	
			Teeth per row	Rows per inch	Teeth per Inch	
					Minimum	Maximum
12	1 9/32	11/32	5	7	11	15
14	1 17/32	3/8	5	7	10	14
16	1 23/32	7/16	5	7	10	13

Horse Rasps—Slim Half File

18	1 23/32	7/16	5	7	10	13

Horse Rasps—Tanged Regular

12	1 17/32	3/8	5	7	11	14
14	1 23/32	7/16	5	7	10	13

Horse Rasps—Tanged Thin

14	1 23/32	23/64	6	7	10	14

Shoe Rasps—Half-Round

Length, inches	Width, inches	Thickness, inches	Cuts					
			Rasp end				File end, teeth per inch	
			Flat		Back			
			Teeth per row	Rows per inch	Teeth per row	Rows per inch	Min.	Max.
8	7/8	7/32	8	12	9	12	19	21
9	31/32	1/4	8	12	9	12	18	20
10	1 1/16	9/32	8	11	9	11	17	19

TABLE 2—STRAIGHT- AND CURVED-TOOTH MILLED FILES

Length, inches	File Blades[6]		Tang Files[7]		Cuts—teeth per inch		
	Width, inches	Thickness, inches	Width, inches	Thickness, inches	Regular cut	Fine	Smooth
7	5/8	1/8			14		
8	13/16	11/64	5/64	3/16	14	16	18
10	1	3/16	1	15/64	12	14	17
12	13/16	13/64	17/32	9/32	10	13	16
14	1 11/32	7/32	1 23/64	21/64	8	12	16

[6] Flexible or rigid (half-round shell or half-round moulding).
[7] Rigid files with tangs for handles. Any of the following types: Flat, flat hobbitt, flat utility, half oval, pillar, square and half-round.

TABLE 3—SWISS PATTERN FILES

"X" as used in the following tables indicates file may be made in the size and cut shown.

Where dimensions for width, thickness or diameter are not given in the following tables, these dimensions are to be the option of the individual manufacturer.

All dimencional figures are inches.

Hand

Size		Thickness	Cuts						
Length	Width		00	0	1	2	3	4	6
3	7/16	3/32	x	x	x	x	x	x	—
4	17/32	1/8	x	x	x	x	x	x	—
6	5/4	5/32	x	x	x	x	x	x	x
8	23/32	3/16	x	x	x	x	x	x	x
10	13/32	7/32	x	x	x	x	x	x	—
12	1 1/4	9/32	x	x	x	x	—	x	—

Pillar

3	19/64	3/32	x	x	x	x	x	x	—
4	23/64	7/64	x	x	x	x	x	x	x
6	31/64	5/32	x	x	x	x	x	x	—
8	39/64	7/32	x	x	x	x	x	x	—
10	47/64	13/64	x	x	x	x	—	x	—
12	55/64	17/64	x	x	x	x	—	x	—

Narrow Pillar

3	7/32	5/64	x	x	x	x	x	x	x
4	17/64	7/64	x	x	x	x	x	x	x
6	23/64	5/32	x	x	x	x	x	x	x
8	15/32	3/16	x	x	x	x	x	x	—
10	9/16	1/4	x	x	x	x	—	x	—
12	41/64	9/16	x	x	x	x	—	x	—

Extra Narrow Pillar

3	9/64	3/32	x	x	x	x	x	x	x
4	3/16	7/64	x	x	x	x	x	x	x
6	7/4	5/32	x	x	x	x	x	x	x
8	5/16	3/16	x	x	x	x	x	x	—
10	3/8	7/32	x	x	x	x	—	x	—
12	7/16	1/4	x	x	x	x	—	x	—

Pillar Testing

Length	Cuts	
	0	1
6	x	x
8	x	x

TABLE 3—SWISS PATTERN FILES—continued

Knife

Size			Cuts						
Length	Width	Thickness	00	0	1	2	3	4	6
3	3/8	5/64	x	x	----	x	----	x	----
4	15/32	7/64	x	x	x	x	x	x	----
5	9/16	9/64	x	x	----	x	----	x	----
6	11/16	5/32	x	x	x	x	x	x	----
8	7/8	3/16	x	x	x	x	x	x	----

Taper Round

Size		Cuts						
Length	Diameter	00	0	1	2	3	4	6
3	5/64	x	x	x	x	x	x	x
4	1/8	x	x	x	x	x	x	x
5	5/32	x	x	x	x	x	x	x
6	3/16	x	x	x	x	x	x	x
8	1/4	x	x	x	x	x	x	----
10	21/64	x	x	x	x	----	x	----
12	27/64	x	x	x	x	----	x	----

Parallel Round

4	1/8	x	x	----	x	----	x	----
5	5/32	x	x	----	x	----	x	----
6	3/16	x	x	----	x	----	x	----
8	1/4	x	x	----	x	----	x	----

Half Round

Length	Cuts						
	00	0	1	2	3	4	6
3	x	x	x	x	x	x	----
4	x	x	x	x	x	x	----
5	x	x	x	x	x	x	----
6	x	x	x	x	x	x	x
8	x	x	x	x	x	x	----
10	x	x	x	x	x	x	----
12	x	x	x	x	----	x	----

Half Round Ring

Length	Cuts						
	00	0	1	2	3	4	6
6	x	x	x	x	----	x	----
7	x	x	x	x	----	x	----

Square

Size		Cuts					
Length	Width of side	00	0	1	2	3	4
3	5/64	x	x	x	x	x	x
4	1/8	x	x	x	x	x	x
6	3/16	x	x	x	x	x	x
8	1/4	x	x	x	x	x	x
10	11/32	x	x	x	x	----	x
12	7/16	x	x	x	x	----	x

Three Square

3	5/32	x	x	x	x	x	x
4	1/4	x	x	x	x	x	x
5	5/16	x	x	x	x	----	x
6	3/8	x	x	x	x	x	x
8	1/2	x	x	x	x	x	x
10	5/8	x	x	x	x	----	x

Metal Saw

3	5/32	----	x	----	x	----	x
4	1/4	----	x	----	x	----	x
5	5/16	----	x	----	x	----	x
6	3/8	----	x	----	x	----	x
8	1/2	----	x	----	x	----	x

TABLE 3—SWISS PATTERN FILES—continued

Crossing

Length	Cuts						
	00	0	1	2	3	4	6
3	x	x	x	x	x	x	x
4	x	x	x	x	x	x	x
6	x	x	x	x	x	x	x
8	x	x	x	x	x	x	----
10	x	x	x	x	x	x	----

Warding

3	x	x	x	x	----	x	----
4	x	x	x	x	----	x	----
6	x	x	x	x	----	x	----
8	x	x	x	x	----	x	----
10	x	x	x	x	----	x	----

Square Edge Mill

Length	Cuts						
	00	0	1	2	3	4	6
4	x	----	x	x	----	----	----
6	x	----	x	x	----	----	----
8	x	----	x	x	----	----	----
10	x	----	x	x	----	----	----
12	x	----	x	x	----	----	----
14	x	----	x	x	----	----	----

Equaling

3	x	x	x	x	----	x	----
4	x	x	x	x	----	x	----
6	x	x	x	x	----	x	----
8	x	x	x	x	----	x	----

Crochet

3	x	x	x	x	----	x	----
4	x	x	x	x	----	x	----
6	x	x	x	x	----	x	----
8	x	x	x	x	----	x	----
10	x	x	x	x	----	x	----

Finishing

8	----	----	----	x	----	x	x
10	----	----	----	x	----	x	x
12	----	----	----	x	----	x	x

Barrette

3	x	x	x	x	----	x	----
4	x	x	x	x	----	x	----
6	x	x	x	x	----	x	----
8	x	x	x	x	----	x	----

Pippin

4	x	x	x	x	----	----	----
6	x	x	x	x	----	----	----
8	x	x	x	x	----	----	----

Checkering

6	x	x	x	x	----	----	----
8	x	x	x	x	----	----	----

Slitting

4	x	x	----	x	----	----	----
6	x	x	----	x	----	----	----

TABLE 3—SWISS PATTERN FILES—continued

Square Edge Joint

Length	Cuts						
	00	0	1	2	3	4	6
4	----	x	----	x	----	----	----
6	----	x	----	x	----	----	----

Fork

6	----	x	----	x	----	----	----

Bench

#1 cut on one side.
#3 cut on reverse side.
Lengths: 10 and 12.

Screw Head, Tanged and Plain

Length: 3

Coil

Lengths: 3½ and 5½.

Pivot, Right and Left

Lengths, 3.

Broach

Steel wire gauges 40 to 65, inclusive.
Length, 3.

Auger Bit

Length, 7.

Doctor, Tanged and Plain

Length, 14.

Die Sinkers

Cuts: 0, 1 and 2—12 shapes permitted.
Length, 3½.

Round Edge Joint

Length	Cuts						
	00	0	1	2	3	4	6
4	----	x	----	x	----	----	----
6	----	x	----	x	----	----	----

Corrugating

6	----	x	----	x	----	x	----

Escapement—or Square Handled Needle

Cuts:—0, 2, 4 and 6—12 shapes permitted
Length:—5½

Straight Blade, Round Handled Needle

Cuts:—0, 2, 4 and 6—12 shapes permitted;
Lengths:—4, 5½ and 6¼

Curved Blade, Round Handled Needle

Cuts:—0, 2, 4 and 6—12 shapes permitted
Lengths:—4, 5½ and 6¼

Die Sinkers Rifflers

Cuts:—0, 2 and 4—18 shapes permitted
Length:—6½

Silversmiths Rifflers

Cuts:—0 and 2—12 shapes permitted
Length:—7

Parallel Machine

Cuts:—00, 0 and 2—12 shapes permitted
Lengths:—As required

Special Parallel Machine

Tension and Compression Types
Cuts:—1 and 3—10 shapes permitted
Lengths:—As required.

[F. R. Doc. 43-11522; Filed, July 17, 1943; 11:19 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, as Amended July 17, 1943]

SALES OF CONTROLLED MATERIALS BY WAREHOUSES AND DISTRIBUTORS

§ 3175.4 *CMP Regulation 4*—(a) *Purpose and scope.* This regulation describes the procedure to be followed by warehouses and distributors in delivering controlled materials from stock (including consigned stock) except that in the case of steel, deliveries from one distributor to another are governed by Orders M-21-b-1 and M-21-b-2.

Steel

(b) *Definitions with respect to steel.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I of CMP Regulation No. 1.

(2) "Distributor" means any person (including a warehouse, jobber, dealer or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(c) *Rejection of orders.* (1) A distributor must reject all orders except those which he is required or permitted to fill under paragraph (d).

(2) A distributor must reject any order calling for delivery to any one person, at any one destination, at any one time or at the convenience of the distributor, of 56,000 pounds or more of rails or of 40,000 pounds or more of all other steel products except:

(i) Where acceptance of the order is specifically authorized by the War Production Board at the request of the buyer or seller, or

(ii) Where the order covers only oil country tubing, oil country casing, or oil country drill pipe, or

(iii) Where the order includes 10 or more individual items and each item differs from each other item in specified quality or cross section and no item weighs more than 8,000 pounds.

No person shall subdivide an order for the purpose of avoiding any of the requirements of this paragraph (c) (2).

(3) A distributor must not deliver any steel on an authorized controlled material order bearing a specific allotment number except in the period for which the allotment was made or within 15 days before or 30 days after such period. For example, a distributor receiving an order bearing the allotment number N-1-4Q43 may fill the order at any time during the period September 15, 1943, through January 31, 1944. Orders bearing symbols such as MRO which do not have to bear any quarterly identification are not subject to this provision.

(4) A distributor may reject any order for steel on which the customer does not specify immediate delivery. Even if he elects to accept an authorized controlled material order calling for future delivery, he is not allowed to set aside the steel covered by such order. He must deliver it on any order calling for immediate delivery that he is required to fill under paragraphs (d) (1), (2) or (3), and may deliver it on any order calling for immediate delivery that he is permitted to fill under paragraph (d) (4).

(5) A distributor may reject any order calling for the delivery of steel which he does not have in stock or which he does not know is in transit to his stock.

(6) A distributor may reject all or any part of an order which the War Production Board specifically authorizes him to reject. If a delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired, he may apply to the War Production Board for authority to reject the order and may delay filling the order until his application is acted upon.

(d) *Orders which must be filled.* A distributor must fill the following kinds of orders unless he is required or permitted to reject them under paragraph (c):

(1) A distributor must fill all authorized controlled material orders.

(2) A distributor must fill orders for delivery to farmers as required by Priorities Regulation No. 19.

(3) A distributor must fill orders bearing preference ratings of AAA.

(4) A distributor may fill other orders as follows, but is not required to do so regardless of whether rated or not:

(i) Orders in amounts of $10 or less. No endorsement is required on such orders.

(ii) Orders calling for delivery to one customer during any calendar quarter of not more than 10 tons of carbon steel, 1,000 pounds of stainless steel and 2 tons of other alloy steel, providing such deliveries of any one product group and type to one customer do not exceed the amounts shown below:

	Quantities in Pounds per quarter unless otherwise stated		
	Carbon (including wrought iron)	Stainless	Alloy (Other than stainless)
Tool steel, including drill rod	200		200
Tool steel bits			5
Mechanical tubing	1,000*	100*	200*
Wire rope and strand	200*		
Music wire	200		
All other wire and wire products in controlled material form	2,000	100	
Pipe	2,000		
Galvanized, lead-coated and painted sheets and strip (including formed roofing and siding)	2,000		
Tin and terne plate	2,000		
Fence posts	2,000		
All other steel products	20,000	1,000	4,000

*Feet per quarter.

Each order placed under this paragraph (d) (4) (ii) must be accompanied by or endorsed with a certificate signed manually or as provided in Priorities Regulation No. 7 in substantially the following form (or, in the form provided in CMP Regulation No. 7):

The undersigned hereby certifies to the distributor with whom this order is placed and to the War Production Board, subject to the criminal penalties provided in Section 35 (A) of the United States Criminal Code, that receipt of the steel covered by this order, together with all other steel received by, or on order for delivery to, the undersigned, from all sources, during the same quarter, will not exceed the limits specified in paragraph (d) (4) of CMP Regulation No. 4.

A distributor shall be entitled to rely on such certificate unless he knows or has reason to believe it to be false.

The purpose of this paragraph (d) (4) (ii) is to permit persons using small quantities of steel to obtain their requirements without the use of allotments; it is not to allow users of large quantities to obtain steel in addition to their purchases on authorized controlled material orders. Therefore, a person who buys any steel under this paragraph (d) (4) (ii) cannot receive steel in any quarter in excess of the amounts shown in the above table, whether the steel comes from producers, distributors, or other sources and whether it is received on authorized controlled material orders or otherwise.

Copper

(e) *Definitions with respect to copper.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy.

(2) "Wire mill product" means bare or insulated wire or cable for electrical conduction made from copper or copper base alloy.

(3) "Warehouse" means any industrial supplier, mill supplier, plumbing supply house, electrical wholesaler or other person engaged in the business of distributing brass mill products or wire mill products to industry or trade otherwise than as a controlled materials producer and includes warehouses owned by mills.

(4) "Item of brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy, which is different from all other items of that form, by reason of one or more differences of its specifications, such as size, shape, gauge, thickness or alloy. Differences in temper or length do not differentiate items.

(5) "Item of wire mill product" means any wire or cable made from copper or copper base alloy for electrical conduction which is different from all other items of that form by reason of one or more differences of its specifications, such as size, alloy or insulation. Differences in temper or length do not differentiate items.

(6) "Warehouse stock" means brass mill or wire mill products physically located in warehouse inventories, whether owned or held on consignment by the warehouse.

(f) *Delivery of brass mill or wire mill products*—(1) *Delivery from warehouse stock.* (i) A warehouse shall fill authorized controlled material orders for brass mill or wire mill products, in accordance with this regulation, if it can fill the orders from its stock. In addition, until October 1, 1943, a warehouse shall fill from its stock orders for brass mill or wire mill products bearing preference ratings of AA-5 or higher, in accordance with this regulation, except that the total quantity of brass mill and wire mill products shipped on rated orders during the period commencing July 1, 1943, and ending September 30, 1943, must not exceed 2 percent of the total quantity of brass mill or wire mill products, respectively, shipped by the warehouse during the period commencing April 1, 1943, and ending June 30, 1943. In no case, however, may a warehouse fill an order for brass mill or wire mill products unless the purchaser has the right to accept delivery under paragraphs (f) (1) (ii) and (f) (1) (iii), which limit the amount of brass mill and wire mill products which a purchaser may get from a warehouse. A warehouse is entitled to rely on a certificate furnished by any of its customers under paragraph (f) (1) (iv) unless it knows or has reason to believe it to be false. A warehouse shall not fill any order for brass mill or wire mill products except those which it is required to fill by this paragraph (f) (1) (i).

(ii) No person shall order from warehouse stocks any item of brass mill product for delivery to any one destination, on any one day, which aggregates more than 500 pounds gross weight, or for delivery during any one calendar month, which aggregates more than 2,000 pounds gross weight, and no person shall accept any such delivery. However, the 500 pound limitation does not apply to a single straight length of rod, tube, pipe, sheet, or strip and neither the 500 pound nor the 2,000 pound limitation applies to condenser tubes.

(iii) No person shall order from warehouse stock any item of wire mill product for delivery to any one destination, during any one calendar month, which aggregates more than 3,000 pounds copper content and no person shall accept any such delivery.

(iv) No person shall place an order under this paragraph and no warehouse shall accept an order unless it is accompanied by, or endorsed with, a certificate in the form provided in CMP Regulation No. 7, signed manually or as provided in Priorities Regulation No. 7.

(2) *Other deliveries.* A warehouse receiving an authorized controlled material order from a customer and wishing to arrange for direct shipment to such customer by the producer or other supplier thereof, shall, in placing such order, specify direct delivery and shall show on its own purchase order the name of the customer and the allotment number or symbol appearing on the customer's order. A purchase order specifying direct delivery and giving such information shall be deemed an authorized controlled material order. A warehouse placing such an order shall not consider the delivery as made from its stock, and it may not request replacement.

(3) *Delivery after September 30, 1943.* No warehouse shall make a delivery after September 30, 1943, of any brass mill or wire mill product except to fill an authorized controlled material order.

Aluminum

(g) *Definitions with respect to aluminum.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person who is specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale.

(h) *Deliveries of aluminum by distributors on authorized controlled material orders.* (1) Each distributor shall, to the extent of his available stocks, fill authorized controlled material orders, except that a distributor shall reject any authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of more than 500 pounds of any gage, alloy and size of aluminum sheet, or more than 300 pounds of any alloy, shape and size of aluminum wire, rod or bar, or more than 200 pounds of any alloy, size and shape of aluminum tubing, extrusions or structural shapes: *Provided, however,* That any distributor shall be entitled to fill an authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of 2,000 pounds or less of any gage, alloy and size of aluminum sheet, 1,000 pounds or less of any gage, alloy and size of aluminum wire, rod or bar, or 500 pounds or less of any alloy, size and shape of aluminum tubing, extrusions or structural shapes, if such distributor shall first have requested the mill supplying him to fill such order and such mill shall have advised such distributor to fill the same from his stock. Such request and advice may be made verbally but shall be confirmed in writing.

(2) No distributor shall deliver any aluminum except to fill an authorized controlled material order or pursuant to a specific direction of the War Production Board.

General Provisions Applicable to Steel, Brass Mill Products, Wire Mill Products and Aluminum

(i) *Directions to distributors and warehouses.* Each distributor and warehouse shall comply with such directions as may be issued from time to time by the War Production Board with respect to making or withholding deliveries of steel, brass mill products, wire mill products or aluminum, and with respect to the earmarking of stocks of such material.

(j) *Placement of authorized controlled material orders.* A delivery order for steel, brass mill products, wire mill products or aluminum, shall be deemed an authorized controlled material order, if but only if,

(1) It is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board; or

(2) It is endorsed with the appropriate allotment number as required by paragraph (s) (3) of CMP Regulation No. 1.

(k) *Verbal delivery orders.* Any delivery order requiring shipment within seven days may be placed verbally or by telephone by stating to the distributor or warehouse the substance of the information required by this regulation, *Provided,* That the person placing the order furnishes to the distributor or warehouse, within seven days after placing the same, written confirmation of the order complying with the requirements of this regulation. In case of failure to receive written confirmation within seven days, the distributor or warehouse shall not accept any other order from, or deliver any additional material of any kind to, the purchaser

until such written confirmation is furnished. On or before the 15th day of each month any distributor or warehouse who has received in the prior month a delivery order by telephone, shall notify the appropriate Regional Compliance Office of the War Production Board, of any case in which a purchaser has failed to furnish to him the written confirmation when due.

(l) *Special provisions with respect to AAA orders.* Notwithstanding the foregoing provisions of this regulation, an authorized controlled material order placed with a distributor or warehouse bearing a rating of AAA shall be filled in preference to any other authorized controlled material orders regardless of time of receipt.

(m) *Communications.* All communications concerning this regulation should be addressed to the War Production Board, Washington, D. C., Ref: CMP Regulation No. 4 (specify whether steel, copper or aluminum).

Issued this 17th day of July 1943.

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

INTERPRETATION 1

The definitions of "distributor" and "warehouse" appearing in paragraphs (b) (2) and (e) (3) of CMP Regulation No. 4 are not deemed to include persons engaged solely in the business of distributing automotive replacement parts. Consequently, such persons may sell, for use as automotive replacement parts, such items as bulk or spooled primary and spark plug wire, battery cables and magnet wire, without reference to the terms of CMP Regulation No. 4, but subject to the provisions of General Limitation Order L-168 and other applicable regulations or orders. (Issued Feb. 27, 1943)

[F. R. Doc. 43-11528; Filed, July 17, 1943; 11:20 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Revocation of Brass Mill Warehouse Direction 1 of CMP Reg. 4]

Brass Mill Warehouse Direction 1 of CMP Regulation No. 4 [§ 3175.4] issued March 8, 1943, is hereby revoked.

Issued this 17th day of July 1943.

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

[F. R. Doc. 43-11529; Filed, July 17, 1943; 11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Revocation of Supp. Brass Mill Warehouse Direction 1-a of CMP Reg. 4]

Supplementary Brass Mill Warehouse Direction 1-a of CMP Regulation No. 4 [§ 3175.4] issued May 26, 1943, is hereby revoked.

Issued this 17th day of July 1943.

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

[F. R. Doc. 43-11530; Filed, July 17, 1943; 11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Revocation of Wire Mill Warehouse Direction 1 of CMP Reg. 4]

Wire Mill Warehouse Direction 1 of CMP Regulation No. 4 [§ 3175.4] issued March 8, 1943, is hereby revoked.

Issued this 17th day of July 1943.

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

[F. R. Doc. 43-11531; Filed, July 17, 1943; 11:21 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 8 to CMP Reg. 5]

CAPITALIZED REPAIRS

The following Interpretation 8 is issued to CMP Regulation 5:

Products or materials needed for repairs or replacements which are capitalized cannot be obtained under CMP Regulation No. 5 [§ 3175.5] except to the extent permitted by paragraph (b) (3) of the regulation relating to minor capital additions costing less than $500.

Issued this 17th day of July, 1943.

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

[F. R. Doc. 43-11532; Filed, July 17, 1943; 11:21 a. m.]

PART 3234—AMMUNITION

[Limitation Order L-286 as Amended July 17, 1943]

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

§ 3234.1 *Limitation Order L-286*—(a) *Definitions.* For the purposes of this order:

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

(2) "Manufacturer" means any person engaged in the business of manufacturing ammunition.

(3) "Dealer" means any person engaged in the business of selling ammunition at retail to the public.

(4) "Distributor" means any person engaged in the business of selling ammunition other than a manufacturer or dealer.

(5) "Ammunition" means any cartridge loaded with gun powder and containing a metallic bullet or metallic shot, designed to be fired in a pistol, revolver, rifle, shotgun or submachine gun of the following caliber or gauge:

.22 caliber long rifle
.25-35 caliber
.25-20 caliber
.270 caliber
.250-3000 caliber
.30-06 caliber
.30-30 caliber
.300 caliber (except .300 H & H Magnum)
.30 caliber
.32 caliber
.32-20 caliber
.35 caliber
.351 caliber
.38 caliber
.380 caliber
.357 caliber
.45 caliber
12-gauge
16-gauge
20-gauge
410-gauge

The term "ammunition" also includes primers, designed for re-loading fired cartridges, but does not include any tear gas cartridge or projectile, any re-loaded cartridge, or any cartridge not manufactured in North America.

(6) "Authorized purchaser" means any person for whom a quota is assigned in Schedule A of this order.

(7) "Defense plant" means any plant in which any product or material is manufactured, processed or assembled, pursuant to a contract or subcontract with, or for the account of the United States Government or any department or agency thereof.

(8) "Defense plant guard" means any person who is employed as a guard in a defense plant and who requires ammunition in connection with the performance of his duties.

(9) "Law enforcement agency" means any law enforcement agency of the United States Government, and any law enforcement agency of any State, county, city or other governmental subdivision, within the United States or any of its territories or possessions.

(10) "Law enforcement officer" means any member of a law enforcement agency regularly employed as such, who requires ammunition in connection with the performance of his official duties, but the term does not include defense plant guards.

(11) "Special guard" means any person who is employed as a guard by a public utility, a transportation or express company, a bank or trust company, a public warehouse or any company furnishing armored car service, or any payroll guard, who requires ammunition in connection with the performance of his duties and who is required by his employer to furnish all his own ammunition.

(12) "Farmer or rancher" means any person who operates a farm or ranch as owner or as tenant of the owner.

(13) "Calendar quarter" means the several three months of the year commencing January 1, April 1, July 1, and October 1.

(b) *Restrictions on sale and delivery of ammunition.* No manufacturer, distributor or dealer shall sell or deliver any ammunition, and no person shall purchase or accept delivery of any ammunition from any manufacturer, distributor or dealer, except where such ammunition is sold or delivered:

(1) To fill any order for ammunition to be delivered to, or for the account of (i) the Army or Navy of the United States, Defense Supplies Corporation or

the Office of Strategic Services; or, (ii) the Government of any foreign country if pursuant to specific authorization of the Army of the United States or the War Production Board.

(2) To fill any order placed by any agency of the United States Government for ammunition to be delivered to, or for the account of the government of any country, including those in the western hemisphere, pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) To a manufacturer, distributor or dealer.

(4) To any authorized purchaser not in excess of his current quota as fixed in Schedule A of this order, upon receipt of a certificate as provided in paragraph (c) of this order.

(5) To any person who has been specifically authorized to purchase or accept delivery of ammunition by the War Production Board pursuant to the provisions of paragraph (d) of this order or otherwise.

(6) From stock in the hands of any dealer on the effective date of this order if the retail value of said stock of ammunition according to maximum prices fixed by the regulations of the Office of Price Administration is less than $250.

(7) By the Army or Navy of the United States.

(c) *Certification.* Any authorized purchaser, prior to purchasing or accepting delivery of ammunition pursuant to the authorization in paragraph (b) (4) of this order, shall file with the seller, a purchase order, together with a written certificate signed by him in substantially the form hereinafter provided for such purchaser in this paragraph (c). Such certification shall constitute a representation by such purchaser to the seller and to the War Production Board, of the facts certified therein. No person shall make delivery of ammunition based on such certification who has reason to believe that any of the facts certified therein are false.

CERTIFICATE No. 1

Law Enforcement Agencies

To _____
Name of Seller

_____
Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that the purchaser is familiar with the provisions of Limitation Order L-286; that purchaser is a law enforcement agency as defined in said order; that purchaser has _____ persons regularly employed as law enforcement officers on a full time basis to whom purchaser furnishes ammunition; that during the current calendar quarter, purchaser has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity to which purchaser is entitled under the applicable quota as established by Schedule A of Limitation Order L-286; that purchaser's present stock of ammunition is inadequate and that the ammunition ordered is necessary for the public safety; that said ammunition will not be used except in connection with the discharge of the official duties of the officers employed by purchaser.

Date: _____

_____
Legal Name of Purchaser

By _____
Authorized Official

_____
Title of Official

_____
Address of Purchaser

CERTIFICATE No. 2

Defense Plants

To_____
Name of Seller

_____
Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Limitation Order L-286; that he is the operator of a defense plant as defined in said order; that he has _____ persons regularly employed as defense plant guards on a full time basis to whom he furnishes ammunition; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity to which he is entitled under the applicable quota as established by Schedule A of Limitation Order L-286; and that the ammunition ordered is necessary for the protection of said plant; that said ammunition will not be used except in connection with the discharge of the official duties of the defense plant guards employed by purchaser.

Date_____

_____
Legal Name of Purchaser

By _____
Authorized Official

_____
Title of Official

_____
Address of Purchaser

CERTIFICATE No. 3

Special Guards

To_____
Name of Seller

_____
Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Limitation Order L-286; that he is a special guard as defined in paragraph (a) (11) of said order; and that he is employed by _____, in
Name and address of employer
the capacity of _____; that he is required to furnish all his own ammunition; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition ordered by the attached purchase order) in excess of the quantity for said quarter to which he is entitled under the applicable quota as established by Schedule A of said order; that his present supply of ammunition is inadequate for the performance of his official duties and that he will not use any of the ammunition hereby ordered except in connection with the performance of his official duties.

Date _____

_____
Signature of Purchaser

_____
Address of Purchaser.

Approved by

_____
Employer

CERTIFICATE No. 4

Farmers and Ranchers

To _____
Name of Seller

_____
Address of Seller

The undersigned purchaser hereby certifies to the seller named above and to the War Production Board that he is familiar with the provisions of Schedule A to Limitation Order L-286; that he operates a farm or ranch; that the ammunition ordered by the attached purchase order is necessary to protect livestock or crops from predatory animals or birds and that his present stock of ammunition is inadequate; that during the current calendar quarter he has not purchased nor received from any source, any ammunition (including the ammunition hereby ordered) in excess of the quantity for said quarter to which he is entitled under the applicable quota established by Schedule A to Limitation Order L-286.

Date _____

_____
Signature of Purchaser

(d) *Application for authorization.* Any person other than an authorized purchaser seeking authorization to purchase ammunition and any authorized purchaser who, in any quota period requires ammunition in addition to the applicable quota as fixed in Schedule A shall make application on Form PD-860, which shall be filed with the Governmental Division, War Production Board, Washington, D. C., Ref: L-286. Authorization, if granted, shall be delivered to the seller with the purchase order. In case of emergency, application may be made by telephone or telegraph stating all pertinent facts.

(e) *Miscellaneous provisions*—(1) *Records.* All manufacturers, distributors and dealers affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventory and sale of ammunition, including all certificates and purchase orders referred to in paragraph (c) and all authorizations by the War Production Board referred to in paragraph (d) of this order.

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

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

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

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

(6) *Communications.* A report required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Governmental Division, War Produc-

tion Board, Washington, D. C., Ref: L-286.

(7) *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 prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 17th day of July 1943.

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

SCHEDULE A OF LIMITATION ORDER L-286

(a) *Quotas:* Pursuant to the provisions of paragraph (b) (4) of Limitation Order L-286, quotas of ammunition for authorized purchasers are established on a current quarterly basis as follows:

(1) To any law enforcement agency for each of its law enforcement officers, employed on a full-time basis to whom it furnishes all of the ammunition required in connection with the performance of his official duties:

20 rounds of pistol ammunition, except .22 caliber but no more than 10 rounds of .38 caliber special service, and not more than 10 rounds of .38 caliber midrange.

100 rounds of .38 caliber primers.

100 rounds of rifle ammunition, except .22 caliber.

200 rounds of .22 caliber long rifle cartridges.

25 shot gun shells of any gauge.

(2) To the operator of any defense plant, for each defense plant guard whom he employs on a full-time basis and to whom he furnishes all of the ammunition required in connection with the performance of his duties:

The same quotas as listed in paragraph (1) of this paragraph (a).

(3) To any special guard:

The same quotas as listed in paragraph (1) of this paragraph (a).

(4) To any farmer or rancher:

100 rounds .22 caliber long rifle cartridges.

140 rounds of rifle ammunition except .22 caliber but not more than 40 rounds of .30-30 caliber and not more than 100 rounds of .30-06 caliber.

25 rounds of shot gun shells of any gauge.

[F. R. Doc. 43-11523; Filed, July 17, 1943; 11:19 a. m.]

PART 3250—FOOD PROCESSING MACHINERY

[General Limitation Order L-292 as Amended July 17, 1943]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of materials used in the production of food processing machinery, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3250.1 *General Limitation Order L-292*—(a) *Definitions.* For the purpose of this order:

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

(2) "Processor" means any person to the extent that he is engaged in the business of preparing, processing, canning, packing or packaging human or animal foods or tobacco for distribution (except food for consumption on the premises). A person shall not be deemed to be a processor to the extent that he is engaged in the production of food or tobacco, but an operator of a processing plant located on a farm and engaged in the business of preparing, processing, canning, packing or packaging human and animal food for distribution shall be deemed a processor.

(3) "Food processing machinery" means new, used, reconditioned and rebuilt machinery and equipment, of the kinds specified in Schedule A hereto, with a sales value of $50 or more for any single new machine or piece of equipment or $300 for any single used, rebuilt or reconditioned machine or piece of equipment; excluding (i) refrigerating machinery and equipment as defined in Limitation Order L-38, (ii) machinery and equipment used on a farm or a fishing vessel for production and handling of food or tobacco prior to delivery to a processor, (iii) scales and balances as defined in Limitation Order L-190, or (iv) conveying machinery as defined in Limitation Order L-193.

(4) "Manufacturer" means any person engaged in the fabrication, assembly, reconditioning or rebuilding of food processing machinery; and includes subsidiaries and affiliates of any such person.

(5) "Dealer" means any person engaged in the business of acquiring food processing machinery for resale; but the term shall not include any manufacturer.

(6) "Approved order" means any order of the following kinds:

(i) An order for any food processing machinery bearing a preference rating of AA-3 or higher assigned on Form WPB-617 formerly PD-200.

(ii) An order for canning machinery or equipment as described in Schedule A to be delivered to a processor located within the territorial limits of the United States and Canada, bearing a preference rating of AA-3 or higher assigned on Form WPB-576 formerly PD-285.

(iii) An order for dairy, egg, or poultry processing machinery or equipment as described in Schedule A to be delivered to a processor located within the territorial limits of the United States and Canada, bearing a preference rating of AA-3 or higher assigned on Form WPB-748 formerly PD-414.

(iv) An order for food processing machinery approved by the War Production Board pursuant to subparagraph (b) (2) hereof; or

(v) Any other order for food processing machinery bearing a preference rating of AA-3 or higher assigned on Form PD-1A or on Form WPB-337 (formerly PD-408).

(7) "Order" means any commitment or other arrangement for the delivery of food processing machinery, whether by sale, lease, consignment, or otherwise.

(b) *Restrictions on orders and deliveries.* (1) On and after June 15, 1943, no manufacturer, dealer, or processor shall accept any order for food processing machinery unless the order is an approved order. On and after June 30, 1943, no manufacturer, dealer, or processor shall deliver any food processing machinery and no person shall accept delivery of food processing machinery from any manufacturer, dealer, or processor, except pursuant to an approved order.

(2) A manufacturer or dealer may apply for approval of orders received by him prior to the date of this order, to be delivered on or after June 30, 1943, by filing in triplicate a list of such orders together with the following information with respect to each:[1]

Name and address of customer and date of order.

Description of food processing machinery ordered.

Expected delivery date.

Rating and source thereof (i. e., Form PD-1A, PD-285, etc.) if known.

Percentage of completion of order and amount of additional material necessary.

Use to be made of machine.

(c) *Restrictions on manufacture.* On and after June 30, 1943, no manufacturer shall fabricate or assemble any new machinery or equipment of the kinds listed on Schedule B hereto, or any parts therefor. The limitations and restrictions of this paragraph shall not apply to (1) the completion of any food processing machine or piece of equipment for which parts weighing, in the aggregate, not less than 75% of the weight of the finished machine or piece of equipment were fabricated prior to June 5, 1943 to the extent that they could not be used either as maintenance or repair parts for other kinds of food processing machinery or in the assembly of food processing machinery not subject to the restrictions of this paragraph; or (2) the fabrication or assembly of maintenance and repair parts or parts used in the reconditioning or rebuilding of used food processing machinery. As used in this paragraph "maintenance" shall mean the upkeep of food processing machinery in sound working condition; and "repair" shall mean the restoration, without change of design, of any portion of food processing machinery to sound working condition, when such portion has been rendered inoperative or unsafe or unfit

[1] This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

for service by wear and tear, damage, destruction or failure of parts, or other similar causes.

(d) *Simplification and standardization.* (1) On and after June 30, 1943, no manufacturer of dairy, egg, or poultry processing machinery or equipment shall fabricate or assemble any machinery or equipment of the kinds listed in Schedule C except in the size, style, or model therein prescribed.

(2) On and after June 30, 1943, no manufacturer of canning machinery or equipment shall fabricate or assemble any type or kind of machinery or equipment in more than one model for any one operation on any food or food product; except that a second model may be fabricated and assembled if it will provide at least 50% greater food processing capacity than that of the smaller model produced by the same manufacturer and performing the same operation on the same food or food product. In any event no manufacturer shall fabricate or assemble more than two models of any type or kind of machine. The provisions of this subparagraph shall not be construed to limit or restrict the number of sizes in any model which may be produced.

(3) Prior to June 30, 1943, each manufacturer of canning machinery and equipment shall file with the War Production Board on Form WPB-1902, formerly PD-754, a list of the models, and of the sizes thereof, which he proposes to manufacture in accordance with the restrictions of subparagraph (d) (2); and thereafter, unless otherwise directed by the War Production Board such manufacturer shall be permitted to produce only the models so reported.

(4) Notwithstanding any other provision of this paragraph (d) no manufacturer shall be prohibited from completing any machine or piece of equipment for which parts weighing in the aggregate not less than 75% of the weight of the finished machine were fabricated prior to June 5, 1943, to the extent that they could not be used either as maintenance or repair parts for other kinds of food processing machinery or in the assembly of food processing machinery in compliance with the restrictions of this paragraph (d).

(e) *Conservation of critical materials.* On and after June 30, 1943, no manufacturer shall fabricate or assemble any food processing machinery or equipment of the kinds listed in Schedule D hereto otherwise than in accordance with the restrictions on the use of materials contained in such schedule: *Provided, however,* That the provisions of this paragraph shall not prohibit the assembly of any such machinery or equipment from parts fabricated prior to June 5, 1943.

(f) *Exemptions.* (1) The limitations and restrictions of subparagraph (b) (1) shall not apply to:

(i) Orders from or deliveries to a manufacturer or dealer to enable him to fill approved orders which he has actually received, or to replace machinery delivered by him to fill approved orders;

(ii) The seizure or transfer of food processing machinery upon distraint or levy, or upon default in the terms of a conditional sales agreement, chattel mortgage, pledge, or other security agreement;

(iii) The transfer of food processing machinery at judicial or sheriff's auction or sale, tax sale, or other similar transaction conducted by a judicial or other legal officer;

(iv) The transfer of food processing machinery by will or intestacy, or by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, or receivership, proceedings or pursuant to any assignment for the benefit of creditors;

(v) The transfer of food processing machinery as part of a merger, consolidation, sale and purchase of assets, sale and purchase of stock, or lease of plant, involving all or substantially all the assets of a business, where no liquidation or dismemberment of assets is involved or contemplated;

(vi) The transfer of food processing machinery within a plant or from one plant or branch to another under common control, but not the transfer from a plant manufacturing the machinery to a plant which will use it;

(vii) The transfer of food processing machinery as a trade-in for other food processing machinery where the latter is delivered pursuant to an approved order;

(viii) The transfer of food processing machinery to be scrapped for its material content;

(ix) The transfer of any interest in a written instrument evidencing a lien upon or claim against food processing machinery: *Provided however,* That nothing in this subdivision (ix) shall be construed to permit the physical delivery of the food processing machinery involved;

(x) The return of any leased food processing machinery by the lessee to the lessor upon the expiration, termination or cancellation of the lease; or to

(xi) An order for or delivery of food processing machinery to be used directly by the Army, or Navy, Maritime Commission, or War Shipping Administration.

(2) The limitations and restrictions of paragraphs (c) and (d) shall not apply prior to September 3, 1943, to any order for or delivery of food processing machinery to be used directly by the Army, Navy, Maritime Commission or War Shipping Administration.

(g) *Production quotas.* (1) The War Production Board may at any time, by amendment to this order, adopt schedules prescribing the number of units of food processing machinery of any kind which may be fabricated and assembled by any manufacturer. On and after the date of issuance of any such schedules (or such other date as shall be specified in the schedule), no manufacturer shall fabricate or assemble more units of any kind of food processing machinery than the number thereof specified in such schedule.

(2) Unless and until the War Production Board shall otherwise provide by schedules adopted in accordance with the provisions of paragraph (g) (1) above:

(i) During the period from January 1, 1943 to September 30, 1943, no manufacturer shall fabricate or assemble any kind of food processing machinery in excess of the number of units of such kind fabricated and assembled by him during the similar period in 1942; except that in any case where the restrictions of this subparagraph prevent a manufacturer from filling an order which he has heretofore received rated AA-3 or higher he may fabricate and assemble the necessary number of additional units to enable him to fill such order.

(ii) During the fiscal year beginning October 1, 1943 and ending September 30, 1944, no manufacturer shall fabricate or assemble any kind of food processing machinery in excess of 50% of the annual average number of units of such kind of machinery which he fabricated and assembled during the calendar years 1939, 1940, and 1941.

(3) The War Production Board may at any time prescribe a production schedule for any manufacturer in respect to any kinds or styles of food processing machinery, regulating the time in which such items shall be produced and the number of units of a model to be produced in any one size. From and after the receipt of any such schedule, the manufacturer may carry on production only in accordance with the schedule. The provisions of this subparagraph shall not be construed to affect the other provisions of this order regulating the aggregate number and kinds of machines or pieces of equipment which may be produced by any manufacturer.

(h) *Miscellaneous provisions*—(1) *Reports.* On or before the 20th day of June and of each succeeding calendar month, each manufacturer shall file a report on Form WPB-2721.

(2) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using ma-

terial under priority control and may be deprived of priorities assistance by the War Production Board.

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

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C. Ref.: L-292.

Issued this 17th day of July 1943.

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

SCHEDULE A

Machinery and equipment included in definition of "Food Processing Machinery," under paragraph (a) (3).

1. Baking machinery and equipment.
2. Brewing machinery and equipment including bottling machinery and equipment but excluding refrigeration machinery.
3. Canning machinery and equipment. This term includes all preparation machinery and equipment, filling, labeling and casing machinery used in the canning, dehydrating, freezing and fresh packing of fruits, vegetables, fishery products (including fishery by-products) and all other human or animal foods, but excluding (1) preparation equipment for meat and meat products (2) home canning and home dehydrating equipment (3) container sealing and closing and jar capping machines (4) refrigeration equipment.
4. Coconut shredding and processng equipment.
5. Coffee, tea, cocoa, and spice grinding and processing equipment, 1 H. P. and larger.
6. Confectionery machinery and equipment.
7. Dairy, egg and poultry processing machinery and equipment used in the commercial processing of milk and milk products, egg and poultry except (1) machinery or equipment used on a farm for the production and handling of milk, eggs or poultry prior to delivery to a processor and (2) machinery or equipment covered by the provisions of Limitation Order L-170.
8. Flour, grain, feed milling and processing machinery and equipment.
9. Food slicing and meat grinding machinery and equipment, 1 H. P. and larger, excluding food slicing and grinding equipment designed as canning machinery.
10. Macaroni processing machinery and equipment.
11. Meat canning and packing house machinery and equipment used in the preparation and processing of edible meat products including machinery and equipment used on the cutting floor, packing floor, trimming floor, in sausage manufacturing and smoked meat handling but excluding machinery and equipment used in fertilizer, glue hair and oleo processing, on the killing floor and in the press room or tank room.
12. Non-alcoholic beverage manufacturing machinery and equipment including bottling machinery and equipment but excluding refrigeration machinery.
13. Sugar processing machinery and equipment.
14. Tobacco processing machinery and equipment.
15. Seed cleaning equipment.

SCHEDULE B

Food Processing Machinery and Equipment which cannot be manufactured unless specifically provided for under the terms of paragraph (g) (1).

1. The following items of baking machinery and equipment:
   a. Angel food pan washing machine.
   b. Cake slicing machine.
   c. Dough brakes.
   d. Dough hopper (ind. unit).
   e. Doughnut machines.
   f. Vibrating screens.
   g. Filling machines.
   h. Fruit cleaning machines.
   i. Icing machines.
   j. Oven and conveyor dump units excluding dump racks.
   k. Pan greasers.
   l. Pan washing machines.
   m. Pie pan washing machines.
   n. Retarding dough box.
   o. Sack cleaners.
   p. Sweet and plain roll tables.
   q. Sweet roll cutting machines.
   r. Trolleys.
   s. Trough dividing boards.
   t. Chocolate melting kettles.
   u. Dough sheeting and stamping machines.
   v. Enrobers.
   w. Icing trolleys.
   x. Marshmallow depositors.
   y. Oil spraying machines.
   z. Sandwich machines.
   aa. Spreading machines.
   bb. Sugar topping machines.
   cc. Sugar wafer machines.
2. All brewing machinery and equipment including bottling machinery and equipment but excluding refrigeration machinery and equipment.
3. All coconut shredding and processing equipment.
4. Coffee, tea, cocoa and spice grinding and processing equipment except equipment by and for the direct use of the Army, Navy, Maritime Commission and War Shipping Administration, and except equipment used in the manufacture of soluble and dehydrated coffee.
5. All confectionery machinery.
6. The following items of dairy machinery and equipment:
   a. Automatic pasteurizing and holding controls for vat pasteurizers.
   b. Batch measures.
   c. Batch weighers.
   d. Butter wrappers.
   e. Butter cutters—power driven.
   f. Fruit feeders.
   g. Flavor tanks for ice cream mix.
   h. Ice cream freezers, except on order by and for the direct use of the Army, Navy, Maritime Commission and War Shipping Administration.
   i. Ice cup—package fillers.
   Coating and dipping machines, all types.
   Bar and popsicle machinery
   j. Ice cream cutting and wrapping machines.
   k. Homogenizers for whole fluid milk.
   l. Milk bottle hooding machines.
   m. Milk irradiator.
   n. Milk bottle case washers.
   o. Paper bottle filling machines.
   p. Soft curd machinery.
   q. Vacuum milk samplers.
   r. Clarifiers for fluid milk.
   s. Foam destroyers.
   t. Multiple effect vacuum pan.
   u. Automatic pocket type holding systems.
   v. Milk can washers for handling chained type covers.
   w. All sanitary fittings for dairy machinery and equipment except the following, as set forth in the International Association of Milk Dealers Code:
   #2C—ell.
   #2F—ell, one end threaded.
   #6—tee, one end recessed.
   #7—tee.
   #9—cross.
   #10C—valve.
   #11C—valve, 3 way.
   #13H—union nut.
   #14—union ferrule.
   #14A—union ferrule.
   #14R—union ferrule, recessless
   #15—union ferrule, threaded.
   #15R—union ferrule, threaded, recessless.
   #16A—cap
   #17—coupling.
   #20—pipe clamp, tapped ¾" I. P. T.
   #21—nipple adapter.
   #22—coupling adapter.
   #23A—thermometer ferrule, fine thread.
   #23B—thermometer ferrule.
   #24—pipe hanger clamp ⅜" I. P. T.
   #25H—malleable wrench.
   #26D—ell 45°.
   #31R—reducing ferrule, concentric.
   #32—eccentric reducing ferrule.
   #32-15—reducing ferrule, eccentric, small end.
   #32-R—eccentric reducing ferrule, flat face.
   #33B—can filler.
   #38—vat outlet.
   #43—tank outlet.
   #45H—check valve, hexagon nut.
   #45V—check valve.
   #30W—angle valve, inlet recessed.
   #30WC—angle valve 90°.
   #60T—compression valve, tee.
   #60C—compression valve, cross.
   #60Y—compression valve, straightway.
   #60R—compression valve, recessless.
7. The following items of egg machinery and equipment:
   a. Egg graders, hand.
   b. Egg graders, power.
8. The following items of flour and grain milling machinery:
   a. Mixers (molasses, etc.).
   b. Pellet machines.
9. Food slicing and meat grinding machinery and equipment except:
   1. Preparation machinery for canning and dehydrating;
   2. Freezing equipment;
   3. Machinery and equipment used in commercial meat packing houses;
   4. On order by and for the direct use of the Army, Navy, Maritime Commission, and War Shipping Administration.
10. All macaroni processing machinery and equipment except drier.
11. Non-alcoholic beverage manufacturing machinery including bottling machinery and equipment but excluding refrigeration equipment and excluding fresh fruit and vegetable juice machinery.
12. The following items of Poultry Machinery and Equipment:
   a. Blood cups.
   b. Poultry killing machines.
   c. Waxers, poultry.
   d. Wax extractors, poultry.
13. All sugar-milling machinery and equipment.
14. All tobacco processing machinery and equipment.

SCHEDULE C

SIMPLIFICATION SCHEDULE FOR DAIRY MACHINERY AND EQUIPMENT

(Permitted styles, sizes & capacities per manufacturer. Nearest standard style and size or capacity formerly manufactured.)

Type of machine	Style	Size or capacity
Cheese vat agitators	1	16′ to 20′.
Babcock testers	1 (motor driven)	2 (24 & 36, short & long bottles).
	1 (hand operated)	2 (4 and 12 bottles).
Butter cutters, hand	1 (manual)	2 (30 and 60 lbs.).
Bottle cappers, hand	1	1.
Cheese curd mills	1 (portable)	2 (8″ and 12″).
Cheese hoops	1 style each size	5 (Cheddar, Longhorn, Daisies, Twin, Loaf).
Cheese presses	1 (manual)	1 (2-row convertible to 4, 20 ft.).
Cheese vats	1 (wood body)	3 (300, 800 and 1200 gallons).
Churns, butter wood barrel	1 (roll-less)	3 (1000, 1500 & 2000 lbs.).
small	1	2 (under 1000 lbs.).
Clarifiers	1 (Airtight, for eggs only)	2 (6000 & 12,000 lbs. per hour milk basis).
Coolers, plate type	See plate pasteurizers	
Dehydrators or Driers for milk and eggs.	2 (roll and spray)	As approved for projects.
Fillers for dairy products:		
(a) Hand	1 (single capper)	2 (2 and 4 valve).
(b) Power	1	4 (Frame and Bowl sizes).
Fillers for evaporated milk	1	1.
Filters	2 (cloth & screen)	Existing.
Forewarmers	1	2 (300 and 600 gallons).
Hot Wells	1 (single well)	2 (500 & 1000 gallons).
Homogenizers for evaporated & dehydrated milk & ice cream.	1 (up to 5000 lbs. pressure)	4 (Frame and Head sizes).
High Pressure Sanitary Pumps	1 (up to 7000 lbs. pressure)	2 (Frame and Head sizes).
Pasteurizers:		
(a) Cheese	1 (Regenerative surface)	Upon application.
(b) Coil	1	4 (300, 600, 800 & 1,000 gallons).
(c) Plate	2 (screw type)	2 size plates.
(d) Vat and Starter Can	2	4 (100, 200, 300 & 500 gallons).
Paraffining Equipment	1	1 (2 Cheddar).
Pumps, Sanitary:		
(a) Centrifugal	1	3 (1″, 1½″ and 2″).
(b) Positive	1 (rotary only)	2 (1½″ & 2″) No variable speed driven.
Separators, open & closed types	1 (open)	2 (3,500 & 7,000 lbs.).
	1 (closed)	2 (7,000 & 11,000 lbs.).
Tanks, Storage:		
(a) Open Top	1	3 (300, 500 & 1,000 gallons).
(b) Cylindrical	2 (Horizontal & vertical—nonrefrigerated).	2 (84″ & 96″ diam.) minimum 2,000 gallons.
Tanks, Receiving	1	4 (100, 300, 500 & 1,000 gallons).
Vacuum Pans	1	2 (60″ & 72″).
Washers:		
Hand Milk Bottle	1	2 (1 and 3 brush).
Sterilizer, Can	1	1.
Milk Bottle, Soaker Type	3	4 (20, 48, 72 & 120 B. P. M.).
Milk Can, rotary	1 (Cold air drying only)	2 (3 & 6 C. P. M.).
Milk Can, Straightway	1 (Cold air drying only)	2 (8-10 & 12-14 C. P. M.). Single or double tank.
Weigh Cans	3 (1 compartment)	2.
	(2 compartment)	2.
	(round)	2.

SIMPLIFICATION SCHEDULE FOR EGG PROCESSING EQUIPMENT

Type of machine	Style	Size or capacity
EGG BREAKING EQUIPMENT		
Egg breaking cups	1	1 not over 3 eggs per cup.
Egg breaking knife	1	1 10½″.
Egg breaking separator	1	1 1⅛″.
Egg breaking tray	1	1 medium 11½ x 10 x 1¼″.
Egg breaking tray grid	1	1 medium 11¼ x 9 x ¾″.
Egg candlers, hand	1	1 1 hole.
Egg candlers, flash	1	1 three dozen.
Egg churns	2	2 500 lbs. and 800 lbs. eggs.
Egg crushers (frozen) Sanitary.	1	1.
Egg bashers	1	1.
Egg leaker trays & grid	1	1 13 x 13 x 3½″.
Egg suckers	1	1.
Egg treating machines	[1] 1	1 16-20 cases per hour.
Egg washers	2	2 six and ten cases per hour.
Sterilizer	1	1 40 x 44 x 30″ (16 ga. Galv.).

[1] Tray type.

SIMPLIFICATION SCHEDULE FOR POULTRY PROCESSING EQUIPMENT

Type of machine	Style	Size or capacity
Cooling racks for dressed poultry.	1	1 180 birds.
Eviscerating equipment	1	3 50 ft. 20-26 birds per minute.
	1	32 ft. 10-15 birds per minute.
	1	Cafeteria tray top, hand.
Feather driers	1	2 5000 & 8000 birds per day.
Feather wringers	1	1.
Giblet cleaning equipment.	[2] 1	1.
Live poultry holding trucks.	[3] 2	2 8 and 16 compartment.
Packing bench & tables.	1	1 36 x 46.
Picking machines:		
(a) Automatic	1	1.
(b) Hand fed	[4] 1	3 (1, 2 or 3 operators each)
Rubber fingers	1	1.
Pinning conveyors	1	2.
Scalding machines	1	2 Poultry size and Turkey size.
Shackles	[5] 2	2 Poultry size & Turkey size.
Tanks & wash sinks	1	2 Poultry size & Turkey size.

[2] Loose pans.
[3] Metal or wood.
[4] Motor driven drum.
[5] Plain and locking.

SCHEDULE D

CONSERVATION PROVISIONS

[#1—DAIRY EQUIPMENT]

1. As used herein "contact parts" means those parts of a dairy equipment which come in direct contact with dairy or egg products, and the fittings to hold such parts in place.

2. No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium or alloys containing these metals other than as impurities shall be used for parts, finishings or plating except as otherwise specifically permitted in this schedule "D"—1.

3. Copper and copper base alloys are permitted only in electrical conductors, bearings, valves, instruments, motors, worm driven gears, and cappers for dairy products, and in contact parts for the following equipment:

Cheese pasteurizers
Clarifiers
Coolers—Sanitary, all types for milk & egg processing plants
Dehydrators for milk and eggs
Fillers for milk and eggs
Filters for milk and eggs
Forewarmers
Heaters for milk and eggs
Hot wells
Homogenizers and high pressure sanitary pumps
Pasteurizers, coil and vat
Preheaters for dairy and egg products
Separators
Tanks and vats, sanitary for milk and egg products
Vacuum pans
Washers
(a) Bottle
(b) Milk bottle soaker type

4. Chromium or nickel or stainless steel alloys containing these metals may be used only in parts that come in contact with milk or egg products in clarifiers, coolers, dehydrators or driers for milk and eggs, fillers, filters, forewarmers, hot wells, homogenizers, high pressure sanitary pumps, pasteurizers, separators, storage tanks, vats including receiving tanks, vacuum pans and weigh cans.

5. Secondary copper—nickel alloys (white metal) made only from scrap or remelt may be used for sanitary fittings and for capping equipment.

6. Tin may be used for solder and for plating or coating parts which come in contact with milk or egg products.

7. Rubber can only be used for gaskets, filling valves and couplings.

8. Zinc for protective coating is permitted.

[#2—EGG EQUIPMENT]

No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium, iron and steel or alloys containing these metals other than as impurities shall be used for parts, finishes, or plating except in bearings, valves, instruments, motors, or solder, or to the extent permitted below:

Equipment	*Permitted metals*
Egg breaking cups Egg breaking knife Egg breaking tray Egg breaking tray grid. Egg breaking separator	Chrome or nickel stainless steel only where in contact with egg or egg product.

Equipment	*Permitted metals*
Egg candlers, flash	Iron or steel except in benches.
Egg churns Egg hashers Egg crushers (sanitary) for frozen eggs	Chrome or nickel stainless steel, secondary copper nickel alloy (white metal) made only from scrap or remelt and tin coated iron or steel, and only where in contact with egg or egg product. Balance of equipment iron or steel.
Egg suckers Egg leaker trays and grids Egg treating machines	Iron, zinc for galvanizing.
Egg tables Egg washers	Iron and steel.

[#3—POULTRY EQUIPMENT]

No more than 12% crude rubber may be used in rubber fingers. No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium, iron and steel or alloys containing these metals other than as impurities shall be used for parts, finishes, or plating except in bearings, instruments, valves, motors, solder, or to the extent permitted below.

Equipment	*Permitted metals*
Cooling racks for dressed poultry.	Iron or steel in axles, casters and hangers only.
Eviscerating equipment.	Iron and steel, zinc for galvanizing top only.
Feather driers	Iron or steel—12 gauge or lighter except in base.
Feather wringer	Iron and steel, zinc for galvanizing.
Giblet cleaning equipment.	Iron and steel, zinc for galvanizing.
Live poultry holding trucks.	Iron and steel, zinc for galvanizing.
Packing bench and tables.	Galvanized iron for top only.
Picking machines	Iron and steel, zinc for galvanizing on drum only.
Pinning conveyors	Iron and steel.
Scalding machines	Iron and steel.
Shackles	Iron and steel, zinc for galvanizing.
Sterilizers	Iron and steel, zinc for galvanizing.
Tanks and wash sinks.	Iron and steel.

[#4—CANNING MACHINERY AND EQUIPMENT]

(A) As used herein "contact parts" mean those parts of a food processing or packing machine or item of equipment which come in direct contact with the edible portion of the food product being processed at any stage of the processing operation.

(B) No stainless steel shall be used except in:

1. Contact parts for machinery processing fishery products, citrus products, pineapple, tomato and tomato products, vinegar and vinegar contact products, sauerkraut, chicken, mayonnaise, apples and apple products, riced potatoes for dehydration, and cranberries and cranberry products.

2. Cutting knives as used in food processing equipment for peeling, coring, extruding, slicing or dicing.

(C) No copper other than for electrical conductors shall be used except for contact parts for acidulous fruits and vegetable products, or in steam-jacketed kettles and in tubing for cooking coils.

(D) No bronze or other copper base alloys shall be used except in—

1. Bearings, gears and fittings;

2. Parts which are in contact with corrosive glues in labeling and sealing machines or with brine and salt water;

3. Contact parts of equipment handling acidulous fruit, vegetable or fishery products;

4. Bearings and packing glands in fresh fruit, vegetable and fishery products, grading, packing and treating equipment.

(E) No copper-nickel alloy shall be used except secondary metal made from reprocessed scrap is permitted in

1. Filling chambers, plunger valves for fillers and contact parts in pumps for baby foods, citrus, and pineapple products;

2. Pump parts that come in contact with hydrochloric solution or brine in fresh fruit, vegetable and fish washing and treating equipment.

(F) No nickel shall be used except in pineapple screens.

(G) No monel metal shall be used except for bolts, nuts, nails and rods in fresh fruit and vegetable washing and treating equipment.

(H) No aluminum shall be used except in citrus fruit extractor heads.

(I) No structural steel framework shall be used in the building of viners or viner feeders, cleaners or recleaners, or shaker shoes.

(J) No tin shall be used except in the plating (including hot dipping and hot wiping) of contact parts and in solder.

(K) No rubber shall be used in any canning machinery or equipment, except the following items in which only reclaimed rubber shall be permitted:

1. Apron flaps and viner screens (which shall be impregnated fabric with coating not to exceed 1/64" thickness on each side);

2. Inspection tables, conveyors and sorting belts for fruits and vegetables (which shall be only impregnated fabric with coating on one side not to exceed 1/64" and coating on other side not to exceed 1/32");

3. Belts or rolls for can and bottle unscramblers and fruit and vegetable dicers, slicers, slitters and cutters (which shall be only impregnated fabric with coating on one side not to exceed 1/8" in thickness);

4. Baffle strips and separators in continuous peelers;

5. Green corn husking rolls; grading ropes for vegetable graders.

6. Valve seals, rings, washers, hoses and displacement members in filling machines; spacing rolls and seaming pads in labeling machines; type and typeholders in can and package marking devices; feed rolls for green corn-cutting machines; gaskets for vacuum pans, centrifuges, heaters and batch peelers; pump parts; and hose, tubing and baffles in fresh fruit and vegetable grading, packing and treating equipment.

(L) No temperature and pressure automatic recording control instruments (industrial type) shall be furnished except on continuous cookers, continuous blanchers, continuous preheaters, continuous scalders and continuous juice tanks.

(M) No metallic paints or filling coats shall be used.

(N) No ball bearing metal rollers shall be used on washing, sorting, packing, scalding, peeling or blanching tables or on fruit and vegetable conveyors. Metal ferrules only will be permitted with wood rollers in tables and conveyors.

(O) Retort cages, crates or covers shall be of the perforated type made of sheet steel, 14 gauge in thickness or less.

[F. R. Doc. 43-11624; Filed, July 17, 1943; 11:20 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-81, as Amended July 17, 1943]

CANS

§ 3270.31 *Conservation Order M-81*—(a) *Definitions.* (1) "Can" means any unused container which is made in whole or in part of tinplate, terneplate, blackplate, or waste, and which is suitable for packing any product. The term includes any container closure or fitting made in whole or in part of tinplate, terneplate, blackplate, or waste, but does not include a closure or fitting to be used on or as a part of a glass container. The term does not include fluid milk shipping containers, as defined in Conservation Order M-200.

(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.

(3) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", "waste-waste", and all other forms of terneplate except waste.

(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.

(5) "Waste" means scrap tinplate, terneplate, and blackplate, produced in the ordinary course of manufacturing cans.

(6) "Pack", unless particularly specified, means the quantity, by area measurement, of tinplate, terneplate, and blackplate required for the manufacture of all sized cans used by a person for packing a particular product during the base period specified.

(b) *Restrictions upon manufacture, sale, and delivery of cans.* (1) No person shall sell or deliver any can except under a purchase order or contract validated by a delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A. No person shall manufacture, sell, or deliver any can which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall manufacture any cans smaller than five gallons with ears, bails, or handles, or any metal keys for opening cans, except that the restrictions of this paragraph (b) (2) shall not apply to cans or keys to be delivered to (1) the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon), pursuant to a letter of intent approved by or a purchase order or contract negotiated for or with any of these agencies, or (2) to other persons pursuant to authorization by the Maritime Commission under Form PD-300.

(c) *Restrictions upon purchase, acceptance of delivery, and use of cans.* (1) No person shall, during the calen-

dar year 1943 (or the seasonal year 1942-1943, when specified), purchase, accept delivery of, or use for packing a product any can except to the extent permitted in Schedules I, II, and III, attached to this order: *Provided, however,* That a jobber or retail store may obtain and sell cans in conformity with the provisions of this order.

(2) The schedules attached to this order list the only products permitted to be packed in cans, packing quotas, sizes of cans, and the kinds of plate permitted for the manufacture of cans.

The calendar year basis shall obtain except for products for which a seasonal year is specified. A seasonal year for a particular product represents a twelve months' period beginning in one calendar year and ending in the next.

The sizes of the can specified for a particular product indicate the only sized cans which may be used for packing that product, except that such product may, subject to all other restrictions imposed by this order, be packed in cans larger than the largest size specified therefor.

When tinplate is specified for the manufacture of cans for packing a particular product, the coating indicated represents the maximum weight of tin coating per single base box. The term "0.50 tinplate" or "0.75 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box. When SCMT is specified, Special Coated Manufacturers' Terneplate is referred to. When blackplate is specified, the specification includes chemically treated blackplate (CTB).

(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) No dried or frozen fruit or vegetable shall be packed in a can, except to the extent specifically permitted in the schedules attached to this order.

(d) *Exceptions.* (1) The restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of the following cans:

(i) Cans (other than for samples distributed for the purpose of advertising or promoting the sale of a product), for packing any product which is not to be sold in the same or different form.

(ii) Fiber or paper bodied cans with ends made of waste for packing the following products: any food product for human consumption, antiseptic or medicinal powders, dental plastics, dentifrice powders, insect and rodent poisons, seed disinfectants and seed inoculants, caulking compound, cements, and photographic chemicals.

(iii) Open-top sanitary tinplate cans for packing any products listed in Schedules I and II attached to this order: *Provided,* (*a*) The packer has packed and set aside the full amount of any such product which he is required to set aside pursuant to Food Distribution Order No. 22 and orders supplementary thereto; (*b*) the cans are not of any of the specific sizes listed for open-top sanitary cans in Schedules I or II; and (*c*) the cans either were manufactured on or before December 9, 1942, or were or are manufactured from parts lithographed, cut to individual size, or partially assembled on or before December 9, 1942, and/or from parts produced from tinplate which, on or before December 9, 1942, was so processed or was of such size, gauge or grade that it is not suitable for the manufacture of tinplate cans of the types and sizes permitted by this order (exclusive of cans for which "frozen tinplate" is specified).

(iv) Cans (other than open-top sanitary tinplate cans) for packing, subject to quota restrictions, any product listed in Schedules I, II, and III or, if the cans are not suitable for any such product, for packing any product not so listed: *Provided,* That, in either event, the cans (*a*) are not of the specific sizes listed, in the schedules attached to this order, for the products for which the cans were originally designed and (*b*) either were completely manufactured on or before December 9, 1942, or were or are manufactured from parts cut to individual size for such cans on or before December 9, 1942.

(v) Cans for packing any products not listed in Schedules I and II attached to this order when such cans are to be delivered either (*a*) packed or empty to the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such commission or Administration for use thereon), pursuant to a letter of intent approved by or a purchase order or contract negotiated for or with any of these agencies, or (*b*) to other persons pursuant to authorization by the Maritime Commission under Form PD-300.

(2) [Revoked April 27, 1943]

(3) No certificate shall be required for the sale or delivery of cans to any purchaser who has already filed a certificate with his seller under Conservation Order M-81.

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

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

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, D. C. Ref.: M-81.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or fur-

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

(5) [Revoked April 27, 1943]

Issued this 17th day of July 1943.

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

EXHIBIT A

PURCHASER'S CERTIFICATE

One copy of this certificate is to be delivered to each person from whom purchases are made of cans made in whole or in part of tinplate, terneplate, blackplate, or waste. Such certificate shall cover all purchases present and future so long as Conservation Order M-81, in its present form or as it may be amended from time to time, remains in effect.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-81, as heretofore amended, and that during the life of such order he will not use or sell any can purchased from

---
(Name of Seller)

(Address of Seller)

pursuant to this or future purchase orders or contracts in violation of terms of such order.

Date_____ _____
(Legal name of Purchaser)

By _____
(Authorized Official)

_____
(Title of Official)

_____
(Address of Purchaser)

Section 35A of the U. S. Criminal Code (18 U. S. C. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

SCHEDULE I—FOOD CANS

NOTE: Paragraph (2), items 1 through 10, 13, 21, 22, 29, 34, 35, 57, 65, and note following item 42 amended; columns (6) and (7), and items 10a, 29a; 33a, 34a added; note following item 66, and item 67 revoked July 17, 1943.

(1) Packing quotas specified in this Schedule I indicate total packs of the respective products listed, for all purposes including cans required by any order of the War Production Board, the Department of Agriculture, or the Director of Food Distribution, to be set aside for purchase by a government agency. The designation FDO-22 indicates that cans may be used for packing only the quantity of product required to be set aside by Food Distribution Order No. 22 and orders supplementary thereto, as same may be amended from time to time. Such quantity is hereinafter sometimes referred to as "set aside quotas."

(2) (a) Until September 30, 1943, all persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears in Columns (4) or (5), 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. 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.

On and after September 30, 1943, all persons manufacturing cans and all persons using cans for packing any products listed in this schedule, bearing the single asterisk in Columns (6) or (7), shall use 0.50 tinplate to the extent of not less than 50 percent of the pack of each product packed after that date.

(b) On and after September 30, 1943, no person shall manufacture and no person shall use, for packing any products listed in this schedule, any cans made of materials except as specified in Columns (6) and (7). However, the provisions of this paragraph (b) shall not apply to cans which were or are made, from 1.25 tinplate, when the tinplate was either in process at the tin mill, in the inventory of the tin mill for the account of the can manufacturer, or in the inventory of the can manufacturer:

(i) On or before August 15, 1943 and the cans were produced specifically for items bearing either the single or double asterisk in Columns (4) or (5).

(ii) On or before September 30, 1943 and the cans were produced specifically for items which in Columns (6) or (7) bear the single asterisk or specify 0.75 tinplate.

(3) Wherever the triple asterisk appears in Column (3) for any product, every canner who possesses No. 10-size can equipment shall pack at least two-thirds of his entire set-aside quota in No. 10 cans, if the fullest practicable use of that equipment provides sufficient capacity. If such use does not provide sufficient capacity, he shall pack as much of the set-aside quota in No. 10-size cans as such capacity does permit, and shall pack the balance of that quota in the other sizes of cans permitted for the particular product. The provisions of this paragraph (3) shall not in any way affect packing in glass, but only the packing of set-aside quotas in No. 10-size cans in preference to other can sizes.

SCHEDULE I—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FRUITS AND FRUIT PRODUCTS						
1. Apples, including crabapples. Whole apples not to be packed.	100% 1942-43	10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
2. Apple sauce, including sauce from crabapples	75% 1942-43	2-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
3. Apricots. Whole apricots not to be packed unless fully ripe and 12 or more to the pound.	FDO-22	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
4. Blackberries, black raspberries, red raspberries, boysenberries, loganberries, and youngberries when packed as berries.	Unlimited	2-2½-10***	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
5. Blueberries or huckleberries	Unlimited	2-10***	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
6. Cherries—other than white	Unlimited	2-2½-10***	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
7. Cherries—white	Unlimited	2-2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
8. Cherries, RSP—frozen only	50% of total frozen tonnage packed in all containers in 1942.	½ of pack in 30 lb. cans;	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
		½ of pack in 50 lb. cans.	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
9. Figs—(Kadota)	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
10. Fruit cocktail—consisting of any combination of fruits listed in this Schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent peaches and pears, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans, to the extent of 10 percent of the fruit cocktail.	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
10a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent Diced Peaches, and not less than 35 percent nor more than 45 percent Diced Pears; or a combination of not less than 50 percent nor more than 60 percent Diced Peaches and not less than 30 percent nor more than 40 percent Diced Pears with not less than 6 percent nor more than 10 percent Grapes. Such peaches or pears shall be peeled, pitted, or cored, and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than ¾", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2½-10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
11. Grapefruit, segments	FDO-22	2	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
12. Grapefruit juice	Unlimited	2-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
13. Olives—ripe and green-ripe	25% 1941-42	10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
14. Orange juice	FDO-22	2-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
15. Orange-grapefruit juice blended (50% orange—50% grapefruit).	FDO-22	2-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
16. Peaches (clingstone), halves, slices or cubes	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
17. Peaches (freestone), halves, slices, or cubes. Not to be packed in California.	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
18. Pears, halves, slices, or cubes	Unlimited	2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
19. Pineapple, slices, chunks, crushed or tidbits. Spears not to be packed.	Unlimited	2-2½-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
20. Pineapple juice	Unlimited	2-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
21. Plums	Unlimited	2½-10	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
22. Prunes, fresh Italian. Not to be packed in California	100% 1942	2½-10	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
VEGETABLES AND VEGETABLE PRODUCTS						
23. Asparagus, all-green or culturally bleached	Unlimited	2-2½-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
24. Beans, green or wax	Unlimited	2-2½-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
25. Fresh shelled beans (whether referred to as beans or peas)	Unlimited		1.25 tin*	1.25 tin**	0.50 tin	CTD.
Lima beans		2-2½-10***				
Other fresh shelled beans, including but not limited to blackeyed peas or beans, field peas, soy beans.		2-2½-10				
26. Beets. Whole beets over 1½" diameter not to be packed	100% 1942	2-2½-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
27. Carrots. Whole carrots not to be packed	130% 1942	2-2½-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
28. Corn, fresh, sweet, cut	Unlimited		1.25 tin*	1.25 tin**	0.50 tin	CTD.
Cream style		2-10				
Whole kernel		2-2 vacuum (307 x 306) for vacuum pack-10***.				
29. Mixtures of vegetables (except succotash, and peas and carrots) which consist of not less than 90 percent of any combination of vegetables listed in this schedule (or of any such combination and celery, onions, and peppers); *Provided*, That the combination, by drained weight, shall consist of not more than 60 percent of any one vegetable; and, *Provided, further*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	75% 1941	2 vacuum (307 x 306) 2-2½-10.	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
29a. Succotash—*Provided*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2-2½-10	1.25 tin*	1.25 tin**	0.50 tin	CTD.
30. Mushrooms	50% 1941-2	2 oz-4 oz-8oz	1.25 tin	1.25 tin.*	1.25 tin.*	0.50 tin.
31. Okra	100% 1940	2-2½-10	1.25 tin	1.25 tin.*	1.25 tin	0.50 tin.
32. Tomatoes and okra	100% 1940	2-2½-10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
33. Peas, green	Unlimited	2-2 vacuum (307 x 306) for vacuum pack-10.***	1.25 tin.*	1.25 tin.**	0.50 tin	CTD.

SCHEDULE I—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FRUITS AND FRUIT PRODUCTS—continued						
33a. Peas and carrots—fresh green peas only. Carrots not to exceed 40 percent of total drained weight. No vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	2-2½-10	1.25 tin	1.25 tin.*	1.25 tin	0.50 tin.
34. Pumpkin and squash	100% 1942	2½	1.25 tin	1.25 tin.*	1.25 tin	0.50 tin.
34a. Sweet potatoes—including yams	50% 1941	2½-3 Vco	1.25 tin	1.25 tin.*	1.25 tin	0.50 tin.
35. Soups—Limited to the below-listed kinds of seasonal and non-seasonal soups containing no less than the specified percentage, by weight, of solids (dry or salt-free, whichever is specified) from dairy products in any form; poultry or poultry products in any form; fresh, brined, or frozen meats, fish, vegetables, and other products of the kinds listed in Schedules I or II.						
a. Seasonal soups	Unlimited	1 picnic	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Kinds: *Minimum solids*						
Asparagus 7% dry solids.						
Pea 7% dry solids.						
Spinach 7% dry solids.						
Tomato 7% dry solids.						
Mushroom 18½% salt-free solids.						
b. Non-seasonal soups	75% of total 1942 pack of specified non-seasonal soups.	1 picnic	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Kinds: *Minimum Solids*						
Chicken, chicken gumbo, chicken noodle, gumbo creole, consomme, bouillon 6% dry solids.						
Clam or fish chowders, turtle 8% dry solids.						
Scotch broth, vegetable, vegetable-vegetarian, pepper pot, oxtail, mock turtle, country style chicken, and corn chowder 10% dry solids.						
Beef and vegetable-beef 12% dry solids.						
Bean [from dried beans] 23% salt-free solids.						
36. Green leafy vegetables			1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
Spinach	80% 1942	2½-10***				
Other green leafy vegetables, limited to beet, collard, dandelion, kale, mustard, poke, and turnip greens.	80% 1942	2½-10				
37. Tomatoes	Unlimited	2-2½-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
38. Tomato catsup, not less than 25 percent (specific gravity 1.11), by weight of total dry solids.	FDO-22	2½-3 cyl-10***	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
39. Tomato juice, which may contain not more than 20 percent of other vegetable juices.	Unlimited	2-3 cyl-10***	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
40. Tomato sauce, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037), by weight of dry tomato solids and not less than 10.0 percent (specific gravity 1.042) by weight of total dry solids, salt free. In addition to salt, the contents may contain pepper, spice oils, and other flavoring ingredients.	Unlimited	2-10*** 5 gal reusable	1.25 tin 1.25 tin	1.25 tin 1.25 tin	1.25 tin 1.25 tin	1.25 tin.* 1.25 tin.
	125% 1942 pack sizes 8Z and 1 picnic.	8Z—1 picnic	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
41. Tomato paste from fresh tomatoes, containing not less than 25 percent, by weight of dry tomato solids.	Unlimited	2½-10***-12 5 gal reusable	1.25 tin 1.25 tin	1.25 tin 1.25 tin	1.25 tin 1.25 tin	1.25 tin.* 1.25 tin.
	125% 1942 pack of size 6Z	6Z	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
42. Tomato pulp or puree, from fresh tomatoes, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight of dry tomato solids.	Unlimited	2-2½-10*** 5 gal reusable	1.25 tin 1.25 tin	1.25 tin 1.25 tin	1.25 tin 1.25 tin	1.25 tin.* 1.25 tin.
	125% 1942 pack of size 1 picnic.	1 picnic	1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
NOTE: Tomato paste, tomato pulp or puree and tomato sauce, may be repacked from No. 10, or from 5 gal. or larger reusable cans when required for packing other products, or for repacking in different form (other than in the form of tomato paste, or tomato pulp or puree); but none may be repacked in the same form. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.						
FISH AND SHELLFISH						
(Processed, and in hermetically sealed cans)						
43. Clams, soft, hard, or razor	Unlimited	½ flat (307 x 200.25) (307 x 201.25)-1 picnic (211 x 400)-1 tall (301 x 411)-2 (307 x 409)-10 (603 x 700).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin
44. Crabmeat	Unlimited	½ flat (307 x 201.25)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
45. Fish flakes. Dried fish flakes not to be packed	Unlimited	300 (300 x 407)-2 (307 x 409).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
46. Ground fish, containing no filler and packed for human consumption only.	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
47. Fish livers and fish liver oils	Unlimited	5 gal. reusable	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
48. Fish roe	Unlimited	300 (300 x 407)-½ oval (313 x 307 x 103).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin
49. Herring, Atlantic Sea, by whatever name known, including sardines.	Unlimited	¼ drawn (300.5 x 404 x 014.5)-¾ drawn (301 x 403 x 103)-¾ three piece (303 x 412 x 113)-300 (300 x 407).				
Packed in brine			1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Packed in oil			1.25 tin*	1.25 tin**	0.50 tin	CTB
Packed in mustard or tomato sauce			1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
50. Herring, Pacific Sea	Unlimited	1 tall (301 x 411)				
Packed in brine			1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Packed in oil			1.25 tin*	1.25 tin**	0.50 tin	CTB
Packed in mustard or tomato sauce			1.25 tin	1.25 tin	1.25 tin	1.25 tin.*

SCHEDULE I—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FISH AND SHELLFISH—continued						
51. Herring, river (alewives)	Unlimited	300 (300 x 407)-2 (307 x 409).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
52. Mackerel	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
53. Menhaden	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
54. Mullet	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
55. Mussels	Unlimited	1 picnic (211 x 400)-2 (307 x 409)-10 (603 x 700).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
56. Oysters. No. 1 picnic cans shall contain not less than 7½ ounces of oysters by cut-out drained weight; No. 2 cans 14 ounces; and other permitted size cans shall contain a fill correspondingly proportionate to the No. 1 picnic can.	Unlimited	1 picnic (211 x 400)-1 tall (301 x 411)-2 (307 409).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
57. Pilchards, by whatever name known including sardines	Unlimited	8Z short (211 x 300)-½ oblong (304 x 503 x 103)-(306 x 510 x 104)-300 (300 x 407)-1 oval (607 x 406 x 108).				
Round and oval cans:						
Packed in brine			1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
Packed in oil			1.25 tin*	1.25 tin**	0.50 tin	CTB.
Packed in mustard or tomato sauce			1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
Oblong cans:						
Packed in brine			1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
Packed in oil			1.25 tin	1.25 tin**	1.25 tin	CTB.
Packed in mustard or tomato sauce			1.25 tin	1.25 tin	1.25 tin	1.25 tin.*
58. Salmon	Unlimited	½ flat (307 x 200.25) (307 x 201.25)-1 flat (401 x 210.5) (401 x 211)-1-tall (301 x 411).	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.
59. Shad	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
60. Shrimp	Unlimited	1 picnic (211 x 400)-5 (502 x 510).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
61. Squid	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
62. Tuna, bonito, and yellowtail	Unlimited	½ tuna (307 x 113)-1 tuna (401 x 205.5)-4 lb. tuna (603 x 408).	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
63. Turtle	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
DAIRY PRODUCTS						
64. 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 3973 and 3974.	100% 1942	14 oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
65. Evaporated milk as defined by the Federal Security Administrator. FEDERAL REGISTER, July 2, 1940, § 18.520, page 2444.	Unlimited	8 lb	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
	95% 1942 pack of 14½ oz. size.	14½ oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
	95% 1942 pack of 6 oz. size.	6 oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
66. Liquid modifications of milk, for human consumption only, including only milk treated or mixed with other edible substances; *provided* the packer packed the product in substantially the same form in 1942.	90% 1942	14½ oz	1.25 tin	1.25 tin	0.75 tin	0.75 tin.

SCHEDULE II—FOOD CANS

NOTE: Paragraph (2), and items 1, 7, 16 through 27 amended; columns (6) and (7) added July 17, 1943.

(1) Packing quotas specified in this Schedule II indicate permitted packs of the respective products listed, for all purposes except for the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon), or for any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend Lease Act). While restrictions pertaining to can sizes and can materials are applicable to such cans, cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered either (a) pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for, any of the foregoing agencies, or (b) to other persons pursuant to authorization by the Maritime Commission under Form PD-300. The word "none" indicates that no cans shall be used for packing the applicable product except for the above-mentioned agencies. When determining a quota for packing a product listed in this Schedule II, cans packed during the base period (1942) for the above-mentioned agencies shall be excluded.

(2) (a) Until September 30, 1943, all persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears in Columns (4) or (5), 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. 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.

On and after September 30, 1943, all persons manufacturing cans and all persons using cans for packing any products listed in this schedule, bearing the single asterisk in Columns (6) or (7), shall use 0.50 tinplate to the extent of not less than 50 percent of the pack of each product packed after that date.

(b) On and after September 30, 1943, no person shall manufacture and no person shall use, for packing any products listed in this schedule, any cans made of materials except as specified in Columns (6) and (7). However, the provisions of this paragraph (b) shall not apply to cans which were or are made, from 1.25 tinplate, when the tinplate was either in process at the tin mill, in the inventory of the tin mill for the account of the can manufacturer, or in the inventory of the can manufacturer:

(i) On or before August 15, 1943 and the cans were produced specifically for items bearing either the single or double asterisk in Columns (4) or (5).

(ii) On or before September 30, 1943 and the cans were produced specifically for items which in Columns (6) or (7) bear the single asterisk or specify 0.75 tinplate.

SCHEDULE II—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
MEATS AND MEAT PRODUCTS						
(Processed and in hermetically sealed cans)						
1. Bacon	None	24 oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
		14 lb.	1.25 tin	1.25 tin	1.25 tin	Btm. 0.50 tin. Top 1.25 tin.
2. Beef, veal, mutton, and pork (including tushonka); corned, roast, or boiled, and containing not less than 85 percent meat by cooked weight.	None					
Cans with all seams soldered		Any size	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
Cans with only side seams soldered		Any size	1.25 tin*	1.25 tin**	0.50 tin	CTB.
3. Brains	100% 1942	10½ oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
4. Meat products as follows:						
a. Chili con carne when packed without beans and containing not less than 50 percent meat, by uncooked weight, exclusive of added tallow.	(1)	300 [300 x 407]	1.25 tin*	1.25 tin*	0.50 tin	0.50 tin.
b. Meat loaf, containing not less than 50 percent meat, by uncooked weight, and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal whole milk, eggs, and seasoning.	(1)	7 oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
c. Meat spreads, including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped product shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	(1)	3 oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
d. Sausage in casings, containing no cereal or similar substance and not to exceed 10 percent added water, by weight, except pork sausage, which may be prepared with not to exceed 3 percent added water by weight:						
Vienna sausage, pork sausage	(1)	4 oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
Sausage in oil, lard or rendered pork fat	(1)	No. 5	1.25 tin*	1.25 tin**	0.50 tin	CTB.
e. Bulk sausage meat, containing not to exceed 3½ percent cereal and not to exceed 3 percent added water, by weight.	(1)	24 oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
f. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	(1)	12 oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
g. Potted meat, consisting of chopped meat or by-products of meat, without added cereal or similar substance, and labeled as a potted or deviled meat product.	(1)	3¼ oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
5. Tongue	50% 1942	6 oz.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
6. Turkey, boned, and chicken, boned	None	1 lb.	1.25 tin*	1.25 tin**	0.50 tin	CTB.
MISCELLANEOUS FOODS						
7. Baby foods: Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits, vegetables, meats, poultry products, dairy products, sugar, salt, or seasoning, yeast or yeast derivatives. Dried Prunes may be included and frozen fruits and vegetables may be used. Potatoes and cereal products may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Pineapple may be repacked from No. 10 or larger cans.	125% 1942	202 DF (202 x 214)	1.50 tin	1.50 tin	1.50 tin	150 tin.
Milk formulas and soybean milk, liquid	100% 1942	14½ oz.	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
Milk formulas, dry or powdered	100% 1942	1 lb.	0.50 tin	CTB	0.50 tin	CTB.
No person shall pack any milk formulas unless he packed the product in substantially the same form in 1942.						
8. Dehydrated vegetables	None	10	0.50 tin	CTB	0.50 tin	CTB.
		5 gal	0.50 tin	0.50 tin	0.50 tin	0.50 tin.
9. Grape juice and grape pulp	100% 1942	5 gal reusable	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
10. Citrus pulp and citrus peel	100% 1942	5 gal reusable	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
11. Honey	Unlimited	60 lb reusable	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
12. Goat's milk	100% 1942	14½ oz.	1.25 tin	1.25 tin	0.75 tin	0.75 tin.
13. Milk, skimmed, dry or powdered	None	50 lb.	0.50 tin	0.50 tin	0.50 tin	0.50 tin.
14. Milk, whole, dry or powdered	100% 1942	1 lb-2½ lb., 5 lb.	0.50 tin	0.50 tin**	0.50 tin	CTB.
		25 lb-50 lb.	0.50 tin	0.50 tin	0.50 tin	0.50 tin.
15. Special food products; limited to foods other than usual table foods. No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.	See product column					
16. 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	1.25 tin.
17. Citrus concentrates	None	10	1.25 tin	1.25 tin	1.25 tin	1.25 tin.
18. Butter and oleomargarine	None	10	1.25 tin	1.25 tin*	1.25 tin	0.50 tin.

[1] 100% of total 1942 pack of meat products, a, b, c, d, e, and g plus 75% of total 1942 pack of meat product f.

SCHEDULE II—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials until Sept. 30, 1943		Can materials after Sept. 30, 1943	
			Body	Ends	Body	Ends
(1)	(2)	(3)	(4)	(5)	(6)	(7)
MISCELLANEOUS FOODS—continued						
19. 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	Frozen tinplate.
20. Pectin, liquid only	Unlimited	5 gal. reusable	1.50 tin	1.50 tin	1.50 tin	1.50 tin.
FISH AND SHELLFISH						
(For refrigerated shipment, fresh)						
21. Oysters, fresh-shucked:						
July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	1 gal. (pint cans are permitted within quota limits for shipment into States which required delivery of oysters in tamper-proof consumer packages prior to 7/1/43).	CTB	CTB	CTB	CTB.
October 1, 1943 to December 31, 1943	75% of corresponding period 1942.					
22. Clams, fresh-shucked:						
July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	1 gal.	CTB	CTB	CTB	CTB.
October 1, 1943 to December 31, 1943	75% of corresponding period 1942.					
23. Mussels, fresh-shucked:						
July 1, 1943 to October 1, 1943	Unlimited	1 gal.	CTB	CTB	CTB	CTB.
October 1, 1943 to December 31, 1943	75% of total poundage shucked during this period.					
24. Fillets & steaks, fresh:						
July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	20 lb.	CTB	CTB	CTB	CTB.
October 1, 1943 to December 31, 1943	50% of corresponding period 1942.					
25. Crabmeat, fresh-cooked:						
July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	1 lb.	CTB	CTB	CTB	CTB.
October 1, 1943 to Dec. 31, 1943	60% of corresponding period 1942.					
26. Lobster meat, fresh-cooked:						
July 1, 1943 to October 1, 1943	100% of corresponding period 1942.	1 lb.	CTB	CTB	CTB	CTB.
October 1, 1943 to Dec. 31, 1943	60% of corresponding period 1942.					
27. Shrimp, fresh-cooked—to be packed in Alaska only.	Unlimited	1 gal.	CTB	CTB	CTB	CTB.

SCHEDULE III—NON-FOOD CANS

(1) Packing quotas specified in this Schedule III indicate permitted packs of the respective products listed, for all purposes except for the Army, Navy, Marine Corps, Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon), or for any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act). Cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered either (1) pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for, any of the foregoing agencies, or (2) to other persons pursuant to authorization by the Maritime Commission under Form PD-300. The word "none" indicates that no cans shall be used for packing the applicable product except for the above-mentioned agencies. When determining a quota for packing a product listed in this Schedule III, cans packed during the base period (1942) for the above-mentioned agencies shall be excluded.

(2) Wherever blackplate is specified for making the body or ends of a can for packing a product listed in this Schedule III, Special Coated Manufacturers' Terneplate, may be substituted for making any part or fitting of the can which is required to be soldered. Wherever SCMT is specified for making the body or ends of cans for packing a product listed in this Schedule III, black plates or sheet steel coated with lead containing not more than 2½% residual tin may be used.

(3) No compound containing crude rubber, latex, or synthetic rubber as defined in Order M-15-b, shall be used in the manufacture of cans for packing any product listed in this Schedule III.

SCHEDULE III—NON-FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
(1)	(2)	(3)	(4)	(5)
1. Abrasives, and grinding and buffing compounds. Not to be packed dry	Unlimited	Any size	Blackplate	Blackplate.
2. Acid nitro-hydrochloric (outer Container)	100% 1942	1-lb	Blackplate	Blackplate.
3. Aniline	100% 1942	5-lb	1.25 tin	1.25 tin.
4. Bee feeder cans, friction top, for use in shipping bees	100% 1942	2-2½-3	0.50 tin	CTB.
5. Benzol, naphtha, toluene, and xylene	100% 1942	1-gal	SCMT	Blackplate.
6. Blood plasma	Unlimited	Any size	0.50 tin	CTB.
7. Calcium carbide	100% 1942	2-lbs, 10-lbs	Blackplate	Blackplate.
8. Calcium hypochlorite, Grade A	100% 1942	5¾ lbs., 5-lbs	SCMT	Blackplate.
9. Carbon bisulfide	100% 1942	1-lb	SCMT	SCMT.
10. Cements and dressings, limited to belting, furnace, linoleum, pipe joint, and radiator. Not to be packed dry.	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
11. Cements, rubber, solvent, or latex	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
12. Chlorpicrin, bromacetone, monochloroacetone, and acrolein	100% 1942	1-lb	SCMT	SCMT.
13. Chloroform and ether	100% 1942	Any size	1.25 tin	1.25 tin.
14. Chromic acid (outer container)	100% 1942	¼-lb., 1-lb	Blackplate	Blackplate.
15. Chromium trioxide	100% 1942	25-lb	Blackplate	Blackplate.
16. Creosote	100% 1942	1-gal	SCMT	Blackplate.
17. Cyanide, calcium, potassium sodium, and mixtures (including cyanide-chloride mixtures).	100% 1942	1-lb., 5½-lbs	SCMT	Blackplate.
18. Fire extinguisher fluid, limited to chlorinated hydrocarbon type, and foam powder extinguisher charges.	100% 1942	1-qt., 1-gal	SCMT	SCMT.
19. Gasket assembling compounds	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
20. Glues and adhesives, liquids	100% 1942	1-qt., 1-gal	SCMT	SCMT.
21. Grain fumigant; liquid	100% 1942	1-gal	SCMT	SCMT.
22. Graphite, with liquid content	100% 1942	1-qt., 1-gal	Blackplate	Blackplate.
23. Greases, lubricating	100% 1942	10-lb., 25-lb	Blackplate	Blackplate.
24. Inks, printing, duplicating, and lithographing. Slip cover style cans of sizes based upon cans which hold the indicated weights of water.	50% 1942	8-oz., 12 oz., 1-lb., 2-lb., 5-lb., 10-lb., 25-lb., 50-lb.	Blackplate	Blackplate.
25. Ink, spirit niline and rotogravure	100% 1942	5-gal	SCMT	SCMT.
26. Lye	100% 1942	12-oz	Blackplate	Blackplate.
27. Drain cleaner	100% 1942	12-oz	Blackplate	Blackplate.
28. Toilet bowl cleaner, limited to cleaners containing not less than 70% bisulphate of soda:				
Until September 30, 1943	75% 1942	10-oz	Blackplate	Blackplate.
After September 30, 1943	100% 1942	10-oz	Fiber	Blackplate.
29. Nicotine sulphate	Unlimited	5-lb	1.50 tin	1.50 tin.
30. Nitric acid, fuming (outer Container)	100% 1942	¼-lb., 1-lb	Blackplate	Blackplate.
31. Oils, essential; distilled or cold pressed	100% 1942	1-qt	1.25 tin	1.25 tin.
32. Oils, transformer	100% 1942	1-gal	0.50 tin	0.50 tin.
33. Ointment and salve	Unlimited	Any size	Limited to frozen tinplate and frozen blackplate and blackplate rejects.	
34. Paints, copper bottom or antifouling	Unlimited	1-gal	1.25 tin	1.25 tin.
35 Paints. Pigmented oil or oleoresinous, ready mixed, semipaste and paste, including but not limited to white lead in oil, colors in oil, pigmented lacquers, resin emulsion paste, casein paste, and vegetable protein paste paints.	50% 1942	1-gal	Fiber	Blackplate.
		1-qt	Fiber	Blackplate ring. Plug and bottom made from waste blackplate recovered in manufacture of ends for 1-gal. fiber bodied paint cans.
		½-pt	Fiber	Terneplate or blackplate waste.
36. Phenol	100% 1942	5-lb	1.50 tin or frozen charcoal tinplate.	
37. Phosphoric acid meta sticks	100% 1942	25-lb	Blackplate	Blackplate.
38. Phosphorus	100% 1942	1-oz., ¼-lb., 1-lb	1.25 tin	1.25 tin.
39. Potassium hydroxide	100% 1942	25-lb	Blackplate	Blackplate.
40. Potassium permanganate, reagent grade	100% 1942	5-lb	1.25 tin	1.25 tin.
41. Potassium sulfide	100% 1942	25-lb	Blackplate	Blackplate.
42. Shoe polish, leather dressing, and saddle soap. Not after June 30, 1943 unless specifically authorized by the War Production Board.	50% 1942	Any size	Frozen blackplate and blackplate rejects.	
43. Soap, paste, limited to mechanic's hand soap	100% 1942	3-lb	Frozen blackplate and blackplate rejects.	
44. Sodium and potassium metals	100% 1942	1-oz., ¼-lb., 1-lb	1.25 tin	1.25 tin.
45. Sodium hydroxide	100% 1942	25-lb	Blackplate	Blackplate.
46. Sodium peroxide	100% 1942	1-oz., ¼-lb., 1-lb	Blackplate	Blackplate.
47. Sodium sulfide	100% 1942	25-lb	Blackplate	Blackplate.
48. Soldering pastes and boiler sealing compounds	100% 1942	Any size	Blackplate	Blackplate.
49. Zinc chloride	100% 1942	25-lb	Blackplate	Blackplate.
50. Dangerous chemicals for shipment in compliance with Interstate Commerce Commission regulations when a metal can is required by such regulations and no alternate package is permitted.	100% 1942	Any size	Blackplate	Blackplate.

INTERPRETATION 1

Frozen tinplate, terneplate or blackplate means only tinplate, terneplate or blackplate which, since prior to December 9, 1942, has been held in the inventory of a can manufacturer (or in the inventory of a supplier of such plate, having been produced for the account of a can manufacturer) because it had been so processed, or was of such size, gauge or grade, that it was not suitable for the manufacture of cans for which tinplate, terneplate or blackplate are specified, without qualifications, in the "Can Material" columns of the schedules attached to the said order. (Issued February 22, 1943.)

[F. R. Doc. 43-11525; Filed, July 17, 1943; 11:20 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-221, as Amended July 17, 1943]

TEXTILE BAGS

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

§ 3270.23 *Conservation Order M-221.*

Definitions

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

(1) "Textile bag" means any hand- or machine-sewed bag made of cotton, burlap, or other textile fabric, excepting bale covers, textile wrappings, and combination textile-paper bags (bags made of textile laminated with paper).

(2) "New textile bag" means any textile bag when neither the fabric nor the bag has been previously used.

(3) "Used textile bag" means any textile bag when the bag or the fabric previously has been used one or more times.

(4) "Bag maker" means any person engaged in the business of manufacturing new textile bags.

(5) "Dealer" means any person whose principal business is that of buying, selling, or reconditioning empty textile bags.

(6) "User" means any person who acquired 500 or more empty new or used textile bags for use in his business during 1942 or who acquires such amount during any subsequent calendar year.

(7) A person shall be deemed a "commercial emptier" at such times when in any of the three immediately preceding calendar months he acquired in his business and emptied 400 filled textile bags.

(8) "Export" means any shipment from the continental United States (the 48 states and the District of Columbia).

General Restrictions for All Persons

(b) *Joint responsibility.* No person shall deliver textile bags to any other person if he has reason to believe that the other person is not entitled to accept them under the provisions of this order or that they will be used for any purpose prohibited by this order.

(c) *Sampling bag-contents.* No person shall sample the contents of any new or used textile bag except by opening the closure or by inserting a probe or trier without damage to the fabric.

(d) *Sand bags.* No person shall purchase or accept delivery of any new or used textile bag to be used for protection against air raids or other war hazards.

(e) *Size-changing.* No dealer, user, or commercial emptier shall change the size of any burlap textile bag while it has a commercial use as a bag, with or without mending.

(f) *Processing of used bags for sale.* No dealer, user, or commercial emptier shall sell or deliver any used textile bag to any person for his own use unless the bag has been processed and repaired and all holes, including trier or probe holes, properly mended or patched. Nothing in this paragraph shall prevent the delivery of any bag for the purpose of repair or delivery to the owner. For the purposes of this provision, "process" means to clean a used textile bag by washing, vacuuming, or any other method sufficient to prepare the bag for further re-use.

(g) *Sale of used raw sugar bags.* No dealer, user, or commercial emptier shall sell or deliver any textile bag which has been used for packing raw sugar, and which is capable of carrying raw sugar, to any person for any use other than packing raw sugar.

(h) *Export of empty bags.* Unless specifically authorized by the War Production Board, no person shall export any empty new or used burlap textile bag. The requirement for such authorization is in addition to, and not in place of, any applicable export licensing requirements of the Board of Economic Warfare. Application for authorization for such export shall be made by letter or telegram to the War Production Board stating the pertinent facts, including (1) the destination of the bags, and (2) the source from which the bags have been or are to be acquired. Such applications concerning exports which also require licensing by the Board of Economic Warfare should be submitted through that agency to the War Production Board. The restriction of this paragraph shall not apply to:

(1) *Foreign re-users.* The export of empty used bags which previously contained any of the following products and which, in accordance with established practice of the industry involved, are being exported in the expectation that they will be re-used by foreign suppliers of the same product for further packing of that product: sugar, asbestos, or any other product designated by the War Production Board because it so impregnates the bag material as to make the bag unsuitable for packing any other commodity without excessive cleaning.

(2) *Transshipment.* Completing the transshipment of textile bags which are in transit from a point outside the continental United States to another such point and which have been landed in the continental United States (in a free zone or free port or in bond) pending such transshipment.

(3) *Exports to Canada.* The export of empty new or used burlap textile bags to Canada.

Additional Restrictions for Bag Makers

(i) *Overstitching.* No bag maker shall overstitch the raw edge or selvage edge of any new textile bag.

(j) *Eyelets, grommets.* No bag maker shall manufacture any new textile bags with metal eyelets or metal grommets.

(k) *Bag sizes for certain commodities*—(1) *Sizes permitted.* No bag maker shall manufacture any new textile bag designed for packing any commodity listed below, except in any size of more than 100 lbs. or in any of the sizes specified below for that commodity:

Bag designed for packing commodity specified	Bag size (net weight capacity unless otherwise specified)
(1)	(2)
Beans	2-5-10-25-50-100 lbs.
Cement (standard portland)	94 lbs.
Flour (milled wheat)[1]	2-5-10-25-50-100 lbs.
Meal	2-5-10-25-50-100 lbs.
Plaster (gypsum)	2-5-10-25-50-100 lbs. (gross weight).
Potatoes	2-5-10-15-25-50-100 lbs.
Processed feed (mixed, mill).	2-5-10-25-50-100 lbs.
Rice	2-3-5-10-15-25-50-100 lbs.
Salt	2-4-10-25-50-100 lbs.
Seeds	2-5-10-25-50-100 lbs., 1, 2 bu.
Starch (corn)	2-5-10-25-50-100 lbs.
Sugar (refined cane, beet)	2-5-10-25-50-100 lbs.

[1] "Flour (milled wheat)" means any flour product produced by milling wheat, including blends of wheat flours and bleached, bromated, enriched, phosphated, and self-rising flours, but excluding durum wheat products (semolina), farina, pancake flour, and cake flour.

(2) *Exception for export by bag maker.* The size restrictions of subparagraph (k)(1) above shall not apply to the manufacture of bags to be exported, empty, by the bag maker. However, the export-authorization requirement of paragraph (h) above shall apply if the bags are made of burlap.

(3) *Exception for export by user.* The size restrictions of paragraph (k)(1) above shall not apply to the manufacture of bags ordered by any person for packaging any listed commodity to be exported by him, provided the bag maker receives from such person a written certification as provided for in Exhibit A attached to this order. However, the export-authorization requirement of paragraph (h) above shall apply if the bags are made of burlap.

Additional Restrictions for Commercial Emptiers

(l) *Emptying bags.* No commercial emptier shall remove the contents of any textile bag except by opening the closure, unless the contents have become so caked or solidified that salvage of the bag is not practicable.

(m) *Time-limit on holding empty bags.* Within 60 days after emptying any number of textile bags, a commercial emptier shall use, or transfer to dealers or users, an equal number of empty used textile bags from his inventory. Such disposition may be deferred beyond the 60-day period in the following cases:

(1) *Seasonal re-users.* If the commercial emptier needs the bags for packing a seasonal product (whether or not produced by him), he may retain them until the product becomes available for packing, subject, however, to the inventory restriction of paragraph (n) below.

(2) *Carload accumulation.* If, in accordance with his past practice, the commercial emptier wishes to accumulate a carload quantity of such bags for return to users for further packing of the kind of product last packed in them, he may retain such bags until he has accumulated a carload quantity.

Additional Restrictions for Users

(n) *Inventory restriction.* No user shall accept delivery of any empty new or used textile bags at a time when, or when by virtue of the delivery, his inventory of new or used empty textile bags is or will be in excess of a practical minimum working inventory for the uses which are not prohibited by this order. Except in the case of bags required by a user for packing a seasonal product (whether or not produced by him), such inventory shall not exceed the aggregate number of new or used empty textile bags which will be required to carry on his business during the next 60 days.

(o) *Quota restriction on acceptances of burlap bags.* During any calendar year, no user shall accept delivery of more than his quota of new burlap textile bags for packing the products below. His quota shall be the larger of the following amounts: (1) 500 such bags for all the products or (2), for each class of product listed below, the specified percentage of the number of such bags he accepted during the calendar year 1941 for packing that class:

Petroleum Waxes	50%
Flour	100%
Potatoes	100%
Processed feed	100%
Seed and grain	70%
All other products permitted by paragraph (p) below (except mohair, wool, wool products)	50%

The above restriction does not apply to bags made of "scrim" (burlap weighing

less than 7 ounces per yard—40" width) nor to bags for packing mohair, wool, or wool products. The number of any such bags accepted by any user during 1941 shall not be included in computing any quota above.

(p) *Products permitted for burlap bags.* No user shall use any new textile bag made of burlap for packing any products other than the following:

Mohair; wool; wool products; petroleum waxes; stearic acid (cakes or slabs); agricultural products (except refined sugar, salt, tankage, or fertilizer).

(q) *Products permitted for cotton bags.* No user shall use any new textile bags made of cotton for packing any products other than the following:

Agricultural products; cement; chemicals; core sand; currency, coin, or securities; fertilizer; glues; gypsum; malt; meats; metal abrasives; metal parts; pastes; plaster; sand; shellfish; tire chains; or such other products as may be authorized by the War Production Board, pursuant to application on Form WPB-1319 (PD-556).

"Agricultural products" includes, but is not limited to, beans; coffee; cotton; feed; flour; fruits; grain; meal; nuts; potatoes; poultry grits; rice; salt; seeds; starch; sugar; tobacco; vegetables.

(r) *Mohair bags.* No user shall use any new or used textile bag for packing mohair unless the word "Mohair" appears in legible type on both sides of the bag.

(s) *Use of wool bags.* No user shall use any wool bag except as provided below. A "wool bag" is any new or used textile bag, made of burlap, between 5½ and 7½ feet in length, ordinarily used to package wool. Such bag shall not be considered a wool bag when no longer capable of carrying any of the following: grease wools, scoured wools, noils, wool wastes or mohair.

(1) *General.* Wool bags shall be used only for packing or wrapping wool or wool products and only in accordance with the further restrictions of paragraphs (s) (2), (3), and (4) below.

(2) *Heavy #1 wool bags.* A "heavy #1 wool bag" is a new or used wool bag made of 12-ounce or heavier burlap and capable of being packed or repacked to its intended capacity with any of the types of wool listed below in this subparagraph. Heavy #1 wool bags shall be used only for packing any of the following types of wool:

Graded wools; Territory, California, or Texas grease wools or mohair.

(3) *Light #1 wool bags.* A "light #1 wool bag" is a new wool bag made of burlap lighter than 12-ounce weight. Light #1 wool bags shall be used only for packing any of the following types of wool:

Territory, California, or Texas grease or scoured wools or mohair; carbonized wool; carbonized noils; carbonized card waste; fine white garnetts; fine white laps; cut wool tops; broken wool tops; wool backings; rayon; synthetic fibres.

(4) *#2 Wool bags.* A "#2 wool bag" is any used wool bag other than a heavy #1 wool bag. #2 wool bags shall be used only for packing any of the following types of wool:

Grease wools; fleece wools; pulled wools; scoured wools or noils; carbonized or uncarboned wool wastes.

General Exceptions

(t) *Bags for certain Government agencies.* The restrictions of this order shall not apply (1) to the manufacture of textile bags manufactured to meet the packaging specifications of, and for delivery to or for the account of, the government agencies listed below or (2) to the purchase, acceptance, use, or export of textile bags by those agencies: the Army, Navy, Maritime Commission, United States Post Office, Federal Reserve System, United States Treasury Department (for Lend-Lease requirements and for coin, currency, and securities requirements), War Shipping Administration, or any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(u) [Revoked July 17, 1943.]

Miscellaneous Provisions

(v) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C., Ref: M-221.

(w) *Appeals.* Appeals from the quota restrictions of paragraph (o) above shall be made by application in triplicate on Form WPB-2907 (PD-88-c). Appeals from any other restriction of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

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

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

(z) [Revoked July 17, 1943.]

Issued this 17th day of July 1943.

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

EXHIBIT A

The certification provided for in paragraph (k) (3) shall be substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

"The bags ordered herewith are for packaging commodities for export by the undersigned and therefore need not correspond with the sizes specified in Order M-221 for the commodities concerned.

Company _____ By _____

Date _____ Title _____"

Any such certification shall constitute a representation to the War Production Board and to the bag manufacturer. The bag manufacturer shall be entitled to rely thereon unless he has reason to believe it is not true.

[F. R. Doc. 43-11628; Filed, July 17, 1943; 11:20 a. m.]

PART 3270—CONTAINERS[1]

[General Preference Order M-255 as Amended July 17, 1943]

NEW STEEL SHIPPING DRUMS

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

§ 3270.17[1] *General Preference Order M-255*—(a) *Definitions.* For the purposes of this order:

(1) "Drum" means any single walled, cylindrical or bilged container with a capacity of 110 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. The term shall not be deemed to refer to cans or high or low pressure gas steel cylinders, or to any container not susceptible of commercial use in the transportation and storage of commodities.

(2) "New drum" means any drum which has never been partially or wholly filled with any product or commodity for storage or shipping purposes in the course of business excluding rejects or seconds.

(3) "Manufacturer" means any person engaged in the business of producing drums and/or any metal part thereof (other than flanges, plugs or cap seals) for sale to others or for his own use in packing products of any kind.

(4) "Reject or second" means any newly manufactured drum which cannot be used for the purpose for which it was intended due to some defect in material or manufacture.

(5) "User" means any person who packs a product in steel drums for sale or delivery thereof.

(b) *Restrictions on deliveries and receipts.* (1) On and after the 16th day of November, 1942, no manufacturer shall sell or deliver any new drum or any metal part thereof (other than flanges, plugs or cap seals) except pursuant to purchase order accompanied by the authorization of the War Production Board provided for in paragraph (c) below.

(2) On and after the 16th day of November, 1942, no person shall receive or

[1] Formerly Part 3127, § 3127.1.

accept delivery of any new drum or any metal part thereof (other than flanges, plugs or cap seals) if he knows or has reason to believe that the delivery of such drum is prohibited by the terms of subparagraph (1) of this paragraph (b).

(3) On and after the 16th day of November, 1942, no manufacturer shall use any new drum or any metal part thereof (other than flanges, plugs or cap seals), the manufacture of which was completed after the 16th day of November, 1942, except as specifically authorized by the War Production Board upon application pursuant to paragraph (c) hereof.

(4) On and after July 17, 1943, no manufacturer shall sell or deliver to anyone other than the Army, Navy, Maritime Commission or War Shipping Administration, any rejects or seconds in excess of ¾ of 1% of his monthly production of new steel drums except pursuant to authorization of the War Production Board upon application pursuant to paragraph (c) (4) hereof. Rejects or seconds may be sold to the extent herein stated without authorization but only for an amount less than the unit price of the order or contract for which they were made, and not in excess of any applicable maximum price regulation.

(c) *Procedure for obtaining authorization of the War Production Board.* (1) The authorization of the War Production Board for the sale, delivery, receipt, acceptance of delivery or use of new drums or parts thereof, required by the provisions of paragraph (b) of this order, may be applied for by the purchaser or the user.

(2) Except as otherwise permitted by subparagraph (4) of this paragraph (c), such application shall be made on Form PD-835, in the manner described therein, and supplying all data called for therein.

(3) Except as otherwise permitted in accordance with subparagraph (5) of this paragraph (c), the authorization of the War Production Board for the sale, delivery, receipt, acceptance of delivery or use of new drums or parts thereof shall be accomplished by returning to the applicant an approved copy of Form PD-835.

(4) The authorization of the War Production Board for the sale and delivery of rejects or seconds required by the provisions of paragraph (b) (4) of this order may be applied for: (i) by the user, when such sale is to a user, on Form PD-835 in the manner described therein and supplying all of the data called for therein; and (ii) by the manufacturer, when such sale is to a person other than a user, by letter setting forth (a) the quantity, size, gauge, and type of closure, (b) reasons why drums were rejected, (c) if rejected by purchaser, give name of purchaser and contract numbers.

(5) The War Production Board may:

(i) In any particular case, request data in addition to that called for by Form PD-835 in considering applications for authorization to sell, deliver, receive or use new drums or parts thereof;

(ii) Waive the receipt of any information called for by the said Form PD-835 in considering such applications;

(iii) In cases of urgency, accept telegraphic application for authorization to sell, deliver, purchase, receive or use new drums or parts thereof, and grant such authorization by telegram.

NOTE: Paragraph (5) redesignated July 17, 1943.

(d) *Miscellaneous provisions.*

(1) [Revoked July 17, 1943]

(2) [Revoked July 17, 1943]

(3) [Revoked July 17, 1943]

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

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C. Ref: M-255.

Issued this 17th day of July 1943.

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

[F. R. Doc. 43-11527; Filed, July 17, 1943; 11:20 a. m.]

PART 3270—CONTAINERS [1]

[Preference Rating Order P-140, as amended July 14, 1943 [1]]

WOODEN AND FIBRE SHIPPING CONTAINERS

To facilitate the acquisition of wooden and fibre shipping containers in the public interest and to promote the defense of the United States, preference ratings are hereby assigned to deliveries of such containers upon the following terms:

§ 3270.7 [2] *Preference Rating Order P-140*—(a) *Definitions.* For the purposes of this order:

(1) "Shipping Container" means:

(i) Any empty new or used box, crate, case, barrel, keg, kit, pail, tub, drum, basket, or hamper, in set-up or knock-down form, which is made in whole or in part from wood or corrugated or solid fibre and which is used as an outer container for the delivery or shipment of materials. The term does not include trunks, luggage or military locker boxes.

(ii) Any corrugated or solid fibre sheet or roll to be used for wrapping or packaging or otherwise protecting a product or material for shipment. This shall not include any corrugated or solid fibre sheet intended for use in the manufacture of shipping containers or parts by concerns commonly referred to in the industry as "sheet plants."

(2) "Part" means any shook, cleat, stave, heading, veneer, plywood, or corrugated or solid fibre which is cut to size for a shipping container. This shall not include any corrugated or solid fibre sheet intended for use in the manufacture of shipping containers or parts by concerns commonly referred to in the industry as "sheet plants".

(3) "User" means any person who:

(i) Uses shipping containers for the shipment or delivery of materials in connection with the sale thereof;

(ii) Gives, sells, rents or lends shipping containers to his suppliers of any product for their use in shipping or delivering such product to him.

(b) *Assignment of preference ratings.* (1) Preference ratings are hereby assigned as follows to deliveries of shipping containers or parts for the uses indicated below:

(i) AA-1 for the uses specified in List 1 attached hereto;

(ii) AA-2X for the uses specified in List 2 attached hereto;

(iii) AA-3 for the uses specified in List 3 attached hereto;

(iv) AA-4 for the uses specified in List 4 attached hereto;

(v) AA-5 for the uses specified in List 5 attached hereto.

(2) Preference ratings for uses not specified in the Lists attached hereto, as well as preference ratings differing from those assigned for Listed uses in accordance with subparagraph (1) of this paragraph (b) may, on application by any person on Form PD 802, be assigned to deliveries of shipping containers or parts by the War Production Board. Such assignment shall be accomplished by returning to the applicant an approved copy of said Form PD 802.

(3) Except where specifically stated to the contrary, the preference ratings assigned hereunder shall be available for the uses authorized, irrespective of whether or not the materials to be placed in the shipping containers have any inner wrappings or containers.

(c) *Application and extension of preference ratings.* (1) The preference ratings assigned pursuant to paragraphs (b) (1) and (2) above may be applied by any user in the manner provided in Priorities Regulation 3, for the purpose of obtaining shipping containers or parts for the uses indicated.

(2) Notwithstanding the provisions of any other preference rating order, preference rating certificate, or Regulation of the War Production Board, on and after February 24, 1943, no person receiving a rated order for the delivery of shipping containers or parts shall extend such rating to obtain any materials (other than parts as herein de-

---

[1] This document is a restatement of Amendment 1 to P-140 which appeared in the FEDERAL REGISTER of July 16, 1943, page 9746, and reflects the order in its completed form as of July 14, 1943.

[2] Formerly Part 3243, § 3243.17.

fined) for use in the manufacture of such shipping containers or parts; but if the person receiving such rated order acquires shipping containers or parts for redelivery without fabrication by him, other than the assembly of parts, he may extend such rating (as provided in Priorities Regulation 3) to such purchases.

(3) Notwithstanding any contrary provision of any Regulation of the War Production Board, no person eligible under this paragraph (c) to apply or extend preference ratings hereunder shall be considered ineligible because he is a PRP unit.

(d) *Ratings applicable to existing unfilled orders.* (1) Preference ratings assigned hereunder may be applied or extended to any unfilled order for shipping containers or parts placed prior to February 24, 1943. Any ratings so applied or extended shall supersede any other ratings applicable to such orders to the extent provided by Priorities Regulation 12.

(2) No person shall give effect to any preference rating which has been applied or extended to any existing unfilled order placed prior to February 24, 1943, for shipping containers or parts, unless

(i) Such preference rating has been applied or extended to such order after February 24, 1943 in accordance with subparagraph (1) of this paragraph (d), or

(ii) The items covered by such order are actually in transit or delivered to the customer on or before the 11th day of March 1943, or

(iii) He has been advised in writing by the person from whom such order was received that the rating originally applied or extended thereto is consistent with the ratings assigned under this order.

(3) The provisions of this paragraph (d) shall not affect rated orders placed prior to February 24, 1943, for the delivery of materials, other than parts, to be used in the manufacture of shipping containers or parts, nor require the cancellation or rerating of such orders.

(e) *Restrictions on application, extension and acceptance of other ratings.* (1) Subject to the provisions of paragraph (f) of this order, but notwithstanding any contrary provisions of any other preference rating order, preference rating certificate or regulation of the War Production Board, no person shall apply or extend any preference rating, for the delivery of shipping containers or parts except as specified in and in accordance with this order.

(2) No person receiving an order for shipping containers or parts shall give effect to any preference rating applied or extended thereto on and after February 24, 1943, if he knows or has reason to believe that said rating has not been applied or extended in accordance with the provisions of this order.

(f) *AAA ratings.* Nothing in this order shall apply to or in any way restrict the application or extension of any rating of AAA.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* Except as otherwise provided in this order, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as same may be amended from time to time.

(2) *Effect of other orders.* The assignment of preference ratings hereunder shall not constitute authorization for the delivery, receipt, manufacture or use of any materials in violation of the provisions of any conservation or limitation order heretofore or hereafter issued by the War Production Board.

(3) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, a user and each other person placing or receiving any purchase order or contract rated pursuant to this order shall retain for a period of two years for inspection by representatives of the War Production Board endorsed copies of all such orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(4) *Reports.* Each person who applies a preference rating assigned by or pursuant to this order shall file such reports as may be required from time to time.

(5) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C. Ref.: P-140.

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

(7) *Revocation or amendment.* This order may be revoked or amended at any time as to any person. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the person affected by such revocation.

Issued this 14th day of July 1943.

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

LISTS OF USES OF SHIPPING CONTAINERS TO WHICH PREFERENCE RATINGS ARE ASSIGNED BY ORDER P-140

LIST 1—AA-1

Shipping containers or parts for:

(a) The delivery or shipment, to the Army or Navy of the United States of the following combat end products complete for tactical operations—

(1) Aircraft
(2) Ammunition
(3) Armament and weapons
(4) Tanks
(5) Vehicles
(6) Escort naval vessels
(7) The following subsistence items:
  a. Emergency rations
  b. Canned meats, fish and poultry
  c. Canned butter and powdered milk
  d. Canned dried eggs
(8) Drugs, pharmaceutical and biological preparations
(9) Medical and surgical supplies and equipment

(b) The delivery or shipment of materials which are to be physically incorporated in any of the foregoing products provided—

(i) such products are to be delivered to the Army or Navy of the United States;

(ii) orders for the shipping containers or parts indicate that they are to be used solely for the delivery or shipment of such materials.

LIST 2—AA-2X

Shipping containers or parts for the following uses to the extent not covered by List 1:

(1) Export shipment of any article to any point outside of the forty-eight states of the United States, the District of Columbia, or Canada.

(2) Delivery or shipment of materials to or for the account of the Army or Navy of the United States (exclusive of United States Army or Marine Corps Post Exchanges or United States Navy Ships Service Departments located within the Continental limits of the United States), the United States Maritime Commission, the War Shipping Administration and the Panama Canal.

(3) Delivery or shipment of materials which are to be physically incorporated into products to be delivered to or for the account of any of the following, where orders for the shipping containers or parts indicate that they are to be used solely for such delivery or shipment:

Army or Navy of the United States (exclusive of United States Army or Marine Corps Post Exchanges or United States Navy Ships Service Departments).
United States Maritime Commission.
War Shipping Administration.
Panama Canal.
Any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(4) Delivery or shipment of foods set aside for purchase by government agencies pursuant to orders heretofore or hereafter issued by the War Production Board or the Secretary of Agriculture. Use of shipping containers for storage of such foods during the set aside period pending government purchase shall be considered use for delivery or shipment for purposes of this order.

(5) Delivery, shipment or storage of "controlled meats", as defined in Restriction Order No. 1 of the Office of Price Administration, delivered or held for delivery "without charge against quotas" as provided by said order.

LIST 3—AA-3

Shipping containers or parts for the delivery or shipment of the following products (to the extent that such delivery or shipment is not covered by any preceding list):

1. Abrasive wheels and abrasives.
2. Agricultural implements; machinery, parts, accessories and equipment therefor.
3. *Alcohol, 5 gallons.
4. Automotive replacement parts and replacement batteries as defined in Orders L-158 and L-180.
5. *Butter, 10 lbs.
5a. Canned foods.
6. Chemicals, except those in List 4.
7. Communication equipment.
8. Crucibles, commercial.
9. Dried apples, dried apricots and dried peaches.
10. *Driers for paints, varnish and lacquer, 5 gallons.
11. Drugs, pharmaceutical and biological preparations.
12. *Edible or inedible oils or greases, 30 gallons.
13. Fish, including shell fish.
14. Fresh fluid milk.
15. Fresh fruits and vegetables as follows:

Apples	Plums
Apricots	Pears
Bananas	Prunes, fresh
Cherries	Berries
Citrus	Beans, snap and lima
Grapes	Carrots
Nectarines	Peas, fresh green
Peaches	Tomatoes

16. Fresh meat, meat products and lard.
17. *Fruit and vegetable juices, 10 gallons.
17a. Glass food containers (except containers for beverages in liquid form); closures therefor.
18. *Honey, 10 gallons.
19. Industrial machinery, including electrical equipment; parts, accessories and equipment, engines and batteries therefor.
20. Internal combustion engines.
21. Laboratory Reagent Chemicals, C. P. Grade.
22. *Lard, tallow and shortening, 5 gallons.
23. *Lubricating greases, 5 pounds.
24. *Lubricating oils, 5 gallons.
25. Machine tools and accessories.
26. Medical and surgical supplies.
27. Mechanical power transmission machinery and equipment.
28. Metal sheets, rods and tubes.
29. Mining machinery.
30. *Paint, except dry powder, 5 gallons.
31. *Pickled foods, 5 gallons.
32. Printing ink.
33. *Putty, glazing and caulking compounds, 5 gallons.

---

*The preference rating assigned to List 3 uses is available to obtain shipping containers or parts for the materials on said list marked with an asterisk only when such materials are packed without inner packaging or wrapping and only when the containers have a capacity equal to or greater than that indicated after each such material.

†The preference rating assigned to List 4 uses is available to obtain shipping containers or parts for the materials on said list marked with an asterisk only when such materials are packed without inner packaging or wrapping and only when the containers have a capacity equal to or greater than that indicated after each such material.

34. Professional and scientific equipment and instruments.
35. Railroad machinery, equipment and track accessories.
36. *Refractory cements, 5 gallons.
37. *Roof cements, plastic, 5 gallons.
38. *Roof coatings, liquid, 5 gallons.
39. Tractors and construction equipment (including motor vehicles); parts, accessories and equipment therefor.
40. *Varnish and Lacquer, 5 gallons.

LIST 4—AA-4

Shipping containers or parts for the delivery or shipment of the following products (to the extent that such delivery or shipment is not covered by any preceding list):

1. Alloys and rollings.
2. Asbestos products.
3. †Asphalt, 30 gallons.
4. Batteries.
5. †Beverages, 5 gallons.
6. Burners, boilers and mechanical stokers; accessories therefor.
7. [Revoked May 28, 1943.]
8. Castings and forgings.
9. Chemicals, as follows:
   - Aluminum sulfate
   - Ammonium chloride
   - Ammonium nitrate
   - Ammonium phosphate (Di)
   - Ammonium phosphate (Mono)
   - Ammonium sulfate
   - Borax
   - Boric acid
   - Calcium arsenate
   - Calcium carbonate
   - Calcium oxide
   - Calcium phosphate (Di basic)
   - Calcium phosphate (Tri basic)
   - Calcium phosphate (Mono basic)
   - Calcimine
   - Carbon (activated)
   - Copper carbonate
   - Copper sulfate
   - Lead arsenate
   - Manganese sulfate
   - Magnesium carbonate
   - Magnesium sulfate (Epsom Salts)
   - Paradichlorobenzene
   - Potash Alum
   - Potassium carbonate
   - Potassium bicarbonate
   - Potassium tartrate
   - Sal soda
   - Soda alum
   - Soda ash
   - Sodium bicarbonate
   - Sodium carbonate (sesqui)
   - Sodium chloride
   - Sodium metaborate
   - Sodium phosphate (di basic)
   - Sodium phosphate (mono basic)
   - Sodium phosphate (tri basic)
   - Sodium phosphate (hexameta)
   - Sodium phosphate (tetra)
   - Sodium pyrophosphate
   - Sodium pyrophosphate (tetra)
   - Sodium silicates, dry
   - Sodium sulfate (anhydrous)
   - Sodium sulfate (Glaubers salt)
   - Stearic acid
   - Sulfur dust
   - Sulfur refined
   - Tartaric acid
   - Zinc sulfate
   - Zinc stearate
   - Related compounds:
     - Adhesives (dry)
     - Boiler compounds (dry)
     - Dry detergents (except those containing more than 5% Caustic Soda or Caustic Potash and excepting synthetic wetting agents).
10. Compressed and liquefied gas.
11. Cork products.
12. Dairy products not otherwise listed.
13. Dried, frozen and preserved foods not elsewhere listed.
14. Explosives and ammunition (non-military).
15. Fibrous glass products.
16. Fire extinguishers.
17. Fresh fruits and vegetables, as follows:

Cranberries	Kale
Quinces	Lettuce
Asparagus	Okra
Beets	Onions, green
Broccoli	Peppers, green
Cauliflower	Radishes
Celery	Rhubarb
Chickory Greens	Shallots
Collards	Spinach
Cucumbers	Potatoes, sweet
Egg Plant	Squash, summer
Escarole	Turnips
Greens	

18. Fruit and vegetable trees and plants (excluding ornamental).
18a. Glass containers not otherwise listed; closures therefor.
19. Hardware (including but not limited to nuts, bolts, nails, screws, and spikes).
20. Mineral wool products.
21. †Molasses, 5 gallons.
22. Petroleum products.
23. Pipe and pipe fittings.
24. Poultry and poultry products (including shell and dry eggs).
25. Pumps and pumping equipment.
26. Refractories.
27. †Rosin, 30 gals.
28. Shortening and edible oil.
29. Stamping and machine shop metal products.
30. Steam fittings.
31. Steam turbines.
32. Steel springs.
33. Tin cans and tinware.
34. Tools.
35. †Turpentine, 30 gals.
36. †Tar, 30 gals.

LIST 5—AA-5

Shipping containers or parts for the delivery or shipment of the following products (to the extent that such delivery or shipment is not covered by any preceding list):

1. Beverages.
2. Bicycles.
3. Blowers and fans.
4. Caskets or coffins.
5. Clothing.
6. Cooking and heating appliances.
7. Enameled iron sanitary ware.
8. Fabricated structural metals.
9. Flat glass.
10. Leather products.
11. Office and store machines.
12. Paint—dry powder.
13. Protective coatings.
14. Putty, glazing and caulking compounds.
15. Paper and pulp products.
16. Refrigerators.
17. Steam and hot water appliances.
18. Steel doors and windows.
19. Textiles.
20. Tobacco.
21. Vitreous plumbing and enameled products.
22. Waxes and polishes.
23. Fresh fruits and vegetables not elsewhere listed.

[F. R. Doc. 43-11533; Filed, July 17, 1943; 11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

[MPR 430]

ASSEMBLED RADIOS AND PHONOGRAPHS

By Limitation Orders L-44A and L-183, the War Production Board stopped general production of radio receiving sets and phonographs. However, these orders did not prevent either the completing of radio receiving sets or phonographs which were put into production prior to April 1942 or completion of the assembly of radio receiving sets or phonographs from a fully fabricated chassis and other parts where the assembly operation was commenced prior to April 1942. A substantial quantity of these sets have been assembled by retailers and distributors. Demand for this equipment is great, but the supply is limited. The General Maximum Price Regulation [1] and Revised Price Schedule No. 83 [2] are not adequate for their pricing because sets of the type now being assembled were not sold or offered for sale in March 1942.

In the judgment of the Administrator, the maximum prices established by this regulation are necessary to check inflation and to effectuate the purpose of the Emergency Price Control Act of 1942.

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

§ 1336.201 *Maximum prices for assembled radio receiving sets and phonographs.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 430 (Assembled Radios and Phonographs), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1336.201 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 430—ASSEMBLED RADIOS AND PHONOGRAPHS

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.
1. Prohibition against dealing in assembled radio receiving sets or phonographs above maximum prices.
2. Scope of this regulation.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. Maximum prices for radio receiving sets and phonographs assembled by a distributor-assembler.
4. Maximum prices for radio receiving sets and phonographs assembled by a retailer-assembler.
5. Maximum prices for sales of any model containing a chassis dismounted after July 25, 1943, from a table or portable radio receiving set or phonograph.
6. Reports of maximum prices.
7. Minor changes.
8. Credit charges.
9. Taxes.
10. Guarantee.
11. Stock numbers, retail price tags, and labels.
12. Pricing by specific authorization by the Office of Price Administration.

ARTICLE III—MISCELLANEOUS

13. Relation between Maximum Price Regulation No. 430 and the General Maximum Price Regulation.
14. Sales for export.
15. Sales slip and receipts.
16. Petitions for amendment.
17. Evasion.
18. Enforcement.
19. Geographical applicability.
20. Appendix A: Reports of maximum prices under section 6.

Article I—Prohibitions and scope of Regulation

SECTION 1. *Prohibition against dealing in assembled radio receiving sets or phonographs above maximum prices.* (a) Regardless of any contract or other obligation, no person in the course of trade or business shall buy, sell or deliver a radio receiving set or phonograph at a price higher than the maximum price established by this regulation nor shall any person sell or deliver such radio receiving set or phonograph unless the tag and label as required by section 11 (b) and (c) of this regulation are attached thereto and no person shall offer, solicit, attempt or agree to do any of the foregoing.

(b) Prices lower than the maximum prices may be charged, demanded, paid or offered.

SEC. 2. *Scope of this regulation.* Maximum prices for manufacturers' sales of radio receiving sets and phonographs were set by Revised Price Schedule No. 83. Any models manufactured by a person who was manufacturing radio receiving sets or phonographs on or prior to February 9, 1942, shall continue to be priced under that schedule at the manufacturing level and under the General Maximum Price Regulation at the wholesale and retail levels. This regulation does not apply to sets produced by those manufacturers.

This regulation applies to radio receiving sets, electrical phonographs or combinations (except those specially designed for commercial, police, or military use) assembled by persons who were not engaged in manufacturing radio receiving sets or phonographs on or prior to February 9, 1942. Some models produced by such assemblers, however, have already been priced by orders under § 1499.3 (b) of the General Maximum Price Regulation. This regulation does not apply to sales of those models and the established maximum prices remain in effect. Some models have been priced by such assemblers under § 1499.2 of the General Maximum Price Regulation. Before making further deliveries, the assembler must reprice such a model under this regulation. Sets delivered by the assembler prior to July 26, 1943, to a purchaser or to a common carrier not owned or controlled by the assembler for shipment to the purchaser, are not to be repriced under this regulation; resales of such sets must be priced under the General Maximum Price Regulation.

Article II—Maximum prices and terms of sale

SEC. 3. *Maximum prices for radio receiving sets and phonographs assembled by a distributor-assembler.* When used in this regulation, the term "distributor-assembler" means an assembler who customarily sells radio receiving sets and phonographs to retailers for resale.

(a) *Method for determining distributor-assembler's costs.* The distributor-assembler shall first determine the unit direct labor and material cost of the model on the basis of the following:

(1) *Chassis.* The distributor-assembler shall take as his cost of the chassis the lower of (i) his actual net cost of the chassis, exclusive of federal excise tax, plus freight, less the realizable salvage value of any discarded parts, or (ii) the maximum allowable cost of the chassis determined in accordance with the following paragraph, exclusive of federal excise tax, plus direct freight charges involved in transporting the chassis from the factory to the assembler, less the realizable salvage value of any discarded parts.

The distributor-assembler's maximum allowable cost of the chassis shall be the original manufacturer's maximum price under Revised Price Schedule No. 84 [3] for sales of the chassis to a distributor or jobber. If the original manufacturer's maximum price for such sales of the chassis has not been established or cannot be ascertained, the maximum allowable cost shall be a price in line with the level of maximum prices established by Revised Price Schedules Nos. 83 and 84 for sales by manufacturers to distributors or jobbers. If the assembler is unable to ascertain the original manufacturer's maximum price, he shall so state in the report required by Section 6 and shall propose a price for the chassis in line with the level of manufacturers' maximum prices established by Revised Price Schedules Nos. 83 and 84. The proposed price shall be accompanied by a detailed explanation of the method by which it was calculated and a statement of the reasons why the assembler believes the proposed price to be in line with the level of manufacturers' maximum prices established by Revised Price Schedules Nos. 83 and 84.

(2) *Cabinet.* The distributor-assembler shall ascertain the original manufacturer's maximum price under Maximum Price Regulation No. 188 [4] for sales of the cabinet to a purchaser of a class in which the assembler belongs, plus direct freight charges involved in transporting the cabinet from the factory to the distributor-assembler. He shall also ascertain his net invoice cost of the cabinet, plus freight. The distributor-assembler shall take the lower of the two figures so ascertained as his cost of the cabinet.

---

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

[1] 8 F.R. 3096.

[2] 7 F.R. 1360, 2000, 2132, 2302, 3125, 3820, 8948.

[3] 7 F.R. 1362, 2000, 2132, 2169, 2303, 2512, 2543, 3821, 6771, 7892, 8948; 8 F.R. 3703, 5632.

[4] 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1839, 3105, 3783, 3850, 4140, 4931, 5759, 7167, 8751, 8754.

(3) *Parts other than chassis and cabinet.* The distributor-assembler shall ascertain an established parts jobber's maximum prices of each of the parts other than the chassis and cabinet for sales to a class of purchaser to which the assembler belongs. He shall also ascertain his net invoice cost of the parts other than the chassis and cabinet. The distributor-assembler shall take the lower of the two figures so ascertained, and add freight actually paid to determine his cost of the parts other than the chassis and cabinet.

(4) *Wage rates.* Direct labor costs shall be based on wage rates in effect on October 3, 1942, or currently in effect if they have been adjusted and approved by the War Labor Board.

(b) *Method for determining distributor-assembler's maximum selling prices.* The distributor-assembler shall add to the unit direct cost 122% thereof. From the resulting figure, the distributor-assembler shall subtract 40% thereof to determine his delivered maximum selling price of the model to retailers. The federal excise tax may be collected in addition to the delivered maximum selling price of the model as determined by this section, if the tax is separately stated.

For sales by a distributor-assembler to ultimate consumers, the maximum price shall be determined by adding to the unit direct cost 82%. The federal excise tax must then be added and the price so determined, adjusted to the nearest quarter of a dollar.

(c) *Method for determining retailers' selling prices for models assembled by a distributor- assembler.* The maximum price at retail for a model assembled by a distributor-assembler must be computed by the distributor-assembler by adding 122% to the unit direct cost. The federal excise tax must then be added, and the price so determined, adjusted to the nearest quarter of a dollar. Retailers will be able to ascertain their maximum prices from the tag required by section 11 (b).

SEC. 4. *Maximum prices for radio receiving sets and phonographs assembled by a retailer-assembler.* When used in this regulation, the term "retailer-assembler" means any assembler who sells radio receiving sets or phonographs only to the ultimate consumer.

(a) *Method for determining retailer-assembler's costs.* The retailer-assembler shall first determine the unit direct labor and material cost of the model on the basis of the following:

(1) *Chassis.* The retailer-assembler shall calculate the amount he shall use as his cost of the chassis as follows: He shall take the lower of (i) his actual net cost of the chassis, exclusive of federal excise tax, or (ii) the maximum allowable cost of the chassis determined in accordance with the following paragraph. He shall deduct the realizable salvage value of any discarded parts of the chassis and shall add freight actually paid.

The retailer-assembler's maximum allowable cost of the chassis shall be an established parts jobber's or distributor's maximum price, exclusive of federal excise tax, for sales of the chassis to purchasers of the class to which the retailer-assembler belongs. If such a maximum price did not exist or cannot be ascertained, the maximum allowable cost shall be a price in line with the level of maximum prices established by the General Maximum Price Regulation for sales of radio and phonograph sets and chassis to purchasers of the class to which the retailer-assembler belongs, exclusive of federal excise tax. If the assembler is unable to ascertain an established parts jobber's or distributor's maximum price for the chassis, he shall so state in the report required by section 6 and shall propose a price for the chassis in line with the level of maximum prices established by the General Maximum Price Regulation for sales of radio and phonograph sets and chassis to purchasers of the class to which he belongs. The proposed price shall be accompanied by a detailed explanation of the method by which it was calculated and a statement of the reasons why the assembler believes the proposed price to be an in-line price.

(2) *Cabinet.* The retailer-assembler shall ascertain the original manufacturer's maximum price under Maximum Price Regulation No. 188 for sales of the cabinet to a purchaser of a class in which the retailer-assembler belongs, plus direct freight charges involved in transporting the cabinet from the factory to the retailer-assembler. He shall also ascertain his net invoice cost of the cabinet, plus freight. The retailer-assembler shall take the lower of the two figures so ascertained as his cost of the cabinet.

(3) *Parts other than chassis and cabinet.* The retailer-assembler shall ascertain for each of the parts used other than the chassis and cabinet, an established parts jobber's or distributor's maximum price, exclusive of federal excise tax, to the class of purchaser to which the retailer-assembler belongs. He shall also ascertain his net invoice cost of each part, exclusive of federal excise tax. The retailer-assembler shall take the lower of the two figures so ascertained and add freight actually paid to determine his costs for each part.

(4) *Wage rates.* Direct labor costs shall be based on wage rates in effect on October 3, 1942, or currently in effect if they have been adjusted and approved by the War Labor Board.

(b) *Method for determining retailer-assembler's maximum selling prices.* The retailer-assembler shall add 82% to the unit direct cost. He shall also add the federal excise tax. The resulting figure adjusted to the nearest quarter of a dollar shall be the maximum price, inclusive of federal excise tax, for a sale at retail by any person.

SEC. 5. *Maximum prices for sales of any model containing a chassis dismounted after July 25, 1943, from a table or portable radio receiving set or phonograph.* This regulation does not permit an assembler to dismount a chassis from a table or portable model, remount it into a different cabinet, and sell the new set at a price higher than his maximum price for the original table or portable model determined in accordance with the General Maximum Price Regulation. For a set assembled from a chassis dismounted after July 25, 1943, the assembler shall determine his maximum price as follows: He shall first determine his maximum price under the General Maximum Price Regulation for sales of the table or portable model from which the chassis was dismounted. He shall then calculate what his maximum price for the new set would be if it were priced under section 3 or 4 of this regulation, whichever is applicable. The lower of the two prices shall be his maximum price for the set so assembled.

SEC. 6. *Reports of maximum prices.* Every assembler setting a maximum price for an assembled radio receiving set or phonograph pursuant to section 3, 4, or 5 of this regulation must submit to the nearest regional office of the Office of Price Administration the information required in OPA Form 6813-404:1 set forth in section 20, Appendix A of this regulation, prior to first offering the radio receiving set or phonograph for sale. Fifteen (15) days after the mailing of the report, in the absence of a contrary direction from the Office of Price Administration, the distributor-assembler or retailer-assembler may offer for sale the set at the price reported. Any maximum price established under this regulation shall be subject to adjustment by the Office of Price Administration at any time.

Any regional office of the Office of Price Administration may approve, disapprove, and make adjustments in prices reported under this regulation.

SEC. 7. *Minor changes.* (a) Any assembled radio receiving set or phonograph which differs from a comparable assembled radio receiving set or phonograph priced pursuant to section 3, 4, or 5 of this regulation by reason of minor changes only shall have the same maximum wholesale and retail price as the comparable model. However, no assembled radio receiving set or phonograph may be priced pursuant to this section if changes in material, construction or design reduce the unit direct labor and material cost by more than $1.00 or prevent its offering "fairly equivalent serviceability". "Fairly equivalent serviceability" means a condition of serviceability which exists when the following conditions are fulfilled:

(1) The model being priced and the comparable model have substantially the same physical and electrical characteristics.

(2) The performance specifications of undistorted watt output, selectivity, frequency response, tuning range and image rejection of the two models do not vary by more than normal manufacturing tolerances.

(3) The changes made in the chassis of the model being priced do not alter any of the essential operating characteristics of any part of the circuit of the chassis.

(b) Every assembled radio receiving set or phonograph priced pursuant to this section shall have attached thereto the label and tag required by section 11 (b) and (c) of this regulation. This label and tag shall also contain the assembler's stock number, which shall be the

stock number of the comparable model followed by the letters M. C.

SEC. 8. *Credit charges.* Charges for the extension of credit may be added to the maximum retail prices established by this regulation only to the extent permitted by this section.

(a) Sellers who in March 1942 separately stated and collected an additional charge for the extension of credit on sales of assembled radios or like articles may collect a charge for the extension of credit on sales under this regulation. The charge collected must not exceed the charge in March 1942 on a similar sale to the same class of purchaser. Other sellers may make a charge for the extension of credit only on instalment-plan sales, not on charge-account sales. The charge shall not exceed the additional charge separately stated and collected for the extension of similar credit in March 1942 by the seller's closest competitor who made such a charge.

An instalment-plan sale, as used in the above paragraph, means a sale where the unpaid balance is to be paid in instalments over a period of (1) six weeks or more from the date of sale in the case of weekly instalments or (2) eight weeks or more in the case of other than weekly instalments.

(b) All charges for the extension of credit shall be quoted and billed separately. Any charge which is not quoted and billed separately shall, for the purposes of this regulation, be considered to be part of the price charged for the article sold.

(c) No seller may require as a condition of sale that the purchaser must buy on credit.

SEC. 9. *Taxes.* Any tax upon or incident to the sale or processing of any assembled radio receiving set or phonograph or any component part thereof imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof except a federal excise tax may be separately stated and collected in addition to the maximum prices determined by this regulation. The tax may not be included in calculating the unit direct cost of any radio receiving set or phonograph. The federal excise tax may be added to the maximum prices as provided in section 3, 4, or 5 of this regulation.

SEC. 10. *Guarantee.* The maximum prices determined under section 3, 4, or 5 of this regulation may be charged only if the seller furnishes the purchaser with a written guarantee under which, (a) the seller, for a period of 90 days from the date of sale, is required to correct any impairment of satisfactory performance resulting from improper assembly, and to replace without charge for labor or materials any part which proves to be either defective or improper for use in the particular set, and (b) the seller warrants that the set conforms in all essential respects to accepted safety requirements. This guarantee shall be set forth on the tag as required by section 11 (b). If the guarantee is not furnished, the maximum price shall be a price specifically established by the Office of Price Administration upon application as set forth in section 12.

SEC. 11. *Stock numbers, retail price tags, and labels.* (a) Every assembler shall assign to each assembled radio receiving set or phonograph a stock number. This stock number shall be added to every label and tag as required by paragraphs (b) and (c) of this section, and every sales slip as required by section 15 of this regulation.

(b) Before the delivery of an assembled radio receiving set or phonograph for which a maximum price must be determined under section 3, 4, or 5 of this regulation, the assembler must attach securely to each assembled radio receiving set and phonograph, so that it is clearly visible, a durable tag containing in easily readable lettering, the statement in the following form, with the blanks properly filled in:

The retail ceiling price of this set is $_____
Assembler's stock number of set_____

This set has been assembled and priced pursuant to O. P. A. Maximum Price Regulation No. 430.

This tag may not be removed until after delivery to a consumer.

This tag shall also contain a statement that the set is guaranteed as required by section 10. The following form shall be used:

For a period of 90 days, the seller agrees to replace at no charge any part which proves to be either defective or improper for use in this set, and to correct any impairment of satisfactory performance resulting from improper assembly. This set conforms in all essential respects to accepted safety requirements.

(c) Every assembler shall affix on to the inside of every cabinet of an assembled radio receiving set or phonograph a label clearly showing (1) the circuit diagram of the chassis, including the location of the tube sockets properly marked with the corresponding tube number, (2) the original manufacturer's name and model number of the chassis and phonograph (3) the assembler's name and address, and (4) the stock number.

SEC. 12. *Pricing by specific authorization by the Office of Price Administration.* (a) The maximum price for any assembled radio receiving set or phonograph which is assembled by any person other than a distributor-assembler or retailer-assembler or which is not guaranteed as required by section 10 of this regulation shall be the price specifically authorized by the Office of Price Administration, Washington, D. C.

(b) *Reports of maximum prices.* Prior to first offering for sale an assembled radio receiving set or phonograph priced under section 12 (a), the assembler shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of a maximum price. The report shall contain a statement of facts indicating why the model cannot be priced under sections 3, 4, and 5, the name of the manufacturer of each major component part used in the assembly, the cost of each part, and the proposed maximum price with a detailed explanation of its computation. The assembler shall submit such other relevant information to supplement his report as the Office of Price Administration may require. Upon receipt of the authorization, the assembler may offer the assembled radio receiving set or phonograph for sale in accordance with the terms of the authorization.

Article III—Miscellaneous

SEC. 13. *Relation between Maximum Price Regulation No. 430 and The General Maximum Price Regulation.* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

SEC. 14. *Sales for export.* The maximum price at which a person may export an assembled radio receiving set or phonograph shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[5]

SEC. 15. *Sales slips and receipts.* Regardless of any former practice, after the effective date of this regulation, every person selling an assembled radio receiving set or phonograph in the course of trade or business shall furnish the purchaser of each such radio receiving set or phonograph with a sales slip, receipt, invoice or other similar written evidence of purchase showing assembler's stock number, date of sale, price charged, a statement showing whether the set is guaranteed or not guaranteed, and the name and address of the purchaser. Such sales slip, receipt, invoice or other written evidence of purchase shall be kept by every person who buys a radio receiving set or phonograph for resale, and the carbon copy shall be kept by every seller for inspection by the Office of Price Administration.

SEC. 16. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 17. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to an assembled radio receiving set or phonograph alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise, unless authorized by this regulation.

SEC. 18. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suit for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 19. *Geographical applicability.* The provisions of this regulation apply to the forty-eight states and the District of Columbia.

SEC. 20. *Appendix A: Reports of maximum prices under section 6–6813–404:1.* This OPA form 6813–404:1 or a reasonable facsimile thereof shall be used for the reporting of maximum prices as required pursuant to section 6 of this regulation.

---

[5] 8 F.R. 4132, 5937, 7632.

Form Approved
Budget Bureau No. 08-R449
OPA Form 6813—404:1

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

REPORT OF MAXIMUM PRICE DETERMINATION OF ASSEMBLED RADIO RECEIVING SETS AND PHONOGRAPHS, PRICED ACCORDING TO MAXIMUM PRICE REGULATION NO. 430

(1) Firm Name_____ Date_____
(2) Address_____
Street Town State

(Read Instructions on Reverse Side)

(3) *Description of Set and Major Parts*

[Fill in or check]

Kind of Set_____ Radio ☐ Phonograph ☐ Radio Phonograph ☐
Chassis Mechanism_____ Attach circuit diagram with application
Speakers_____ Electro Dynamic ☐ P. M. ☐ Size-Cone Rim ____ in.
Phonograph Pickup Mechanism__ Automatic ☐ Manual ☐ Capacity _____ Records
Cabinet_____ Kind of Wood _____ Height ____ Width ____ Depth ____
Console ☐ Chairside ☐ Portable ☐ Other ☐

(4) *Information on Chassis*

a. Was chassis dismounted from a set? Yes ☐ No. ☐. If so state model number of set _____; suggested retail list price of set $_____. Was it dismounted after _____, 1943, from a portable or table model? Yes ☐ No ☐. If so, attach statement showing your ceiling price for original set and method by which it was determined.

b. Chassis cost (enter lower of following figures in Col. IV of 5 (a)).

i. Net invoice price paid for chassis less tax $_____.

ii. Maximum allowable cost of chassis $_____.

Is this an established ceiling? Yes ☐ No ☐

If so, state whose _____

If not, attach a detailed explanation of proposed in-line price.

(5) DETERMINATION OF UNIT DIRECT COSTS

Parts	I Name and city of supplier	II Name of part mfg. if available	III Stock No.	IV Price less tax	V Freight	VI Total cost
(a) Chassis						
(b) Cabinet						
(c) Phonograph						
(d) Speaker						
(e) Other parts costing $5 or more						
(f) All other materials						
(6) Unit material cost (total of items in Col. VI)					$	
(7) Total unit direct labor cost					$	
(8) Salvage value of material not used					$	
(9) Total unit direct cost (items 6 and 7 minus 8)					$	

(10) Federal Excise Tax paid:
(a) by parts manufacturers $_____
(b) by assembler $_____
Total federal excise tax_____ $_____

For distributor assemblers:

(11) *Determination of Maximum Selling Price*

(a) Add 122% to item (9) to determine a retailer's selling price less excise tax_____ $_____
(b) Retailer's maximum selling price including excise tax (item 10 plus item 11a)_____ _____
(c) Subtract 40% from item 11a to determine selling price less excise tax_____ _____
(d) Your maximum selling price including excise tax to persons other than the ultimate consumer (item 10 plus item 11c)_____ _____
(e) Add 82% to item (9) to determine your selling price to an ultimate consumer less excise tax_____ _____

(12) For Retail Assemblers:
(a) Add 82% to item (9) to determine retail price less excise tax_____ _____
(b) Maximum selling price including excise tax (item 10 plus item 12a)_____ _____

(13) Your model number of assembled set_____ _____
(14) Is this model guaranteed for 90 days? Yes ☐ No ☐
(15) Estimated number of sets of this model to be assembled within next 90 days_____ _____

SPECIFIC INSTRUCTIONS

3. This section when properly filled in will present a comprehensive description of the set being assembled. A separate report should be filed for each set using different component parts.

4. Before calculating the figures to be entered under the chassis cost (b), distributor-assemblers should read the instructions in section 3 (1) (a) and retailer-assemblers should read section 4 (1) (a) of the regulation. On line (i) the assembler should state the net invoice price he paid for the chassis, exclusive of federal excise tax, and on line (ii) he should state the maximum allowable cost of the chassis, exclusive of federal excise tax. The maximum allowable cost for distributor-assemblers is the manufacturer's ceiling price for sales of the chassis to a distributor or jobber. For retailer-assemblers it is the ceiling price of an established jobber or distributor for sales of the chassis to retailers. If such ceiling price has not been established or if the assembler is unable to ascertain it without undue expense or delay, he should enter as the maximum allowable cost a price which he believes to be in line with the level of established ceiling prices for sets and chassis and should attach to the report an explanation of the method used in calculating the price and the reasons why he believes it to be in line. For example, if a distributor-assembler bought a complete set from the manufacturer, receiving an affirmation that the price did not exceed the supplier's ceiling, and dismounted the chassis prior to July 26, 1943, he could calculate an in-line price for the chassis by allocating the set price between the chassis and the cabinet in proportion to the estimated cost of each.

5. In Column I, lines a, b, c, d, and e, list the name and city of firm from whom the part was purchased. In Column II and III list the name of the part manufacturer and the stock number or identifying title of the part. In Column IV, line a, enter as the chassis cost the lower of the two figures listed under 4 (b) of the report. On the other lines under Column IV list the unit cost of other parts and materials determined in accordance with the directions in either section 3 (1) (b) and (c) of the regulation if you are a distributor-assembler or section 4 (1) (b) and (c) if you are a retailer-assembler. If you are not able to ascertain a proper supplier's maximum price without undue expense or delay, you may enter the net invoice price paid by you and indicate in a footnote that this procedure is used. In Column V unit freight charges should be listed. The entries to be made in Column VI are the sums of the entries made in Columns IV and V. No entries need be made in Columns I, II, and III of line (f).

7. Compute unit direct labor cost for labor expended directly in the assembly of the set. In computing this cost use the highest wage rates you actually paid for each class of labor on October 3, 1942. If a class of labor previously not used by you is to be employed on the radio set, use the highest October 3, 1942 wage rate for that class of labor paid by the nearest employer operating under comparable conditions. If your wage rates or the wage rates of the nearest employer using a class of labor not previously employed by you have been adjusted by the War Labor Board, you may use current wage rates. If necessary for a clear understanding, a breakdown of the total labor cost should be attached to this report. This total must not include supervision, or other indirect labor or factory burden. Allowance for these expenses is included in the margin between direct cost and maximum selling price.

8. If there are any parts of the original chassis which are not used in the set being priced, make an entry of the dollar salvage value to you of the discarded parts. This dollar salvage value shall be identical with your replacement cost of the part, if it is readily or generally usable for replacement, repair, or resale purposes. If the discarded part is not readily or generally usable or salable, list its realizable salvage value.

10. Give under (a) the amount of federal excise tax paid by the parts manufacturer which was in turn passed on to you, and under (b) the amount of the federal excise tax to be paid by you under section 3404 of the Internal Revenue Code.

11. The retail prices computed on line (b) and (e) should be adjusted to the nearest quarter of a dollar.

12. The retail price computed on line (b) should be adjusted to the nearest quarter of a dollar.

I hereby certify that I am the owner of the company whose name appears on this report, or that I am authorized to make this report on behalf of the company; that I have read this report and that all of the statements and figures contained in this report are correct. I also certify that I have read and am familiar with Maximum Price Regulation No. ——, and that the model priced in this application complies with the provisions and requirements of that Regulation.

(Company)

(Title)

Effective date. This regulation shall become effective July 26, 1943.

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

Issued this 16th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11495; Filed, July 17, 1943; 9:36 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5E]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

Preamble: The Office of Price Administration has been directed by the Rubber Director to carry out the recommendations contained in the report of the President's Special Committee to Study the Rubber Situation.

The recommendations of the Committee include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles. * * *
3. Prompt and strict enforcement of a Nation-wide speed limit not exceeding thirty-five miles an hour. * * *
4. Compulsory periodic tire inspection.

This Ration Order 5E has been adopted pursuant to the direction of the Rubber Director to complement the mileage rationing: Tire regulations (Ration Order 1B) and also to meet the peculiar circumstances of the Territory of Puerto Rico. In adopting this regulation it has been necessary not only to take into consideration the necessity for saving rubber, but also the fact that all rubber and gasoline must be imported into the Territory of Puerto Rico by water, thus making it necessary to consider the question of transportation as affected by world conditions. Due to transportation difficulties the regulation is geared not only to the available supply of rubber in the continental United States, but to the quantity of tires and gasoline that it is estimated may be imported into the Territory.

The mileage rationing: Gasoline Regulations (Ration Order 5E) control the use and acquisition of gasoline as a means to conserve rubber and gasoline and to maintain the transportation system. To safeguard against violation of the fundamental scheme, control is extended to gasoline generally, whether or not for motor vehicles.

The Office of Price Administration, through its local War Price and Rationing Boards, will regulate the use and allowable mileage of passenger automobiles and commercial vehicles.

Commercial vehicles are required to have a currently valid Certificate of War Necessity, issued by the Office of Defense Transportation. Comercial vehicles receive service rations, of which there are several types according to the type and use of the vehicle involved. Separate types of service rations are issued for taxicabs (publicoa), buses, light trucks, heavy trucks, and government-owned vehicles.

All passenger automobiles, with certain exceptions, will receive a small basic ration, or mileage allowance, in order, primarily, to prevent casting all persons normally using such facilities on to public transportation systems not equipped to handle tremendously increased loads. The private passenger automobile is, in this sense, an integral and indispensable part of the Island's system of transportation.

Above this basic ration, mileage will be allowed for occupational uses of the vehicle. But these supplemental rations are strictly tailored in accordance with need. Moreover, carrying out the program of the Committee that essential driving be given first place, a maximum allowance of 48 miles per week is placed upon the occupational use of passenger automobiles and 140 miles per month for motorcycles. The list of those users who may be allowed preferred mileage above this maximum is limited to those who use their vehicles for purposes essential to the war effort or to the civilian economy.

Certain exceptional, non-occupational, necessary motor vehicle uses, such as the procuring of food and supplies, or medical care are recognized and special rations are allowed for such purposes. Since the desire for conservation of gasoline in Puerto Rico is fully as important as the conservation of rubber, non-highway rations are required for purposes not involving wear of rubber tires.

By these means the vital supplies of tires and gasoline in Puerto Rico will be utilized for purposes most essential to the public welfare, and will be made to last, if possible, beyond the period of critical shortage. There is, of course, no assurance that the rubber supply situation in the future will not require further curtailment and conservation of tire use. To a great extent, this will depend upon whether the driving public will alter and restrict its driving habits, and conserve to the utmost extent the tires now in use. The Committee said:

Let there be no doubt that only actual needs, not fancied wants, can, or should, be satisfied. To dissipate our stocks of rubber is to destroy one of our chief weapons of war. We have the choice!

Discomfort or defeat. There is no middle course.

§ 1394.9204 *Mileage rationing: gasoline regulations for Puerto Rico.* Under the authority vested in the Office of Price Administration and the Price Administrator by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No 1-J, issued June 30, 1942, this Ration Order 5E (Mileage Rationing: Gasoline Regulations for Puerto Rico) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1394.9204 issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, WPB Directive 1, Supp. Dir. 1-J, 7 F.R. 562.

RATION ORDER 5E—MILEAGE RATIONING: GASOLINE REGULATIONS FOR PUERTO RICO

ARTICLE I—INTRODUCTION

Sec.
1.1 Territorial limitations.
1.2 Scope of restrictions.
1.3 Effect of Ration Order 5E on outstanding rations.
1.4 Effect on Ration Order 1B.
1.5 Applicability of Order to rations issued under Ration Order 5B.
1.6 Definitions.
1.7 Personnel.
1.8 Jurisdiction of Boards over issuance of rations.
1.9 Action on applications.
1.10 Records of applications.

ARTICLE II—TYPES OF RATIONS

2.1 Basic rations.
2.2 Basic ration books.
2.3 Application for and issuance of basic rations.

Supplemental Rations

2.4 Supplemental rations.
2.5 Application for supplemental ration.
2.6 Allowance of occupational mileage.
2.7 Preferred mileage.
2.8 Issuance of supplemental rations.
2.9 Renewals of supplemental rations.
2.10 Classes B, C and D ration books marked "Fleet."

Service Rations

2.11 Persons entitled to service rations.
2.12 Service ration books.
2.13 Application for service rations.
2.14 Issuance of service rations.
2.15 Essential service rations.
2.16 Service ration for equipment mounted on commercial motor vehicles.
2.17 Interchangeable service ration books.
2.18 Zafra season.
2.19 Zafra season ration.
2.20 Weekly reports by Sugar Centrals.
2.21 Return of S type ration book.

Special Rations

Sec.
2.22 Application for special ration.
2.23 Form and issuance of special rations.

Non-Highway Rations

2.24 Persons entitled to non-highway rations.
2.25 Non-highway ration books.
2.26 Application for non-highway ration.
2.27 Issuance of non-highway rations.

Issuance of Ration Books—Acknowledgment of Delivery by the OPA

2.28 Issuance of ration books by Office of Price Administration.
2.29 Acknowledgment of delivery and allotment authorizations.
2.30 Use of gasoline obtained by Army and other exempt agencies.
2.31 Value of coupons.

ARTICLE III—RESTRICTIONS ON TRANSFER AND USE OF RATIONS AND GASOLINE

3.1 Restrictions as to purpose.
3.2 Rations not transferable.
3.3 Change of occupation of holder of Class C ration.
3.4 Use of rations issued for vehicles or boats available for public rental.

Prohibited Acts

3.5 Restrictions on consumption of gasoline.
3.6 Restrictions on blending and use of blended gasoline.
3.7 Rations for racing or exhibition purposes.
3.8 Display of sticker.
3.9 Restriction on use of gasoline in vehicle without ration.
3.10 Use in violation of Ration Order 1B.
3.11 Tires unlawfully acquired.
3.12 Abuse or neglect of tires.
3.13 Tire inspection records.
3.14 Certificate of War Necessity.
3.15 Mileage limitation.
3.16 Limitation on speed.
3.17 Mutilation, destruction, or counterfeiting of coupon books or certificates.
3.18 Transfer at illegal price.

ARTICLE IV—RENEWAL OF RATIONS, ISSUANCE OF FURTHER RATIONS, AND DECLARATION OF TIRES

4.1 Renewal of rations.
4.2 Issuance of further ration for use prior to expiration date of current ration.
4.3 General provisions.
4.4 Tire inspection record and declaration of tires.

ARTICLE V—GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF GASOLINE RATIONS

5.1 Presentation of license certificate.
5.2 Notation on license certificate.
5.3 Notation on ration books and applications.
5.4 Change in motor vehicle license number.
5.5 Authorization of bulk purchase.
5.6 Lost, stolen, destroyed, mutilated, or wrongfully withheld coupon books or bulk coupons.
5.7 Signature on coupon book.

ARTICLE VI—EXPIRATION AND REVOCATION OF RATIONS

6.1 Surrender of expired coupons.
6.2 Expiration of rations.
6.3 Expiration of rations upon cessation of use or change in ownership.
6.4 Denial of gasoline rations.
6.5 Coupon books property of Office of Price Administration; summary revocations.
6.6 Revocation, suspension, and denial of consumer's ration after hearing.
6.7 Effective period of order revoking ration and of declaration of ineligibility.
6.8 Presentation of registration cards and tire inspection records after revocation of ration or denial of rations for a specified period and notations thereon.

ARTICLE VII—RESTRICTIONS ON TRANSFER

7.1 Restriction on transfer to consumers.
7.2 Transfers to consumers.
7.3 Transfer to consumers in exchange for coupons.
7.4 Transfers in exchange for acknowledgment of delivery and allotment authorization.
7.5 Emergency transfers.
7.6 Transfer of vehicle, boat or equipment.
7.7 Transfer of consumer establishments.
7.8 Transfers from fuel tank of vehicles and boats forbidden.
7.9 Discrimination by dealers and intermediate distributors.
7.10 Restriction on transfers between dealers and distributors.
7.11 Night deliveries: third party deliveries.
7.12 Upstream transfers.
7.13 Preservation of coupons: coupon sheets.
7.14 Preservation of acknowledgments.
7.15 Summary of coupons.
7.16 Exchange of coupons for exchange certificates.
7.17 Certification of shortage.

ARTICLE VIII—RECORDS AND REPORTS BY DISTRIBUTORS AND DEALERS

8.1 Records to be kept by dealers and intermediate distributors.
8.2 Reports by oil companies.
8.3 Reports by Collector of Customs.
8.4 Explanation by oil companies.
8.5 Accountability and records of dealers and intermediate distributors.
8.6 Inspection of record and facilities.

ARTICLE IX—OPENING, CLOSING AND TRANSFERRING OF BUSINESS

9.1 Registration of new or reopened place of business.
9.2 What constitutes gasoline on hand.
9.3 What constitutes storage capacity.
9.4 Issuance of registration certificates.
9.5 Issuance of inventory coupons.
9.6 Restriction on use of inventory coupons.
9.7 Cessation of business.
9.8 Sale of place of business.
9.9 Change of storage capacity.

ARTICLE X—ADJUSTMENTS AND APPEALS

10.1 Adjustment of errors made by registrars.
10.2 Appeals from decisions of Boards.

ARTICLE XI—ENFORCEMENT

11.1 Criminal prosecutions.
11.2 Suspension orders.

Article I—Introduction

SECTION 1.1 *Territorial limitations.* Ration Order No. 5E shall apply to the Territory of Puerto Rico.

SEC. 1.2 *Scope of restrictions.* (a) Nothing in Ration Order No. 5E shall be construed to:

(1) Limit the quantity of gasoline which may be acquired by or for the account of the Army or Navy, of the United States, the United States Maritime Commission, the Panama Canal, the Coast & Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research & Development.

(2) Limit the quantity of gasoline which may be acquired by any person for export to and consumption or use in any foreign country.

(3) Affect or apply to any transfer of gasoline between the agencies named in paragraph (a) hereof.

SEC. 1.3 *Effect of Ration Order No. 5E on outstanding rations.* (a) Except as provided in paragraph (b) of this section and section 1.5, no provision of Ration Order No. 5E shall affect the validity or valid period of any ration issued pursuant to Ration Order No. 5B,[1]

(b) No ration issued pursuant to Ration Order No. 5B may be used for a purpose prohibited by the provisions of Ration Order No. 5B or Ration Order No. 5E. All rations issued pursuant to Ration Order 5E shall be subject to modifications, revocation and redetermination pursuant to the provisions of Ration Order No. 5E.

SEC. 1.4 *Effect on Ration Order No. 1B.* No allotment of gasoline issued pursuant to Ration Order No. 5E for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1B or to remove or avoid any disqualification of such vehicle under Ration Order No. 1B which would otherwise result from such use.

SEC. 1.5 *Applicability of Order to Rations issued under Ration Order No. 5B.* All rations issued pursuant to Ration Order No. 5B which shall remain in effect after the effective date of this Order, shall be subject to the same restrictions, prohibitions and conditions of use as though they were issued pursuant to Ration Order No. 5E.

SEC. 1.6 *Definitions.* (a) When used in Ration Order No. 5E:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(2) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(3) "Bulk transfer" means any transfer of gasoline other than:

(i) Into the fuel tank of a registered motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates; or

(ii) Into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(4) "Bus" means a motor vehicle built or rebuilt primarily for the purpose of carrying passengers, licensed by the Insular Government of Puerto Rico to carry passengers for hire, and having a rated seating capacity of ten or more persons, including a station wagon operating over a regular route on a regular schedule under a certificate of necessity

[1] 7 F.R. 5607, 6389, 6390, 7400, 6871, 7908, 8385, 8355, 9134, 9431, 9817, 10109, 10379, 10530; 8 F.R. 534, 976, 2026, 2336, 5267, 5851.

and convenience issued by the Public Service Commission of Puerto Rico.

(5) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 34.

(6) "Commercial motor vehicle" means a straight truck, a combination truck-tractor and semi-trailer, a combination truck-tractor and a full trailer, any combination thereof, or any other rubber-tired motor vehicle, excluding a motorcycle or airplane, propelled or drawn by mechanical power and built or rebuilt primarily for the purpose of transporting property on the highways; and any bus, taxicab, público, or other rubber-tired motor vehicle, excluding a motorcycle, propelled or drawn by mechanical power and used or licensed for use in the transportation of persons upon the highways for hire, or available for public rental, including ambulances and hearses.

(7) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(8) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The terms also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

(9) "Director" means Director of the Office of Price Administration for Puerto Rico, any person duly authorized to act in his place, or any person to whom he may delegate his authority to act hereunder.

(10) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(11) "Equipment" means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

(12) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline, and exchangeable for such gasoline. This term shall include coupons, acknowledgements of delivery, inventory coupons, exchange certificates on Form OPA R-548 issued by a Board in return for other evidences received, and export certificates on Form OPA R-560.

(13) "Fleet" as applied to a passenger automobile or motorcycle, means that such vehicle is one of four or more passenger automobiles or four or more motorcycles owned or leased by and used by the same person or organization principally in connection with the same or related occupations, or, as applied to a commercial motor vehicle, that such vehicle is one of four or more commercial vehicles owned or operated by the same person.

(14) "Gasoline" means any liquid fuel which is commonly or usually used for the propulsion of motor vehicles or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzine, benzol, and naptha.

(15) "Heavy truck" means a truck which has a rated capacity of more than one ton and is duly licensed as a heavy or a heavy-public truck by the Insular Government of Puerto Rico, unless such license is not required by law.

(16) "Highway use" means a use of gasoline in a registered motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, including a use of gasoline in any machinery permanently mounted on a registered motor vehicle.

(17) "Inboard motorboat" means any self-propelled water craft, the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(18) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale. Any such person shall be deemed to be an intermediate distributor as to each place at which such business is carried on.

(19) "Inventory coupon" means a one-gallon or one hundred gallon coupon issued by a Board to represent unfilled storage capacity of a dealer or intermediate distributor, or for such other purpose as may be provided in Ration Order No. 5E.

(20) "Light truck" means a truck which has a rated capacity of one ton or less and is duly licensed as a commercial or a commercial-public truck by the Insular Government of Puerto Rico unless such license is not required by law.

(21) "Motorcycle" means any motor vehicle designed for operation on three wheels or less, but does not include tractors.

(22) "Motor vehicle" means any rubber-tired self-propelled conveyance, the motive power for which is furnished by an internal-combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(23) "Motor vehicle dealer" means any person engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(24) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others.

(25) "Non-highway use" means any use of gasoline other than "Highway use".

(26) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

(27) "Occupational mileage" means mileage driven by a person in carrying on an occupation, or to and from a place where such occupation is carried on.

(28) "Oil company" means any person who imports gasoline into the Territory of Puerto Rico.

(29) "Passenger automobile" means any motor vehicle (other than an ambulance, hearse, motorcycle, taxicab, público, or vehicle used or licensed for use in the transportation of persons on the highways for hire) built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including a non-commercial station wagon or suburban carryall regardless of seating capacity.

(30) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(31) "Público" or "public car" means any passenger motor vehicle duly licensed by the Insular Government of Puerto Rico as a public car and authorized by the Public Service Commission to carry passengers for hire.

(32) "Ration", as the context requires, means either a right to acquire and use gasoline which is represented by an evidence issued on the basis of an application, or the amount of gasoline acquired in exchange for coupons, or both.

(33) "Registered" or "licensed" means that a motor vehicle is duly licensed for operation on public roads or highways by the appropriate agency of the Federal Government of the United States, the Insular Government of Puerto Rico, the government of a state of the United States, or any territorial or foreign government.

(34) "Scrap", as applied to a tire, means incapable of being repaired for use.

(35) "Serial number", as applied to a tire, means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(36) "Taxicab" means a taxicab authorized as such by a Certificate of Necessity and Convenience issued by the Public Service Commission.

(37) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

(38) "Transfer", as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, de-

vice, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(39) "Vehicle available for public rental" means any registered motor vehicle leased from, or held for rental by, a motor vehicle rental agency, but does not include a "público".

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

SEC. 1.7 *Personnel.* (a) Ration Order 5E shall be administered by the Office of Price Administration through its War Price and Rationing Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 5E shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may, from time to time, delegate.

(b) No person participating in the administration of Ration Order 5E shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 1.8 *Jurisdiction of Boards over issuance of rations.* (a) A Board shall have jurisdiction over:

(1) The issuance of rations for motor vehicles, equipment, or machinery normally garaged or stationed in the area in which the Board is designated to serve.

(2) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of this section; any person applying for a ration pursuant to this paragraph shall furnish the Board with the number of the Board having jurisdiction under paragraph (a) (1).

SEC. 1.9 *Action on applications.* (a) The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall within three (3) days notify the applicant of its decision.

SEC. 1.10 *Records of applications.* (a) Except as provided in paragraph (b) of this section, each Board shall maintain a file of all applications for gasoline rations passed upon by it or received by it from any other Board or source.

(b) A Board, after passing upon an application for a ration made pursuant to paragraph (a) (2) of section 1.8 shall forward such application to the Director for forwarding to the Board having jurisdiction:

Article II—Types of Rations

BASIC RATIONS

SEC. 2.1 *Basic rations.* (a) The owner or the person entitled to the use of a licensed passenger automobile or a licensed motorcycle may obtain on application to a Board a basic ration for use with such vehicle except that no basic ration shall be issued for use with a passenger automobile or motorcycle which is:

(1) A public car, taxi, or vehicle available for public rental:

(2) Owned or leased by a Federal, Insular, municipal, or foreign government or government agency;

(3) Specially built or re-built as an ambulance or hearse; or

(4) Part of a fleet of passenger automobiles or motorcycles.

(5) Held by a motor vehicle dealer for sale or resale.

SEC. 2.2 *Basic ration books.* (a) Class A ration books shall be issued as basic rations for passenger automobiles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof only during the following periods:

Coupons:	*Valid period*
A 12	July 1943.
A 13	August 1943.
A 14	September 1943.
A 15	October 1943.
A 16	November 1943.
A 17	December 1943.
A 18	January 1944.

(b) *Class D ration books.* D ration books marked "basic" shall be issued as basic rations for motorcycles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof at any time during the semiannual period commencing February 1st or August 1st for which they shall be issued.

SEC. 2.3 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on Form OPA PRR-1 to the Board having jurisdiction. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) The application must be signed by the registered owner of the vehicle for which a ration is sought, and by the person entitled to the use of the vehicle in the event that the registered owner is not entitled to the use thereof. The application may not be signed by an agent, unless the registered owner or person entitled to the use of the vehicle is physically unable to sign or is outside the Territory of Puerto Rico.

(c) A basic ration shall be issued by a Board. The Board shall remove from any class A ration book all expired coupons and one currently valid coupon for each full four days which have elapsed in the valid period during which such book is issued. In the case of a basic D ration book, one coupon shall be removed for each full three and one-half days which shall have elapsed in the valid period during which such book is issued.

(d) No more than one valid basic ration shall be outstanding at any time for a vehicle, and no person shall be entitled to more than one basic ration for the same vehicle at any one time: *Provided,* That any person who has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued may apply to a Board for reissuance thereof. Application for reissuance shall be made on Form OPA PRR-1, and the applicant shall attach thereto a certification in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof, the reason therefor, and the serial number of the ration books surrendered and the number of unused coupons remaining in the book at the time of surrender.

(e) Applications for renewals of basic ration books shall be made at such times as shall be designated by the Director at the Boards during the month prior to the expiration of such rations.

SUPPLEMENTAL RATIONS

SEC. 2.4 *Supplemental rations.* (a) The following coupon books may be issued by a Board as supplemental rations to a holder of a basic ration book to provide for occupational or preferred mileage, to the extent allowed by the Board pursuant to section 2.6:

(1) B or C ration books for use with passenger automobiles.

(2) D ration books marked "Supplemental" for use with motorcycles.

(b) B and C ration books shall contain twelve (12) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof only during the periods as follows:

B or C coupons bearing number:	*Valid period—6 days commencing with*
35	July 5, 1943.
36	July 12, 1943.
37	July 19, 1943.
38	July 26, 1943.
39	August 2, 1943.
40	August 9, 1943.
41	August 16, 1943.
42	August 23, 1943.
43	August 30, 1943.
44	September 6, 1943.
45	September 13, 1943.
46	September 20, 1943.
47	September 27, 1943.
48	October 4, 1943.
49	October 11, 1943.
50	October 18, 1943.
51	October 23, 1943.
52	November 1, 1943.
53	November 8, 1943.
54	November 15, 1943.
55	November 22, 1943.
56	November 29, 1943.
57	December 6, 1943.
58	December 13, 1943.
59	December 20, 1943.
60	December 27, 1943.

(c) D ration books marked "Supplemental" shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfers of gasoline to the holder thereof at any time during the semi-annual period commencing February 1st or August 1st for which they shall be issued.

SEC. 2.5 *Application for supplemental ration.* (a) Application for a supplemental ration may be made to a Board on Form OPA PRR-2, by the owner or person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

(b) An applicant shall establish the monthly mileage required for each of the following purposes during the ration period for which such ration is valid:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal use of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) If two or more passenger vehicles for which supplemental rations are desired, are owned by persons living in the same household, all applications for supplemental rations shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of section 2.6, a separate applicatior for a supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdictions of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrangement.

SEC. 2.6 *Allowance of occupational mileage.* (a) Except as provided in paragraph (c) of this section, occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of section 2.5 only if the applicant establishes, in connection with the use of the vehicle for that purpose either:

(1) That a bona-fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided,* That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(3) In the event application is made for a Supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving for any of the purposes listed in paragraph (b) of section 2.5 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per week required by the applicant, as established in accordance with paragraph (b) of section 2.5, and shall issue a supplemental ration for such mileage requirements sufficient for a twelve week period: *Provided,* That the Board may not allow more than 48 miles per week for a passenger automobile and 40 miles per month for a motorcycle for any occupational mileage other than preferred mileage as defined in section 2.7: *Provided further,* That in allowing occupational mileage, the Board shall disregard the basic ration, no part of which shall be required for occupational use.

(c) A Board having jurisdiction over an area adequately served by public transportation systems shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such public transportation system would not be reasonably adequate for the purpose for which such mileage is claimed.

SEC. 2.7 *Preferred mileage; C rations.* (a) The mileage driven in a passenger automobile or motorcycle by the owner or the person entitled to the use thereof shall be deemed preferred mileage, only if it is necessary for carrying out one or more of the following purposes:

(1) By a duly elected or appointed agent, officer, representative, or employee of a Federal, Insular, Municipal, or foreign government or government agency or the American Red Cross for performing the official business or carrying out an official function of such government or government agency or American Red Cross, in a passenger automobile or motorcycle not owned or leased by such government or government agency or the American Red Cross.

For the purpose of this paragraph:

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business or carrying out an official function,

(ii) Travel by duly elected members of the Insular legislature between their places of residence and San Juan, Puerto Rico, for the sole purpose of attending the legislative sessions, and other travel in pursuit of legislative business shall be deemed the carrying out of an official function.

(2) For the transportation of mail on behalf of the United States Government, in a passenger automobile or motorcycle not owned or leased by such government.

(3) By public school teachers or officials for the performance of official duties which require travel from school to school.

(4) For the wholesale delivery of newspapers.

(5) For making necessary professional calls by a physician, surgeon, farm veterinarian at agricultural establishments, chiropractor, osteopath, midwife, dentist, or public health nurse (but not a private or visiting nurse), licensed as such by the appropriate governmental authorities and regularly rendering necessary professional services outside of his office; or by a licensed funeral director or embalmer, for rendering services necessary in connection with the preparation for interment and the interment of a deceased person.

(6) By a regularly practicing minister or practitioner of any religious faith who actually serves a congregation for giving religious comfort, assistance, advice or instruction.

(7) By a farmer for transporting farm products and necessary farm supplies between farm and market, shipping point or point of delivery, or between one farm establishment and another, and for no other purpose.

(8) By members of the armed forces of the United States or State military

forces organized pursuant to section 61 of the National Defense Act as amended, for transportation to, from, or between places at which their duties are performed, and between their residence and places at which their duties are performed.

(9) By engineers, architects, repair and maintenance men or other workers (but not including salesmen) to enable them to render services or to transport materials and equipment necessary for construction, repair, installation, or maintenance work (other than the repair or maintenance of portable household appliances) or for rendering indispensable services of a specialized nature to agricultural, extractive or industrial establishments. "Services of a specialized nature" shall include services related to the natural breeding of livestock; crop or livestock inspection in the marketing or processing thereof; inspection in the improvement of farm sanitation; protection of crops, livestock or farms from blights, disease or pests; and soil conservation.

(10) By a worker (including an executive, technical, or office worker, but not including salesmen) or by an employer, employer's representative or representative of a labor organization in travel to, from, within, or between the following establishments or facilities, for purposes necessary to the operation or functioning of such establishments or facilities or to the maintenance of peaceful industrial relations therein, any industrial, extractive, military, naval, or hospital establishment, power generation or transmission facilities, transportation or communication facilities, construction project or farm.

(11) For delivery or messenger service in a motorcycle.

(12) For the operation and maintenance of the health requirements of a municipality, but only if the applicant is joined in by the municipality certifying the need for such mileage, the maximum mileage required, and the absence of adequate municipal facilities.

(13) By traveling salesmen engaged in the sale of necessary productive equipment or supplies for farms, factories, mines and similar productive or extractive establishments, of medical supplies or of petroleum products if the marketing of such equipment or supplies by salesmen is essential to the war effort.

(14) For any other necessary travel certified by the Director to be essential to the war effort or the public welfare.

SEC. 2.8 *Issuance of supplemental rations.* (a) Not more than one B ration book shall be issued to an applicant by a Board after removal of coupons as necessary to provide only the total occupational mileage allowed in accordance with section 2.6, except upon specific written authorization of the Director.

(1) The maximum number of coupons on any page of a B ration book shall be as follows:

Passenger automobiles

Mileage allowed during week of validity of coupons of B ration book page:	*Number of B coupons to remain in page*
1– 6	1
7–12	2
13–18	3
19–24	4
25–30	5
31–36	6
37–42	7
43–48	8

(b) No C ration book shall be issued unless the mileage for which application is made is preferred mileage as set forth in section 2.7. Not more than one C ration book shall be issued to any applicant by a Board, except upon specific written authorization of the Director.

(1) Coupons shall be removed from C ration books before issuance as required to provide only the preferred mileage allowed and such occupational mileage as may be allowed pursuant to paragraph (c).

(2) The maximum number of coupons on any page of a C ration book shall be as follows:

Passenger automobiles

Mileage allowed during week of validity of coupons:	*Number of C coupons to remain in page*
1– 18	1
19– 36	2
37– 54	3
55– 72	4
73– 90	5
91–108	6
109–126	7
127–144	8

(c) No person shall be eligible to receive both a B and C ration book. Any person who is entitled to a C ration book may be allowed total occupational mileage, in accordance with section 2.6, in addition to the allowance of preferred mileage, but such allowance shall not exceed 48 miles in any week for occupational mileage.

(d) Not more than one D ration book marked "Supplemental" shall be issued by the Board after removal of coupons as necessary to provide only the total occupational and preferred mileage allowed in accordance with sections 2.6 and 2.7 except upon special written authorization of the Director, or as provided in sub-section (2).

(1) The maximum number of coupons on any page of a D ration book marked "Supplemental" shall be one (1) coupon for each 17½ miles or major fraction thereof allowed.

(2) Law enforcement agencies of the Federal and Insular Governments shall be entitled to additional D books marked "Supplemental" from time to time to satisfy their proven requirements for law enforcement.

(e) Ration books shall be issued only for the unexpired pro rata portions of the ration period for which they shall be valid, and the Board shall remove and cancel all expired coupons and all coupons in excess of the number to be issued.

(f) For the purpose of this section, a passenger automobile is conclusively presumed to operate 12 miles, and a motorcycle 35 miles, per gallon of gasoline.

SEC. 2.9 *Renewals of supplemental rations.* Applications for renewals of supplemental rations shall be made to the Boards at such times as shall be designated by the Director during the month prior to the expiration of such rations.

SEC. 2.10 *Fleet Rations—Classes B, C and D ration books marked "Fleet."* (a) Any person to whom a Board shall have issued B or C ration books on behalf of four or more passenger automobiles shall be entitled, upon surrender of such ration books to the issuing Board, to receive in exchange therefor, books of the same class marked "Fleet" and containing the same number of valid coupons.

(b) Any person to whom a Board shall have issued "Supplemental" D ration books on behalf of four or more motorcycles shall be entitled, upon surrender of such ration books to the issuing Board, to receive in exchange therefor, "Supplemental" D ration books of the same class marked "Fleet" and containing the same number of valid coupons.

(c) Each ration book marked "Fleet" shall have endorsed on the cover the license number, make and year of manufacture of each vehicle which is part of the fleet.

(d) Coupons contained in ration books marked "Fleet" shall be valid for transfers of gasoline only to those vehicles listed by the issuing Board in accordance with paragraph (c) hereof.

SERVICE RATIONS

SEC. 2.11 *Persons entitled to service rations.* (a) The owner or person entitled to the use of a registered commercial vehicle for which a currently valid certificate of War Necessity has been issued (unless such vehicle has been exempted therefrom) may obtain from a Board the appropriate class of service ration book authorizing the acquisition of the maximum number of gallons of gasoline allowed by the Board for the operation of such vehicle.

(b) The Federal, Insular, Municipal, or a foreign government or a governmental agency which owns or is entitled to the use of a registered motor vehicle (other than a motorcycle) for which a Certificate of War Necessity is not required may obtain from a Board S-5 ration books authorizing the acquisition of the maximum number of gallons of gasoline allowed by the Board for the operation of such vehicle.

SEC. 2.12 *Service ration books.* (a) Service ration books of the following classes shall be issued by a Board for the following vehicles:

(1) S-1 ration books for taxicabs and "públicos".

(2) S-2 ration books for heavy trucks.

(3) S-3 ration books for busses.

(4) S-4 ration books for light trucks including ambulances and hearses.

(5) S-5 ration books for motor vehicles (other than motorcycles) owned, leased or operated by the Federal, Insular, Municipal, or foreign government or governmental agency and used exclusively for the official uses of such government or governmental services.

(i) S-5 containing green (verde) coupons shall be issued for passenger automobiles, containing gold (oro) coupons shall be issued for light trucks, and containing white (blanco) coupons shall be issued for heavy trucks.

(6) D ration books marked "Service" for motorcycles.

(b) Service ration books shall consist of eight (8) coupons to a page, and the following numbers of pages according to the type of service ration:

Ration books	No. of pages	No. of pages for each valid period
S-1 or S-2	12	1
S-3 or S-4	12	1
S-5 (green)	12	1
S-5 (gold)	24	2
S-5 (white)	36	3

(c) D ration books marked "Service" shall contain six (6) pages and shall be valid for transfers of gasoline to the holder thereof at any time during the semi-annual period commencing February 1st or August 1st for which they shall be issued.

(d) Coupons of all categories of S ration books shall be valid for transfers of gasoline to the holders thereof only during the period as follows:

S-1, S-2, S-3, S-4 or S-5 coupons bearing number:	*Valid period, 6 days commencing with*
35	July 12, 1943
36	July 19, 1943
37	July 26, 1943
38	August 2, 1943
39	August 9, 1943
40	August 16, 1943
41	August 23, 1943
42	August 30, 1943
43	September 6, 1943
44	September 13, 1943
45	September 20, 1943
46	September 27, 1943
47	October 4, 1943
48	October 11, 1943
49	October 18, 1943
50	October 25, 1943
51	November 1, 1943
52	November 8, 1943
53	November 15, 1943
54	November 22, 1943
55	November 29, 1943
56	December 6, 1943
57	December 13, 1943
58	December 20, 1943
59	December 27, 1943

SEC. 2.13 *Application for service rations.* (a) Application shall be made by the owner or the person entitled to the use of the commercial motor vehicle or by the authorized agent, to a Board on Form OPA-PRR-3. All questions on such forms shall be answered by the applicant. A single application may be used for each fleet of vehicles or each group of fleet vehicles for which the applicant seeks a "Fleet" service ration. A separate application must be used for each vehicle which is not part of a fleet.

(b) In the case of a public car (público), bus or taxi the applicant shall describe the route traveled or the area served by the vehicle or vehicles for which application is made, and shall furnish such further information as the Board may deem relevant to the determination of the mileage to be allowed.

SEC. 2.14 *Issuance of service rations.* (a) No service ration shall be issued on behalf of a commercial motor vehicle for which a Certificate of War Necessity is required unless the applicant has presented to the Board, at the time of application a currently valid Certificate of War Necessity. In the case of a fleet, a currently valid Fleet Certificate issued for the fleet may be presented to the Board.

(b) The Board may issue for proven mileage requirements for each valid period, after removing and destroying excess coupons, the following S ration books for the following classes of vehicles:

(1) *S-1 ration book.* (i) Not more than one (1) book, to provide the gallonage necessary for the minimum mileage required for the valid period, unless the Board is satisfied beyond a reasonable doubt that public necessity requires the issuance of an additional book, but in no event more than two (2) books, except that:

(ii) For the continued operation of públicos transporting passengers regularly between fixed terminals in different towns over fixed routes under schedules and at rates fixed by the Public Service Commission and for the operation of which Certificates of Necessity and Public Convenience have been continuously outstanding since August 1, 1942, sufficient S-1 ration books to provide the gallonage necessary for the minimum mileage required for the valid period for not more than one daily round trip over its fixed routes between the fixed terminals.

(iii) No S-1 ration book shall be issued to any taxicab or público unless the operator presents to the Board a currently valid certificate of convenience and necessity or a currently valid special permit issued by the Public Service Commission of the Insular Government and his signed statement that he is complying with all applicable orders of the Office of Defense Transportation. No ration shall be issued and no ration issued for a taxicab or público shall be used unless it:

(*a*) Carries as many persons as is legally and practically possible on each trip;

(*b*) Is permanently and conspicuously marked as a taxicab or público;

(*c*) Does not "cruise" for the purpose of seeking fares; and

(*d*) Is not used for sightseeing purposes.

(2) *S-2 ration book.* Not more than one book, unless for essential service rations as provided in section 2.15.

(3) *S-3 ration book.* Sufficient S-3 ration books for the operation of each bus (i) on the route or according to the schedule prescribed for it by the Public Service Commission of the Insular Government, or (ii) continuously operated as one of a fleet of buses which has been in continuous operation since November 1, 1941 over regular routes and for which no certificate of convenience and necessity has been obtained.

(4) *S-4 ration book.* Not more than one book, unless for essential service rations as provided in section 2.15.

(5) *S-5 ration book.* Not more than one book, unless the Board shall recommend to the Director and obtain his written authority in advance in each instance, for the issuance of such additional books as may be essential. No vehicle for which an S-5 ration book may have been issued shall be used for any purpose except official business.

(c) The following classes of vehicles shall be conclusively presumed to obtain the following number of miles per gallon:

(1) Passenger automobiles and públicos—12 miles per gallon.

(2) Light trucks—10 miles per gallon.

(3) Heavy trucks—8 miles per gallon.

(4) Buses—8 miles per gallon.

(5) Motorcycles—35 miles per gallon.

(6) The Board shall, if so requested by the applicant, receive proof of the average actual number of miles obtained per gallon in the case of a light truck, a heavy truck, or a bus. If it is satisfied beyond all reasonable doubt that such mileage represents the average actual minimum mileage obtained by the heavy truck or bus per gallon by the most efficient possible operation, it shall accept such mileage in computing the number of coupons to be issued.

(d) The Board shall issue ration books only for the unexpired pro rata portions of the ration period for which they shall be valid and shall remove and cancel all expired coupons and all coupons in excess of the number actually required by the applicant as his proven need. At the time of issuance of any service ration for use with a commercial motor vehicle for which a Certificate of War Necessity is required to be presented, the Board shall note on the face of such Certificate the Board number, the period for which the ration is issued, the serial number of the ration book or books and the initial of the person issuing such books. In the case of a Fleet Certificate the Board shall note on the reverse side thereof the same information and shall also note the total gallonage for which coupons are issued, and the number of the issuing board. If the applicant has requested that bulk coupons be issued to him, and if the applicant meets the requirements of paragraph (a) of section 2.12, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested.

(e) No service ration may be issued for any vehicle which does not comply with (1) the applicable orders of the Office of Defense Transportation, or (2) the requirements of Ration Order No. 1B relating to periodic inspection of tires.

SEC. 2.15 *Essential service rations.* (a) A Board may issue additional S-2 and S-4 books for any truck principally used in one or more of the following essential services:

(1) To maintain fire-fighting services;

(2) To maintain necessary public police services;

(3) To maintain garbage disposal and other sanitation services;

(4) To transport mail on behalf of the United States Government, in a truck not owned or leased by such Government;

(5) To transport ice, water, milk, fuel;

(6) To transport farm products, foods and food supplies to processing plants, storage houses, or wholesale or retail establishments, but not from retail establishments to consumers;

(7) To transport medicines or medical equipment;

(8) To transport waste and scrap material;

(9) To maintain the essential services of public utility systems;

(10) To transport material and equipment for farm, highway, industrial, or government construction, maintenance or repair;

(11) To deliver newspapers at wholesale;

(12) To operate and maintain the health requirements of a municipality, but only if the application is joined in by the municipality certifying the need for such mileage, the maximum mileage required, and the lack of available public facilities to satisfy such requirements.

(b) The Board shall issue such additional books only if it is satisfied that the life, health and safety of the people of Puerto Rico so require.

SEC. 2.16 *Service ration for equipment mounted on commercial motor vehicles.* (a) Notwithstanding any other provisions of Ration Order No. 5 E the applicant for a ration for machinery or equipment permanently attached to a commercial motor vehicle which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the vehicle, may set forth in his application for a service ration for such vehicle the amount of gasoline needed for the operation of such machinery or equipment during the period for which the service ration is sought. The Board shall ascertain and allow the amount of gasoline needed for such purpose during such period and shall include in the service ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate such machinery or equipment during such period.

SEC. 2.17 *Interchangeable service ration books.* (a) An applicant for a service ration for use with fleet vehicles may request the Board to note on the ration books issued, a clearly discernible name or other identification of the fleet or, if the vehicles bear no clearly discernible name or identification, the serial number of the fleet Certificate of War Necessity issued for such vehicles in lieu of the registration number of a particular vehicle. The Board may grant such a request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation or, in the absence of such designation with respect to any vehicles, for which a fleet Certificate has been issued. Any book on which a fleet identification or fleet Certificate number is noted may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such fleet Certificate. Each service ration book marked "Fleet" issued hereunder shall have endorsed on the cover thereof the license number, make, and year of manufacture of each vehicle in the fleet. Coupons contained in ration books marked "Fleet" shall be valid for transfers of gasoline only to those vehicles so listed.

SEC. 2.18 *Zafra season*—(a) *Definition.* Sugar cane is cut and processed in Puerto Rico during a period approximately from January 1st to July 1st in each year which period is known as the "Zafra" or Grinding Season.

SEC. 2.19 *"Zafra" season ration.* (a) The owner or the person entitled to the use of a truck actually used for the transportation of cane, sugar or supplies essential to the cutting, processing, grinding and planting of sugar during the "Zafra" season shall be entitled to a special "Zafra" season ration.

(b) Applicant shall use the S type ration book issued to him by a Board to acquire gasoline for the necessary haulage on the first day of his participation in the "Zafra." At the conclusion of his first day's work he shall surrender to a member of the Board assigned to the Sugar Central by which applicant has been engaged all ration books issued to him for the operation of each truck used by him on that date and upon proof by applicant to such member of the Board of the consumption of a specific quantity of gasoline that day, he shall receive a "Zafra" certificate authorizing the acquisition of such quantity of gasoline. The "Zafra" certificate shall be on Form OPA PRR-189, shall be signed by the authorized member of the Board, signed and sealed by the person duly authorized to sign on behalf of the Sugar Central and signed by the applicant or his agent prior to its delivery to the applicant. Thereafter a "Zafra" certificate shall be issued at the completion of each day's work for the quantity of gasoline consumed during that day.

(c) Each "Zafra" certificate shall be valid for transfers of gasoline only on the next succeeding working day into the tanks of trucks specifically listed on the reverse thereof. Upon transfer of a quantity of gasoline into the truck or trucks whose license numbers are listed on the reverse thereof the applicant or his agent shall insert the number of gallons so transferred to each such truck, and sign his name in the columns provided therefor.

(d) Each dealer shall deliver all "Zafra" certificates in his possession in accordance with the provisions of section 7.16 to the Board having jurisdiction not later than noon of the first Monday following the transfer of gasoline thereon and shall receive an exchange certificate (Form OPA R-548) in exchange therefor.

(e) "Zafra" certificates shall be numbered serially. The original or copy on white paper shall be delivered to the applicant. The duplicate original, or yellow copy, which shall be signed by the applicant, representative of the Sugar Central and by the member of the Board, shall be retained by the Sugar Central until such time as the Director shall require its surrender to the Office of Price Administration.

SEC. 2.20 *Weekly reports by Sugar Central.* (a) Each Sugar Central shall prepare in duplicate a weekly report on Form OPA PRR-190. Such report shall be signed by a duly authorized officer or agent of the Sugar Central. The original thereof shall be mailed to the Office of Price Administration for Puerto Rico and a duplicate original thereof to the Board having jurisdiction on the Monday following each calendar week of the "Zafra" season.

SEC. 2.21 *Return of S type ration book.* (a) Upon the termination of the use of a truck for the "Zafra" season, the owner or the person entitled to the use thereof and the duly authorized officer or agent of the Sugar Central shall both certify to that fact by executing Form OPA PRR-191. Upon surrender thereof to the Board having jurisdiction over the Sugar Central, the Board shall remove from the ration book for cancellation all expired coupons and a proportionate number of coupons for that portion of the currently valid period which has already passed and shall then return the ration book to the person entitled thereto.

(b) Nothing contained in sections 2.18 to 2.21 shall be construed to limit the right of any person to use any other type of ration authorized pursuant to Ration Order No. 5E.

SPECIAL RATIONS

SEC. 2.22 *Application for special ration.* (a) The owner or person entitled to the use of a motor vehicle or of a boat or outboard motor who finds that transportation in such vehicle, or boat is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board on OPA Form PRR-6 for a special ration. Application for a special ration on behalf of an individual may not be signed by an agent. A special ration may be issued for any period not exceeding the current valid period of the appropriate class of ration, and in no event exceeding twelve (12) weeks.

(b) Special rations may be issued in order to permit the acquisition of gasoline for use with a motor vehicle, motor boat or outboard motor boat for one or more of the following purposes:

(1) To obtain medical attention or therapeutic treatment or to procure necessary food or supplies;

(2) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof;

(3) To transport a person who is called, or is serving, as a juror on a grand or petit jury in criminal or civil cases, between his home or lodging and the place where he is required to be present for jury service: *Provided,* That the applicant shall present to the Board a statement from the presiding judge or officer responsible for the attendance of jurors setting forth that the presence of the applicant is required for jury service and the number of miles necessary to provide the required transportation;

(4) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(5) To carry person to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes essential to the prosecution of his candidacy;

(6) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided,* That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purposes;

(7) To move such vehicle or boat to a place of storage upon repossession, or upon seizure by a government authority;

(8) To deliver such vehicle or boat after bona fide sale thereof or pursuant to a bona fide lease of more than ninety (90) days;

(9) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage: *Provided,* That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purposes.

(10) For any other purposes certified by the Director to be essential to the war effort or the public welfare.

SEC. 2.23 *Form and issuance of special rations.* (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That a ration previously issued for such vehicle, boat or outboard motor is not reasonably adequate or cannot be used for such purposes;

(3) That transportation is necessary to the accomplishment of such purpose; and

(4) That no reasonably adequate alternative means of transportation are available.

(b) If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose or purposes stated from the date of its decision to the end of the period for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "special" any book which it so issues. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

(c) No special ration may be issued for the operation of a vehicle if such operation violates any order of the Office of Defense Transportation.

NON-HIGHWAY RATIONS

SEC. 2.24 *Persons entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the amount of gasoline required for such purpose.

SEC. 2.25 *Non-highway ration coupons and books.* R ration coupons and books shall be issued as non-highway rations for twelve week periods. R ration books shall contain six (6) pages of eight (8) coupons to a page. Non-highway rations shall be valid for transfers of gasoline to the holder thereof at any time.

SEC. 2.26 *Application for non-highway ration.* (a) Application for a non-highway ration shall be made to a Board on Form OPA PRR-5. Application may be signed by an agent.

(b) The applicant shall state the amount of gasoline needed for a non-highway use during the twelve week period, and the non-highway purpose or purposes for which such gasoline is needed.

SEC. 2.27 *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the twelve week period, and, subject to the provisions of paragraphs (b) and (c) of this section shall issue to the applicant one or more R coupons or books, or any combination of them, to enable the applicant to acquire the amount of gasoline so determined to be necessary for such period. Upon issuance of any ration under this paragraph, the Board shall remove from the book any coupons in excess of the number allotted. The Boards shall maintain accountability records of all R ration books, and all coupons issued and not issued.

(b) If the application is made for a non-highway ration for use in an inboard motorboat or outboard motor operated wholly or in part for non-occupational purposes, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but not in excess of sixty (60) gallons for the 12 week period;

(2) In the case of an outboard motor, the number of gallons equal to two and one half times the manufacturer's rated horsepower of such motor, but not in excess of ten (10) gallons for the 12-week period.

(3) For purposes of this paragraph the Board shall issue a separate ration for such non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on such book that it is issued for a non-occupational purpose. For purposes of this paragraph non-occupational uses shall include the use of a motor boat or outboard motor for sightseeing, guiding pleasure parties or conducting fishing parties other than to procure fish for sale or processing.

(c) If application is made for a non-highway ration for the operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or inboard motorboat) the Board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

(d) Except as provided in paragraph (a) of section 6.3, not more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any 12-week period.

ISSUANCE OF RATION BOOKS AND ACKNOWLEDGMENT OF DELIVERY BY OPA

SEC. 2.28 *Issuance of ration books by Office of Price Administration.* (a) Coupon books of all types designated in Ration Order No. 5E may be issued by the Director of the Office of Price Administration for Puerto Rico, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this section which requires coupon books for use by such officers, agents, or employees shall make application therefor to the Director of the Office of Price Administration for Puerto Rico and shall state the number and type of books required and the use for which such books are intended.

SEC. 2.29 *Acknowledgment of delivery and allotment authorization.* (a) The Army, Navy, Marine Corps, Coast Guard, and Maritime Commission of the United States may obtain gasoline in exchange for a duly executed Acknowledgment of Delivery on Form OPA R-544. Such form shall bear the signature of an authorized

officer, agent, or employee of any such agencies and shall be valid as an authorization for the transfer of gasoline by any person to whom it is presented to the extent of the gallonage stated thereon.

(b) The Army, Navy, Marine Corps, and Coast Guard of the United States, may obtain gasoline, and any person authorized by one of such agencies may obtain gasoline needed for the performance of services for such agency, in exchange for an Allotment Authorization executed by an authorized officer thereof. Such Allotment Authorization shall be valid as an authorization for the transfer of gasoline by any person to whom it is presented to the extent of the gallonage stated thereon.

SEC. 2.30 *Use of gasoline obtained by Army and other exempt agencies.* (a) Gasoline obtained pursuant to 2.29 may be used without restriction by the agency which executed the Acknowledgment of Delivery form or Allotment Authorization.

(b) Gasoline obtained pursuant to 2.29 may not be used in a vehicle, boat, or motor not owned, leased, or operated by the agency issuing such Acknowledgment of Delivery form or Allotment Authorization unless the person obtaining such gasoline surrenders, to the officer executing such form or transferring such gasoline, valid ration coupons having a gallonage value equal to the amount of gasoline transferred or authorized to be transferred by the Acknowledgment or Allotment Authorization. Coupons so surrendered shall be destroyed by the agency receiving them.

(c) For the purpose of this section the term "Army" shall include Post Exchanges operated by the Army of the United States, and the term "Navy" shall include Naval Stores operated by the United States Navy.

SEC. 2.31 *Value of coupons.* (a) Each gasoline ration coupon of the class hereinafter designated shall have the following value in gallons of gasoline:

Class:	*Gallons*
A	½
B	½
C	1½
D	½
R	1, 5, and 10
S1	3
S2	4
S3	8
S4	2
S5 (any color)	2
Gallon bulk	1
50 Gallon bulk	50
100 Gallon bulk	100

(b) The value of each coupon may be changed from time to time by the Director.

Article III—Restrictions on Transfer and Use of Rations and Gasoline

SEC. 3.1 *Restrictions as to purpose.* (a) No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a supplemental, service, fleet, or non-highway ration has been issued may use or permit the use of such ration for a purpose other than that for which such ration was obtained.

SEC. 3.2 *Rations not transferable.* (a) No ration may be transferred or assigned. A ration may, however, subject to the provisions of 3.4 be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for the purpose for which such ration was obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

(b) No person shall transfer or assign any ration and no person shall accept such transfer or assignment.

(c) No person shall transfer or assign, and no person shall accept a transfer or assignment of any gasoline coupon book or any bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or exchange certificate or other evidence, except in accordance with the provisions of Ration Order 5E.

(d) No person shall have in his possession any gasoline coupon book or bulk, inventory or other coupon, whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration, or exchange certificate, or other evidence, except the person, or the agent of the person, to whom such book, coupon, certificate or other evidence was issued, or by whom it was acquired, in accordance with the provisions of Ration Order 5E.

(e) The provisions of paragraphs (b), (c), and (d) of this Section shall not be applicable to public officials acting in the performance of their official duties.

(f) No person shall offer, solicit, attempt or agree to do any act in violation of the provisions of this Section.

SEC. 3.3 *Change of occupation of holder of Class C ration.* (a) The holder of a Class C ration (or of a Class D ration based on allowed mileage in excess of 280 miles per month) shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds that such motor vehicle will no longer be used for a preferred purpose listed in 2.7 it shall notify such holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 280 miles per month) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in 2.7 it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose listed in 2.7, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration, if any, as it determines that the holder is entitled to receive on the basis of his new application.

SEC. 3.4 *Use of rations issued for vehicles or boats available for public rental.* (a) A motor vehicle rental agency may permit a lessee to use a Service ration issued to such agency for a vehicle leased by him, during the period of a bona fide lease for one week or less.

(b) A lessee of a vehicle available for public rental who leases such vehicle for a period of more than one week shall be deemed to be a person entitled to the use of such vehicle, within the meaning of 2.5. Such lessee may apply for a ration for use of such vehicle on his own behalf, and his right to such ration shall be determined solely by the nature and extent of his use of the vehicle. Application by such lessee for a ration pursuant to section 2.5 shall be made on Form OPA PRR-4, and the allowed mileage for the vehicle shall be computed in the manner established by section 2.6 for fleet vehicles. Upon termination of the lease, any ration issued to such lessee shall expire and all coupons or coupon books issued to him shall be returned by him to the issuing Board.

(c) Each motor vehicle rental agency shall keep a record showing the name and address of each lessee, the date and duration of the lease, the mileage driven by the lessee and the number of gallons, if any, supplied to the lessee and the number of coupons (if any) in its ration books, used by the lessee during the period of the lease. The lessee shall be required to sign such record and his signature shall constitute a certification as to the truth thereof.

(d) A boat rental agency may permit a lessee to use a non-highway ration issued for an inboard motorboat or outboard motor leased to him, only during the period of a bona fide lease for one week or less. A lessee of such boat or motor who leases it for a period of more than one week may obtain a non-highway ration on his own behalf pursuant to the provisions of 2.24 to 2.27 inclusive.

PROHIBITED ACTS

SEC. 3.5 *Restrictions on consumption of gasoline.* (a) Except as provided in sections 3.2 (a), 3.4 (a) and 7.7, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or evidences: *Provided,* That:

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations) gasoline owned by him and in his possession prior to August 1, 1942.

(2) Any consumer may use gasoline owned by him and in his possession prior to August 1, 1942, for the operation of a licensed motor vehicle, or for non-occupational boat operation if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he returns to the local board currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard or Maritime Commission of the United States, or to the consumption by anyone of gasoline brought into Puerto Rico in the fuel supply tank of a vehicle, boat or equipment.

(c) No new issue or renewal of any type of ration book, basic or otherwise, shall be issued to any person unless such person shall have consumed, or shall have transferred to a dealer, all gasoline in his possession prior to August 1, 1942. At the time of such transfer, such person shall report to the local board having jurisdiction over the area in which he resides the name and address of the dealer to whom the gasoline was transferred, the gallonage of gasoline transferred, and the date of the transfer. If the dealer is subject to the jurisdiction of a different local board, the report shall be transmitted to such local board.

SEC. 3.6 *Restrictions on blending and use of blended gasoline.* (a) No person shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of, or consume gasoline so blended, diluted, or mixed.

SEC. 3.7 *Rations for racing or exhibition purposes.* (a) No gasoline ration shall be issued, or may be used, under the provisions of this ration order, for the operation of any motor vehicle or boat in exhibition or races for public entertainment or prizes.

SEC. 3.8 *Display of sticker.* (a) No person may use a class A, B, C, or S ration issued for a registered motor vehicle unless a sticker identifying the class of ration issued, in such form as may be prescribed by the Office of Price Administration, is permanently affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times. A person to whom a Class B or C ration in addition to a Class A ration has been issued shall display the sticker identifying such additional ration. No person shall retain or display such sticker upon a motor vehicle unless a ration corresponding to such sticker has been issued for use on such vehicle and is still unexpired and unrevoked.

SEC. 3.9 *Restriction on use of gasoline in vehicle without ration.* (a) On and after August 1, 1942, no gasoline may be used in Puerto Rico in a motor vehicle licensed in Puerto Rico unless a valid ration has been issued and is outstanding for use with such vehicle, and a sticker, indicating that a gasoline ration has been issued, is displayed on such vehicle in accordance with section 3.8.

SEC. 3.10 *Use in violation of Ration Order 1B.* No person shall use or permit the use of gasoline for the operation of any motor vehicle which results in use of tires in violation of Ration Order No. 1B.

SEC. 3.11 *Tires unlawfully acquired.* No person shall use or permit the use of gasoline for the operation of any motor vehicle which results in use of any tire or tube acquired in violation of Ration Order No. 1B.

SEC. 3.12 *Abuse or neglect of tires.* No person shall use or permit the use of gasoline in a motor vehicle in such a manner as to result in abuse or neglect of any tire or tube. Driving of a motor vehicle beyond the point where tires are recappable may be found to be abuse within the meaning of this section.

SEC. 3.13 *Tire inspection records.* No person shall use or permit the use of gasoline in a motor vehicle unless a Tire Inspection Record has been issued and is currently maintained for such vehicle as required by Ration Order No. 1B.

SEC. 3.14 *Certificate of War Necessity.* No service ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used unless the operator has obtained and holds a currently valid Certificate of War Necessity with respect to such vehicle.

SEC. 3.15 *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for use with such vehicle.

SEC. 3.16 *Limitation on speed.* (a) No person shall use or permit the use of gasoline in the operation of a motor vehicle at any rate of speed in excess of thirty (30) miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health or public safety.

SEC. 3.17 *Mutilation, destruction, or counterfeiting of coupon books or certificates.* (a) No person other than a person authorized pursuant to Ration Order 5E shall deface, mutilate, alter, burn or otherwise destroy any coupon book or bulk coupon or other coupons (whether such book was issued as a ration book and whether or not such coupon was issued as a ration or part of a ration book) or other evidence.

(b) No person shall counterfeit or forge any coupon book, or bulk coupon, or other coupon, or any other evidence.

(c) No person shall transfer, receive a transfer of, possess or use any forged, altered, or counterfeited coupon book or bulk coupon or other coupon or evidence.

(d) Any defacement, mutilation or alteration of a coupon or coupon book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid.

(e) The provisions of paragraphs (a), (c), and (d) of this section shall not be applicable to public officials acting in the course of their duties.

SEC. 3.18 *Transfer at illegal price.* No person shall sell or otherwise transfer and no person shall in the course of trade or business buy or receive gasoline in Puerto Rico at a price in excess of the applicable maximum price established for that commodity in Puerto Rico by the Office of Price Administration.

Article IV—Renewal of Rations, Issuance of Further Rations, and Declaration of Tires

SEC. 4.1 *Renewal of rations.* (a) Rations shall expire as provided in sections 6.2 and 6.3. At any time within ten (10) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application in the applicant's gasoline needs, or in the nature, amount, and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a further ration other than a basic ration may be made by executing the renewal certificate on such original application. The applicant shall, in such case, note on such renewal certificate any change in the nature or amount used since the date of the original application.

(c) When issuing a further ration prior to the expiration date of a current ration of the same class, the Board shall note on the application and on the front cover of the coupon book representing such further ration the date on which such further ration shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in section 4.2, no further ration of any class may be issued for use prior to, or may be used prior to, the expiration of the current ration of such class.

SEC. 4.2 *Issuance of further ration for use prior to expiration date of current ration.* (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class other than a Basic ration issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than ten (10) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration;

(c) If the Board determines that, for one or more reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration.

SEC. 4.3 *General provisions.* (a) All of the provisions of Ration Order No. 5E applicable to the issuance of an original ration shall apply to the issuance of a further ration.

SEC. 4.4 *Tire inspection record and declaration of tires.* (a) No gasoline ration shall be renewed for the operation of any passenger automobile or commercial motor vehicle, unless the applicant, as required by ration order, shall have obtained a tire inspection record and set forth thereon a declaration of the number, size and serial number of all tires (including scrap tires) which are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption.

(b) A separate tire inspection record shall be obtained for each motor vehicle.

(c) The requirements of this section shall not apply to:

(1) Motorcycles.

(2) Vehicles operated solely on a special ration.

(3) Vehicles not registered for use on the highway.

(4) Farm tractors and implements, road graders, earth movers, or industrial, mining or construction equipment not designed primarily for use on the highway.

(5) Tires reported on OPA Form PRR-17 by any person required to file such Form.

(6) Rations issued pursuant to section 2.28.

Article V—General Provisions With Respect to Issuance of Gasoline Rations

SEC. 5.1 *Presentation of license certificate.* (a) No gasoline ration, other than a special ration issued pursuant to section 2.22 (b) (6) to (9) inclusive, shall be issued for any motor vehicle, unless a license certificate issued by the Department of Interior of the Insular Government of Puerto Rico, or a registration card or registration certificate of a state of the United States or of any foreign or territorial government, authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the registrar or the Board.

(b) No gasoline ration shall be issued pursuant to the provisions of paragraph (a) of this section unless the license certificate to be exhibited shall be current and valid at the time of the issuance of such ration.

SEC. 5.2 *Notation on license certificate.* (a) At the time of issuing a gasoline ration for a licensed motor vehicle other than a fleet vehicle, except in the case of a ration issued pursuant to section 2.22 (b) (6) to (9) inclusive, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the front of the license certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book issued.

SEC. 5.3 *Notation on ration books and applications.* (a) At the time of issuance of any ration book for a licensed motor vehicle, the person issuing such book shall make a clear notation on the cover thereof in ink, indelible pencil, or by typewriter, of the license number of the vehicle for which it is issued and of the name and address of the licensed owner of such vehicle.

(b) At the time of issuance of a non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil, or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

SEC. 5.4 *Change in motor vehicle license number.* (a) The holder of a ration book issued for a licensed motor vehicle, other than a ration book bearing a fleet identification, shall, upon any change in the license number of such vehicle, submit such ration book, together with the license certificate or registration card evidencing the new number, to a Board within five (5) days after such change for the purpose of having the notation thereon changed to correspond to the new license number. The person authorized to make the change for the Board to which such book is presented shall not obliterate the license number appearing thereon, but shall note thereon, in addition, in ink, indelible pencil, or by typewriter, the new license number issued for such vehicle, and countersign or initial the change made on the book. Notation on the new license certificates or registration card shall also be made, as prescribed in section 5.2.

(b) The holder of any book bearing a fleet identification shall, upon any change in the name, identification, or designation of such fleet, submit such book to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such fleet, the Board shall change the designation on such book to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

(d) Any alteration on the face or cover of any ration book, unless made and countersigned by a person authorized to do so under Ration Order No. 5E shall render such book, and the coupons therein, invalid.

SEC. 5.5 *Authorization of bulk purchase.* (a) Any person who establishes to the satisfaction of a Board that he maintains a storage tank for supplying gasoline to one or more motor vehicles or units of non-highway equipment operated by him, and that he has maintained such tank for such purposes prior to June 1, 1942, or that it is now necessary for supplying gasoline to such vehicles or for such use to maintain a storage tank or to acquire gasoline in a tank, tank truck, drum, or other container, may, when applying for a gasoline ration, request the Board to issue such ration in the form of bulk coupons, or partly in bulk coupons and partly in coupon books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

(b) If the applicant establishes the facts required by paragraph (a) hereof, the Board may issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested: *Provided,* That, with respect to applications for supplemental rations or for fleet rations for passenger automobiles or motorcycles the Board shall first determine the type, number and expiration date of the coupon books to which the applicant is entitled; it may then issue bulk coupons, to the extent requested by the applicant, having a gallonage value equal to the value in units of the coupons in the coupon books to which the applicant is entitled and in lieu of which such bulk coupons are issued: *Provided further,* That bulk coupons shall not be issued unless the applicant establishes the necessity for acquiring 100 gallons or more per month by such coupons.

(c) No bulk transfer of 50 gallons or more shall be made to a consumer by any person unless prior written authorization has been granted by the Director.

(d) No gasoline acquired under the provisions of this section may be transferred into any storage tank in which gasoline is stored for sale or for the private use of any other bulk ration holder.

SEC. 5.6 *Lost, stolen, destroyed, mutilated, or wrongfully withheld coupon books or bulk coupons.* (a) In the event of loss, theft, destruction, or mutilation of any coupon book or bulk coupons or the wrongful withholding of such coupons from the rightful holder, the person entitled to the possession thereof shall make application for the replacement of such book or coupons pursuant to the provisions of Procedural Regulation No. 12: *Provided,* That where application is made for replacement of a coupon book or bulk coupons which have been lost or stolen, the board may waive all waiting periods provided for in paragraphs (a) and (b) of § 1300.954 of Procedural Regulation No. 12[2] where such requirement will result in extreme hard-

[2] 8 F.R. 3171, 6543.

ship upon the individual, impede essential transportation or will be contrary to the public interest; *Provided further,* That where application is made to a board other than the board of original issuance of the coupon book or bulk coupons, an additional copy of the application shall be made to be forwarded to the board of original issuance.

(b) Any person who finds a gasoline coupon book, coupon, exchange certificate or other evidence shall, within five (5) days, surrender it to a Board.

(c) The Board to which surrender is made pursuant to paragraph (b) shall forward such coupon book, coupon, exchange certificate or other evidence through the Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon, exchange certificate or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon, exchange certificate or other evidence.

SEC. 5.7 *Signature on coupon book.* No coupon book shall be valid until the person to whom such book is issued has signed the certification provided for therein.

Article VI—Expiration and Revocation of Rations

SEC. 6.1 *Surrender of expired coupons.* (a) No coupon book issued in Puerto Rico shall be valid for the transfer of gasoline to a consumer in Puerto Rico after the expiration thereof, or to any consumer at any time outside of Puerto Rico.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all expired coupon books and all unused coupons representing such ration.

SEC. 6.2 *Expiration of rations.* All basic rations shall expire at midnight, January 31, 1944 and at six month intervals thereafter. All other rations shall expire at midnight of the last date on which the highest numbered coupon therein is valid.

SEC. 6.3 *Expiration of rations upon cessation of use or change in ownership.* (a) Upon cessation of use or bona fide transfer of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the issuing Board by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment may apply for a gasoline ration in accordance with the applicable provisions of Ration Order No. 5E.

(b) Upon cessation of use of a ration, other than a basic ration, for a purpose for which such ration was obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the issuing Board by the person to whom such ration was issued.

SEC. 6.4 *Denial of gasoline rations.* (a) No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.2806 (c) of Ration Order 5B for refusal to surrender a gasoline ration book upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Ration Order No. 5E while his name remains thus recorded.

SEC. 6.5 *Coupon books property of Office of Price Administration; revocations.* (a) All coupon books, bulk coupons, inventory coupons, other evidences and tire inspection records are and when issued shall remain the property of the Office of Price Administration. The Office of Price Administration may suspend, cancel, revoke or recall any ration and may require the surrender and return of any coupon book, bulk coupon, inventory coupon, other evidences and tire inspection records during suspension or pursuant to revocation or cancellation, whenever it is deemed in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person to whom a gasoline ration has been issued has been found by it to have violated an order of such office, which now is or may hereafter be applicable to Puerto Rico, and upon recommendation by such office that a gasoline ration issued to such person or any part thereof, be revoked, the Director acting through a board or such officers or agents as he may designate shall revoke such ration or such part thereof in accordance with such recommendation.

(c) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue such ration in lieu of the ration revoked.

(d) Within forty-eight hours of receiving notice of an order requiring the surrender of coupons or coupon books made pursuant to the provisions of this section, the person holding such coupons or coupon books shall surrender them to the Board or the representative of the Office of Price Administration that issued such order.

SEC. 6.6 *Revocation, suspension, and denial of consumer's ration after hearing.* (a) A Board, after hearing, may revoke, cancel or suspend the ration, or rations of a person in whole or in part, and in such a case require the surrender to it of coupons, coupon books or other ration evidences to the extent required to make such revocation cancellation or suspension effective, may deny a ration or rations in whole or in part and for such period as the Board may deem appropriate in the public interest where a person has violated any of the provisions of Ration Order 1B or Ration Order 5E. Such order of revocation and declaration of ineligibility shall be made pursuant to the following procedure:

(1) Notice of the date, time, place and purpose of the hearing and the violation with which he is charged shall be given to the person (hereafter called the respondent) against whom the proceedings are instituted at least five (5) days before the date set for the hearing. A copy thereof shall be sent to the Territorial office at San Juan. If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that the respondent has committed any of the acts or violations with which he is charged, the Board may by order revoke, cancel and suspend for a period which shall be stated therein, the rations issued to him in whole or in part and direct him to surrender to it the coupons, coupon books or other ration evidences issued to him to the extent required to make such revocation effective, and the Board may by order deny him a ration or rations in whole or in part for such period as the Board may deem appropriate in the public interest.

(2) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time not to exceed thirty days from the effective date of such order, good cause to the Board for such failure, the Board may cancel or order the stay of such order and shall grant the respondent a full hearing on the charges made.

(3) A copy of the order shall be served promptly on the respondent personally or by registered mail, return receipt requested, directed to his last known address, and copies thereof shall be sent to the Territorial Office at San Juan. The Board, in its discretion, shall fix the effective date of such order except that if the Board fails to fix such effective date such order shall, if personally served, become effective at the time of such service, and if served by registered mail, on the date of delivery shown on the return receipt.

(4) The Board may designate one or more of its members to perform the functions prescribed in this paragraph. The Board may appoint volunteer hearing officers approved by the Director to conduct hearings pursuant to this section. In matters in which a hearing officer has been appointed, he shall preside at the hearing, and make an oral or written report of his findings to the Board, which shall decide the matter.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) of this section, may, within fifteen (15) days after the effective date thereof, appeal from such order by filing a statement of objections to the order with the Board which issued it. Within three (3) days after receipt of the statement the Board shall forward it, together with a copy of the notice instituting such proceed-

ings, a copy of the record, if any, and a copy of the Board's order to the Hearing Commissioner for the Territory of Puerto Rico at San Juan. Within five (5) days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the Chief Counsel for the Territory of Puerto Rico of the time and place set for the hearing. The hearing shall be heard and determined pursuant to the provisions of § 1300.169 of Procedural Regulation Number 4[3] and amendments thereto.

SEC. 6.7 *Effective Period of order revoking ration and of declaration of ineligibility.* Whenever a ration of a ration holder has been revoked, cancelled, or suspended or a person has been denied a ration for a specified period pursuant to the provisions of section 6.5 (b) or section 6.6 (a), or pursuant to the provisions of Procedural Regulation No. 4, no ration or renewal of a ration shall be issued, during the period of such revocation, cancellation, suspension or denial, to such ration holder or to any other person for his use in lieu of such revoked ration or in lieu of the ration which such ration holder has been declared ineligible to receive, except in accordance with the provisions of such order or as otherwise provided in Ration Order No. 5E or in Procedural Regulation No. 4 or any order issued pursuant thereto.

SEC. 6.8 *Presentation of Registration Cards and Tire Inspection Records after revocation of ration or denial of rations for a specified period and notations thereon.* Whenever by an order issued pursuant to the provisions of Ration Order No. 5E a ration of a person is revoked, cancelled or suspended in whole or in part, or a person has been denied a ration for a specified period, pursuant to section 6.6 (a) or such an order has been modified or nullified, such person shall, within twenty-four (24) hours after such order becomes effective, present the Tire Inspection Record and the registration card or registration certificate, if any, of any motor vehicle affected by any such order to the Board or representative of the Office of Price Administration that issued or modified such order. Thereupon such officer or the Board shall make a clear notation in ink, indelible pencil or by typewriter on the Tire Inspection Record and the registration card or registration certificate, if any, stating the effect of such order or any modification thereof.

Article VII—Restrictions on Transfer

SEC. 7.1 *Restriction on transfer to consumers.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer, intermediate distributor or oil company shall (except as provided in 2.30, 7.6 and 7.7) transfer or offer to transfer gasoline to a consumer, and no consumer shall accept transfer of such gasoline.

(b) No dealer shall transfer gasoline to a consumer between the hours of 6 p. m. on any day and 8 a. m. on the following day, nor between the hours of 1 p. m. on a Saturday and 8 a. m. on the following Monday.

SEC. 7.2 *Transfers to consumers.* Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer, intermediate distributor, or oil company may transfer gasoline to a consumer in Puerto Rico, and such consumer may accept such transfer of gasoline, only in exchange for valid coupons or other evidences issued in Puerto Rico.

SEC. 7.3 *Transfer to consumers in exchange for coupons.* (a) A transfer of gasoline may be made in exchange for coupons contained in Class A, B, C, D, S-1, S-2, S-3, S-4 or S-5 books, under the following conditions:

(1) At the time of transfer, the transferor shall require presentation of the coupon book and must detach therefrom coupons having an aggregate gallonage value equal to the amount of gasoline transferred: *Provided,* That if the transferee is able to accept only a portion of the amount of gasoline represented by the gallonage value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor. At the time of transfer, the transferor shall write legibly, in ink or indelible pencil, across the face of each coupon accepted in exchange for the transfer, the license number of the vehicle into the fuel tank of which the fuel has been transferred.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented: *Provided,* That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further,* That bulk transfer may also be made of an amount of gasoline, not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply. In such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer for identification.

(3) Transfer may be made only during the valid period of the coupons pursuant to sections 2.2; 2.4; and 2.12.

(b) Bulk transfer may be made in exchange for R coupons under the following conditions:

(1) No transfer in exchange for R coupons may be made into the fuel tank of, or knowingly made for use in, a licensed motor vehicle or a motor vehicle held by a motor vehicle dealer for sale or resale.

(2) The transferor shall require surrender, at or before the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred: *Provided,* That in the case of any delivery made in the absence of the transferor or his agent, by tank car or other carrier, or the absence of the transferee or his agent, coupons need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within forty-eight (48) hours after delivery.

SEC. 7.4 *Transfers in exchange for acknowledgement of delivery and allotment authorization.* (a) Transfer may be made in exchange for an acknowledgement of delivery or an allotment authorization duly executed by an appropriate officer of the armed forces of the United States in accordance with the provisions of section 2.29.

SEC. 7.5 *Emergency transfers.* (a) Transfer may be made in exchange for an emergency receipt on Form OPA R-555, which may be obtained from any dealer.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health, or valuable property, may obtain such gasoline by signing an emergency receipt in quadruplicate and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a licensed motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

(c) Any dealer, intermediate distributor, or oil company who has transferred gasoline in exchange for an emergency receipt, shall retain one copy at the establishment, where the transfer occurred, and shall transmit triplicate copies of such emergency receipt to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that the transferor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, shall issue to him, in exchange therefor, inventory coupons equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such receipt in its own files, shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the receipt, and shall send the third copy to the Director of the Office of Price Administration for Puerto Rico.

SEC. 7.6 *Transfer of vehicle, boat or equipment.* (a) Nothing in Ration Order No. 5E shall be deemed to forbid the transfer of gasoline actually in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a bona fide transfer of such vehicle, boat or equipment itself; or the consumption by the transferee in such vehicle, boat, or equipment of gasoline actually in the fuel supply tank thereof at the time of transfer.

SEC. 7.7 *Transfer of consumer establishments.* (a) Nothing in Ration Order No. 5E shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment in conjunction with a bona

[3] 8 F.R. 1744, 2035, 6424.

fide transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) of this section is made shall forthwith report such transfer and the amount of gasoline involved to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or intermediate distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or intermediate distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred: *Provided,* That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided,* That he may consume such gasoline only for the purpose for which such ration may be issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

SEC. 7.8 *Transfers from fuel tank to fuel tank of vehicles and boats forbidden.* (a) No gasoline contained in the fuel tank of any licensed motor vehicle, inboard motorboat, outboard motor, or non-highway equipment shall be transferred therefrom to the fuel tank of any licensed motor vehicle, or of any inboard motorboat or outboard motor operated in Puerto Rico.

SEC. 7.9 *Discrimination by dealers and intermediate distributors.* (a) No dealer or intermediate distributor shall discriminate in the transfer of gasoline among any consumers lawfully entitled to acquire gasoline under the provisions of Ration Order No. 5E by selling only to favored consumers or classes of consumers, or only to regular customers, and refusing to sell to others who are entitled to acquire gasoline under the provisions of Ration Order No. 5E. Nothing in this section, however, shall be construed to prohibit a dealer or intermediate distributor from adopting restrictions which apply to all consumers or from holding reserve stocks for delivery to persons presenting acknowledgments of delivery or allotment authorizations duly executed by the authorized officer of the armed forces of the United States.

SEC. 7.10 *Restriction on transfers between dealers and distributors.* (a) Except as provided in section 7.11, no dealer, intermediate distributor, or oil company shall transfer or offer to transfer to or shall receive a transfer of gasoline from any other dealer, intermediate distributor or oil company, except in exchange for a quantity of valid Exchange Certificates on Form OPA R-548, issued by Local Boards, at or before the time of actual delivery of the gasoline, equal in gallonage value to the amount of gasoline so transferred.

SEC. 7.11 *Odd-lot deliveries.* (a) If an oil company or intermediate distributor elects to make delivery of gasoline to a dealer in an amount less than the total gallonage represented by an exchange certificate or certificates then in the possession of the dealer, he may do so, provided that the number of gallons delivered and the date are endorsed upon the certificates together with the balance in gallonage remaining to the credit of the dealer, and the endorsement is initialed by both the dealer (or his agent) and the distributor (or his agent).

(b) The distributor shall indicate upon the invoice of the sale, which is left with the dealer pursuant to section 8.1, the total gallonage value of the exchange certificate covering the sale.

SEC. 7.12 *Upstream transfers.* (a) Any oil company or intermediate distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor in Puerto Rico other than in connection with a transfer of the place of business of such dealer or intermediate distributor, shall deliver to such dealer or intermediate distributor a quantity of accumulated Exchange Certificates on Form OPA R-548 equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Any dealer who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver to the Board having jurisdiction over the area in which the place of business of such dealer is located a quantity of coupons or other evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement setting forth the name and address of the consumer from whom the gasoline was acquired, the quantity of gasoline so acquired, and the date thereof.

SEC. 7.13 *Preservation of coupons: coupon sheets.* (a) Each dealer shall affix the coupons received by him directly from consumers to a Coupon Sheet (Form OPA R-542) in the manner indicated thereon. Only coupons of one class shall be attached to any one sheet.

SEC. 7.14 *Preservation of acknowledgments.* (a) Each dealer and intermediate distributor shall attach the Acknowledgments and Allotment Authorizations delivered to him by authorized purchasers to a Summary of Acknowledgments (Form OPA R-541) on which he shall enter for each such Acknowledgment and Allotment Authorization in order the date of purchase, name of purchaser, and number of gallons sold.

SEC. 7.15 *Summary of coupons.* (a) Each dealer shall, prior to every delivery by him of coupons and all other evidences to the Boards, in accordance with section 7.16, prepare, in duplicate on Form OPA R-541, a Summary of Coupons and the Acknowledgments, in the manner directed thereon, certifying the number of each type of coupon and the number of evidences to be delivered. The original of this summary shall be delivered to the Local Board by him, attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year.

SEC. 7.16 *Exchange of coupons for exchange certificates.* (a) Each dealer shall, from time to time, deliver to any Board all coupons or other evidences in his possession, together with a summary thereof on Form OPA R-541, as set forth in section 7.15, and shall receive in place thereof an Exchange Certificate (Form OPA R-548), of which a duplicate shall be retained by the Board for its files, which shall specify the total gallonage value of the coupons or other evidences and the total number of each class of coupons or other evidences: *Provided,* That no exchange certificate shall be issued by the Board unless the dealer has complied with the provisions of paragraph (b) of this section.

(b) Each dealer shall in accordance with paragraph (a) hereof, turn in all coupons or other evidences of any class or type, by not later than 4.00 p. m. Saturday of the week during which such coupons or other evidences were valid, and shall deliver to the Board on every such Saturday, from 1:00 to 4:00 p. m., on Form OPA-PRR-186 (Revised), a report showing the gasoline movement of the dealer during said week.

(c) No Exchange Certificate shall be transferred at any time without an endorsement on the back thereof showing the date of the transfer, the names of the transferor and transferee, and the reason for the transfer.

SEC. 7.17 *Certification of shortage.* (a) Dealers and intermediate distributors shall be permitted, not later than the fifth day of any month, to apply on Form OPA-R-549 for compensation for losses, in the preceding month of gasoline through evaporation, handling, accident, or other extraordinary circumstances; and dealers, intermediate distributors and oil companies shall be permitted so to account for unavoidable loss of coupons. The certification of shortage shall be submitted to the Board having jurisdiction of the area in which such dealer or intermediate distributor has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation therefor. The Board shall forward the application with its recommendation to the Director, and upon his written approval, may issue to the applicant a quantity of inventory coupons equal to the amount of the proven loss: *Provided,* That the Board may issue without the approval of the Director, as compensation for a shortage resulting from shrinkage or evaporation, certificates having a gallonage value not in excess of 1% of the gallonage delivered each month.

Article VIII—Records and Reports by Distributors and Dealers

SEC. 8.1 *Records to be kept by dealers and intermediate distributors.* (a) At the time of making delivery of gasoline to any dealer or intermediate distributor in Puerto Rico, every oil company shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the purchaser and the date and quantity of the purchase; and every such purchaser shall retain at his place of business for a period of at least one year from the date of his purchase of gasoline the invoice, delivery ticket, or other evidence so furnished him.

SEC. 8.2 *Reports by oil companies.* (a) Every oil company shall, on or before the 10th day of each month, submit to the Director a written report for the previous calendar month showing:

(1) The gasoline gallonage on hand at the close of business on the last day of the month preceding the month for which the report is made.

(2) The gallonage imported during the month for which the report is made.

(3) The gallonage transferred to and received from other oil companies during the month for which the report is made.

(4) The gallonage on hand at the close of business on the last day of the month for which the report is made.

(5) The gallonage transferred to the armed forces of the United States during the month for which the report is made.

(6) The gallonage transferred to intermediate distributors, dealers, or consumers during the month for which the report is made.

(7) Any balance due any dealer at the end of the month resulting from odd-lot deliveries pursuant to Section 7.11.

(b) Every oil company shall attach to such report all evidences received in exchange for gasoline so transferred by it during the month for which the report is made. The oil company shall include in its report a reconciliation of any difference between the total gallonage reported so transferred and the total gallonage represented by the evidences attached to the report.

SEC. 8.3 *Reports by Collector of Customs.* (a) As soon after the first of each month as is practicable, the United States Collector of Customs for the Island of Puerto Rico shall prepare and send to the Director a written report for the previous calendar month containing the following information:

(1) The total gasoline gallonage imported into the Island of Puerto Rico during the previous month, and the gallonage allotted to each oil company.

(2) The total gallonage and the gallonage of each oil company exported from the Island of Puerto Rico during the previous month.

(3) The total gasoline inventory of the oil companies, and the inventory of each individual oil company, at the close of business on the last day of the month for which the report is made.

SEC. 8.4 *Explanation by oil companies.* (a) The Director may, at any time, require any oil company to explain a discrepancy existing between the figures supplied in its monthly report and the number of evidences turned in by it to the Office of Price Administration for Puerto Rico and the monthly report made by the Collector of Customs.

(b) The Director may at any time require any dealer to explain the discrepancy existing between the total of his inventory of gasoline on hand plus the number of evidences received by him in connection with the sale of gasoline and the total amount of gasoline plus the number of evidences which he should have on hand.

SEC. 8.5 *Accountability and records of dealers and intermediate distributors.* (a) Every dealer and intermediate distributor shall be accountable for all gasoline, coupons, ration credits and other evidences received by him and shall at all times have in his possession or control coupons, ration credits or other evidences having an aggregate gallonage value which, when added to the number of gallons of gasoline on hand, is equivalent in gallonage to his total gasoline storage capacity as stated in his registration filed with the Board pursuant to section 9.1 of Ration Order 5E or sections 9.8 and 9.9 of Ration Order 5E (except for such gasoline as may be accounted for by evaporation, handling, accident or other extraordinary circumstances, and except for such coupons or other evidences as may be accounted for by theft or unavoidable loss or by failure to receive all inventory coupons to which he was entitled upon registration).

(b) At the time of making any delivery of gasoline to any dealer or intermediate distributor, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the transferee and the date and quantity of the transfer; and every such transferee shall retain at his place of business for a period of at least one year from the date of his receipt of such gasoline the invoice, delivery ticket, or other evidence so furnished him.

SEC. 8.6 *Inspection of records and facilities.* (a) All records, reports, forms, accounts, or other documents required by Ration Order 5E to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees or by such persons as the Office of Price Administration may designate for the purpose of making inspections. Such inspections may be made at the place of business of any such person during regular hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any reasonable time and place designated by the Office of Price Administration.

Article IX—Opening, Closing and Transferring of Business

SEC. 9.1 *Registration of new or reopened place of business.* (a) Any dealer or intermediate distributor who opens or reopens in Puerto Rico a place of business not previously registered by such dealer or intermediate distributor pursuant to Ration Order 5B shall, prior to receipt or transfer of any gasoline, register on Form OPA R-545 in duplicate with the Director the following matters together with such other information as may be required:

(1) His total inventory of gasoline on hand at the time of registration.

(2) His total gasoline storage capacity.

(3) His name, firm name, business address, and type of business.

(4) A certification as to the correctness of each of the foregoing items of information.

(b) Separate registration shall be made by such dealer or intermediate distributor for each place of business in Puerto Rico where gasoline is transferred.

SEC. 9.2 *What constitutes gasoline on hand.* (a) The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to the date of registration. Gasoline shipped to a dealer or intermediate distributor on or prior to the date of registration, but received by him at any time after the date of registration shall be deemed to be gasoline transferred to him subsequent to the date of registration, and shall require an exchange therefor of coupons or other evidences in the manner provided in sections 7.10 and 7.12.

SEC. 9.3 *What constitutes storage capacity.* (a) The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums, or other movable containers: *Provided, however,* That a registrant who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

SEC. 9.4 *Issuance of registration certificates.* (a) The Director, on determining that the information and certification submitted by the registrant are in good order, shall by his signature approve the same, in duplicate, forward duplicate to local Board having jurisdiction, and return the original to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies and shall present it as an identification at the time of transacting business with any Board.

SEC. 9.5 *Issuance of inventory coupons.* (a) The Board shall, at the time of receiving an approved registration certificate, issue to the registrant inventory coupons in the amount of the difference between the total gasoline stor-

age capacity for each place of business and the total inventory of gasoline on hand as certified by the registrant. A one-hundred gallon inventory coupon or a quantity of class A coupons may at any time subsequent to registration be exchanged at any Board in Puerto Rico by a dealer or intermediate distributor for an equivalent amount of one-gallon inventory coupons.

SEC. 9.6 *Restriction on use of inventory coupons.* (a) Every dealer and intermediate distributor shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall exchange his inventory coupons only when a delivery to him exceeds the number of consumer coupons or other evidences available for exchange: *Provided, however,* That one-gallon inventory coupons may be used at any time to make up the difference between the number of gallons in any delivery and the nearest number of gallons which can be represented by the use of consumer coupons or other evidences.

SEC. 9.7 *Cessation of business.* (a) Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the original certificate of registration of such place of business and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of such place of business.

SEC. 9.8 *Sale of place of business.* (a) Any person acquiring from a dealer or intermediate distributor a place of business already registered in accordance with the provisions of § 1394.2901 of Ration Order 5B shall, prior to receipt or transfer of any gasoline, register such place of business, and shall be issued inventory coupons equal in gallonage value to the total capacity of the entire gasoline storage facilities of such place of business, as prescribed in sections 9.1 to 9.5, inclusive. He shall then deliver to the transferor of such place of business a quantity of inventory coupons equal in gallonage value to the total amount of gasoline on hand as of the time of transfer. The transferor shall deliver to the Board having jurisdiction over the area in which the place of business transferred by him is located, the certificate of registration of such place of business, together with a quantity of coupons or other evidences equal in gallonage value to the total capacity of the entire gasoline storage facilities of such place of business.

SEC. 9.9 *Change of storage capacity.* (a) Any dealer or intermediate distributor in any manner altering the total capacity of the gasoline storage facilities of a place of business shall deliver for cancellation, to the Board having jurisdiction over the area in which each place of business is located, his original certificate of registration, and shall obtain a new certificate of registration in the manner provided by sections 9.1 to 9.4, inclusive, of Ration Order 5E. The Board shall attach to its copy of the new certificate the original and copy of the cancelled certificate. Where the capacity of the gasoline storage facilities is decreased, the dealer or intermediate distributor shall furnish to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of the decrease. Where the capacity of his gasoline storage facilities is increased, the Board shall issue to the dealer or intermediate distributor in the manner described in section 9.1 of Ration Order 5E a quantity of inventory coupons equal in gallonage value to the amount of the increase.

Article X—Adjustments and Appeals

SEC. 10.1 *Adjustment of errors made by registrars.* (a) Any person who claims that a registrar improperly refused to issue a basic ration book or made an error in issuing a basic ration book on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a basic ration book was denied or was incorrectly issued to him by a registrar, by reason of an error in his application, may make a new application, to a Board, for a basic ration book. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application or, if such original application cannot expeditiously be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made by the applicant or by the registrar, it shall issue a basic ration book, or correct the book issued by the registrar, or issue a new book in place of the one issued by the registrar, or take such other action in accordance with the provisions of this order as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having gallonage value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced and, in the case of an A or D book, any expired coupons.

SEC. 10.2 *Appeals from decisions of Boards.* (a) Any person may appeal within thirty (30) days from an adverse decision of a Board. Except as provided in section 6.6 such appeals shall be taken only in accordance with the provisions of Procedural Regulation No. 9 and amendments thereto, issued by the Office of Price Administration.

Article XI—Enforcement

SEC. 11.1 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order 5E or who otherwise knowingly furnishes false information to any Board or any other agent, employee or officer of the Office of Price Administration, or falsifies or who conceals or covers up a material fact, by any trick, scheme or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order 5E may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required by any provision of Ration Order 5E may, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 11.2 *Suspension orders.* (a) Any person who violates Ration Order 5E may, by administrative suspension order, be prohibited from receiving any deliveries or transfers of, or selling or using or otherwise disposing of, any gasoline, tires, tubes or camelback. Proceedings for the suspension orders shall be instituted and governed by the provisions of Procedural Regulation No. 4.

Effective date. This ration order shall become effective as of July 12, 1943.

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

Issued this 16th day of July, 1943.

JAMES P. DAVIS,
Acting Director, Puerto Rico.

Approved:

WALLACE COHEN,
Acting Regional Administrator, Region IX.

[F. R. Doc. 43-11492; Filed, July 17, 1943; 9:27 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amdt. 57 to GMPR [1]]

ADJUSTABLE PRICING

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

The General Maximum Price Regulation is amended by adding a new section, § 1499.19a, to read as follows:

§ 1499.19a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery;

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

[1] 8 F.R. 3038, 3249, 4337, 4466, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective July 16, 1943.

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

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11502; Filed, July 17, 1943; 9:29 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 572 Under § 1499.3 (b) of GMPR]

FURST-M'NESS COMPANY

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

§ 1499.2110 *Authorization of maximum prices for sales of "imitation cinnamon" by Furst-McNess Company, Freeport, Illinois.* (a) The Furst-McNess Company may sell and deliver "imitation cinnamon" packed in one-half pound size containers at a price not higher than $3.27 per dozen f. o. b. factory, subject, however, to the provisions of paragraph (b) below.

(b) The above price is a price before discounts. The Furst-McNess Company shall reduce this price by applying to it the same discounts and allowances which it customarily applied on similar sales of natural cinnamon; and shall also allow purchasers a 5% discount on the purchase price where cash accompanies such purchaser's order.

(c) This Order No. 572 may be revoked or amended at any time by the Office of Price Administration.

(d) This Order No. 572 shall become effective July 6, 1943.

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

Issued this 5th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11509; Filed, July 5, 1943; 11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 573 Under § 1499.3 (b) of GMPR]

W. M. RITTER LUMBER COMPANY

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, and Executive Order No. 9250, *It is hereby ordered:*

§ 1499.2111 *Approval of maximum prices for the sale of small dimension furniture stock by W. M. Ritter Lumber Company.* (a) W. M. Ritter Lumber Company, Columbus, Ohio, may sell and deliver and any person may buy from such company, small dimension furniture stock at prices f. o. b. mill no higher than those hereinafter set forth:

	Thickness	Widths	Lengths	Price per M f. o. b. mill
Plain and quartered oak:				
Grade No.:				
40	1"-1¼"; 1½"-2"	1"-1¼"; 1½"-2"	17"-23"	$57.50
41	1"-1¼"; 1½"-2"	1"-1¼"; 1½"-2"	24"-48"	60.00
42	1"-1¼"	2"-2¼"-2½"; 2¾" and 3"	10"-23"	60.00
43	1"-1¼"	2"-2¼"-2½"; 2¾" and 3"	24"-48"	62.50
44	1"-1¼"	3" and wider	17"-23"	60.00
45	1"-1¼"	3" and wider	24"-48"	65.00
Poplar and basswood:				
Grade No.:				
46	1"-1¼"	3" and wider	17"-23"	57.50
47	1"-1¼"	3" and wider	24"-48"	60.00
Beech, birch and maple:				
Grade No.:				
48	1"-1¼"-2"; 2"	1"-1¼"; 1½"-2"	17"-23"	50.00
49	1"-1¼"-2"; 2"	1"-1¼"; 1½"-2"	24"-48"	55.00
50	1"-1¼"	3" and wider	17"-23"	57.50
51	1"-1¼"	3" and wider	24"-48"	60.00

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices herein determined.

(c) All prayers of the applicant not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 10, 1943.

Issued this 9th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11510; Filed, July 9, 1943; 4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 574 Under § 1499.3 (b) of GMPR]

B. WALTER AND CO., INC.

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, and Executive Order No. 9250; *It is hereby ordered:*

§ 1499.2112 *Approval of maximum prices for sale of small dimension stock by B. Walter and Company, Inc.* (a) B. Walter and Company, Inc., Wabash, Indiana, may sell and deliver and any person may buy from said company, mixed birch, maple, and oak, small dimension stock, 1 inch thick, 16 to 18 inches long, and 2 inches to 10 inches and upwards in width, kiln dried, containing 90 percent beech, and 10 percent maple and oak, at a price no higher than $50 per M'BM, f. o. b. mill.

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices herein determined.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 10, 1943.

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11511; Filed, July 9, 1943; 4:16 p. m.]

PART 1340—FUEL

[MPR 121,[1] Amdt. 19]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

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

Section 1340.249 (c) (3) is added to read as follows:

(3) If the maximum price cannot be determined under paragraph (a), (b), (c) (1) or (c) (2) of this section, the maximum price for the sale of miscellaneous solid fuel by a producer or distributor thereof shall be the price set by the Office of Price Administration in line with the level of maximum prices established by this Regulation. The producer or distributor shall apply by letter to the Office of Price Administration, Washington, D. C. for the establishment of such a maximum price, setting forth (i) a de-

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

[1] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6389, 8587, 8521, 8938, 8948, 10529; 8 F.R. 1695, 3766, 4179, 5757, 6261, 6951, 6957, 7590, 8065.

scription of the miscellaneous solid fuel for which a maximum price is to be established; (ii) the reasons why such price cannot otherwise be determined; (iii) the maximum price requested by the applicant and a detailed explanation of how such price was determined; and (iv) the reasons why the applicant believes such price to be in line with the level of maximum prices otherwise established by this Regulation. The office of Price Administration may require the applicant to furnish additional relevant information, if necessary, and may approve, disapprove, or make adjustments in the maximum price requested. Any maximum price established pursuant to this subparagraph (3) shall be subject to adjustment at any time.

This amendment shall become effective July 16, 1943.

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

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11496; Filed, July 17, 1943; 9:29 a. m.]

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

[MPR 388,[1] Amdt. 2]

PULPWOOD CUT FROM THE STUMP IN CERTAIN SOUTHEASTERN STATES

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

Subparagraph (6) of section 1 (a) is amended to read as follows:

(6) "The Southeastern States" include the State of Kentucky.

This amendment shall become effective July 16, 1943.

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

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11498; Filed, July 17, 1943; 9:28 a. m.]

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

[MPR 437]

PULPWOOD PRODUCED IN EASTERN VIRGINIA

In the judgment of the Price Administrator the prices of pulpwood have risen and are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended.

The Price Administrator has ascertained and given due consideration to the price of pulpwood prevailing in Eastern Virginia between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The Price Administrator has advised and consulted with representative members of the industry. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.*

§ 1347.903 *Maximum prices for pulpwood produced in Eastern Virginia.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 437 (Pulpwood Produced in Eastern Virginia) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.903 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 437—PULPWOOD PRODUCED IN EASTERN VIRGINIA

CONTENTS

Sec.
1. Prohibitions.
2. Less than maximum prices.
3. Adjustable pricing.
4. Evasion.
5. Records and reports.
6. Enforcement.
7. Petitions for amendment.
8. Definitions.
Appendix A: Maximum prices for pulpwood.

SECTION 1. *Prohibitions.* (a) On and after July 16, 1943, in the continental limits of the United States, regardless of any contract, agreement, lease or other obligation, no person shall buy and no person shall sell, deliver, or transfer pulpwood cut from the stump in Eastern Virginia at prices in excess of the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit, or attempt to do any of the foregoing:

(b) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

(c) *Specific prohibited practices.* The following are among the practices prohibited:

(1) Paying a banking charge for wood not banked, or for wood banked without a request of the buyer, or banked unnecessarily at the buyer's request.

(2) Upgrading, upscaling or allowing a greater net scale than the actual scale content of the logs or bolts;

(3) Increasing the price of logs or bolts by failing to make an effort in good faith to collect monetary or other advances such as trucks, tires or other equipment to producers. Any advance whatsoever to a producer is to be considered as part of the price of the logs or bolts to be supplied by the producer.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

SEC. 4. *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 437 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to pulpwood cut in Eastern Virginia alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, discount, premium or other privilege, or by tying agreement or other understanding, or otherwise.

SEC. 5. *Records and reports.* (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, the same records of such purchases and sales as such person customarily made prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

SEC. 6. *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 437 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 7. *Petitions for amendment.* (a) Persons seeking any amendment of this Maximum Price Regulation No. 437 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC 8. *Definitions.* (a) When used in this Maximum Price Regulation No. 437 the term:

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

(2) "Pulpwood producer" or "seller" includes any person who sells pulpwood;

(3) "Consumer" includes any person who purchases pulpwood for its own consumption;

(4) "Pulpwood" means any species of wood (exclusive of mill waste or mill by-products) sold for manufacture into woodpulp;

(5) "Pine wood" includes longleaf pine, shortleaf pine, loblolly pine, slash

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

[1] 8 F.R. 5853.

pine, pond pine, sand pine, spruce pine, and any other species of the genus pinus;

(6) "Gum wood" includes red gum (liquidambar styraciflua), black gum (nyssa sylvatica), tupelo gum (nyssa aquatics);

(7) "Rough pulpwood" means pulpwood from which the bark has not been removed;

(8) "Other hardwoods" includes maple, poplar, all species of oak, willow and associated species;

(9) "Peeled pulpwood" includes any pulpwood which has been sap-peeled or barked prior to its delivery to a consumer;

(10) "Cord of pulpwood" means an amount of pulpwood which, when properly prepared and stacked, contains 128 cubic feet or where pulpwood is sold in the form of logs, means 128 cubic feet at a ratio in proportion to the log scale used;

(11) "Dealer" means any person who sells to consumers pulpwood not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer, and who sold and delivered not less than 10,000 cords of pulpwood to consumers in the calendar year 1942, or who shall sell and deliver not less than 8,000 cords to consumers in any subsequent calendar year;

(12) "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells pulpwood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer;

(13) "Sale" or "sold" includes sales and deliveries, and sales and contracts to sell pulpwood;

(14) "Eastern Virginia" includes all of Virginia east of the Counties of Giles, Pulaski and Carroll in that Commonwealth.

(15) "Banked wood" means wood which has been temporarily stored at a shipping point at the request of the buyer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Maximum prices for pulpwood. (a) (1) The maximum price per cord for pulpwood cut from the stump in Eastern Virginia shall not exceed the following, delivered at the points indicated.

[F. o. b. cars or barge landing]

Species	Rough	Peeled
Pine	$8.00	$11.60
Gum wood	8.50	12.10
Other hardwoods	8.00	11.60

(2) *Delivered mill by truck or similar vehicle.* When pulpwood is delivered to a consumer by truck or similar vehicle, the maximum price shall be the f. o. b. car price stated above, plus or minus the same dollars and cents differential, if any, which the particular mill paid over or under its highest f. o. b. car price in the months of January and February 1943, for the same type of delivery over the same or a similar distance.

(3) *Maximum prices for wood sold otherwise than on the basis indicated in subparagraphs* (1) *and* (2) *above.* The maximum price for pulpwood sold otherwise than on the basis indicated in subparagraphs (1) or (2) above shall be arrived at by deducting from the maximum price established by subparagraph (1) or subparagraph (2), as the case may be, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood at the point of shipment actually used, or in the case of wood trucked to the mill, the actual cost of such trucking.

(4) *Loading allowance.* If wood is banked at a rail siding at the buyer's request or delivered at a barge landing and is later loaded at seller's expense on the railway car or barge, an amount not in excess of 80¢ per cord may be added to the maximum price in the case of wood shipped by rail or $1.00 in the case of wood shipped by barge.

(b) The maximum prices provided herein are for sound wood of standard quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(c) *Dealers and traders.* (1) In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (11) hereof, such consumer may pay such dealer not more than the maximum price above plus a dealer's allowance not in excess of 80¢ per cord for rough wood, and $1.20 per cord for peeled wood. If any person buys pulpwood through a trader, as defined in section 8 (a) (12), such person may pay such trader, in addition to the maximum price provided in Appendix A, a commission not to exceed 50¢ per cord. Provided, that in no case shall the aggregate amount of commissions exceed 80¢ on any cord of rough wood, and $1.20 on any cord of peeled wood.

(2) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on pulpwood cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (1) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The pulpwood sold by the dealer to the consumer or sold by the trader to his vendee has been completely prepared for delivery and delivered by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the pulpwood and that the pulpwood is free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the pulpwood, and that the charges are not in excess of Maximum Price Regulation No. 437;

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this Maximum Price Regulation No. 437 are strictly complied with.

(3) Persons who have not qualified as dealers, but who intend to do so, shall state their intention so to do in writing to the Paper and Paper Products Branch of the Office of Price Administration, Washington, D. C. Nothing contained herein shall be construed to prohibit payment of a dealer's allowance in escrow to a bank or bank and trust company to be paid to such dealer if and when it shall have been determined by the Paper and Paper Products Branch of the Office of Price Administration that such dealer has qualified so as to be entitled to receive such commission, but otherwise to be repaid by such fiduciary to the consumer at the end of the calendar year.

Effective date. This Maximum Price Regulation No. 437 shall become effective July 16, 1943.

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

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11497; Filed, July 17, 1943; 9:27 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 271,[1] Amdt. 4]

POTATOES AND ONIONS

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

Revised Maximum Price Regulation No. 271 is amended in the following respects:

1. In section 9 (b) (3) the words "except for sales to carlot or trucklot distributors, retailers, commercial, industrial or institutional users," following the parenthetical phrase ending with the words, "(. . . . similar customary sales activities)" are deleted.

2. In section 10 the price, 8 cents per 50 pounds for onions is corrected to read 9 cents.

3. A proviso is added to section 10 to read as follows:

* * * *Provided,* That a carlot distributor who sells a carlot of potatoes or onions to two or more persons without breaking a carlot shall continue to be a carlot distributor and shall not thereby become entitled to any portion of the markups allowed by this regulation to intermediate sellers.

4. Section 11 (b) is amended to read as follows:

(b) Every sale of potatoes or onions by an intermediate seller shall be accompanied by a notification in writing showing the base price for such sale, the variety and grade of potatoes or onions being sold, and the state or district within a state where the potatoes or onions were produced. See paragraph (a) of this section 11 for computation of the "base price."

5. Section 11 (c) (8) is added to read as follows:

(8) Any intermediate seller who shall have purchased potatoes or onions and stored them for more than 30 days may use the appropriate price set forth in Table III of section 24 under the month in which he sells the potatoes or onions instead of the month in which they were purchased from a country shipper, grower or other intermediate seller in computing his base price, but he may add nothing on account of storage charges.

6. In Table III of section 24, the lists for the states of Illinois and Missouri are amended to read as follows:

State	Producing area	July 1943	August 1943	September 1943
East North Central:				
Illinois	Counties of Madison, St. Clair, Monroe, Clinton, Washington, Randolph, Perry, Jackson, Union, Alexander.	$2.70	$2.70	$2.55
	Rest of State	2.65	2.70	2.55
West North Central:				
Missouri	Counties of Lincoln, Warren, St. Charles, St. Louis, Franklin, Washington, Jefferson, St. Francois, St. Genevieve, Perry, Madison, Bollinger, Cape Girardeau, Scott, Mississippi.	2.70	2.70	2.55
	Rest of State	2.60	2.45	2.30

7. Table IV of section 24 is amended to read as follows:

TABLE IV—DRY ONIONS (1943 CROP) MAXIMUM PRICES PER 50 LBS. GRADED AND IN BAGS[1]

States	July 15-31	1943					1944			
		August	September	October	November	December	January	February	March	April
1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island	$1.75	$1.65	$1.50	$1.45	$1.65	$1.75	$1.85	$2.00	$2.15	$2.30
2. Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia	1.75	1.70	1.55	1.50	1.70	1.80	1.90	2.05	2.20	2.35
3. Michigan, Indiana, Ohio, Kentucky, Illinois, Wisconsin	1.70	1.60	1.45	1.40	1.60	1.70	1.80	1.95	2.10	2.25
4. Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri, Kansas	1.65	1.60	1.35	1.30	1.50	1.60	1.70	1.85	2.00	2.20
5. Montana, Idaho, Washington, Oregon (Counties of Wallowa, Union, Grant, Baker, Harney, and Malheur) Wyoming, Colorado, Utah, Arizona, New Mexico, Nevada	1.55	1.45	1.25	1.20	1.40	1.50	1.60	1.75	1.90	2.05
6. Oregon (rest of state)	1.60	1.60	1.35	1.30	1.50	1.60	1.70	1.85	2.00	2.15
7. California	1.70	1.60	1.45	1.40	1.60	1.70	1.80	1.95	2.10	2.25
OTHER STATES										
8. East of Mississippi River	1.75	1.70	1.55	1.50	1.70	1.80	1.90	2.05	2.20	2.35
9. West of Mississippi River	1.70	1.60	1.45	1.40	1.60	1.70	1.80	1.95	2.10	2.25

[1] These prices apply to dry onions produced in the calendar year 1943 and are subject to the following differentials:

(a) For white onions, U. S. Grade No. 1, in 50-pound sacks, the country shipper may add 30¢ per 50 pounds to the maximum prices shown above.

(b) For dry onions, U. S. Grade No. 1, 3 inches and larger in 50-pound sacks, the country shipper may add 20¢ per 50 pounds to the maximum prices shown above.

(c) For dry onions, graded and packed in 10-pound sacks or less, the country shipper may add 15¢ per 50 pounds to the maximum prices shown above.

(d) For white boiler and pickler onions, graded and packed in 50-pound sacks, the country shipper may add $1.00 per 50 pounds to the maximum prices.

(e) For dry onions, ungraded and packed in sacks of any size, the country shipper shall subtract 15¢ per 50 pounds from the maximum prices.

(f) For dry onions, ungraded and unsacked, the country shipper shall subtract 30¢ per 50 pounds from the maximum prices shown above.

(g) If the purchaser furnishes sacks, the country shipper shall subtract 15¢ per 50 pounds from the maximum prices.

(h) For dry onions, graded and packed in mesh bags of 10 lbs. or less, the country shipper may add 25¢ per 50 pounds to the maximum prices.

(i) For dry onions, graded and packed in mesh bags of 25 lbs. the country shipper may add 10¢ per 50 pounds to the maximum prices shown above.

(j) For Bermuda type onions, the country shipper may, up to and including July 31, 1943, but not after that date, add 20¢ per 50 pounds to the maximum prices stated above.

This amendment shall become effective 12:01 a. m., July 16, 1943.

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

Issued this 15th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES, *Administrator,*
War Food Administration.

[F. R. Doc. 43-11499; Filed, July 17, 1943; 9:31 a. m.]

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

[1] 8 F.R. 7017, 7494, 8075, 9160.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amdt. 21]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this Amendment No. 21 to Revised Maximum Price Regulation No. 169 has been issued si-

[1] 8 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7193, 7200, 8011, 8677, 8756, 8969.

multaneously herewith and filed with the Division of the Federal Register.*

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

1. Section 1364.452 (m) (2) is amended to read as follows:

(2) The maximum f. o. b. boning plant price for frozen boneless beef (Army specifications) in each of the following price zones shall be:

[Carload or less than carload quantities; in dollars per hundredweight; frozen and packaged]

Price zone	Grade		
	Good or A	Commercial or B	Utility or C
1	$29.35	$26.00	$23.75
2	28.35	25.60	22.75
3	26.95	24.15	21.35
4	26.95	24.15	21.35
5	27.65	24.85	22.00
6	28.00	25.20	22.35
7	28.35	25.55	22.70
8	28.70	25.90	23.05
9	29.00	26.25	23.45
10	29.35	26.60	23.75

2. Section 1364.453 (b) is amended to read as follows:

(b) *Carload discount.* For all beef carcasses and/or beef wholesale cuts and/or other meat items subject to this subpart B and § 1364.453 and § 1364.454, delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

3. Section 1364.454 (d) is amended to read as follows:

(d) *Wholesalers' selling addition.* On sales of any beef carcass or beef wholesale cut not obtained through custom slaughtering, a person who at the time of the sale is a wholesaler may add 75 cents per hundredweight to the applicable zone price: *Provided, however,* That on and after August 9, 1943, no person shall charge the addition permitted by this § 1364.454 (d) unless by such date such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying beef carcasses and/or beef wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 169. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

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

4. Section 1364.468 (b) is amended to read as follows:

(b) *Carload discount.* For all veal carcasses and/or veal wholesale cuts and/or other meat items subject to this subpart C and §§ 1364.468 and 1364.469, delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

5. Section 1364.469 (d) is amended to read as follows:

(d) *Wholesalers' selling addition.* On sale of any veal carcass or veal wholesale cut not obtained through custom slaughtering, a person who at the time of sale is a wholesaler may add 75 cents per hundredweight to the applicable zone price: *Provided, however,* That on and after August 9, 1943, no person shall charge the addition permitted by this § 1364.469 (d) unless by such date such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying veal carcasses and/or veal wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 169. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceedings arising from such investigation.

This amendment shall become effective July 16, 1943.

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

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11500; Filed, July 17, 1943; 9:29 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 2]

MAXIMUM PRICES IN THE VIRGIN ISLANDS OF THE UNITED STATES

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

In the table following section 13 (a) the headnotes "Feb. 15–June 30 inclusive" and "July 1–Feb. 14 inclusive" are amended to read "Feb. 15–Aug. 14 inclusive" and "Aug. 15–Feb. 14 inclusive".

[1] 8 F.R. 6621, 8873.

This amendment shall become effective July 16, 1943.

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

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11501; Filed, July 17, 1943; 9:31 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 584 Under § 1499.3 (b) of GMPR]

M'CORMICK AND COMPANY

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

§ 1499.2122 *Authorization of maximum prices for sales of "imitation cinnamon" by McCormick and Company, Inc., Baltimore, Maryland.* (a) McCormick and Company may sell and deliver imitation cinnamon packaged in 1¾ ounce packages at the following delivered prices:

	Per gross	*Per dozen*
Sales and delivery from the Baltimore warehouse	$8.76	$ .73
Sales and delivery from the San Francisco warehouse	9.72	.81

(b) The above prices are prices before discounts. McCormick and Company shall reduce these prices by applying to them the same discounts and allowances which it customarily applied on similar sales of 1 ounce tins of McCormick Ginger.

(c) This Order No. 584 may be revoked or amended by the Administrator at any time.

(d) This order shall become effective July 19, 1943.

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11547; Filed, July 17, 1943; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 585 Under § 1499.3 (b) of GMPR]

CALIFORNIA ROASTERS CO.

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

§ 1499.2123 *Authorization of maximum prices governing sales by the California Roasters Co., Los Angeles, California, of its product containing 99% roasted hulled barley and 1% roasted figs.* (a) The California Roasters Co. may sell and deliver its product composed of 99% roasted hulled barley and 1% roasted figs at an ex-warehouse price not higher than $8.00 per bag containing 100 pounds net.

(b) The above price is before discounts. The California Roasters Co. shall reduce the above price by applying

to it the same discounts and allowances which it customarily applied on bulk sales of comparable products.

(c) This order may be revoked or amended by the Administrator at any time.

(d) This order shall become effective July 19, 1943.

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11548; Filed, July 17, 1943; 12:03 p. m.]

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

[MPR 220,[1] Amdt. 10]

CERTAIN RUBBER COMMODITIES

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

Maximum Price Regulation No. 220 is amended in the following respects:

1. Section 1315.1558b is added to read as follows:

§ 1315.1558b *Maximum prices for certain specified rejected commodities.* Notwithstanding any other provisions of this regulation, the maximum price of the following commodities which have been manufactured for the use of the United States, or any agency thereof, but have been rejected as not meeting the purchaser's standards, hereinafter referred to as "government rejects," shall be determined as follows:

(a) *Maximum prices for sales, other than sales at retail, of certain government reject raincoats.* The maximum price for sales, other than sales at retail, of the following government reject raincoats to the following persons shall be as follows:

MAXIMUM NET PRICES

Item	Sales to persons, other than retailers	Sales to retailers
Enlisted men's raincoats	$4.00	$4.80
WAC (or WAAC) members' raincoats	5.00	6.00

(b) *Maximum manufacturers' prices for government fabrics.* The maximum manufacturers' price for the sale of government reject fabrics made in whole or in part of rubber shall be 75% of the contract price for the sale of the perfect fabric.

2. Section 1315.1560a is added to read as follows:

§ 1315.1560a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

3. Section 1315.1561 is amended to read as follows:

§ 1315.1561 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

4. Section 1315.1564 is redesignated § 1315.1563.

5. Section 1315.1565 is redesignated § 1315.1564.

6. Section 1315.1566 is redesignated § 1315.1565.

7. Section 1315.1567 is redesignated § 1315.1566.

8. Section 1315.1568 is redesignated § 1315.1567.

This amendment shall become effective July 23, 1943.

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11538; Filed, July 17, 1943; 12:04 p. m.]

PART 1361—FARM EQUIPMENT

[MPR 246,[1] Amdt. 8]

MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

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

Section 1361.55a is added to read as follows:

§ 1361.55a *Emergency service charges*—(a) *Additional charge.* Notwithstanding any other provisions of this regulation, a manufacturer of farm equipment parts may add an emergency service charge to the maximum price of any farm equipment part which is sold to a manufacturer who physically incorporates the part into a completed item of farm equipment or a farm equipment part produced by him. Such an emergency service charge must be billed or invoiced separately, and must be specifically authorized by the Office of Price Administration as set forth in (c) below.

(b) *Definition of emergency service charge.* When used in this section the term "emergency service charge" means the extra costs incurred in order to make delivery at the request of the purchaser on a date which would not have been possible without incurring the extra costs. These extra costs may result either from the necessity of obtaining the same material from a more expensive source than the usual source, or from the necessity of using a substitute material or a material of different specifications from that normally used by the manufacturer.

(c) *Approval of addition of emergency service charge.* The addition of the emergency service charge permitted by (a) above to the maximum price established by this regulation is conditioned upon the approval thereof by the Office of Price Administration. A manufacturer may add this charge, without prior consent of or application to the Office of Price Administration: *Provided,* That if the charge is added to the maximum price, the manufacturer shall, within seven days after delivery, file a statement with the Office of Price Administration, Washington, D. C., setting forth:

(1) The name and address of the purchaser.

(2) The quantity of each part or parts sold.

(3) The price received.

(4) The dollar amount of the emergency service charge added to each maximum price.

(5) The reasons why the addition of the emergency service charge was necessary.

(6) The method by which the amount of the emergency service charge was computed.

(7) A statement signed by the purchaser to the effect that he will not in turn increase his price or request an adjustment in the price of any item of farm equipment or any farm equipment part if the emergency service charge is permitted to be added.

(8) A statement of the reasons why the purchaser could not obtain delivery of the part or parts on the desired date in the normal course of business and the reasons why the purchaser must obtain delivery of the part or parts on that date. This statement shall be signed by the purchaser.

Unless disapproved within thirty days after receipt of this report by the Office of Price Administration, the addition of the emergency service charge will be considered as approved. If the Office of Price Administration disapproves the addition of all or some of the amount of the emergency service charge, it will require that refunds be made by the manufacturer to the purchaser.

This amendment shall become effective July 23, 1943.

NOTE: All report and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance

---

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

[1] F.R. 7282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4130, 3942, 5809, 6043, 7497.

[1] 7 F.R. 9597, 9039, 8948; 8 F.R. 235, 544, 6045, 6425, 7767.

[2] 7 F.R. 8961, 3313, 3533, 6173.

with the provisions of the Federal Reports Act of 1942.

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11539; Filed, July 17, 1943; 12:03 p. m.]

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

[Rev. MPR 148, Correction to Amdt. 5[1]]

DRESSED HOGS AND WHOLESALE PORK CUTS

Amendment No. 5 under Revised Maximum Price Regulation No. 148 is corrected in the following respects:

1. In Items 5 and 6 of Schedule I (a) of § 1364.35, the weight classifications for cooked regular boneless and fatted hams and cooked, skinless, boneless and fatted hams are corrected to read "Under 8, 8-10, and Over 10", respectively, instead of "Under 8, 8-12, and Over 12."

2. In Items 8 et seq. of Schedule I (a) of § 1364.35, the headings of the columns listing prices for smoked, ready-to-eat and cooked products are corrected to include the word "wrapped."

3. In Item 6 of Schedule I (e) of § 1364.35, the prices for fresh or frozen and cured blade meat are corrected to read "$32.25" instead of "$32.35."

4. The designation of Schedule II (b) of § 1364.35 is corrected to read Schedule II (h).

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11540; Filed, July 17, 1943; 12:02 p. m.]

PART 1375—EXPORT PRICES

[2d Rev. Max. Export Price Reg., Amdt. 3[2]]

BITUMINOUS COAL

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

Section 7 (c) is revoked, section 3 (d) is amended, and a new section 8.1 is added, as set forth below:

SEC. 3. *Maximum export prices for export sales other than to procurement agencies of the United States for the account of the Office of Lend-Lease Administration.* * * *

(d) In the case of solid fuels exported to the territories of Alaska and Hawaii, the Dominion of Canada and Newfoundland, the maximum export price shall be that established by Maximum Price Regulation Nos. 120, 121, and 122 to the extent that such regulations are applicable, except that on offshore shipments of bituminous coal to Newfoundland the maximum export price shall be determined in accordance with the provisions of section 8.1 of this regulation.

SEC. 8.1 *Export prices for bituminous coal on sales other than for the account of the Office of Lend-Lease Administration.*

(a) In the case of an exporter of bituminous coal who is the producer of the coal to be exported, or who is acting as a sales agent for the producer, the maximum export price shall be the aggregate of:

(1) The exporter's maximum domestic price for the particular type or grade of coal as established by Maximum Price Regulation No. 120; and

(2) A premium not in excess of 55 cents per net ton of 2,000 pounds if the contract of sale stipulates that railroad demurrage charges shall be for the account of the exporter and not charged to the buyer outside the Continental United States, or 40 cents per net ton if railroad demurrage charges are for the account of and to be paid by such buyer; and

(3) Expenses incident to exportation and actually incurred or to be incurred by the exporter, such as inland transportation to the port of exit, cartage, wharfage, lighterage, stevedoring, unloading and reloading cars, dumping and trimming, forwarders' fees, port charges, railroad and steamer demurrage, storage on ground at or near port of exit, ocean freight and surcharges, marine and war risk insurance, and consular fees: *Provided,* That no charge shall be included in the export price for railroad demurrage if the exporter uses the higher premium provided for in section 8.1 (a) (2) above where such demurrage is for the account of the exporter.

(b) In the case of an exporter of bituminous coal who is not the producer of the coal to be exported and who is not acting as a sales agent for the producer, but who acts as an export merchant buying and reselling for his own account, the maximum export price shall be the aggregate of:

(1) The maximum domestic price which would be applicable to a current sale of the coal to the exporter by the supplier thereof, as established by Maximum Price Regulation No. 120 or Maximum Price Regulation No. 122; and

(2) A premium not in excess of 70 cents per net ton of 2,000 pounds of the contract of sale stipulates that railroad demurrage charges shall be for the account of the exporter and not charged to the buyer outside the Continental United States, or 55 cents per net ton if railroad demurrage charges are for the account of and to be paid by such buyer; and

(3) Expenses incident to exportation and actually incurred or to be incurred by the exporter, such as inland transportation to the port of exit, cartage, wharfage, lighterage, stevedoring, cost of bags and bagging, unloading and reloading cars, dumping and trimming, forwarders' fees, port charges, railroad and steamer demurrage, storage on ground at or near port of exit, ocean freight and surcharges, marine and war risk insurance, and consular fees: *Provided,* That no charge shall be included in the export price for railroad demurrage if the exporter uses the higher premium provided for in section 8.1 (b) (2) above where such demurrage is for the account of the exporter; and

(c) On sales of less than 2,000 net tons the premiums established by sections 8.1 (a) (2) and 8.1 (b) (2) above may be increased by not more than 10 cents per net ton.

(d) If the coal is bagged for shipment, the exporter may charge the following premiums in lieu of those established by sections 8.1 (a) (2), 8.1 (b) (2), and 8.1 (c) above:

(1) $3.00 per net ton if the sale does not exceed 50 net tons; or

(2) $2.00 per net ton if the sale is over 50 net tons but does not exceed 100 net tons; or

(3) $1.50 per net ton if the sale is over 100 net tons but does not exceed 250 net tons; or

(4) $1.00 if the sale is over 250 net tons but does not exceed 500 net tons.

(5) 80 cents if the sale is over 500 net tons.

(e) Maximum prices for bituminous coal delivered or handled from shore facilities in the continental United States for use as bunker fuel on the vessel to which the delivery is made shall be determined in accordance with the provisions of Maximum Price Regulation No. 189, regardless of the nationality of the vessel.

(f) The maximum export prices established by sections 8.1 (a) and 8.1 (b) above shall not be increased by reason of interest or financing charges connected with the transaction or by reason of any fees or commissions, including commissions paid to intermediaries, whether domestic or foreign.

This Amendment No. 3 shall become effective July 23, 1943.

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11541; Filed, July 17, 1943; 12:05 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 146,[1] Amdt. 13]

APPALACHIAN HARDWOOD LUMBER

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

Maximum Price Regulation No. 146 is amended in the following respects:

1. In § 1382.8 (a), the first sentence in subparagraph (3), and subparagraph (12) are amended, to read as set forth below:

(3) "Appalachian hardwood lumber" means lumber:

(i) Produced from the botanical species of yellow poplar (Liriodendron tulipifera), tough white ash (Fraxinus americana), beech (Fagus americana), soft maple (Acer rubrum), butternut (Juglans cinerea), chestnut (Castanea dentata), hard maple (Acer saccharum), and the botanical species included in the genera of red oak and white oak (Quer-

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

[1] 8 F.R. 7671.

[2] 8 F.R. 4132, 5987, 7662.

[1] 7 F.R. 3776.

cus), hickory (Hicoria), basswood (Tilia), birch (Betula), buckeye (Aesculus), cherry (Prunus), and all other hardwood species; and

(ii) Processed into lumber at mills located within the Appalachian hardwoods area.

* * * * * * *

(12) Unless otherwise specified, grade terms used herein have the meaning set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber", issued by the National Hardwood Lumber Association, effective January 1, 1943.

2. In § 1382.11 (b) subparagraph (22) is redesignated subparagraph (24), and new subparagraphs (22) and (23) are added, to read as set forth below:

(22) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$43	$46	$50	$54	$59	$65	$73
2 x 8	43	46	50	54	59	65	73
2 x 10	45	48	52	56	61	67	75
2 x 12	49	52	56	60	65	71	79
2 x 14	53	56	60	64	69	75	83
2 x 16	58	61	65	69	74	80	88
3 x 6	43	46	50	54	59	65	73
3 x 8	43	46	50	54	59	65	73
3 x 10	45	48	52	56	61	67	75
3 x 12	49	52	56	60	65	71	79
3 x 14	53	56	60	64	69	75	83
3 x 16	58	61	65	69	74	80	88
4 x 6	43	46	50	54	59	65	73
4 x 8	43	46	50	54	59	65	73
4 x 10	45	48	52	56	61	67	75
4 x 12	49	52	56	60	65	71	79
4 x 14	53	56	60	64	69	75	83
4 x 16	58	61	65	69	74	80	88
6 x 6	43	46	50	54	59	65	73
6 x 8	45	48	52	56	61	67	75
6 x 10	47	50	54	58	63	69	77
6 x 12	49	52	56	60	65	71	79
6 x 14	53	56	60	64	69	75	83
6 x 16	58	61	65	69	74	80	88
8 x 8	45	48	52	56	61	67	75
8 x 10	47	50	54	58	63	69	77
8 x 12	49	52	56	60	65	71	79
8 x 14	53	56	60	64	69	75	83
8 x 16	58	61	65	69	74	80	88
10 x 10	47	50	54	58	63	69	77
10 x 12	49	52	56	60	65	71	79
10 x 14	53	56	60	64	69	75	83
10 x 16	58	61	65	69	74	80	88
10 x 18	63	66	70	74	79	85	93
12 x 12	50	53	57	61	66	72	80
12 x 14	55	58	62	66	71	77	85
12 x 16	60	63	67	71	76	82	90
12 x 18	66	69	73	77	82	88	96
12 x 20	72	75	79	83	88	94	102
14 x 14	56	59	63	67	72	78	86
14 x 16	62	65	69	73	78	84	92
14 x 18	68	71	75	79	84	90	98
14 x 20	75	78	82	86	91	97	105
14 x 22	83	86	90	94	99	105	113
14 x 24	92	95	99	103	108	114	122
14 x 26	102	105	109	113	118	124	132
14 x 28	113	116	120	124	129	135	143
16 x 16	69	72	76	80	85	91	99
16 x 18	76	79	83	87	92	98	106
16 x 20	84	87	91	95	100	106	114
16 x 22	92	95	99	103	108	114	122
16 x 24	101	104	108	112	117	123	131
16 x 26	111	114	118	122	127	133	141
16 x 28	122	125	129	133	138	144	152
18 x 18	83	86	90	94	99	105	113
18 x 20	91	94	98	102	107	113	121
18 x 22	100	103	107	111	116	122	130
18 x 24	110	113	117	121	126	132	140
18 x 26	121	124	128	132	137	143	151
18 x 28	133	136	140	144	149	155	163

Notes on White Oak or Red Oak—Structural Stock or Sound Square Edge

Random Widths; in 2", 3" and 4" thicknesses—$43.00.

Free of heart in 2", 3" and 4" thicknesses—add $6.00 to maximum price for same thickness, width and length in above schedule.

Prices for Specific Sizes not in Schedule

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this Regulation.

(23) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$50	$55	$61	$67	$74	$83	$95
2 x 8	50	55	61	67	74	83	95
2 x 10	53	57	63	69	77	89	98
2 x 12	58	63	69	75	82	91	103
2 x 14	64	68	74	80	88	97	109
2 x 16	70	75	81	87	95	104	116
3 x 6	50	55	61	67	74	83	95
3 x 8	50	55	61	67	74	83	95
3 x 10	53	57	63	69	77	89	98
3 x 12	58	63	69	75	82	91	103
3 x 14	64	68	74	80	88	97	109
3 x 16	70	75	81	87	95	104	116
4 x 6	48	55	60	65	71	78	88
4 x 8	48	55	60	65	71	78	88
4 x 10	50	58	62	67	73	80	90
4 x 12	55	62	67	72	78	85	95
4 x 14	59	67	72	77	83	90	100
4 x 16	65	73	78	83	89	96	106
6 x 6	48	55	60	65	71	78	88
6 x 8	50	58	62	67	73	80	90
6 x 10	53	60	65	70	76	83	92
6 x 12	55	62	67	72	78	85	95
6 x 14	59	67	72	77	83	90	100
6 x 16	65	73	78	83	89	96	106
8 x 8	50	58	62	67	73	80	90
8 x 10	53	60	65	70	76	83	92
8 x 12	55	62	67	72	78	85	95
8 x 14	59	67	72	77	83	90	100
8 x 16	65	73	78	83	89	96	106
10 x 10	53	60	65	70	76	83	92
10 x 12	55	62	67	72	78	85	95
10 x 14	59	67	72	77	83	90	100
10 x 16	65	73	78	83	89	96	106
10 x 18	71	79	84	89	95	102	112
12 x 12	56	64	68	73	79	86	95
12 x 14	62	70	74	79	85	92	102
12 x 16	67	76	80	85	91	98	108
12 x 18	74	83	88	92	98	106	115
12 x 20	81	90	95	100	106	113	122
14 x 14	63	71	76	80	86	94	103
14 x 16	69	78	83	88	94	101	110
14 x 18	76	85	90	95	101	108	118
14 x 20	84	94	98	103	109	116	126
14 x 22	93	103	108	113	119	126	136
14 x 24	103	114	119	124	130	137	146
14 x 26	114	126	131	136	142	149	158
14 x 28	127	139	144	149	155	162	172
16 x 16	77	86	91	96	102	109	119
16 x 18	85	95	100	104	110	118	127
16 x 20	94	104	109	114	120	127	137
16 x 22	103	114	119	124	130	137	146
16 x 24	113	125	130	134	140	148	157
16 x 26	124	137	142	146	152	160	169
16 x 28	137	150	155	160	166	173	182
18 x 18	93	103	108	113	119	126	136
18 x 20	102	113	118	122	128	136	145
18 x 22	112	124	128	133	139	146	156
18 x 24	123	136	140	145	151	158	168
18 x 26	136	149	154	158	164	172	181
18 x 28	149	163	168	173	179	186	195

Notes on White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber

Random Widths; in 2" and 3" thicknesses—$50.00.

Free of Heart; in 2" and 3" thicknesses—add $8.00 to maximum price for same thickness, width and length in above schedule.

Prices for Specific Sizes not in Schedule

The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this Regulation.

3. In § 1382.11 paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) are redesignated (d), (e), (f), (g), (h), (i), (j), and (k); a new paragraph (c) is added; and redesignated paragraph (d) is amended, all to read as set forth below:

(c) *Maximum prices for dunnage.* (1) The maximum rail-delivered price for 1,000 feet of dunnage lumber shall be as follows:

Delivered at:	*Maximum delivered price*
Baltimore, Maryland	$26.00
Beaumont, Texas	16.00
Boston, Massachusetts	30.00
Charleston, South Carolina	17.00
Corpus Christi, Texas	17.00
Galveston, Texas	17.00
Gulfport, Mississippi	16.00
Houston, Texas	17.00
Jacksonville, Florida	17.00
Lake Charles, Louisiana	16.00
Mobile, Alabama	16.00
Morgan City, Louisiana	16.00
Newark, New Jersey	23.00
New Orleans, Louisiana	16.00
New York, New York	23.00
Pensacola, Florida	17.00
Philadelphia, Pennsylvania	27.00
Port Arthur, Texas	17.00
Portsmouth, Virginia	20.00
Savannah, Georgia	17.00
Tampa, Florida	19.00

(2) The maximum price for dunnage delivered at the above ports by water shall be the rail-delivered price as above set forth less the difference between the rail transportation charge from the point of shipment to the particular port, computed by multiplying the applicable rail rate by the weight of the lumber based on 3500 pounds for M'BM, and the actual water transportation charge from the point of shipment to the particular port.

(3) The term "dunnage" as used above means lumber of any hardwood species, of standard widths and lengths, but poorer in quality than the lowest standard grade in the particular species.

(d) *Deduction for green.* For lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix A, 10% of the maximum price for rough, air-dried material in the same specifications. This deduction, however, shall not apply to the prices for material contained in subparagraphs (22) and (23) of paragraph (b) above.

For the purposes of this paragraph, hardwood lumber shall be considered to be "green" unless it has been stacked on the yard for air-drying.

A purchaser may waive any requirement as to moisture content, in which case, if the lumber has been stacked on the yard, the air-dried price shall be applicable, regardless of the moisture content, but if the lumber has not been stacked on the yard for air-drying the "green" price shall be applicable.

4. In § 1382.12 (a) (1), a new subdivision (iii) is added to read as follows:

(iii) The provisions of this section shall not apply to applications filed on and after July 23, 1943. After that date, all

applications for maximum prices for material of the type described in this Appendix B shall be filed in accordance with the provisions of Appendix D, § 1382.14 herein. That maximum prices for "recurring special" grades or items previously established for individual mills under the provisions of this Appendix B, shall remain in full force and effect, except as to items now covered by Appendix C, § 1382.13.

5. Section 1382.13 is revoked, and a new § 1382.13 is added to read as follows:

§ 1382.13 *Appendix C: Maximum prices for Appalachian hardwood lumber in "standard special" grades or items*—(a) *Standard special widths and lengths.* The f. o. b. mill price for 1,000 feet of Appalachian hardwood lumber in the species and the "standard special" lengths and widths listed below shall be as follows:

(1) STANDARD SPECIAL WIDTHS AND LENGTHS—ALL HARDWOOD SPECIES

[Except as otherwise provided in subparagraph (2) below]

Width and/or length	Grade	Maximum additions to maximum prices established in §1382.11 for lumber in corresponding standard grades and same thicknesses
5" or 6" and wider; regular lengths	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	$2.00
8' and longer	No. 1 Common and Selects or No. 1 Common; No. 2 Common; No. 3 Common.	1.00
10' and longer; or 12' and longer	No. 2 Common; No. 3A Common; No. 3 Common	2.00
All 14' to 16' or all one length 10' to 14'	No. 2 Common; No. 3A Common; No. 3 Common	4.00
All 16'	No. 2 Common; No. 3A Common; No. 3 Common	5.00
8" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common	4.00
10" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common	5.00
12" and wider; standard lengths	No. 2 Common; No. 3A Common; No. 3 Common	6.00
All 10' to 16' or all 10'	No. 1 Common and Better	3.00
All 12' to 16'	No. 1 Common and Better	6.00
All 12' and 14' or all 12'	No. 1 Common and Better	8.00
All 14' and 16' or all 14'	No. 1 Common and Better	10.00
All 16'	No. 1 Common and Better	15.00
All 7" and wider; standard lengths	No. 1 Common and Better	4.00
All 8" and wider; standard lengths	No. 1 Common and Better	8.00
All 9" and wider; standard lengths	No. 1 Common and Better	12.00
All 10" and wider; standard lengths	No. 1 Common and Better	16.00
All 11" and wider; standard lengths	No. 1 Common and Better	20.00
All 12" and wider; standard lengths	No. 1 Common and Better	25.00
For each additional inch over 12" and wider	No. 1 Common and Better	5.00
All one width	No. 3 Common and Better	(1)
Step Plank	No. 1 Common and Better	25.00

[1] Same price as for same width and wider.

(2) STANDARD SPECIAL WIDTHS—BASSWOOD AND POPLAR

Width and/or length	Grade	Maximum additions to maximum prices established in §1382.11 for lumber in corresponding standard grades and same thicknesses
7" and wider; standard lengths	No. 1 Common and Better	$4.00
8" and wider; standard lengths	No. 1 Common and Better	5.00
9" and wider; standard lengths	No. 1 Common and Better	7.00
10" and wider; standard lengths	No. 1 Common and Better	10.00
11" and wider; standard lengths	No. 1 Common and Better	11.00
12" and wider; standard lengths	No. 1 Common and Better	12.00
13" and wider; standard lengths	No. 1 Common and Better	13.00
14" and wider; standard lengths	No. 1 Common and Better	14.00
15" and wider; standard lengths	No. 1 Common and Better	15.00
16" and wider; standard lengths	No. 1 Common and Better	16.00
17" and wider; standard lengths	No. 1 Common and Better	17.00
18" and wider; standard lengths	No. 1 Common and Better	18.00
20" and wider; standard lengths	No. 1 Common and Better	20.00
For each additional inch over 20" and wider	No. 1 Common and Better	2.00

STANDARD DIFFERENTIALS FOR WHITE MAPLE[1]

Grade or Designation:	*Maximum addition to Ceiling Price of Standard Grade*
No. 1 White	$20.00
No. 1 and No. 2 White	15.00
No. 2 White	10.00

[1] NHLA grades of White Maple, P. 56, January 1943 Rules for the Measurement and Inspection of Hardwood lumber.

(b) *Additions, adjustments and restrictions.* The additions, adjustments, and restrictions provided in paragraphs (d), (e), (f), (g), (h), (i), (j), and (k) of § 1382.11 (Appendix A) shall apply to the prices established in this Appendix.

(c) *Effect on special prices.* The maximum prices contained in this Appendix C supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

6. A new § 1382.14 is added to read as follows:

§ 1382.14 *Appendix D: Maximum prices for Appalachian hardwood lumber in grades, specifications and extras not specifically priced.*—(a) *Application of Appendix D.* (1) Appalachian hardwood lumber sold on special grades or specifications or with special services or other extras not specifically mentioned in Appendices A and C (§§ 1382.11 and 1382.13) is nevertheless subject to this regulation. The maximum price for such lumber shall be determined in accordance with the formula in paragraph (b) below.

(2) For the purposes of this section the term "Appalachian hardwood lumber" shall include all items of lumber in the species set forth in § 1382.8 (a) (3) but shall not include the following items. (The term "items" includes specifications, workings, services and/or extras):

(i) Glued stock
(ii) Moulding
(iii) Shiplap
(iv) Risers
(v) Step treads
(vi) Thresholds
(vii) Hand rails
(viii) Bevel and drop siding
(ix) Flooring
(x) Switch, cross, and mine ties.
(xi) Mine material.
(xii) Small dimension stock.
(xiii) Lath.
(xiv) Navy oak ship stock (See Maximum Price Regulation No. 281).

(b) *Maximum prices for grades, specifications and extras not specifically priced.* (1) The maximum price for Appalachian hardwood lumber in grades, specifications and extras not specifically priced in Appendices A and C, shall be a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade, and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C., on OPA Form 246; 1 Rev. given in paragraph (3) below. It may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is approved.

(2) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(3) OPA Form 246:1 Rev. is as follows:

OFFICE OF PRICE ADMINISTRATION

LUMBER BRANCH

HARDWOOD SECTION

Form 246:1 Rev.

Form Approved
Budget Bureau No. 08-R551

Report of Sales of Appalachian Hardwood Lumber in Special Items or Special Grades (other than Combination Grades), or Prepared with Special Workings, Treatments or Services.

Company _____
Address _____
Mill location _____

Sales of special stocks of lumber

(As defined in Appendix D to Maximum Price Regulation No. 146).

This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of Appalachian hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment, or service.

Date of Order _____
Origin of Shipment _____
Order No. _____
Destination of shipment _____
Purchaser _____
(Name and address)
F. o. b. Mill Price _____
(Including discounts or commissions, if any)

_____ _____
(Species) (Thickness)

_____ _____
(Widths) (Lengths)

_____
(Designation of grade, item, working, treatment or service)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1-15, 1941 _____

_____

Most comparable standard grade or item to which differential is applied _____

_____

Complete description of special grade, item, working, treatment, or service (including a statement whether the lumber is rough or machined and is air-dried, kiln dried, or green) _____

_____

_____

Detailed explanation of how maximum price was computed or built up _____

_____

_____ _____
(Name) (Office or title)

(c) *Additions, adjustments and restrictions.* The additions, adjustments and restrictions provided in paragraphs (d), (e), (f), (g), (h), (i), (j) and (k) of § 1382.11 (Appendix A) shall apply to the prices established in this Appendix D.

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

This amendment shall become effective July 23, 1943.

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11542; Filed, July 17, 1943; 12:02 p. m.]

PART 1389—APPAREL

[Rev. MPR 287,[1] Amdt. 1]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS', CHILDREN'S AND TODDLERS' OUTERWEAR GARMENTS

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

Section 22 (a) is amended to read as follows:

(a) *Maximum Price Regulations 287 and 153, as amended.* This regulation shall be considered as an amendment to Maximum Price Regulation 287 and Maximum Price Regulation 153, as amended, for all purposes, except that it shall be known as Revised Maximum Price Regulation 287.

Manufacturers may at their option deliver garments on or before July 20, 1943 at prices established under Rule 3 or Rule 12 of Maximum Price Regulation 287.

This amendment shall be effective as of June 29, 1943.

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11543; Filed, July 17, 1943; 12:03 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-5, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION, DESIGNATED COUNTIES IN OHIO

A statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation No. 3-5 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Restaurant Maximum Price Regulation No. 3-5 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *No ceiling price to be higher than the highest price in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period, except that, if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the aforesaid seven-day base period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 9 (b) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

Example 1. If you figured an "in line" price for a week day at $1.25, and your highest price in the week day dinner class is $1.00, your ceiling price for the new dinner is $1.00.

Example 2. If during the seven-day period your highest price for soup was 15 cents, you may not offer any soup at a price higher than 15 cents.

Example 3. If during the seven-day period your highest price for a week day dinner was $1.25, in general that is the highest price you may charge for any week day dinner. If, however, you served a chicken dinner at $1.50 on any week day within 30 days prior to April 4, 1943, then you may continue to serve the same chicken at $1.50 even though that is a higher price than any price charged for the same class dinner during the seven day period. But you may not add a new meal not served during the 30 day period, at a price in excess of $1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

2. Section 17 is amended to read as follows:

SEC. 17. *Provision for amendments and adjustments* — (a) *Amendments.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

(b) *Adjustments.* The Office of Price Administration may adjust the maximum prices for any eating or drinking establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

---

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

[1] 8 F.R. 9122.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your Office of Price Administration District Office an application in duplicate. The application should contain the following information:

(1) Your name and address.

(2) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, etc.; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period, (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Administrator or by any District Director who has been authorized to do so by order of the Regional Administrator.

This amendment shall become effective July 1, 1943.

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

Issued this 1st day of July 1943.

BIRKETT L. WILLIAMS,
Regional Administrator,
Region III.

[F. R. Doc. 43-11546; Filed, July 17, 1943; 12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Correction to Amdt. 19[1]]

CANNED (IN TIN) WHITE POTATOES

The designation, section 4.3 (j), is corrected to read section 4.3 (l).

[1] 8 F.R. 9016.

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11544; Filed, July 17, 1943; 12:02 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Incl. Amdt. 31]

FOOD RATIONING FOR INSTITUTIONAL USERS

Section 28.8 (e) is amended by Amendment 31, effective July 23, 1943, so that General Ration Order No. 5 shall read as follows:

Why restaurants and other institutional users must be rationed. Food is consumed not only in private homes, but also in other types of eating places, such as restaurants, boarding houses and public and private institutions. For people who do all their eating at home, the ordinary individual rationing controls, through food ration stamps, provide fair and equitable distribution of scarce foods. However, these controls do not cover the problem of the many people who take some or all of their meals in public eating places, or in institutions.

It would not be reasonable to restrict home consumption and, at the same time, to permit restaurant use of food to remain uncontrolled. On the other hand, it is clear that adequate provision must be made for those who are not home consumers. Their needs must be satisfied and, to the extent possible, they should be placed in the same position as those who eat at home.

This was recognized when the sugar rationing program was started. Restaurants, boarding houses and other eating establishments were registered as "institutional users", and a method was provided for giving them "allotments" of sugar. When coffee rationing began, institutional users were again registered and given allotments of coffee. Under both programs, the aim was to give eating establishments allotments which would put their patrons in much the same position as home consumers. That aim—to give restaurant consumers their fair share of scarce foods, and no more—is common to all food rationing programs.

Need for a general institutional user program. With the launching of a program for rationing processed foods and with the prospective extension of rationing to meat and other foods, it becomes necessary to eliminate the complications which would result from handling eating establishments on a program by program basis. In order to avoid confusion, a general method for getting all rationed foods should be made available to eating establishments.

[1] 8 F.R. 2195.

The purpose of this order is to bring together all rules which institutional users follow in getting supplies of rationed foods—those now being rationed and those to be rationed in the future. At the same time, this order is prepared in the light of the problems and experience of institutional users under earlier food programs. Where experience has shown that earlier programs did not give full recognition to certain differences in their operations and functions, this order recognizes those differences. Where experience has shown that greater flexibility is needed, this order provides it.

The program is timed to begin on the same date as processed foods rationing—and the date coincides with the beginning of sugar and coffee allotment periods. In that way, institutional users simply register under this order—instead of registering under the processed foods order and, at the same time, apply for sugar and coffee allotments. The information they furnish at registration will be used to determine not only their allotments of processed foods, but also of sugar and coffee—and, to the extent possible, of meats and other foods, when they are rationed.

How institutional users are rationed. Food eaten in private homes is rationed by issuing books to the individual members of the household. This method is not, at the present time, readily adaptable to food eaten in public eating places. It would require complicated machinery for the issuance of stamps for meals, or for very small quantities of each rationed food—a stamp good for the two spoonfuls of sugar used at a meal, a stamp for a cup of coffee, a stamp for a helping of canned vegetables. The complexity of these methods and of others which were considered, as well as the burdens which would be involved in administering them, indicated that it would be better, under present conditions, to ration foods for eating establishments on a broader basis—by giving each establishment an allotment of rationed foods, which it can use for serving meals.

The problem then arises as to how the allotment should be figured. The amount of patronage in each restaurant may change greatly over a short period of time. There are many differences among restaurants—some serve large portions, while some serve small ones—some specialize in one food, while some specialize in another. Moreover, the size of the meals eaten by customers varies widely. One customer makes a meal out of a sandwich and a cup of coffee. Another eats five or six courses. To make fair allotments of rationed foods involves the consideration of several items of information. It also involves computations which are time-consuming. However, this cannot be avoided if the public interest is to be protected, and if institutional users are to be treated fairly.

There are, however, two types of institutional users whose problems and operations can be covered very simply and easily. These are small boarding houses, which are called Group I institutional users, and institutions of involuntary confinement (such as jails, prisons, asylums and homes for delinquents), which are called Group II institutional users. Other eating establishments—such as restaurants, cafeterias, hotels, refreshment stands, canteens, charity establishments and the like (called Group III institutional users) have problems which are somewhat more complex. Group III users get their allotments on the basis of more detailed information and computations made by the ration Boards.

The Group I plan for boarding houses and similar establishments. Boarding houses, particularly the small ones, are very much like enlarged family households. They are therefore treated in much the same way as households. They get their supplies of rationed foods by using the ration books of their boarders and of the other people who eat there. They thus operate on what is known as the "pooled book" plan. (There are certain very small users who are not covered by the program at all. Those who serve fewer than seven people a day are not even required to register, since they can be regarded as ordinary households.)

This plan is compulsory for eating places (other than institutions of involuntary confinement, and certain other specified users), where less than fifty (50) people reside and where eighty (80) percent of the food service is to people living on the premises and eating eight (8) or more meals a week there. Any institutional user establishment whatsoever—a large boarding house, a hotel or a restaurant, or even a jail—may adopt this plan if it so desires. But any establishment which operates under this plan cannot acquire rationed foods in any other manner.

The idea behind this plan is that a small boarding house, where almost all the meals are served to regular boarders, does not need and should not get an allotment. It can get rationed foods, just like a family household, through the pooled ration books of its boarders. A person who takes eight or more meals at a place where he lives presumably does not have to use his ration book anywhere else. If he does, he can make appropriate arrangements with the boarding house keeper. The occasional meals served to outside guests should create no hardship. If necessary, the guests can arrange to let the owner get food for them by using their books, just like guests in an ordinary family household.

The pooled book plan may be too burdensome for very large boarding establishments, and impracticable for restaurants without steady customers. For that reason, they are not required to operate under that plan. Yet there are individual cases where such establishments may find it worthwhile to make arrangements with their customers for the use of their ration books to get food for them, and may regard the pooled book plan as less troublesome than applying for allotments. Such places are therefore allowed to operate on the pooled book plan if they wish to do so.

The Group II plan for institutions of involuntary confinement. In the case of institutions of involuntary confinement, the problem of controlling the supply of rationed foods is simplified by the circumstance that they have a relatively stable population, and even more by the fact that they generally operate on a food budget per person. The obvious solution is to give them an allowance per person for each rationed food, which approximates the private consumer's ration. That allowance is the maximum which they can get.

Institutions of this type cannot be compelled to operate on a pooled book basis since many of their inmates will not have or will not be entitled to ration books.

At the time of registration, applicants in this group declare the number of persons served during the month of December 1942. (December 1942 is the base month which generally serves as the standard in institutional user calculations.) The Board multiplies this figure by the allowance per person. It then multiplies the result by two and the figure obtained is the first allotment, for the two month period beginning March 1, 1943. The same allotment is granted for the second period.

The allotments for all periods after the first two will be based on the number of persons served during the two calendar months preceding the date on which applications for new allotments can be made.

Institutions may apply for a supplemental allotment (calculated on a per person basis) under certain circumstances to take care of an increase in the number of persons served.

The Group III plan for restaurants and similar eating places. In solving the allotment problems for the largest class of eating places, the Group III institutional user establishments, it was necessary to work out fair methods for measuring two things—the basis for computing allotments when a rationing program goes into effect, and the changes in allotments that should be made to take care of changes in the volume of business that are bound to arise in the course of the program.

How the allotment basis is fixed. To fix the allotment basis, the month of December 1942 was selected as the standard. This month was chosen because it represents conditions prior to the start of processed foods rationing and of other rationing programs that may follow. The amount of food a restaurant or other eating establishment used in December will show, by and large, the amount of the consumer demand which it normally satisfies. (If an establishment was not operated in December 1942, the order makes provision for using figures for a different month to fix the allotment basis).

While the actual use of a food during December can be taken as a basis for fixing the allotment, it would not be proper to give an allotment equal to the full December use. The average home consumer gets, under rationing, less than his normal supply of a rationed food. Restaurants and restaurant consumers should bear a reduction comparable to that borne by home consumers. To accomplish this, the December use is multiplied by a percentage (called a "factor") that is set by the Office of Price Administration for each rationed food. That percentage corresponds to the reduction that the home consumer bears. However, sugar and coffee were rationed in December and their December use was already curtailed by rationing. Therefore there is, at least for the first period, no reduction for sugar and coffee.

December use is, however, not the only fact which must be taken into account in fixing an allotment basis. Certain restaurants feature, and serve unusually large portions of, a particular food, such as meat. When that food is rationed such restaurants would have an advantage over other restaurants that did not feature it, if the allotments to all restaurants were based only on December use. Under rationing, the amount of rationed food which a restaurant and a restaurant consumer can get should not be increased merely because unusually large portions of that food were served in the past. Rationed foods are too scarce for that.

In order to prevent unfairness, a second test is also applied in fixing the allotment basis. The number of customers served during December is multiplied by an allowance per person for the particular rationed food, which approximates the private consumer's ration. The figure reached this way is compared with the figure reached on the basis of December use. Whichever figure is smaller is taken as the allotment basis. In this way, the basis takes into account the type of operation and the volume of business and, through the "per person" allowance, aims to make certain that no institutional user can get more than a fair share of a scarce food.

The allotment for the first two periods is then fixed at two times this allotment basis—since the allotment is for a two month period, while the basis covers only one month of operation (December 1942).

How increased allotments are given. The second major problem affecting Group III users arises from changes in the volume of their business. Allotments for later periods should, of course, be based on the experience and the need of the applicant and his patrons. There are two customary ways of measuring changes in the volume of business—change in the number of persons served, and change in dollar revenue. Of these, the more important, from the point of view of rationing, is the number of persons served, since that shows how much food is needed. However, that figure—the number of persons served—is not altogether reliable for all purposes. It

may include a larger number of milk-and-pie sales rather than complete meals. Or a restaurant may reduce its prices and serve more people, but if it serves less to each person it would not need more food. In order to check whether an increase in number of persons served really shows an increased service of food, dollar revenue must be examined. A restaurant which reduced both its portions and its prices does not need, and would not get, larger allotments merely because it served more people.

Therefore, in determining allotments for later periods, every applicant in Group III is required to show (1) his revenue for the first two of the three calendar months before the new allotment period, and (2) the number of persons he served during those two months. These figures are compared with his December figures. If they show that the average number of persons he served and his average dollar revenue both increased, as compared with December, his allotment is increased. However, since his dollar revenue is used as a check, for the reasons stated above, only the smaller increase is counted—so that if dollar revenue increased less than persons served, his allotment is increased only in proportion to the growth in his dollar revenue. If, on the other hand, the average number of persons he served shows a decrease, as compared with December, his allotment is decreased proportionately, regardless of his dollar revenue. (This is done so that a restaurant cannot get a larger allotment just by increasing the price of its meals.) In all other cases, the allotment remains the same. For example, if the number of persons served increased, while dollar revenue decreased, the allotment is unchanged—because dollar revenue is used as a check against increases, as explained before.

In the case of establishments that do not charge for meals, no increases in allotments are given. The reason for this is that increases are primarily intended for places which serve the public at large and which meet an increased public need. Generally speaking, the fact that an establishment charges for food is a fair indication that it serves the public at large. There are, of course, certain exceptions, but that is the fairest and simplest general rule. In order to take care of cases of undue hardship, provision is made for adjustments—and establishments of other types that do not charge for food are given an opportunity to petition for an adjustment when a situation which warrants relief exists.

Treatment of individuals who live in Group II and Group III establishments. A person who lives in a hotel and takes his meals there regularly, does not need his war ration books while he is there. Since he gets meals without using his books he does not need them to buy food. The same is true of a person who is confined in an institution where he is fed.

For these reasons, the order provides that a person who lives in a Group II or Group III establishment for seven days or more, and who takes eight or more meals a week there, must turn over his war ration books to the owner of the establishment. The owner must tear out stamps covering the period of his stay, and must send them to the board for cancellation. The owner of the establishment is, of course, not allowed to use the stamps. When a person ends his stay at the establishment, his books must be returned.

The purpose of this rule is to make sure that ration stamps are not used in cases where they are obviously not needed. The rule applies only to cases where a person regularly eats at an institutional user establishment in Group II or III, and also lives there. In cases of that sort, it is reasonable to assume that he does not need the stamps in his books, since he gets food where he lives, without using the books to get it.

If a person lives in a Group I establishment, however, he needs his books to get food because the establishment operates on a pooled-book basis. Therefore, he does not have to give up stamps for cancellation—and he may let the boarding house keeper use his books to get rationed food for service to him.

Adjustments. To take care of special situations which may arise, and of cases of serious hardship, the order contains provisions for granting many types of adjustments. Hospitals may, for example, obtain additional allotments to meet the dietary needs of patients. An institutional user whose operations increase substantially during an allotment period, and whose allotment is not large enough to cover the increase, may get a supplemental allotment. Provision is made for emergency allotments, in cases of public disasters such as fires, floods and similar emergencies, when sufferers must be fed.

The order thus aims to achieve maximum flexibility and to take care, as far as possible, of all cases of legitimate need. However, the need must, of course, be of a type which can properly be recognized in the light of the scarcity of rationed foods and the necessity of fair control over their distribution and use.

§ 1305.202 *Food rationing for institutional users.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942, Directive No. 1 and Supplementary Directives No. 1-E, 1-M, and 1-R of the War Production Board, issued on January 24, April 21, September 12, and November 20, 1942, respectively, Executive Order No. 9280, issued by the President on December 5, 1942, and Food Directive No. 1, issued by the Secretary of Agriculture on January 16, 1943, General Ration Order No. 5 (Food Rationing for Institutional Users), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1305.202, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77 Cong.; E.O. 9125, 7 F.R. 2719, E.O. 9280, 7 F.R. 10179, WPB Dir. 1, Supp. Dir. 1-E, 1-M, and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively, Food Dir. 1, 8 F.R. 827.

GENERAL RATION ORDER NO. 5 [2]—FOOD RATIONING FOR INSTITUTIONAL USERS

ARTICLE I—USERS AND ESTABLISHMENTS COVERED BY ORDER

Sec.
1.1 What is an institutional use?
1.2 What is an institutional user establishment?
1.3 Who is an institutional user?
1.4 Persons who registered farms as institutional users.

ARTICLE II—GROUPS OF INSTITUTIONAL USERS ESTABLISHMENTS

2.1 Institutional user establishments are divided into three groups.
2.2 Group I establishments and users.
2.3 Group II establishments and users.
2.4 Group III establishments and users.
2.5 Institutional users who have establishments in more than one group.

ARTICLE III—REGISTRATION AND OPENING INVENTORY OF INSTITUTIONAL USERS

3.1 Institutional users must register at board.
3.2 Institutional users must report their opening inventory of processed foods.
3.3 Opening inventory of sugar and coffee.
3.4 Late registration.
3.5 Special procedure where board does not have Form R-1307.
3.6 Inventory of foods covered by Ration Order No. 16.
3.7 Correction of registration.
3.8 Opening inventory of frozen fruits and vegetables in containers over ten (10) pounds.

ARTICLE IV—GROUP I INSTITUTIONAL USERS

4.1 Group I institutional users get rationed foods by using "pooled" war ration books.
4.2 Group I user must account for opening inventory.

ARTICLE V—ALLOTMENTS FOR GROUP II AND III USERS

5.1 Group II and III users are entitled to allotments.
5.2 Allotments are given for two month periods.
5.3 Group II and III users must apply for allotments.
5.4 Future allotments for certain Group II or III institutional users.

ARTICLE VI—COMPUTATION OF ALLOTMENT FOR GROUP II USERS

6.1 Allotment is computed on basis of number of persons served.
6.2 Amount of allotments for each of the first two allotment periods.
6.3 Amount of subsequent allotments.

ARTICLE VII—COMPUTATION OF ALLOTMENT FOR GROUP III USERS

7.1 Group III users have a "base" for each rationed food.
7.2 The allotment for each of the first two periods is twice the base.
7.3 Computation of allotments for subsequent periods for institutional users who charge for food services.
7.4 Computation of allotments for subsequent periods for institutional users who do not charge for food services.
7.5 Change of registration to include certain military and naval personnel.
7.6 Change of registration to include frozen fruits and vegetables in containers over ten (10) pounds.

[2] Words which are specially defined in this order are shown in quotation marks the first time they appear. All definitions are given in § 22.1 of the order.

ARTICLE VIII—INSTITUTIONAL USERS WHO DID NOT OPERATE DURING ALL OR PART OF DECEMBER 1942

Sec.
8.1 Institutional users who operated during only part of December 1942.
8.2 Institutional user who did not operate in December 1942.

ARTICLE IX—ISSUANCE OF CERTIFICATE

9.1 Institutional users may get certificates for their allotments.
9.2 No certificate may be issued to an institutional user who has excess inventory.
9.3 Certificate may be issued in certain cases to institutional users who have unbalanced stocks.
9.4 Emergency certificates for foods covered by Ration Order No. 16.

ARTICLE X—SEASONAL USERS

10.1 Group II and III seasonal users.
10.2 Seasonal liquidation of inventory.
10.3 A Group I seasonal user may obtain a certificate in certain cases.

ARTICLE XI—SUPPLEMENTAL ALLOTMENTS

11.1 Group II and III users may get supplemental allotments if operations increase.
11.2 Supplemental allotment for Group II users.
11.3 Supplemental allotment in first two periods for Group III user.
11.4 Supplemental allotment for subsequent periods, for Group III user.
11.5 Applicant accounts for supplemental allotment when applying for subsequent allotment.
11.6 Supplemental allotments for hospitals.

ARTICLE XII—EMERGENCY ALLOTMENTS AND ADJUSTMENTS

12.1 Emergency allotments may be obtained to meet public emergencies.
12.2 Petitions for adjustment or for other relief.

ARTICLE XIII—NEW INSTITUTIONAL ESTABLISHMENTS

13.1 New Group I establishments.
13.2 New Group II establishments which are registering separately.
13.3 New Group III establishments which are registering separately.
13.4 Combined registration of new Group II and III establishments.
13.5 Where new establishments are registered.

ARTICLE XIV—APPEALS

14.1 Appeals.

ARTICLE XV—ACQUISITION AND USE OF RATIONED FOODS

15.1 Acquisition of rationed foods.
15.2 Use of rationed food.
15.3 Restrictions on use of rationed foods and certificates.
15.4 Institutional users may transfer rationed foods in certain cases.
15.5 Deductions.

ARTICLE XVI—RATION BANK ACCOUNTS

16.1 What a ration bank account is.
16.2 Who may open accounts.
16.3 Use of ration bank accounts.

ARTICLE XVII—PERSONS LIVING IN INSTITUTIONAL USER ESTABLISHMENT

17.1 A person who lives in Group II or III institutional user establishment must give up his war ration books.

ARTICLE XVIII—REPORTS AND RECORDS

Sec.
18.1 In general.
18.2 Records required.
18.3 Disclosure of information.

ARTICLE XIX—PROHIBITIONS

19.1 Prohibitions.

ARTICLE XX—ENFORCEMENT

20.1 Suspension orders.

ARTICLE XXI—TO WHOM THIS ORDER DOES NOT APPLY

21.1 To whom this order does not apply.

ARTICLE XXII—DEFINITIONS

22.1 Definitions.

ARTICLE XXIII—POST EXCHANGES AND SHIP SERVICE DEPARTMENTS ASHORE

23.1 How post exchanges and ship service departments ashore obtain rationed foods for institutional use.

ARTICLE XXIV—CERTAIN GOVERNMENT AGENCIES OBTAIN ALLOTMENTS FROM WASHINGTON OFFICE

24.1 Certain Government agencies obtain allotments from Washington office.

ARTICLE XXV—OBTAINING RATIONED FOODS FOR SERVICE TO CERTAIN MILITARY AND NAVAL PERSONNEL

25.1 Obtaining rationed foods for service to military or naval personnel pursuant to written contract.
25.2 How organized messes obtain rationed foods.

ARTICLE XXVI—ALLOTMENT FOR CERTAIN EMPLOYERS

26.1 Allotments for certain employers.

ARTICLE XXVII—SPECIAL ALLOTMENTS

27.1 Certain group III users may get special allotments of processed foods.
27.2 Certain group III users may get special allotments of meat and fats.

ARTICLE XXVIII—HOME PROCESSING BY INSTITUTIONAL USERS

28.1 Explanation of terms "home processed foods" and "kitchen."
28.2 Group I institutional users use and transfer home processed foods in accordance with Ration Order 13.
28.3 Group II and III institutional users must report amount of home processed foods they produce and are charged with excess inventory.
28.4 A Group II or III institutional user may transfer home processed foods he produces.
28.5 Institutional users producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods.
28.6 A Group I institutional user obtains sugar for producing home processed foods in accordance with sugar regulations.
28.7 A Group II or III institutional user may obtain a sugar allotment for producing home processed foods from fresh fruits.
28.8 Special provisions for processed foods produced by government agency in commercial-scale processing facilities.

ARTICLE XXIX—SALE OR TRANSFER OF INSTITUTIONAL USER ESTABLISHMENTS

Sec.
29.1 Sale or transfer of a Group I establishment.
29.2 Sale or transfer of other institutional user establishments.
29.3 Transfers of chain establishments.
29.4 Where and how the transferee registers the establishments acquired by him.
29.5 Computation of subsequent and supplemental allotments.
29.6 Some transferred establishments will be new institutional user establishments.

ARTICLE XXX—CLOSING OF INSTITUTIONAL USER ESTABLISHMENTS

30.1 What an institutional user who closes his Group I establishment must do.
30.2 What a person who closes his Group II or III establishment must do.
30.3 Closing of chain establishments.

Article I—Users and Establishments Covered by Order

SECTION 1.1 *What is an institutional use?* (a) Any use by a "person" of a "rationed food" in the preparation of food which he serves to consumers, or in the service of food to consumers, is an "institutional use." However, such use of rationed food in a household or farm is not an institutional use unless an average of seven or more people a day are served there, not counting those who maintain the household or farm, the members of their family, and their employees and servants.

[Paragraph (a) as amended by Amendment 23, 8 F.R. 7105, effective 5-31-43]

(b) Any use of a rationed food for producing an article which is not a rationed food and which is not to be served by the person who uses it, is an industrial and not an institutional use. (For example, if processed foods and sugar are used at a bakery to bake pies which it sells to consumers, such use is an industrial use since the bakery does not "serve" the pies. If at the same place, pie is served to consumers who eat there, the use of rationed foods to make such pie is an institutional use.)

(c) On and after May 1, 1943 any use of a rationed food for experimental, educational, testing or demonstration purposes is an industrial and not an institutional use.

[Paragraph (c) added by Amendment 18, 8 F.R. 6455, effective 4-30-43]

SEC. 1.2 *What is an institutional user establishment?* (a) Any place where there is an institutional use of rationed foods is an "institutional user establishment."

(b) If the person who prepares the food does not serve it at a fixed location, the term "institutional user establishment" refers to his institutional use of food, and not to the place at which he happens to be serving it at any given time. (For example, a caterer, or a person who prepares food and serves it from a mobile canteen or from a railroad dining car may have no fixed location

at which he serves the food. In that case, this operation is regarded as his institutional user establishment.)

(c) If a person prepares food at one place and serves it at another fixed place, any rationed food used in its preparation is considered used in the establishment where he serves it.

(d) If a person prepares food at a place where no food is served, and then serves that food somewhere else, the place where it is prepared is not an institutional user establishment. (For example, if a person prepares food at a central kitchen where no food is served, and then sends it to his restaurant for service there, the kitchen is not an institutional user establishment, but the restaurant is.)

(e) The same place may be both an industrial user establishment and an institutional user establishment. (For example, if a bakery uses sugar to bake pies which it does not serve to consumers, and also to bake pies which are served to consumers who eat there, the bakery is both an industrial user establishment and an institutional user establishment.)

SEC. 1.3 *Who is an institutional user?* (a) Any person who makes an institutional use of a rationed food is called an "institutional user."

SEC. 1.4 *Persons who registered farms as institutional users.* (a) A person who is not an institutional user with respect to his establishment under section 1.2 (a) as amended, but who registered as such (for example, because he fed his farm employees in a bunkhouse rather than in his household) may not apply for or obtain allotments for that establishment on or after June 15, 1943. His registration of the establishment shall be cancelled at the end of the second allotment period, and he shall then be deemed to be closing that "establishment", for the purposes of this order.

[Sec. 1.4 added by Amendment 23, 8 F.R. 7105, effective 5-31-43]

Article II—Groups of Institutional User Establishments

SEC. 2.1 *Institutional user establishments are divided into three groups.* (a) Institutional user establishments are divided into three groups:

(1) A "pooled book" group, called Group I;

(2) An "involuntary confinement" group, called Group II;

(3) A "general" group, called Group III.

(b) Establishments in Group I do not receive allotments of rationed foods, but may obtain those foods for preparation and service through the use of the "war ration books" of the persons eating there. Establishments in the other groups are given allotments of rationed foods.

SEC. 2.2 *Group I establishments and users.* (a) An institutional user establishment is in Group I if:

(1) Food is served in that establishment to persons who live there or who live in premises maintained by the institutional user in connection with it; and

(2) Fewer than fifty (50) persons, on the average, lived in the establishment (or in the premises maintained in connection with it), during December 1942; and

(3) Eighty percent (80%) or more of the food services in the establishment during December 1942, were to persons who lived there (or in the premises maintained in connection with it) for seven consecutive days or more and who had eight or more meals a week there. In making the above determinations, members of the family, employees and servants must be included.

(b) Institutions of involuntary confinement (such as prisons, insane asylums and homes for delinquents) and also lake steamers, fishing vessels, tugs, barges, and other ships, are not in Group I even if they meet the above tests.

(c) If an institutional user establishment was not in operation during December 1942, its figures during its last full calendar month of operation after January 1, 1942, are used for determining whether it is a Group I establishment. Its figures for that month are to be treated, for this purpose, just as if they were for December 1942.

(d) An institutional user may, if he desires, register and operate any of his institutional user establishments as a Group I establishment. (However, if he does so, he must operate it on a "pooled book" basis and he cannot get an allotment for that establishment.)

(e) Any institutional user who has an establishment in Group I is called a Group I institutional user with respect to that establishment.

SEC. 2.3 *Group II establishments and users.* (a) An institutional user establishment is in Group II if it is operated as a prison, jail, insane asylum, home for delinquents or other institution of involuntary confinement.

(b) Any institutional user who has an establishment in Group II is called a Group II institutional user with respect to that establishment.

SEC. 2.4 *Group III establishments and users.* (a) All institutional user establishments not covered by sections 2.2 or 2.3 are in Group III. In addition, any lake steamer, fishing vessel, tug, barge, or other ship, is in Group III.

(b) Any institutional user who has an establishment in Group III is called a Group III institutional user with respect to that establishment.

SEC. 2.5 *Institutional users who have establishments in more than one group.* (a) An institutional user who has establishments in more than one group is treated separately for each group. For the purposes of this order, he is treated as a separate person for each group (except for certain purposes in connection with registration and application for allotments).

Article III—Registration and Opening Inventory of Institutional Users

SEC. 3.1 *Institutional users must register at board.* (a) Every institutional user must register with the Office of Price Administration, on OPA Form R-1307, at any time from March 1 to March 10, 1943, inclusive, or at such other time or times as may be designated by the Deputy Administrator in Charge of Rationing. (Seasonal users see section 10.1.)

(b) Two copies of the registration form must be completed and signed by the institutional user or his authorized agent, and must be filed with the board for the place where his principal business office is located. He must give all information called for by the form. He must retain a third copy at all times at his principal business office.

(c) If an institutional user has establishments in more than one group, he must give the information called for by the form separately for each group.

(d) An institutional user who has more than one institutional user establishment must either combine all his establishments in a single registration, or must file a separate registration form for each of them. He may not combine some and register others separately. If he registers his establishments separately, the registration form for each establishment must be filed with the board for the place where that establishment is located, and the third copy must be retained at all times at that establishment. If he combines all his establishments in a single registration, he must attach to the form a list of his establishments, showing the name and address of each and the group to which it belongs. However, if he operates mobile conveyances (such as ships, airplanes, dining cars or mobile canteens), he need not list them but he must describe on the form the types he operates.

(e) If an institutional user who has more than one institutional user establishment registers them separately, each establishment is to be treated separately, for all the purposes of this and any other food ration order, just as if it were operated by a different person. This rule applies to all operations under this order, except where specific provision to the contrary is made for establishments which are separately registered.

SEC. 3.2 *Institutional users must report their opening inventory of processed foods.* (a) As part of his registration on OPA Form R-1307, every institutional user must report the point value of his inventory of "processed foods" at the close of business on February 28, 1943. (This inventory is called his "opening inventory" of processed foods.) If he files a combined registration for institutional user establishments in more than one group, he must report separately the total inventory of his establishments in each group.

(b) An institutional user's opening inventory of processed foods consists of all processed foods in the inventory of

his institutional user establishment. The inventory of an establishment includes all processed foods physically located at or in transit to it, except:

(1) Processed foods stored there for another person, or held there as security for a loan or similar transaction, or in transit to it for either of those purposes; and

(2) Processed foods included in the inventory of any other establishment under Ration Order No. 13 (processed foods ration order).

(c) An institutional user's opening inventory of processed foods also includes all processed foods which he holds at or which are in transit to any place other than his institutional user establishment, for his institutional use. However, processed foods included in the inventory of any other establishment, under Ration Order No. 13, must not be reported as part of his opening inventory.

(d) If an institutional user has more than one establishment, or if he has establishments in more than one group, processed foods which are physically located at or in transit to an establishment must be included in the inventory of that establishment or, if he has registered his establishments together, of the group to which it belongs. However, any other processed foods in his inventory may be divided among his establishments as he chooses.

(e) An institutional user's opening inventory of processed foods does not include any held for personal or family use. (These must, however, be declared, to the extent required, in an application for War Ration Book Two.)

(f) The point value of an institutional user's inventory of processed foods at the close of business on February 28, 1943, is to be computed in the following way:

(1) The amount in pounds in each of the following classes is determined:

(i) Canned and bottled; dry peas, beans and lentils;

(ii) Frozen;

(iii) Dried and dehydrated fruits, soups and soup mixtures.

[Paragraph (1) as amended by Amendment 2, 8 F.R. 2598, effective 3-1-43]

(2) The amount in each class is multiplied by a factor fixed by the Office of Price Administration (in a supplement to this order) to represent the average point value of processed foods in that class.

(3) The resulting figures are added, and the total is the point value of his processed foods inventory.

SEC. 3.3 *Opening inventory of sugar and coffee.* (a) At the time of an institutional user's registration, the amounts of sugar and coffee, as of February 28, 1943, which the board or boards with which he has registered for sugar and coffee would have been required to deduct from certificates issued for his future institutional user allotments or allowances under Ration Orders No. 3 and 12 (sugar and coffee rationing regulations) shall be his "opening inventory" of sugar and coffee. If the institutional user was registered at a board or boards other than the one with which he is now registering, he shall notify the latter board of the address of the board or boards with which he was registered and of his opening inventories of sugar and coffee at each of those boards.

(b) If an institutional user has establishments in more than one group, his opening inventory of sugar and coffee may be divided between the groups as he chooses. If he has more than one establishment in a group, and registers them separately, his opening inventory of sugar and coffee may be divided among them, as he chooses.

(c) An institutional user who registered on OPA Form R-310, as both an industrial and an institutional user of sugar, may divide his opening inventory of sugar between these uses in proportion to his use of sugar in each.

SEC. 3.4 *Late registration.* The board may, in its discretion, permit an institutional user to register after March 10, 1943. In such case, except for good cause shown, the allotment shall be reduced by an amount corresponding to the part of the period which has elapsed at the time of registration and no allotment shall be granted for any allotment periods which have expired prior to registration.

SEC. 3.5 *Special procedure where board does not have Form R-1307.* (a) If a board does not have a sufficient quantity of OPA Forms R-1307, the Regional Administrator may authorize it to grant allotments of rationed foods to Group II or III institutional users who have been unable to register under this order because of the lack of such forms.

(b) Application must be made to the board on OPA Form R-315. The applicant must state:

(1) The number of persons he served during December 1942 (computed in the way provided in Secs. 6.1 (a) and 7.1 (b) and (c)).

(2) His inventory (in pounds) of processed foods at the close of business on February 28, 1943, stated separately for each of the classes described in Sec. 3.2 (f) (1), as amended.

(3) In the case of a Group III user, the amount in pounds, of sugar and coffee used by him during December, 1942, and the amount, in pounds, of processed foods used by him in December, 1942, stated separately for each of the classes described in Sec. 3.2 (f) (1), as amended. (Each shall be computed in accordance with Sec. 7.1 (c)).

(c) Upon the filing of such application, the Board shall grant to the applicant allotments of rationed foods for the first allotment period, computed in the way provided in Articles VI and VII, and shall issue certificates therefor subject to the provisions of Article IX.

(d) Any institutional user who receives an allotment pursuant to this section must nevertheless register with the board prior to April 15th, 1943, on OPA Form R-1307, and must furnish all of the information required by that form.

[Sec. 3.5 added by Amendment 7, 8 F.R. 3255, effective 3-15-43]

SEC. 3.6 *Inventory of foods covered by Ration Order No. 16.* (a) As part of his application for his first allotment of "foods covered by Ration Order No. 16", an institutional user must report in pounds his inventory of each class of those foods at the close of business on March 28, 1943 in accordance with the rules stated in paragraphs (a) to (e) of section 3.2 with respect to processed foods. However, for the purpose of this section, all references to Ration Order No. 13 shall be read as Ration Order No. 16.

[Section heading as amended by Amendment 25, 8 F.R. 7453, effective 6-2-43]

(b) The point value of an institutional user's inventory of food covered by Ration Order No. 16 at the close of business on March 28, 1943 is to be computed in the following way:

(1) The amount in pounds in each of the following classes is determined:

(i) Meat (except poultry but including canned fish)

(ii) Rationed cheeses

(iii) Butter (as defined in Ration Order No. 16)

(iv) Margarine (as defined in Ration Order No. 16)

(v) Shortening (as defined in Ration Order No. 16)

(vi) Cooking or salad oils (as defined in Ration Order 16)

(2) The amount in pounds in each of the above classes are added together;

(3) The resulting sum is multiplied by a factor fixed for that purpose by the Office of Price Administration (in a supplement to this order). The result is treated as the point value of his inventory.

[Sec. 3.6 added by Amendment 8, 8 F.R. 3351, effective 3-23-43]

(c) As part of his application for his allotment of foods covered by Ration Order No. 16 for the third allotment period, an institutional user must report in pounds his inventory of "canned milk" at the close of business on June 1, 1943 in accordance with the rules stated in paragraphs (a) to (e) of section 3.2 with respect to processed foods. However, for the purpose of this paragraph, all references to Ration Order No. 13 shall be read as Ration Order No. 16. Such inventory shall be treated as excess inventory.

(d) The point value of an institutional user's inventory of canned milk at the close of business on June 1, 1943 is computed by multiplying the total weight in pounds by one (1) point per pound.

[Paragraphs (c) and (d) added by Amendment 25, 8 F.R. 7453, effective 6-2-43]

SEC. 3.7 *Correction of registration.* (a) A person who uses rationed food for experimental, educational, testing or demonstration purposes and who has included such use in his registration as an institutional user shall correct his registration to exclude such use.

[Sec. 3.7 added by Amendment 18, 8 F.R. 5485, effective 4-30-43]

SEC. 3.8 *Opening inventory of frozen fruits and vegetables in containers over ten (10) pounds.* (a) As part of his application for an allotment of processed foods for the third allotment period or when he applies for an allotment pursuant to section 7.6 (b), whichever is earlier, an institutional user must report in pounds his inventory of frozen fruits and vegetables in containers over ten (10) pounds at the close of business on June 5, 1943 in accordance with the rules stated in paragraphs (a) to (e) of section 3.2. Such inventory shall be treated as excess inventory.

(b) The point value of an institutional user's inventory of frozen fruits and vegetables in containers over ten (10) pounds at the close of business on June 5, 1943 is to be computed by multiplying the total weight in pounds by a factor fixed for that purpose by the Office of Price Administration (in a supplement to this order).

[Sec. 3.8 added by Amendment 26, 8 F.R. 7600, effective 6-5-43]

Article IV—Group I Institutional Users

SEC. 4.1 *Group I institutional users get rationed foods by using "pooled" war ration books.* (a) Institutional users are not entitled to allotments of rationed foods for establishments in Group I. They may, however, get rationed foods for the preparation or services of food in Group I establishments through the use of the war ration books of the individuals eating there. The books of these individuals may be "pooled" with the institutional user, who may act as their agent in acquiring rationed foods for service to them. Individuals eating in a Group I establishment may make such arrangement for the use of their war ration books by the person operating the establishment as may be mutually satisfactory. (However, they are not required to give up their books to him.)

SEC. 4.2 *Group I user must account for opening inventory.* (a) An institutional user who had an opening inventory of a rationed food for his Group I establishment must not buy or acquire any more of that rationed food until he gives up to the board currently valid stamps or certificates received by him, equal to that opening inventory. Only stamps taken from the war ration books of individuals eating in his establishment and only certificates received from those individuals may be given up by him.

(b) However, upon application on OPA Form R-315, showing that the applicant's opening inventory of processed foods and the stamps and certificates which he would have after giving up stamps or certificates equal to his opening inventory will not provide him with a reasonable quantity of particular types of processed foods needed in the operation of his establishment, the board may authorize him to retain stamps or certificates to enable him to acquire a reasonable quantity of those types of processed foods, and to surrender stamps or certificates of an equal point value at such future dates as may be fixed by the board. (For example: An applicant may have an opening inventory of 1,000 points consisting entirely of canned soups. The total point value of currently valid stamps and certificates of individuals eating in his establishment, which he can surrender to the board, may be 1,000 points. If he surrendered those certificates and stamps he would be unable to acquire canned vegetables. In such case the board may permit him to retain 200 points for the purchase of canned vegetables, if he needs them in the operation of his establishment. The board can require the surrender of those 200 points at the beginning of subsequent periods of validity of stamps.)

[Paragraph (b) as amended by Amendment 25, 8 F.R. 7453, effective 6-2-43]

Article V—Allotments for Group II and III Users

SEC. 5.1 *Group II and III users are entitled to allotments.* (a) Institutional users are entitled to allotments of rationed foods for establishments in Group II and III. (An institutional user who is a roaster of green coffee under Ration Order No. 12 may be entitled not only to an allotment under this order but also to an allowable inventory as a roaster under Ration Order No. 12. As a roaster, he is also required to comply with the provisions of Ration Order No. 12 applicable to roasters.)

SEC. 5.2 *Allotments are given for two month periods.* (a) Allotments for Group II and III institutional users are given for two month periods. The first allotment period is from March 1, 1943 to April 30, 1943, inclusive. However, in the case of foods covered by Ration Order No. 16, the first allotment period is from March 29, 1943 to April 30, 1943. Each consecutive two month period which follows is an allotment period.

[Sec. 5.2 as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

SEC. 5.3 *Group II and III users must apply for allotments.* (a) An institutional user in Group II or III must apply for an allotment for each period for which he needs one. (An institutional user in these groups may use rationed foods only up to the amounts of the allotments he gets. His allotment establishes his right to use rationed foods—it is not just a method by which he gets those foods. Therefore, he may need an allotment even if his stocks on hand are adequate.)

(b) An institutional user's registration on OPA Form R-1307 is treated as an application for allotments for the first allotment period. (However, an institutional user who has registered under this order may apply for an allotment of foods covered by Ration Order No. 16 for the first allotment period by making a written request therefor to the board at any time between March 29, 1943 and April 7, 1943.) Application for allotments for the second allotment period shall be made to the board in writing, but need not be made on any particular form. All applications for subsequent allotment periods must be made to the board on OPA Form R-1309. Application for the second and subsequent allotment periods may be made in person or by mail and must be filed not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period.

[Paragraph (b) as amended by Amendment 11, 8 F.R. 4784, effective 4-16-43]

(c) The board may, in its discretion, permit an application for an allotment to be made later than the time fixed in the last paragraph. In such case, it shall reduce the allotment by an amount corresponding to the part of the allotment period which has elapsed at the time of application.

SEC. 5.4 *Future allotments for certain Group II or III institutional users.* (a) Because of transportation difficulties or unusually long distances from markets, some Group II or III institutional users must obtain rationed foods to last for more than one allotment period. When such institutional users apply for allotments pursuant to section 5.3 (b), they may also apply in writing, for allotments to be used in later allotment periods. (An allotment to be used in a later allotment period is called a future allotment.) The board may, for good cause, permit an application for a future allotment to be made at any other time.

(b) If the board finds that the applicant meets the tests set out in paragraph (a), it may grant the future allotments required by him.

(c) Each future allotment of a rationed food shall be equal in amount to the last allotment granted on application made pursuant to section 5.3(b). (For example on May 1, 1943, an applicant applies pursuant to section 5.3(b) for an allotment of sugar for May and June, and a future allotment for July and August. If his allotment for May and June is 500 pounds, the board may grant an allotment of an additional 500 pounds for July and August.)

(d) When an applicant who has received a future allotment next applies for allotments pursuant to section 5.3(b), the board shall compute the allotment which he would have received pursuant to that section for the allotment period covered by the future allotment. If the amount of a future allotment exceeds the amount of the allotment he would have been entitled to receive for that period pursuant to section 5.3(b), the difference shall be deducted from the allotment for which he is applying. If the amount of the future allotment is less than the amount which he would have been entitled to receive, the difference shall be added to the allotment for which he is applying.

[Sec. 5.4 added by Amendment 16, 8 F.R. 5476, effective 4-29-43.]

Article VI—Computation of Allotment for Group II Users

SEC. 6.1 *Allotment is computed on basis of number of persons served.* (a) An institutional user's allotment for establishments in Group II is based on the number of persons to whom he served food there. In counting the number of

persons served, anyone who was served more than once is to be counted separately for each occasion he was served. (For example, a person who was served on 30 separate occasions is to be counted as if he were 30 persons.)

SEC. 6.2 *Amount of allotments for each of the first two allotment periods.* (a) The allotment of sugar, coffee and processed foods for each of the first two allotment periods and of foods covered by Ration Order No. 16 for the second allotment period is computed in the following way:

(1) The number of persons served during December 1942 is multiplied by the "allowance per person" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order;

(2) The result is multiplied by two (since the allotment is for two months);

(3) The figure obtained is the allotment.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

(b) The allotment of foods covered by Ration Order No. 16 for the first allotment period is computed in the following way:

(1) The number of persons served during December 1942 is multiplied by the "allowance per person" fixed for those foods by the Office of Price Administration as set forth in a supplement to this Order.

(2) The result is multiplied by one and one-tenth (1.1) (since the allotment is for one and one-tenth months);

(3) The figure obtained is the allotment.

[Paragraph (b) added by Amendment 8, 8 F.R. 3851, effective 3-29-43]

SEC. 6.3 *Amount of subsequent allotments.* (a) The allotment of each rationed food for each subsequent allotment period (after the second period) is computed in the following way:

(1) The number of persons served during the first two of the three calendar months preceding the allotment period is determined;

(2) That number is multiplied by the allowance per person fixed for that food;

(3) The figure obtained is the allotment.

Article VII—Computation of Allotment for Group III Users

SEC. 7.1 *Group III users have a "base" for each rationed food.* (a) An institutional user has a "base" for each rationed food, for his establishments in Group III. That "base" is determined in the following way:

(1) The amount of rationed food he used there during December 1942 is multiplied by the "December use factor" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order (for the purpose of determining the base, canned milk shall be excluded from and all cheeses except cottage, pot and bakers', shall be included in foods covered by Ration Order No. 16);

[Paragraph (1) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43 and Amendment 25, 8 F.R. 7463, effective 6-2-43]

(2) The total number of persons he served there during December 1942, is multiplied by the "allowance per person" fixed for that food by the Office of Price Administration, as set forth in the supplement to this order;

(3) The smaller of the two figures obtained under (1) and (2) above is his "base" for that rationed food.

(b) In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served. (For example, a person who was served on 30 separate occasions is to be counted as if he were 30 persons.)

(c) In counting the number of persons served and in determining the amount of rationed food used during December 1942, food service to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer, pursuant to written contract with an agency of the United States, is not to be included.

[Paragraph (c) as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

(d) The amount of sugar and coffee used is figured in pounds. The amount of processed foods and foods covered by Ration Order No. 16 used is figured in points and their point value is to be computed in the same way as the point value of the opening inventory of processed foods and foods covered by Ration Order No. 16. (This computation is covered by sections 3.2 (f) and 3.6 (b)). In determining December use of coffee, the weight of any substances or substitutes, such as, but not limited to, chicory, cereal, peas, or beans, which the institutional user mixed, blended or compounded with the coffee used by him, is not to be included.

[Paragraph (d) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

(e) Whenever the "December use factor" or the "allowance per person" for a rationed food is changed, the base for that food of any institutional user affected by the change shall be recomputed when he applies for his allotment. The recomputed base shall be treated as his base for all purposes.

[Paragraph (e) added by Amendment 13, 8 F.R. 4839, effective 4-12-43]

SEC. 7.2 *The allotment for each of the first two periods is twice the base.* (a) An institutional user's allotment of each rationed food for each of the first two allotment periods, for his establishments in Group III, is twice his base for that food. (It is twice the base because the allotment period is two months, while the base was determined by his figures for only one month of operation. However, his allotment of foods covered by Ration Order No. 16 for the first allotment period, for his establishments in Group III is one and one-tenth (1.1) times his base for those foods.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

SEC. 7.3 *Computation of allotments for subsequent periods for institutional users who charge for food services.* (a) If an institutional user charges for food service, and did charge during the month used in determining his base, his allotment of each rationed food for any subsequent allotment period (after the second period) for his establishments in Group III, is determined by comparing his volume of business during December 1942 with his volume during the first two of the three calendar months preceding the allotment period.

(b) If the number of persons he served during the first two of the three calendar months preceding the allotment period is less than two times the number he served in December 1942, his allotment of a rationed food is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served during December 1942;

(2) The figure so obtained is multiplied by his base for that food;

(3) The result is his allotment.

(c) If the number of persons he served and his dollar revenue during the first two of the three calendar months preceding the allotment period are both more than two times his corresponding figures for December 1942, his allotment of a rationed food is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served in December 1942;

(2) His dollar revenue for those first two months is divided by his dollar revenue for December 1942;

(3) The smaller of the two figures obtained under (1) and (2) above is multiplied by his base for that food;

(4) The result is his allotment.

(d) In all other cases, his allotment of a rationed food is two times his base for that food.

(e) In counting the number of persons served and in determining his dollar revenue, food service to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States is not to be included.

[Paragraph (e) as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

(f) Where an institutional user makes a combined charge for food and lodging or for food and other services, his dollar revenue is computed by determining how much of the total charge reasonably covers the service of food and non-alcoholic beverages. (However, if the combined charge covers entertainment, that

part of the charge is included in dollar revenue.) If a determination has been made under any maximum rent regulations of the Office of Price Administration, of the part of the total charge which is for rent, that determination shall be used for the purposes of this paragraph.

SEC. 7.4 *Computation of allotments for subsequent periods for institutional users who do not charge for food services.* (a) If a Group III institutional user does not charge for food service, or did not charge during the month used in determining his base, his allotment of each rationed food for any subsequent allotment period (after the second period), for his establishments in Group III, is twice his base for that food. However, if the number of persons he served during the first two of the three calendar months preceding the allotment period is less than twice the number he served in December 1942, the allotment is computed in the following way:

(1) The number of persons he served during those first two months is divided by the number he served in December 1942.

(2) The figure so obtained is multiplied by his base for that food;

(3) The result is his allotment.

NOTE: A Group III institutional user may not, under this section, obtain an increased allotment for a Group III establishment which made no charge for food services.

SEC. 7.5 *Change of registration to include certain military and naval personnel.* (a) An institutional user who, when he registered under this order, excluded from his report of dollar revenue, December use, or number of persons served, food service to Army, Navy, Marine Corps, or Coast Guard personnel or selectees, for which government meal tickets were received, shall change his registration to include such service. His base for each rationed food shall be recomputed on the basis of the changed registration and his allotments for the second and subsequent allotment periods shall be calculated on the recomputed base.

(b) The board shall add to his allotments for the second allotment period, the difference between the allotments he would have received for the first period if the recomputed base had been used and the allotments he actually received for that period. However, from this sum there shall be deducted the amount of any ration checks or certificates received by him for food served to military or naval personnel from March 1, 1943 to April 30, 1943, inclusive, other than those received for service to military or naval personnel during that period pursuant to a written contract with a government agency, where government meal tickets were not used.

(c) Ration checks or emergency acknowledgments may not be issued by the Army, Navy, Marine Corps, or Coast Guard or accepted by an institutional user, for service on government meal tickets.

[Sec. 7.5 added by Amendment 15, 8 F.R. 5265, effective 4-19-43]

SEC. 7.6 *Change of registration to include frozen fruits and vegetables in containers over ten (10) pounds.* (a) An institutional user shall change his registration to include in his December 1942 use of processed foods the amount of frozen fruits and vegetables in containers over ten (10) pounds he used in that month. His base for processed foods shall be recomputed on the basis of the changed registration and his allotments of processed foods for the third and subsequent allotment periods shall be calculated on the recomputed base.

(b) On or after June 6, 1943, the Board shall, upon application, grant to an institutional user whose base for processed foods is increased when frozen fruits and vegetables in containers over ten (10) pounds are included pursuant to paragraph (a), an additional allotment of processed foods for the second allotment period computed as follows:

(1) Subtract the allotments he actually received for the second allotment period from the allotments he would have received for that period if the recomputed base had been used;

(2) Multiply the remainder by .41;

(3) The result is the amount of the additional allotment to be granted to the institutional user.

[Sec. 7.6 added by Amendment 26, 8 F.R. 7600, effective 6-5-43]

Article VIII—Institutional Users Who Did Not Operate During All or Part of December 1942

SEC. 8.1 *Institutional users who operated during only part of December 1942.* (a) If a Group II or III institutional user operated his establishment for only part of December 1942 the figures which determine his base and his allotments are to be converted to a full December basis, in the following way:

(1) The number of persons served and, in the case of a Group III user, the amount of rationed food used and his dollar revenue, during December 1942, are divided by the number of days he operated or was open for business during that month;

(2) The results are multiplied by the number of days he would have operated or would have been open for business during December 1942 if it had been a normal month of operations;

(3) The figures so obtained are treated as his figures for December 1942, for all the purposes of this order, just as if those were his actual figures.

SEC. 8.2 *Institutional user who did not operate in December 1942.* (a) If a Group II or III institutional user did not operate his establishment during any part of December 1942, but did do so at any time between January 1, 1942 and February 28, 1943, the figures which determine his base and his allotments are taken from his most recent period of operations, instead of December 1942.

(b) His base and his allotments are to be based on the number of persons he served and, in the case of a Group III user, the amount of rationed food used and his dollar revenue, during his last full calendar month of operation between January 1, 1942 and February 28, 1943. If he did not operate for a full calendar month, his allotments are to be based on his actual figures for the last calendar month in which he operated. However, if the last calendar month was February 1943, his actual figures shall be converted to a full month basis in the way provided in section 8.1 for institutional users who operated during only part of December.

(c) The figures referred to in paragraph (b) are used, instead of his December figures, for all the purposes of this Order. His base and his allotments are determined on the basis of those figures, just as if they were for the full month of December 1942.

Article IX—Issuance of Certificate

SEC. 9.1 *Institutional users may get certificates for their allotments.* (a) An institutional user who is given an allotment of a rationed food is entitled to a certificate for the amount of his allotment (except as provided in section 9.2).

(b) If his opening inventory of a rationed food is less than his allotment of that food for the first allotment period, he is entitled to receive a certificate for the difference. He will then be entitled, for each subsequent allotment period, to a certificate for the amount of his allotment for that period.

(c) Not more than six (6) certificates are to be issued, regardless of the size of the allotment. Certificates for pounds shall not be issued in fractions of pounds, but shall be issued to the nearest pound; however, on and after June 15, 1943, where the fraction is one-half, the certificates shall be issued to the next higher pound.

[Paragraph (c) as amended by Amendment 10, 8 F.R. 4131, effective 3-30-43 and Amendment 21, 8 F.R. 6439, effective 5-21-43]

(d) If an institutional user has establishments in more than one group, his opening inventory and his allotments are determined separately for each group and he is to receive separate certificates for each group. If he has registered his establishments separately, his opening inventory and his allotments are determined separately for each establishment and he is to receive separate certificates for each.

[Paragraph (d) as amended by Amendment 10]

(e) An institutional user who will not need his full allotment should apply for a certificate only in the amount which he will actually need.

SEC. 9.2 *No certificate may be issued to an institutional user who has excess inventory.* (a) If an institutional user's opening inventory of a rationed food is larger than his allotment of that food for the first allotment period, the difference is "excess inventory". He is not entitled to a certificate for the first allotment period. He may not be given a certificate until the total of his subsequent allotments exceeds his excess inventory, at which time he may get a certificate for the difference.

SEC. 9.3 *Certificate may be issued in certain cases to institutional users who have unbalanced stocks.* (a) Upon application on OPA Form R-315 by a Group II or III institutional user whose remaining excess inventory of processed foods or of foods covered by Ration Order 16 is more than half of his allotment for the period for which application is made and whose inventory (together with the certificates, if any, issued to him for that period) will not provide him with a reasonable quantity of particular types of those foods needed in the operation of his establishment or establishments, the board may issue certificates to him to enable him to acquire a reasonable quantity of such foods. The amount of such certificates (together with any other certificates issued for that period) shall not exceed fifty (50) percent of his allotment for that period. Issuance of such certificates shall not be deemed to be an increase in the allotment, but the amount of the certificates is added to the applicant's excess inventory (or, if he has no excess inventory shall be treated as excess inventory).

[Sec. 9.3 as amended by Amendment 19, 8 F.R. 5843, effective 5-10-43]

SEC. 9.4 *Emergency certificates for foods covered by Ration Order No. 16.* (a) A Group II or III institutional user who has registered under this order and who needs foods covered by Ration Order No. 16 before his application for an allotment of those foods can be passed upon, may apply, in any convenient manner, for an emergency certificate for those foods. Only one application may be made under this section.

(b) The Board may issue a certificate in an amount computed in the following way:

(1) The number of persons served in December 1942 shall be multiplied by 0.93;

(2) The result shall be divided by 2;

(3) The quotient is the maximum amount (in points) of the certificate which may be issued.

(c) The amount of the emergency certificate issued shall be added to the opening inventory of the applicant and the sum shall be considered his opening inventory for the purposes of sections 9.1 and 9.2. The certificate shall not be considered to increase his allotment.

[Sec. 9.4 added by Amendment 8, 8 F.R. 3851, effective 3-27-43]

Article X—Seasonal Users

SEC. 10.1 *Group II and III seasonal users.* (a) A Group II or III institutional user is a seasonal user with respect to an establishment which is not in operation during every month in the year. However, if he has more than one establishment in Group II or III and his establishments are registered together, he is a seasonal user with respect to establishments in either group only if there is some month in the year in which he operates no establishment in that group.

[Section heading as amended by Amendment 16, 8 F.R. 5476, effective 4-29-43]

(b) A seasonal user who is not in operation between March 1 and March 10, 1943 inclusive, may register either between those dates, or at any time prior to resuming operations. His registration constitutes an application for an allotment for the first allotment period in which he will operate. If he registers between March 1 and March 10, 1943, the board may, at his request, issue a certificate to him when he resumes operations, instead of at the time of registration.

(c) His application for an allotment for any subsequent allotment period in which he will operate must be filed not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period. However, when he suspends operations he may apply for an allotment for the allotment period following the date on which he suspends operations, even though he will not be in operation during that period. The allotment to which he would be entitled for that period is to be used as his allotment for the period in which he resumes operations. The board may, at his request, issue a certificate to him when he resumes operations, instead of at the time of the application.

(d) Until a seasonal user has operated in at least three calendar months after February 28, 1943, his allotment for each rationed food shall be twice his base for that food, except that:

(1) If his base was determined on a full calendar month of operation (or by conversion to a full calendar month basis of his figures for part of December 1942 or February 1943) and he will not be in operation during the entire allotment period, he shall notify the board of the number of days he will not be in operation during that allotment period. His allotment shall be equal to twice his base reduced by an amount corresponding to the part of the period during which he will not be in operation; and

(2) If his base was determined on his actual figures for part of a month only (not converted to a full calendar month basis) and he will operate in any allotment period less than twice the number of days he operated during the month used to determine his base, he shall notify the board of the number of days he was in operation during the month used in determining his base and of the number of days he will be in operation during the allotment period. His allotment shall be computed by multiplying his base by the number of days that he will be in operation during the allotment period and then dividing the result by the number of days he was in operation during the month used in determining his base.

(e) After a seasonal user has been in operation in three calendar months after March 1, 1943, his allotments shall be determined in accordance with section 6.3, 7.3, or 7.4, whichever is applicable. In computing his allotments, the calendar months in which he was not in operation shall be disregarded and the months in which he was in operation shall be treated as if he operated continuously. For example, a seasonal user may operate only from August 15 to September 15 and from December 15 to February 28. His January-February allotment will be based on his actual operations in August and September. (That is, from August 15 to September 15—the first two of the three calendar months preceding the allotment period.)

SEC. 10.2 *Seasonal liquidation of inventory.* (a) Notwithstanding any provisions to the contrary in any ration order, an institutional user in Group II or III who operates on a seasonal basis may, when he completes his season, transfer his remaining inventory of rationed foods to a retailer or wholesaler in exchange for stamps, certificates or ration checks.

(b) He shall turn in to the board for cancellation the stamps, certificates or ration checks received by him and notify the board of the name and address of the transferee. However, if he has an account for a rationed food, he shall deposit such stamps, certificates and ration checks received for that food and he shall issue to the board a certified check in the amount of the stamps, certificates and ration checks so deposited. When he next resumes operations, the board shall issue to him, if he so requests, a certificate for each rationed food in the amount for which he surrendered stamps, certificates or ration checks for that food.

SEC. 10.3 *A Group I seasonal user may obtain a certificate in certain cases.* (a) A Group I institutional user is a seasonal user with respect to an establishment which is not in operation during every month in the year.

(b) A Group I seasonal user who must get rationed foods before the persons who will eat at his establishment arrive may apply for certificates for rationed foods to be used until he can obtain such foods with the ration books of those persons. If, because of transportation difficulties or unusually long distances from markets, the applicant finds it a hardship to acquire supplies of rationed foods as each successive stamp or series of stamps in war ration books become valid, he may include in his application a request for certificates covering a longer period.

(c) Application must be made to the board in writing and must show:

(1) The name, address and business of the applicant;

(2) The date on which such persons will arrive at his establishment;

(3) The earliest date thereafter on which rationed foods can be obtained with the books of such persons;

(4) The number of persons he expects to serve during the period covered by the application (in estimating the number of persons to be served, an individual is counted separately for each occasion on which he is served but no one individual may be counted more than three (3) times on any one day;

(5) Where the applicant includes in his application a request for certificates covering a longer period, the period of

time for which his purchasing must be done.

(d) The board may issue certificates for an amount of a rationed food computed by multiplying the allowance per person for that food by the number of persons which it determines will be served during the period for which such certificates are required.

(e) An institutional user who has received a certificate under this Section must give up, to the board, stamps or certificates equal to the amount of the certificate issued to him. Only stamps taken from the war ration books of the individuals eating in his establishment, or certificates received from them may be given up. He must give them up within 60 days after receiving the certificate. However the board may, for good cause, give him additional time.

(f) An institutional user who obtains an allotment pursuant to section 26.1 of this order may not receive a certificate under this section for the same purpose.

[Sec. 10.3 added by Amendment 16, 8 F.R. 5476, effective 4-29-43]

Article XI—Supplemental Allotments

SEC. 11.1 *Group II and III users may get supplemental allotments if operations increase.* (a) If an institutional user finds that, because of increased operations, the allotment of any rationed food for his establishments in Group II or III will be exhausted before the end of the current allotment period, he may apply for a supplemental allotment. The application must be made to the board on OPA Form R-315. However, an institutional user is not entitled to a supplemental allotment for establishments in Group III if he does not charge for food, or did not charge during the month used in determining his base.

(b) The application must show the number of persons he served from the beginning of the current allotment period to the date of the application. In the case of a Group III user, it must also show his dollar revenue during that period.

SEC. 11.2 *Supplemental allotment for Group II user.* (a) In the case of an application by a Group II user for a supplemental allotment of coffee, sugar or processed foods for the first or second allotment period, or for a supplemental allotment of foods covered by Ration Order No. 16 for the second allotment period, the board shall grant the supplemental allotment only if it finds that the number of persons he will serve, during the allotment period in which the application is made, will be more than ten (10) percent larger than twice the number he served during December 1942. The supplemental allotment is to be computed as follows:

(1) The number of persons he served during December 1942 is multiplied by two;

(2) The resulting figure is subtracted from the total number he will serve during the current period;

(3) The difference is multiplied by the allowance per person for the rationed food for which the application is made;

(4) The result is the supplemental allotment to be granted.

[Paragraph (a) as amended by Amendment 3, 8 F.R. 3851, effective 3-29-43 and Amendment 21, 8 F.R. 6439, effective 5-21-43]

(b) In the case of application by a Group II user for a supplemental allotment of foods covered by Ration Order No. 16 for the first allotment period, the Board shall grant the supplemental allotment only if it finds that the number of persons he will serve during that allotment period will be more than ten (10) percent larger than one and one-tenth (1.1) times the number he served during December 1942. The supplemental allotment is computed as follows:

(1) The number of persons he served during December 1942 is multiplied by one and one-tenth (1.1);

(2) The resulting figure is subtracted from the total number he will serve during the current period;

(3) The difference is multiplied by the allowance per person for those foods;

(4) The result is the supplemental allotment to be granted.

[Paragraph (b) added by Amendment 8, 8 F.R. 3851, effective 3-29-43 and amended by Amendment 21, 8 F.R. 6439, effective 5-21-43. Former paragraph (b) redesignated (c) by Amendment 8]

(c) In the case of an application by a Group II user for a supplemental allotment for a subsequent allotment period (after the second period), the board shall grant the supplemental allotment only if it finds that the number of persons he will serve during the allotment period in which the application is made, will be more than ten (10) percent larger than the number he served during the first two of the three calendar months preceding that period. The supplemental allotment is to be computed in the following way:

(1) The number of persons he served during those first two months is subtracted from the total number he will serve during the current period;

(2) The difference is multiplied by the allowance per person for the rationed food for which the application is made;

(3) The result is the supplemental allotment to be granted.

[Paragraph (c) as amended by Amendment 29, 8 F.R. 8500, effective 6-23-43]

SEC. 11.3 *Supplemental allotment in first two periods for Group III user.* (a) If a Group III user applies for a supplemental allotment of coffee, sugar or processed foods for the first or second allotment period or of foods covered by Ration Order No. 16 for the second allotment period, the Board shall grant the supplemental allotment only if it finds that both:

(1) The number of persons he will serve during the allotment period in which the application is made, will be more than ten (10) percent larger than twice the number he served during December 1942; and

(2) His dollar revenue during the allotment period in which application is made will be more than ten (10) percent larger than twice his dollar revenue during December 1942.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43 and Amendment 21, 8 F.R. 6439, effective 5-21-43]

(b) His supplemental allotment of a rationed food is to be computed in the following way:

(1) The amount of the estimated increase in the number of persons he will serve is divided by twice the number he served during December 1942;

(2) The amount of the estimated increase in his dollar revenue is divided by twice his dollar revenue for December 1942;

(3) The smaller of the two figures obtained in (1) and (2) above, is multiplied by his allotment of the rationed food for the period in which application is made;

(4) The result is the supplemental allotment to be granted.

(c) If a Group III user applies for a supplemental allotment of foods covered by Ration Order No. 16 for the first allotment period, the Board shall grant the supplemental allotment only if it finds that both:

(1) The number of persons he will serve during that allotment period will be more than twenty (20) percent larger than one and one-tenth (1.1) times the number he served during December 1942; and

(2) His dollar revenue during that allotment period will be more than twenty (20) percent larger than one and one-tenth (1.1) times his dollar revenue during December 1942.

(d) His supplemental allotment of foods covered by Ration Order No. 16 is to be computed in the following way:

(1) The amount of the estimated increase in the number of persons he will serve is divided by one and one-tenth (1.1) times the number he served during December 1942;

(2) The amount of the estimated increase in his dollar revenue is divided by one and one-tenth (1.1) times his dollar revenue for December 1942;

(3) The smaller of the two figures obtained in (1) and (2) above is multiplied by his allotment of those foods for the first allotment period;

(4) The result is the supplemental allotment to be granted.

[Paragraphs (c) and (d) added by Amendment 8, 8 F.R. 3851, effective 3-29-43]

SEC. 11.4 *Supplemental allotment for subsequent periods, for Group III user.* (a) If a Group III user applies for a supplemental allotment for a subsequent allotment period (after the second period) the board shall grant the supplemental allotment only if it finds that both:

(1) The number of persons he will serve during the current allotment period

will be more than ten (10) percent larger than the number he served during the first two of the three calendar months preceding that period; and

(2) His dollar revenue during the current period will be more than ten (10) percent larger than his dollar revenue during those first two months.

[Paragraph (a) as amended by Amendment 21, 8 F.R. 6439, effective 5-21-43]

(b) His supplemental allotment of a rationed food is to be computed in the following way:

(1) The amount of the estimated increase in the number of persons he will serve is divided by the number he served during those first two months.

(2) The amount of the estimated increase in his dollar revenue is divided by his dollar revenue for those first two months;

(3) The smaller of the two figures obtained in (1) and (2) above, is multiplied by his allotment of the rationed food for the current period;

(4) The result is the supplemental allotment to be granted.

SEC. 11.5 *Applicant accounts for supplemental allotment when applying for subsequent allotment.* (a) An institutional user who has received a supplemental allotment of a rationed food during the first or second allotment period shall, when he applies for the allotments for the fourth allotment period, report the number of persons served and his dollar revenue for the period for which he received the supplemental allotment. The Board shall then compute an allotment in the same way it computes allotments pursuant to section 6.3 or 7.3, whichever is applicable, using the figures for the allotment period in question as if they were the figures for the first two of the three calendar months preceding that period. If the result so obtained is less than the sum of the original and the supplemental allotment received for the period, the difference shall be deducted from the allotment for the fourth period. However, an institutional user who received a supplemental allotment for foods covered by Ration Order 16 for the first allotment period, shall report the number of persons served and his dollar revenue for the period from March 29, 1943 to April 30, 1943, inclusive. In making the computation for foods covered by that order, the Board shall divide the number of persons he served and his dollar revenue during that period by the number of persons served and his dollar revenue in December 1942. The smaller of these two quotients is to be multiplied by his base for foods covered by Ration Order 16. (In the case of Group II users, only the figures of the number of persons served are used.) If the result so obtained is less than the sum of the original and the supplemental allotment he received for that period, the difference shall be deducted from the allotment for the fourth period.

[Paragraph (a) as amended by Amendment 30, 8 F.R. 8614, effective 6-26-43]

(b) If an institutional user has received a supplemental allotment of a rationed food during an allotment period after the second period it is added to his allotment for that period. If the sum is larger than the allotment to which he is entitled for the next period, the difference must be deducted from that allotment.

(c) The provisions of this section do not apply to supplemental allotments granted under section 11.6.

SEC. 11.6 *Supplemental allotments for hospitals.* (a) An institutional user who operates a hospital or other establishment engaged in the care and treatment of the sick may apply for a supplemental allotment of a rationed food, if needed to meet the dietary requirements of the persons living and receiving care there. Application must be made to the board on OPA Form R-315. It must contain a statement by the superintendent or other executive officer, or by the physician in charge of the establishment, showing the reason why a supplemental allotment is required and the additional amount of the rationed food needed for that purpose.

[Paragraph (a) as amended, by Amendment 14, 8 F.R. 5341, effective 4-27-43]

(b) The board shall grant a supplemental allotment in the amount which it finds necessary to meet the dietary requirements of the persons living and receiving care in the establishment.

(c) An institutional user who has received a supplemental allotment under this section must report at the end of the allotment period in which it was granted, the amount, if any, which was not used for such purpose during that period. That amount shall be treated as excess inventory.

Article XII—Emergency Allotments and Adjustments

SEC. 12.1 *Emergency allotments may be obtained to meet public emergencies.* (a) Upon the occurrence or imminence of a public disaster, such as a flood, fire or tornado, any institutional user or other person who feeds or is about to feed people who require assistance because of the disaster, may apply for an emergency allotment of any rationed food needed for that purpose. The application may be made to any board, on OPA Form R-315. The applicant must describe the nature of the public emergency, the number of people he is feeding or will feed during that emergency, and the amount of the allotment he needs.

(b) If the board finds that the applicant needs an allotment of rationed food for the purposes described in paragraph (a) above, it may grant the application and give him an allotment in the amount it finds necessary for those purposes. It shall issue a certificate for the amount of the allotment.

(c) Within thirty (30) days after he has received the allotment, the applicant must report to the Board which issued the certificate the amount of the allotment he used for those purposes, and must return to that board certificates, ration checks, or stamps for any amount not so used. However, if the board finds that the emergency still exists, it may allow him to account at a later date.

SEC. 12.2 *Petitions for adjustment or for other relief.* (a) Any institutional user or other person desiring to become an institutional user may petition the board, for an adjustment of his base or allotment, or for any other relief. The petition shall state the name and address of the petitioner, the nature of the relief he seeks, the grounds on which the relief is sought, and any other relevant facts. The board may request any additional information it considers pertinent. Within ten (10) days after receiving the petition the board shall send it, together with all evidence and information received, to the district office unless the board has been authorized by the Washington office to act on the petition. The board may attach to the petition its recommendation concerning the action to be taken.

[Paragraph (a) as amended by Amendment 12, 8 F.R. 4785, effective 4-10-43, and Amendment 21, 8 F.R. 6439, effective 5-21-43]

(b) The district office shall not act upon the petition (unless authorized by the Washington Office to do so) but shall forward it, together with all other material received from the board, to the Washington Office for appropriate action. The petitioner may be requested to furnish further information and to appear personally.

Article XIII—New Institutional Establishments

SEC. 13.1 *New Group I establishment.* (a) Any person may operate a new Group I establishment if he first registers it by giving written notice to the board of his intention to do so. The notice must give the name and address of the establishment and his inventory of rationed foods, if any, for that establishment. (He shall not include in the inventory any rationed foods previously included in the inventory of any other establishment or any rationed foods acquired by him in exchange for stamps or certificates.) That inventory shall be his opening inventory for that establishment.

SEC. 13.2 *New Group II establishments which are registering separately.* (a) A person who desires to operate a new Group II establishment and who has no Group II establishment, or who has two or more institutional user establishments which have been registered separately, or who has only one Group II establishment and will register the new establishment separately, must register the new establishment by filing OPA Form R-315. He must state on the form the address of the proposed establishment, the date on which he will commence operations, the number of persons he expects to serve during the allotment

period in which he commences operations and his inventory of rationed foods, if any, for that establishment. (He shall not include in the inventory any rationed foods previously included in the inventory of any other establishment or any rationed foods acquired by him in exchange for certificates or ration checks.) That inventory shall be his opening inventory for that establishment.

[Paragraph (a) as amended by Amendment 29, 8 F.R. 8500, effective 6-23-43]

(b) If the board is satisfied that the new establishment will be a Group II establishment, it shall grant an allotment for each rationed food for the allotment period in which he commences operations. It shall compute the allotment by multiplying the number of persons which it estimates will be served during that allotment period by the allowance per person for the rationed food.

(c) The institutional user shall, at the end of the period during which he commenced operations, report to the Board the number of persons served by him during that period. If the number is less than the number the board estimated he would serve, the difference shall be multiplied by the allowance per person for each rationed food and the result shall be deducted from his next allotments of that food.

(d) Application for allotments for subsequent periods shall be made on OPA Form R-1309 in accordance with section 5.3.

(e) Allotments for the two periods immediately following the one in which the institutional user commenced operations shall be computed in the following way:

(1) The number of persons he served between the date of registration and the date of his application for an allotment is divided by the number of days he operated between those dates;

(2) The figure so obtained is multiplied by 60;

(3) The result is multiplied by the allowance per person for each rationed food. This figure is his allotment of that food.

(f) Thereafter, allotments shall be computed in accordance with section 6.3.

SEC. 13.3 *New Group III establishments which are registering separately.* (a) A person who desires to operate a new Group III establishment at which a charge will be made for the food served, and who has no Group III establishment, or who has two or more institutional user establishments which have been registered separately, or who has only one Group III establishment and will register the new establishment separately, must apply to the board to be registered pursuant to this section.

[Paragraph (a) as amended by Amendment 29, 8 F.R. 8500, effective 6-23-43]

(b) Application shall be made on OPA Form R-315, on which the applicant shall state:

(1) The proposed location of the establishment;

(2) The date on which he will commence operations;

(3) The type of operation in which he intends to engage (for example, a table restaurant, cafeteria, drugstore lunch counter, industrial canteen, hamburger or hot dog stand);

(4) The seating capacity of the establishment;

(5) His schedule of prices;

(6) Whether he intends to bake his own pies, cakes, bread, and other pastry;

(7) The number of persons he expects to serve there during the allotment period in which he commences operations (other than Army, Navy, Marine Corps or Coast Guard personnel which will be messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States); and

[Paragraph (7) as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

(8) His inventory of rationed foods, if any, for that establishment. (However, he shall not include any foods which he reported on any previous declaration of inventory or which he acquired in exchange for certificates or ration checks.) That inventory shall be his opening inventory for that establishment.

(c) The board shall send the application to the district office.

(d) If the district office is satisfied that the new establishment will be a Group III establishment, it shall give the applicant allotments of rationed foods for the allotment period in which he commences operations, and issue any certificates to which he may be entitled. The amount of the allotment of each rationed food for that period shall be determined by the district office on the basis of the manner in which the establishment will be operated, the number of persons which it estimates will be served during that time, and of allotments which have been granted to similar or comparable establishments. However, the allotment shall not be more than the amount obtained by multiplying the allowance per person for that food by the estimated number of persons to be served. After acting on the application the district office shall return the file to the board. Thereafter, applications for allotments shall be made to the board.

(e) When he applies for his second allotments, he shall report to the board on OPA Form R-1307, the number of persons served, the dollar revenue, and his use during the last thirty (30) days of the food items set out in Schedule A of that form. If he has not yet operated for thirty (30) days, he shall report the information for the period he did operate and the figures are to be converted to a full month basis in the manner described in section 8.1. The figures for the last thirty (30) days (or converted to a full month basis) shall be used for such establishment whenever this order refers to use, dollar revenue, or number of persons served during December 1942.

(f) The board shall compute a base for each rationed food (to be used in determining the amount of allotments for the periods following the one in which he commenced operation) in the following way:

(1) The allotment of each rationed food given by the district office is divided by the number of persons the district office estimated he would serve and the result is multiplied by the number of persons served during the last 30 days computed in accordance with paragraph (e) of this section.

(2) The figure obtained shall be his base. However, if his use of the rationed food during those 30 days is less than that figure, the amount he used shall be his base for that food.

(g) The allotment for each rationed food for the allotment period following the one in which he commenced operations shall be twice the base for that food. It shall also be twice the base for the next period if, at the time application for the allotment is made, the establishment has not been in operation in three calendar months. The allotments for the following periods shall be computed in accordance with section 7.3.

(h) At the end of the period in which he commenced operations, the institutional user shall report to the board (on OPA Form R-1307), the number of persons served during that period. If the number of persons actually served during the period in which the institutional user commenced operations is less than the number of persons which the district office estimated he would serve, he shall be charged with excess inventory in an amount computed in the following way:

(1) The allotment of each rationed food given by the district office is divided by the number of persons the district office estimated he would serve.

(2) The figure obtained is multiplied by the difference between the number of persons actually served and the number of persons which the district office estimated he would serve.

(3) The result shall be treated as excess inventory.

SEC. 13.4 *Combined registration of new Group II and III establishments.* (a) A person who desires to operate a new Group II or III establishment to be registered together with one or more institutional establishments of the same group which he already operates must notify the board of his intention to do so and of the address of the proposed establishment. This shall constitute registration of the establishment on the form already filed for his other establishments. No separate allotment will be granted for the new establishment, but a supplemental allotment may be granted by the board pursuant to section 11.2, section 11.3 or section 11.4 whichever is applicable.

[Sec. 13.4 as amended by Amendment 21, 8 F.R. 6439, effective 5-21-43]

SEC. 13.5 *Where new establishments are registered.* (a) If an institutional user already has two or more establishments which are registered together he shall register a new institutional user establishment together with his other

establishments and at the same board. If he already has institutional user establishments registered separately the new establishment shall be registered separately with the board where it will be located. If he has only one other establishment he may elect whether his establishments will be registered together or separately. If he registers them together, registration shall be at the board for the area where his principal office is located. If he registers them separately, registration shall be at the board for the area where the establishment will be located.

Article XIV—Appeals

SEC. 14.1 *Appeals.* (a) Any person directly affected by any action of a board, district office, State director, or regional administrator, under this order, may appeal, in accordance with the provisions of Procedural Regulation No. 9.[3]

(b) This section shall not apply to any action on a petition made pursuant to section 12.2, except action taken by an official who has been authorized by the Office of Price Administration to grant or deny such petition.

Article XV—Acquisition and Use of Rationed Foods

SEC. 15.1 *Acquisition of rationed foods.* (a) An institutional user may acquire a rationed food only in the way provided in the order rationing such food and he shall surrender stamps, certificates, or ration checks and shall issue ration checks in connection with such food, only for the purposes permitted and with the effect provided in such order and, if he has an account, in General Ration Order No. 3A.

SEC. 15.2 *Use of rationed food.* (a) No Group II or III institutional user may use more of any rationed food during an allotment period than his allotments of that rationed food for that period plus any unused part of his allotments for earlier periods and any allotments granted to him for the next period. This restriction does not apply, however, to rationed foods used for food services to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or noncommissioned officer pursuant to written contract with an agency of the United States.

[Paragraph (a) as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

SEC. 15.3 *Restrictions on use of rationed foods and certificates.* (a) No institutional user may use for any purpose other than an institutional use any rationed food included in his opening inventory, or any rationed food acquired for institutional use.

(b) An institutional user may not transfer to, or use for, any institutional user establishment rationed foods, war ration books, stamps, certificates, ration checks or "ration credits" acquired for another institutional user establishment, unless both establishments are Group II or III establishments, are in the same group and are registered together.

SEC. 15.4 *Institutional users may transfer rationed foods in certain cases.* (a) (1) A Group II or III institutional user who desires to sell or transfer any of his excess inventory of a rationed food may apply for permission to do so. The application must be made on OPA Form R-315 to the Board. He must state in his application the amount (in points for foods rationed under the point system and in pounds for other rationed foods) he wishes to sell or transfer, the reason he wishes to sell or transfer it, the manner in which it is to be sold or transferred and any other information the Board requests. The Board shall grant the application if good cause is shown. If the application is granted, the food must be sold or transferred for stamps, certificates or ration checks in the same way that a retailer is permitted to sell or transfer that food. Within five (5) days after the sale or transfer, the transferor must give up to the Board all stamps, certificates and ration checks which he received for the rationed food sold or transferred. The Board shall reduce his excess inventory of that food in an equal amount.

(2) The same rules apply to Group I institutional users who have a remaining opening inventory of a rationed food.

(3) The rules contained in (1) and (2) above do not apply to home processed foods or to processed foods produced in accordance with section 28.8. Transfers of those foods are governed by sections 28.2, 28.4 and 28.8.

(b) An institutional user who operates a railway dining car or railway terminal dining facilities may sell or transfer rationed foods to other such institutional users for use at establishments of that type. Such sale or transfer may be made only in exchange for certificates or ration checks equal in value to the rationed foods sold or transferred. Both the transferor and transferee must keep a record of the transfer, showing the name and address of the transferor and transferee, the date on which the rationed food was sold or transferred, the quantity of rationed foods transferred and the amount of the certificates or ration checks received. The transferor may use any certificates or rationed checks so received.

[Sec. 15.4 added by Amendment 27, 8 F.R. 8064, effective 6-18-43]

SEC. 15.5 *Deductions.* (a) Any institutional user who acquires a rationed food (after it has been rationed by an order of the Office of Price Administration) without surrendering stamps, certificates or ration checks, and who is not required by the order rationing that food, or by any other provision of this order to account, or to turn over to the Office of Price Administration stamps, certificates, or ration checks, for the food so acquired, must report to the Board in writing such acquisition and the amount acquired. Group II and III institutional users shall make the report when applying for their next allotments; Group I institutional users shall make the report within ten (10) days after the acquisition. The amount so acquired shall be treated as excess inventory in the case of a Group II or III institutional user, and as opening inventory in the case of a Group I institutional user.

(b) The provisions of paragraph (a) do not apply to:

(1) Home processed foods produced by the Group I institutional user;

(2) Home processed foods with respect to which a Group II or III institutional user was charged with an excess inventory under section 28.3 (b) or (c); and

(3) Processed foods with respect to which a Group II or III institutional user was charged with an excess inventory under section 28.8.

[Sec. 15.5 added by Amendment 23, 8 F.R. 8357, effective 6-22-43]

Article XVI—Ration Bank Accounts

SEC. 16.1 *What a ration bank account is.* (a) A ration bank account is very much like an ordinary checking account. An institutional user who opens a ration bank account deposits in it certificates and ration checks issued to him, and issues ration checks drawn on it to transfer ration credits. The rules governing the opening and use of ration bank accounts are contained in General Ration Order No. 3A.[4]

SEC. 16.2 *Who may open accounts.* (a) A Group II or III institutional user may open an account for any rationed food. (A Group I user may not.) Only one ration bank account may be opened for the foods covered by Ration Order No. 16. The opening of an account for one rationed food will not require him to open an account for any other rationed food.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 3851, effective 3-23-43]

(b) If the establishments of a Group II or III institutional user are separately registered, he may open separate accounts for any one or more of his establishments without opening accounts for the others. He may not use the same account for more than one establishment.

(c) Any Group II institutional user who has combined his establishments in one registration, may open one account for all his Group II establishments, or a separate account for each or for any combination of them. Any Group III institutional user whose establishments are registered together has the same privilege for his Group III establishments. No account may be opened for, or serve, establishments in more than one group. If an account is opened pursuant to this paragraph for any establishment in Group II or Group III, all other establishments in the same group must also have an account or accounts.

SEC. 16.3 *Use of ration bank accounts.* (a) An institutional user who has an account may deposit in it certificates is-

[3] 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929.

[4] 8 F.R. 1130, 1449, 1963, 3520, 4627, 5843.

sued to him only in the form and during the periods prescribed by the order rationing the food for which he has the account. Ration checks issued to him may be deposited at any time.

(b) An institutional user may issue checks drawn on his account only for the purposes permitted and with the effect prescribed by the order rationing the food for which he has the account. Ration credits may be transferred by the use of a ration check, without the delivery of rationed foods. between accounts of establishments in the same group which are registered together.

(c) An account opened by an institutional user may be used only for his operations as an institutional user. It may not be used for his operations in any other capacity, as for example, an industrial user or wholesaler.

Article XVII—Persons Living in Institutional User Establishments

SEC. 17.1 *A person who lives in Group II or III institutional user establishment must give up his war ration books.* (a) A person who lives in any Group II or III institutional user establishment (or in premises maintained in connection with it) for seven consecutive days or more, and who takes eight or more meals a week there, must turn over all his war ration books containing stamps designated for the acquisition of any rationed food, to the institutional user who operates the establishment. If he makes arrangements in advance to live there for seven consecutive days or more and to take eight or more meals a week, he must turn over the books before the week begins. Otherwise he must turn them over as soon as he has lived there for seven consecutive days and has eaten, during that period, eight or more meals.

(b) An institutional user who operates a Group III establishment in which fewer than fifty (50) people regularly live must get the war ration books of all persons who live in the establishment (or in premises maintained in connection with it) for seven consecutive days or more and who eat eight or more meals a week there. He must take the books from any person who makes arrangements in advance, as soon as the week begins. Otherwise, he must get the books as soon as the person has lived there for seven consecutive days and has, during that period, eaten eight or more meals. He may not serve food to any person who does not turn over all his war ration books containing stamps designated for rationed foods, when required to do so by this order.

(c) An institutional user who operates a Group II or a Group III establishment in which fifty or more people live, must accept and hold war ration books which are turned over to him by persons who live there.

(d) An institutional user in Group II or III must remove from any War Ration Book One turned over to him, sugar and coffee stamps which expire while he has them. He must also remove from any War Ration Book Two eleven points (as nearly as possible) of currently valid blue stamps and fourteen points (as nearly as possible) of currently valid red stamps for each week during which the person who turned over the book lives in his establishment (or in premises maintained in connection with it) for seven consecutive days and takes eight or more meals there. He must surrender to his board all stamps so removed, at the time of his next application for an allotment and, in any event, not later than five days after the beginning of the next allotment period. He must not use those stamps for any purpose, nor may he deposit them in any ration bank account.

[Paragraph (d) as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43.]

(e) A war ration book shall be returned, temporarily, to the person from whom it was received for use in acquiring any rationed product other than a rationed food product, or for use in obtaining another war ration book.

(f) The war ration books, with stamps detached as required above, must be returned to the person from whom they were received when he leaves the establishment or stops taking eight or more meals a week there.

Article XVIII—Reports and Records

SEC. 18.1 *In general.* (a) All institutional users shall maintain such records and make such reports as this order requires and as the Office of Price Administration may from time to time require. Such records shall be maintained for a period of not less than two years and shall be available during such period for inspection by the Office of Price Administration, through any authorized representative, at any reasonable time.

SEC. 18.2 *Records required.* (a) Every Group II and III institutional user shall maintain records showing by calendar months, for each such group of his establishment, (and, if his establishments are separately registered, for each such establishment) the number of persons served and the dollar revenue.

SEC. 18.3 *Disclosure of information.* (a) Information and documents obtained pursuant to this order will not be disclosed, in response to subpoena or otherwise, to any person other than the person furnishing such information or documents unless the Administrator of the Office of Price Administration (or a representative of the Office of Price Administration designated by him) determines that the requested disclosure is not contrary to law and consents to such disclosure.

Article XIX—Prohibitions

SEC. 19.1 *Prohibitions.* (a) No person shall use points, stamps, war ration books, certificates or ration checks unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall offer, solicit, attempt or agree to do or assist in doing any act in violation of this order.

(c) No person shall, in any registration, report, application or other statement or record made pursuant to this order make any untrue statement of fact or omit to state any fact which is required to be stated or which is necessary to make any statement not misleading.

Article XX—Enforcement

SEC. 20.1 *Suspension orders.* (a) Any person who violates this order may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or from selling or using or otherwise disposing of, any rationed foods or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest to promote the national security.

Article XXI—To Whom This Order Does Not Apply

SEC. 21.1 *To whom this order does not apply.* (a) This order does not apply to the Army, Navy, Marine Corps, Coast Guard, or War Shipping Administration, of the United States, or to ocean going vessels operating in foreign, coastwise, or intercoastal trade acquiring rationed foods as ships' stores for consumption aboard such vessels. (Those users obtain rationed foods in accordance with the ration orders governing such foods.)

(b) The provisions of this order do not apply to the Maritime Commission, the Panama Canal, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development, of the United States, with respect to sugar. (Those users obtain sugar in accordance with Rationing Order No. 3.)

[Paragraph (b) as amended by Amendment 17, 8 F.R. 5476, effective 4-29-43.]

(c) The provisions of this order do not apply to the Maritime Commission of the United States with respect to coffee. (The Maritime Commission obtains coffee in accordance with Ration Order No. 12.)

(d) The provisions of this order do not apply to the Office of Lend-Lease Administration and the Food Distribution Administration, of the United States with respect to processed foods. (Those users obtain processed foods in accordance with Ration Order No. 13.)

Article XXII—Definitions

SEC. 22.1 *Definitions.* When used in this order:

"Account" means a ration bank account carried by a bank, in which the bank keeps a record of deposits of stamps, certificates and ration checks and of transfers of ration credits.

"Acquire" means to get possession or title in any way.

"Allowance per person" means the allowance of a rationed food per person as set forth in the supplement to this order.

"Army, Navy, Marine Corps and Coast Guard personnel" means "Army, Navy, Marine Corps and Coast Guard personnel of the United States or of any Allied Nation."

[Above definition added by Amendment 29, 8 F.R. 8500, effective 6-23-43]

"Board" means a war price and rationing board. "The board" means the war price and rationing board with which the institutional user establishment is, or is required to be registered.

"Certificate" means a certificate issued in accordance with Rationing Order No. 3, or Ration Orders No. 12, 13, or 16.

[Above definition as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

"Coffee" means coffee as defined in Ration Order No. 12.

"District office" means the district office of the Office of Price Administration for the area in which the board with which an institutional user has registered is located, or, if there is no such district office, the State office of the Office of Price Administration in that area.

"Dollar revenue" means gross dollar revenue derived from the service of food and non-alcoholic beverages. Where a combined charge is made for food and lodging or for food and other services, dollar revenue is computed by determining how much of the total charge reasonably covers the service of food and non-alcoholic beverages. (However, if the combined charge covers entertainment, that part of the charge is included in dollar revenue.) If a determination has been made under any maximum rent regulations of the Office of Price Administration, of the part of the total charge which is for rent, that determination shall be used in computing dollar revenue. Dollar revenue does not include revenue derived from food services to Army, Navy, Marine Corps or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer pursuant to written contract with an agency of the United States.

[Above definition as amended by Amendment 15, 8 F.R. 5265, effective 4-19-43]

"Foods covered by Ration Order No. 16" means "canned milk", "meat", "canned fish", "rationed cheeses" and "rationed fats or oils". These terms have the meaning given them in Ration Order No. 16.

[Above definition added by Amendment 8, 8 F.R. 3851, effective 3-29-43 and amended by Amendment 25, 8 F.R. 7453, effective 6-2-43]

"Issue", when used with respect to a ration check, means the delivery of a completed ration check to the person to whose account the ration check is made payable.

"Person" means any individual, corporation, partnership, association, business trust, and includes the United States or any agency thereof, and any state or any political subdivision or agency thereof, and any other government or agency thereof, or any organized group of individuals.

"Processed foods" means processed foods as defined in Ration Order No. 13.

"Ration check" means a check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

"Ration credits" means the credits in an account reflecting deposits of stamps, certificates or ration checks.

"Rationed food" means sugar, coffee, foods covered by Ration Order No. 16, or processed foods.

[Above definition as amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

"Stamp" means a stamp in, or taken from a war ration book.

"Sugar" means sugar as defined in Rationing Order No. 3.

"War ration book" means War Ration Book One (OPA Form R-302) or War Ration Book Two (OPA Form R-121).

"Washington office" means the National headquarters of the Office of Price Administration, in Washington, D. C.

[Above definition added by Amendment 6, 8 F.R. 3216, effective 3-13-43]

Article XXIII—Post Exchanges and Ship Service Departments Ashore

SEC. 23.1 *How post exchanges and Ship Service Departments Ashore obtain rationed foods for institutional use.* (a) Army, Navy, Marine Corps, and Coast Guard post exchanges and Ship Service Departments Ashore, which make an institutional use of rationed foods, are not required to register with a board under this order. The Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard, and the Marine Corps may, at any time apply to the Washington Office of the Office of Price Administration for allotments of rationed foods for the post exchanges and Ship Service Departments Ashore, for allotment periods, beginning with March 1, 1943. Allotments will be given in accordance with arrangements made with the Office of Price Administration. The Washington Office will issue one certificate for each rationed food. The amount for which the certificate is issued may be distributed, through the use of ration checks, to the various post exchanges and Ship Service Departments Ashore.

(b) Ration bank accounts may be opened for post exchanges and ship service departments ashore.

[Paragraph (b) as amended by Amendment 4, 8 F.R. 2667, effective 3-1-43]

(c) If, during March 1943, post exchanges or ship service departments ashore are unable, for any reason, to use ration checks to acquire rationed foods for institutional use, the person in charge may use an emergency acknowledgment instead of a ration check for that purpose. Such emergency acknowledgment may be in any form but must show the name and address of the person to whom it is issued, the name and address of the post exchange or ship service department ashore, the amount of rationed foods for which it is issued (in points for processed foods and foods covered by Ration Order No. 16, and in pounds for sugar and coffee), and the date of issuance. The person who issues the acknowledgment must sign his name and state his rank or position. The post exchange or ship service department ashore named thereon must exchange the emergency acknowledgment, upon presentation, for a ration check, after ration bank accounts have been opened on which it may draw ration checks.

[Paragraph (c) added by Amendment 4, 8 F.R. 2667, effective 3-1-43 and amended by Amendment 8, 8 F.R. 3851, effective 3-29-43]

Article XXIV—Certain Government Agencies Obtain Allotments From Washington Office

SEC. 24.1 *Certain government agencies obtain allotments from Washington Office.* (a) The following government agencies may, at any time, apply to the Washington Office for allotments of rationed foods for any purpose:

(1) The Veterans' Administration;

(2) The Coast and Geodetic Survey.

(b) The following government agencies may, at any time, apply to the Washington Office for allotments of rationed foods for institutional use:

(1) The War Relocation Authority and the Department of Justice, in connection with the operation of war relocation centers and enemy alien detention stations and camps.

(c) Allotments will be given in accordance with arrangements made with the Washington Office. The Washington Office will issue certificates, the amount of which may be distributed, through the use of ration checks, to the various centers, stations, camps or activities, for which allotments are granted pursuant to this paragraph.

(d) Ration bank accounts may be opened for these centers, stations, camps or activities.

(e) These agencies are not required to register their institutional user establishments with a board.

[Article XXIV added by Amendment 1, 8 F.R. 2348, effective 2-23-43, and amended by Amendment 17, 8 F.R. 5476, effective 4-29-43. Sec. 24.1 added by Amendment 17. Former 24.1 revoked. Sec. 24.2 added by Amendment 9, 8 F.R. 4325, effective 4-8-43 and revoked by Amendment 17]

Article XXV—Obtaining Rationed Foods for Service to Certain Military and Naval Personnel

SEC. 25.1 *Obtaining rationed foods for service to military or naval personnel pursuant to written contract.* (a) Whenever, pursuant to a written contract made with an agency of the United States, an institutional user needs (or has used) rationed foods for the preparation of food which he will serve (or has served) to Army, Navy, Marine Corps, or Coast Guard personnel messed under the command of a commissioned or non-commissioned officer and for which government meal tickets will not be (or were not) received, an officer authorized by the Army, Navy, Marine Corps, or Coast Guard may issue ration checks to him or to his supplier, for the amount of rationed foods needed (or used) for such purpose.

(b) If, for any reason, ration checks are not available, an authorized officer

may issue an emergency acknowledgment instead of a ration check. The emergency acknowledgment may be in any form, but must show the name and address of the person to whom it is issued, the amount of rationed foods for which it is issued (in points for foods rationed under a point system, and in pounds for other rationed foods) and the date of issuance. The person who issues the acknowledgment must sign his name, state his rank and the name and address of the activity or organization to which he is attached. The emergency acknowledgment must be exchanged for a ration check when ration checks are available, upon presentation to the activity or organization named thereon.

(c) The weight of any substitute or substance, including but not limited to chicory, cereal, peas or beans, mixed, blended or compounded (or to be mixed, blended or compounded) by the institutional user with the roasted coffee used (or to be used) shall not be included in the amount of any ration check or emergency acknowledgment issued for coffee pursuant to this section.

[Sec. 25.1 added by Amendment 15, 8 F.R. 5265, effective 4-19-43. Former Sec. 25.1 revoked]

SEC. 25.2. *How organized messes obtain rationed food.* (a) The Army, Navy, Marine Corps, or Coast Guard may authorize messes organized pursuant to their respective regulations to draw on exempt ration bank accounts or to open exempt ration bank accounts in accordance with arrangements made with the Office of Price Administration. Messes so authorized are not required to register with a board under this order. They may acquire rationed foods only in exchange for ration checks drawn on such accounts in accordance with instructions issued by the Army, Navy, Marine Corps, or Coast Guard.

[Sec. 25.2 added by Amendment 15, 8 F.R. 5265, effective 4-19-43. Article XXV added by Amendment 3, 8 F.R. 2666, effective 3-1-43]

Article XXVI—Allotment for Certain Employers

SEC. 26.1 *Allotments for certain employers.* (a) Regardless of any other provision of this Order, any person who in the conduct of his business is about to feed, or, on and after March 1, 1943, has fed, rationed foods (after they have been rationed by an order of the Office of Price Administration), to employees whom he hires (or hired) temporarily for a period of less than thirty (30) days, may apply for allotments of rationed foods for that purpose. However, Group II and III institutional users may not apply for allotments pursuant to this section.

(b) Application must be made on OPA Form R-315 to the Board. Persons who are not institutional users may apply to the Board for the area in which such rationed foods are required. An application to replenish rationed foods already served to such employees, must be made within five (5) days after the end of the thirty (30) day period in which such service was made. The application must show the name, address and business of the applicant, and the number of such employees he will serve (or has served) during the thirty (30) day period. (In estimating the number of employees served, an employee is counted separately for each occasion on which he will be (or was) served. However, no one employee may be counted more than three (3) times on any one day.

(c) If the Board finds that the applicant needs an allotment of rationed food for the purposes described in paragraph (a) above, it shall grant the application and give him an allotment for each rationed food required (or used), computed in the following way: It shall multiply the number of such employees which it estimates or finds he will serve (or has served) during the thirty (30) day period by the allowance per person for the rationed food. If, at the time application is made, the applicant is not under an obligation to surrender stamps or certificates to a Board, the Board shall issue a certificate for the amount of the allotment. If he is under an obligation to surrender stamps or certificates, that obligation shall be cancelled to the amount of the allotment granted under this Section. Where the amount of the allotment is greater than his obligation, the Board shall issue a certificate for the difference.

(d) Where an applicant was granted an allotment prior to feeding his employees, he shall within five (5) days after the end of the thirty (30) day period, report to the Board the number of such employees served by him during that period. If the number is less than the number the Board estimated he would serve, the difference shall be multiplied by the allowance per person for the rationed food and stamps or certificates in an amount equal to the result obtained must be surrendered to the Board in accordance with such arrangement as may be made with the Board.

(e) An employee specified in paragraph (a) who lives in the place where food is served to him (or in premises maintained in connection with that place) for seven consecutive days or more, and who takes eight or more meals a week there, must turn over all his War Ration books to his employer, in the manner described in paragraph (a) of section 17.1 during the period for which his employer has received allotments of rationed foods pursuant to this section. The duties of the employer with respect to the War Ration Books which are turned over to him are the same as those specified for institutional users in paragraphs (c), (d), (e) and (f) of Sec. 17.1.

[Article XXVI added by Amendment 5, 8 F.R. 3178, effective 3-12-43]

Article XXVII—Special Allotments

SEC. 27.1 *Certain group III users may get special allotments of Processed Foods.* (a) A Group III institutional user may apply for a special allotment of processed foods if he needs additional processed foods to feed his employees, or to feed employees of another person pursuant to a contract, if he cannot get enough fruits or vegetables to meet the minimum nutritional needs of such employees for such foods because:

(1) The place where he feeds such employees is so located, or the employer's business or occupation is of such a nature that a source of supply of fresh fruits and vegetables is not reasonably accessible; and

[Paragraph (1) as amended by Amendment 29, 8 F.R. 8500, effective 6-23-43]

(2) He has no facilities for preserving such foods long enough, and in the quantities required, to meet such needs. (A Group I institutional user may not apply for a special allotment under this Section. Consumers eating in Group I establishments are permitted, under similar circumstances, to apply for additional points under Ration Order No. 13.)

(b) Application shall be made to the Board on OPA Form R-315, in person or by mail. A separate application must be made for each allotment period for which the special allotment is needed. The application must state in detail:

(1) The number of employees, the period of time covered by the application, and the place where such employees will be fed;

[Paragraph (1) as amended by Amendment 16, 8 F.R. 5476, effective 4-29-43]

(2) The nearest source of supply of fresh fruits and vegetables;

(3) A description of the facilities he has for preserving fresh fruits and vegetables;

(4) The amount of processed foods (in pounds) on hand on the date of application;

(5) The number of pounds of fresh fruits and vegetables, excluding potatoes, which the applicant can get and use during the period covered by the application; and

(6) The amount of his allotment (in points) of processed foods for the current allotment period.

(c) The regional administrator may authorize boards, district offices and State offices in his region to rule on applications. If the board has not been given such authority, it shall forward the application, with its recommendation, to the district office (or, where there is none, to the State office). If the district (or State) office has not been authorized to act on such application, it shall transmit the file to the regional office.

(d) If the regional office or an authorized board, district or State office finds that the applicant meets the tests set out in paragraph (a), it shall grant a special allotment in the amount required. In determining the amount of the allotment, consideration shall be given to the amount of fresh fruits and vegetables, excluding potatoes, which will be available to the applicant during the period covered by the application. The Washington office and the regional administrators may issue further instructions governing the granting of special allotments.

(e) Any board which grants an allotment under this section shall keep a record of the number of points issued each month. It shall, within five (5) days after the end of each month, send to the district (or State) office a statement of the total number of points issued each month. The district (or State) office shall forward such statement to the regional office along with a statement of the number of points it has issued, if any. The regional office shall forward such statements to the Washington office along with a statement of the number of points it has issued, if any.

(f) A certificate shall be issued for the amount of the special allotment. However, if the applicant has an excess inventory of processed foods, no certificate shall be issued to him but an amount of the excess inventory equal to the allotment shall be cancelled. If the excess inventory is less than the allotment, a certificate for the difference shall be issued.

SEC. 27.2 *Certain Group III users may get special allotments of meat and fats.* (a) A Group III institutional user may apply for a special allotment of foods covered by Ration Order 16 if he needs additional amounts of such foods to feed his employees, or to feed employees of another person pursuant to a contract, if he cannot get enough fresh fish, poultry or eggs to meet the nutritional needs of such employees because:

(1) The place where he feeds such employees is so located, or the employer's business or occupation is of such a nature that a source of supply of fresh fish, poultry and eggs is not reasonably accessible, except at infrequent intervals; and

(2) He has no facilities for preserving such foods long enough, and in the quantities required, to meet such needs. (A Group I institutional user may not apply for a special allotment under this section. Consumers eating in Group I establishments are permitted, under similar circumstances, to apply for additional points under Ration Order 16.)

(b) Application shall be made to the Board on OPA Form R-315, in person or by mail. A separate application must be made for each allotment period for which the special allotment is needed. The application must state in detail:

(1) The number of employees, the period of time covered by the application, and the place where such employees will be fed;

(2) The nearest source of supply of fresh fish, poultry and eggs;

(3) A description of the facilities he has for preserving these foods;

(4) The number of pounds of fresh fish and poultry and the number of dozens of eggs which the applicant can get and use during the period covered by the application; and

(5) The amount of his allotment (in points) of foods covered by Ration Order 16 for the current allotment period.

(c) The regional administrator may authorize boards, district offices and State offices in his region to rule on applications. If the board has not been given such authority, it shall forward the application, with its recommendation, to the district office (or, where there is none, to the State office). If the district (or State) office has not been authorized to act on such application, it shall transmit the file to the regional office.

(d) If the regional office or an authorized board, district or State office finds that the applicant meets the tests set out in paragraph (a), it shall grant a special allotment in the amount required. In determining the amount of the allotment, consideration shall be given to the amount of fresh fish, poultry and eggs which will be available to the applicant during the period covered by the application. Boards, district and State offices shall be governed by any further instructions issued by the regional or Washington offices.

(e) Any board which grants an allotment under this section shall keep a record of the number of points issued each month. It shall, within five (5) days after the end of each month, send to the district (or State) office a statement of the total number of points issued each month. The district (or State) office shall forward such statement to the regional office along with a statement of the number of points it has issued, if any. The regional office shall forward such statements to the Washington Office along with a statement of the number of points it has issued, if any.

(f) A certificate shall be issued for the amount of the special allotment. However, if the applicant has an excess inventory of foods covered by Ration Order 16, no certificate shall be issued to him but an amount of the excess inventory equal to the allotment shall be cancelled. If the excess inventory is less than the allotment, a certificate for the difference shall be issued.

[Sec. 27.2 added by Amendment 22, 8 F.R. 6956, effective 5-29-43. Article XXVII added by Amendment 6, 8 F.R. 3216, effective 3-13-43]

Article XXVIII—Home Processing by Institutional Users

SEC. 28.1 *Explanation of terms "home processed foods" and "kitchen".*—(a) *Home processed foods.* Processed foods which are produced in a "kitchen" are "home processed foods."

(b) *Kitchen.* A "kitchen" is a place principally used for the preparation of meals, or for the demonstration of such preparation (such as a kitchen in a school or in a home economics center).

SEC. 28.2 *Group I institutional users use and transfer home processed foods in accordance with Ration Order 13.* (a) A person who is a Group I institutional user may use and transfer home processed foods he produces, in the manner provided for ordinary consumers by Ration Order 13.

SEC. 28.3 *Group II and III institutional users must report amount of home processed foods they produce and are charged with excess inventory*—(a) *Group II or III institutional users must report amount they produce.* A Group II or III institutional user who produces home processed foods during any month, must report to the board, on or before the tenth day of the following month, the total amount of such foods he produced.

(b) *He is charged with an excess inventory of processed foods.* The board shall charge him with an excess inventory of processed foods equal to the point value of the home processed foods he produced. (The point value of home processed foods is fixed by Revised Supplement No. 1 to Ration Order 13.) This excess inventory charge may be apportioned, at his request, over a period of time not exceeding one year from the date of such report.

(c) *Such excess inventory may be charged to his separately registered Group II and III establishments.* If he operates separately registered Group II or III establishments, he may have this excess inventory charged against those establishments in such proportions as he chooses.

(d) *Home processed foods he uses are regarded as part of his allotment.* For the purposes of section 15.2 of this Order, home processed foods used by a Group II or III institutional user are to be included, (at their point value), in determining the amount of processed foods he used during an allotment period.

SEC. 28.4 *A Group II or III institutional user may transfer home processed foods he produces*—(a) *He may transfer them only for points.* A Group II or III institutional user may sell or transfer home processed foods produced by him only if he gets from the transferee points equal to the point value of the foods he transfers. He need not give up points for a movement of such foods to his Group II or III establishment which was charged with an excess inventory under section 28.3 (b) or (c) for the production of such foods, or to any of his other establishments which are in the same group and registered together with such establishment. A movement of such foods to another of his Group II or III establishments which is registered separately is to be treated as a transfer to another person.

(b) *He must keep records and surrender points to the board.* For this purpose, he need not register as a processor or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers of home processed foods for points during any month, he must give up the points to the board, on or before the tenth day of the next month.

(c) *The excess inventory charges against him shall be credited with the points surrendered.* The excess inventory charged against him under section 28.3 (b) or (c) shall be credited with the number of points he surrenders to the board pursuant to the last paragraph.

SEC. 28.5 *Institutional users producing processed foods in place other than a*

"kitchen" may get permission to treat them as home processed foods. (a) In some cases, an institutional user may produce processed foods in a place not used principally for the preparation of meals or for the demonstration of such preparation (and hence not a kitchen as defined in section 28.1). Yet the facilities he uses may not differ substantially from the facilities ordinarily found in a "kitchen" and may clearly not be commercial-scale processing facilities. For example, a state prison may have on its premises, in addition to its "kitchen", a separate place containing facilities used for processing foods, which are of a type similar to those normally used by such institutions in kitchens. An institutional user who has such a place and facilities may apply to the board in writing for permission to treat the processed foods produced there as "home processed foods". He shall describe the facilities he intends to use, the purposes for which those facilities are ordinarily used, the total amount of processed foods he expects to produce there, and the disposition to be made of such processed foods.

(b) If the board finds that the facilities used are clearly not commercial-scale processing facilities, and do not differ substantially from those normally used by such institutional users in kitchens, it shall notify the applicant that the foods so produced may be treated as home processed foods. The applicant may then use and transfer them as permitted by sections 28.2, 28.3 and 28.4 of this order.

SEC. 28.6 *A Group I institutional user obtains sugar for producing home processed foods in accordance with sugar regulations.* (a) A person who is a Group I institutional user who wishes to get a sugar allowance for the purpose of acquiring sugar with which to produce home processed foods from fresh fruits, and for making jams, jellies, preserves or fruit butters applies in the same manner as any other person who is registered as a consumer, pursuant to §§ 1407.71 and 1407.71a of Rationing Order No. 3. For this purpose, the War Ration Books One of persons eating at his establishment may be pooled.

SEC. 28.7 *A Group II or III institutional user may obtain a sugar allotment for producing home processed foods from fresh fruits*—(a) *He must apply to the board on OPA Form R-315.* A Group II or III institutional user may obtain an allotment of sugar to be used in producing home processed foods from fresh fruits, for use or transfer pursuant to sections 28.3 and 28.4 of this order. He must make application for such allotment to the board on OPA Form R-315, stating the name and address of the place at which the home processed foods are to be produced, the amount of sugar needed, the amounts of home processed foods to be produced with such sugar, the type of facilities to be used in producing such foods, and the disposition to be made of such foods.

(b) *He may get an allotment of sugar.* The board may grant an allotment of sugar in an amount not exceeding one (1) pound of sugar for each four (4) quarts of home processed foods to be produced from fresh fruits. It shall issue a certificate for the amount of the allotment. However, if the applicant has an excess inventory of sugar, the amount thereof shall be deducted from the amount for which the certificate is to be issued. Any excess inventory so deducted shall be cancelled.

SEC. 28.8 *Special provisions for processed foods produced by government agency in commercial-scale processing facilities*—(a) *It must report amount produced.* In some cases, a government or government agency which operates one or more Group II establishments or eleemosynary Group III establishments, may produce processed foods in commercial-scale processing facilities, primarily for use in the preparation and service of food in such establishments. A government or agency which so produces processed foods in any month, must report to the board, on or before the tenth day of the following month, the total amount of such processed foods it produced.

(b) *It is charged with an excess inventory of processed foods.* The government or government agency shall be charged with an excess inventory of processed foods at a rate of four (4) points for each pound of such processed foods so produced. This excess inventory charge may be apportioned, at its request, over a period of time not exceeding one year from the date of the report required by paragraph (a) of this section. If it operates separately registered Group II or eleemosynary Group III establishments, it may have this excess inventory charged against those establishments in such proportions as it choses.

(c) *It may obtain sugar allotment to produce such processed foods.* The government agency may obtain an allotment of not more than one (1) pound of sugar for each eight (8) pounds of such processed foods to be so produced from fresh fruits. Application for the allotment must be made on OPA Form R-315. The application must show:

(1) The name and address of the applicant;

(2) The location of the facilities to be used;

(3) The amount of sugar requested;

(4) The number of pounds of processed foods to be produced with such sugar; and

(5). The disposition to be made of such processed foods.

(d) *It uses such processed foods as part of its allotment.* For the purposes of section 15.2 of this Order, the point value of such processed foods used by such government or government agency at its Group II and eleemosynary Group III establishments is to be included at the rate of four (4) points per pound, in determining the amount of processed foods used during an allotment period.

(e) *It may transfer such foods to similar establishments at reduced point value.* It may sell or transfer such processed foods to other Group II or eleemosynary Group III institutional user establishments operated by a government or government agency, or to the Lend-Lease Administration, or to the Army, Navy, Marine Corps or Coast Guard at the rate of four (4) points per pound. A transfer to a separately registered establishment operated by it, which was not charged with an excess inventory of processed foods pursuant to paragraph (b) of this section for the production of the foods transferred, is treated just as if it were a transfer to another establishment of the same type operated by a different person, and may be made only for points. (However, no points need be given up for a movement of such foods to a Group II or eleemosynary Group III establishment operated by it, which was charged with an excess inventory, pursuant to paragraph (b) of this section, for the production of the foods transferred, or which is in the same group and registered together with such an establishment.)

[Paragraph (e) as amended by Amendment 31, effective 7-23-43]

(f) *It must keep records and surrender points to the board.* For this purpose, it need not register as a processor or make reports, but it must keep records of the amounts of such foods transferred and the names and addresses of the persons to whom transfers are made. It must surrender to the board, on or before the tenth day of each month, all points received for such transfers during the preceding month. The excess inventory of processed foods charged pursuant to paragraph (b) of this section, shall be credited with the number of points surrendered pursuant to this paragraph.

(g) *Any other transfers must be at full point value.* Transfers to any person or establishment other than those mentioned in paragraph (e) may be made only at the regular point value of such processed foods, as fixed by Revised Supplement No. 1 to Ration Order 13. If the government or government agency makes such transfers, it must register as a processor as to all its transfers, and must file reports as required by section 3.2 of that order.

[Article XXVIII added by Amendment 20, 8 F.R. 6118, effective 5-15-43]

Article XXIX—Sale or Transfer of Institutional User Establishments

SEC. 29.1 *Sale or transfer of a Group I establishment.* (a) When an institutional user sells or transfers to any other person the business and inventory of his Group I establishment, for continued operation, he may transfer his stocks of rationed foods to the transferee of the establishment without the surrender of stamps, certificates or ration checks. Both the transferor and the transferee must notify the board with which the establishment is registered. The notice must be given in writing, within five (5) days after the sale or transfer, and must state:

(1) The name and address of the establishment and of the persons transferring and acquiring it;

(2) The inventory of rationed foods transferred to the transferee (in points

for foods rationed under the point system and in pounds for other rationed foods), showing separately the amount which represents remaining opening inventory of the transferor (that is, the part of his opening inventory for which he has not yet accounted to the Board in accordance with section 4.2).

(b) The notice required by paragraph (a) shall constitute a cancellation of the transferor's registration for the establishment.

(c) The amount of the transferor's remaining opening inventory of a rationed food, or the amount of that food transferred to the transferee pursuant to paragraph (a), whichever is greater, shall be treated as the transferee's opening inventory of that food.

SEC. 29.2. *Sale or transfer of other institutional user establishments*—(a) *General.* (1) When an institutional user sells or transfers to any other person the business and inventory of his institutional user establishment (other than a Group I establishment), for continued operation, he may transfer his stocks of rationed foods to the transferee of the establishment without the surrender of stamps, certificates or ration checks. Both the transferor and the transferee must notify the Board at which the establishment is registered. The notice must be given in writing, within five (5) days after the sale or transfer, and must state:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The inventory of rationed foods transferred (in points for foods rationed under the point system and in pounds for other rationed foods);

(iii) The balances, if any, in the establishment's ration bank accounts, and the amount of any stamps, certificates or ration checks on hand, including any in the hands of a supplier for rationed foods not yet shipped;

(iv) The number of persons served in, and the dollar revenue of, the establishment transferred for the month in which the transfer takes place and for the two preceding months; and

(v) The amount of any rationed foods, other than those already included in the inventory of an establishment, which the transferee has for use in the transferred establishment.

(2) If the transferor has a ration bank account for the establishment, he must notify the district office, in the way required by General Ration Order 3A.

(b) *Transferor must give up unused stamps, certificates and ration checks.* The seller or transferor must give up to the board all unused stamps, certificates and ration checks he has for the establishment. If the establishment has ration bank accounts, he must give up to the board certified ration checks payable to the Office of Price Administration for the balances in such accounts. The notice described in paragraph (a) of this section, and the surrender of the stamps, certificates and ration checks, will be treated as a cancellation of the transferor's registration and allotments.

(c) *Application for allotments by transferee.* The transferee may use the stocks of foods transferred only up to the amount of the allotments he gets for the establishment. The application for allotments must be made on OPA Form R-315, to the board for the place where the establishment was registered and must state facts showing whether the transferee will continue to operate the establishment in substantially the same manner as it was operated by the transferor. (Thus, if a restaurant which specialized in meat dishes will be operated by the transferee as a vegetarian restaurant, the transferee will not be operating it in substantially the same manner as before the transfer.) The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office.

(d) *Granting allotments and assigning bases.* If the district office finds that the establishment will continue to be operated in substantially the same manner as before the transfer, it shall assign to the transferee the transferor's allotments for that establishment, and, in the case of a Group III establishment, the transferor's bases. It shall also give him certificates equal in value to the stamps, certificates and ration checks that the transferor surrendered to the board, or, if the amount of a rationed food transferred to the transferee with the establishment is larger than the unused part of the allotment of that food for the current allotment period plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotments already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment. (The district office shall also treat as excess inventory any amounts of rationed foods, other than those already included in the inventory of an establishment, which the transferee has for use in the transferred establishment.)

SEC. 29.3 *Transfers of chain establishments*—(a) *Same rules apply to sale of entire chain.* The rules set forth in sections 29.1 and 29.2 apply where a person who has more than one institutional user establishment sells or transfers all of them for continued operation, whether or not they were registered separately.

(b) *Sale of part of a chain.* (1) When the seller or transferor has more than one institutional user establishment which he registered separately, and sells or transfers one or more, but not all of them, the procedure described in section 29.1 or 29.2, whichever is applicable, must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one institutional user establishment which he registered together, and sells or transfers one or more, but not all of them, the procedure described in section 29.1, or in paragraphs (a) and (c) of section 29.2, whichever is applicable, must be followed, except that:

(i) If Group I establishments are being transferred, the remaining opening inventory may be divided between the establishments which were transferred and those which were not transferred in any way that the transferee chooses; and

(ii) If Group II or III establishments are being transferred, the transferor must also apply to the Board with which he is registered for a redetermination of his allotments and, in the case of Group III establishments, of his bases.

In the case of a transfer of Group III establishments, the transferor must also report the December 1942 use of rationed foods, the number of persons served and the December 1942 dollar revenue for the establishment or establishments transferred. The board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the transferred establishments are in Group II or III and if the district office finds that they will continue to be operated in substantially the same manner as before the transfer, it shall grant allotments to the transferee and, in the case of Group III establishments, shall assign bases to him. It shall first determine the amount of the transferor's allotments and, in the case of Group III establishments, of the transferor's bases allocable to the transferred establishment or establishments. Those bases shall be assigned to the transferee. The transferee's allotments shall be the part of the transferor's allotments corresponding to the unexpired part of the allotment period. The bases and allotments assigned to the transferee shall be deducted from the bases and current allotments of the transferor. The district office shall issue certificates to the transferee (or determine his excess inventory) on the basis of the allotments granted to him, the amount of the inventory he acquired from the transferor and the amount of rationed food not already included in the inventory of an establishment which the transferee has for use in the transferred establishment. If the amount of a rationed food which is transferred with the establishment is less than the allotment of that food assigned to the transferee, the transferor must give up to the board certificates or ration checks for the difference. If he does not give up certificates or ration checks, the difference shall be treated as excess inventory.

SEC. 29.4 *Where and how the transferee registers the establishments acquired by him.* (a) A person who buys or otherwise acquires an institutional user establishment and who already has two or more establishments in the same group as the one acquired by him, which are registered together, must register the new establishment together with his other establishments and at the same board. The remaining opening inventory (in the case of Group I establishments), allotments and the bases (in the case of Group III establishments) assigned to him shall be added to the remaining

opening inventory, allotments and bases he already has for his other establishments in that group. If he already has his other establishments in the same group registered separately, the transferred establishment must be registered separately with the Board for the place where it is located. If he has only one other establishment in the same group, he may elect whether his establishments will be registered together or separately. If he registers them together, registration shall be at the board for the place where his principal office is located and remaining opening inventory, allotments or bases assigned to him shall be added to the remaining opening inventory, allotments or bases he already has for his other establishment. If he registers them separately, registration shall be at the board for the place where the establishment is located.

(b) If the transferee acquires more than one institutional user establishment and is entitled to or is required to, register them separately, the district office must compute separately the portion of the transferor's remaining opening inventory, allotments or bases allocable to each of the establishments acquired, in the way described in section 29.3.

SEC. 29.5 *Computation of subsequent and supplemental allotments.* (a) For purposes of determining allotments (other than those issued by the district office for the unexpired part of the allotment period in which the transfer is made) for the establishment transferred, the dollar revenue of, and number of persons served by, the transferor shall be used as if they were the figures of the transferee.

SEC. 29.6 *Some transferred establishments will be new institutional user establishments.* (a) If the district office determines that a transferred Group II or III establishment will not be operated by the transferee in substantially the same manner as it was operated by the transferor, it shall treat it as a new institutional user establishment.

[Article XXIX added by Amendment 24, 8 F.R. 7554, effective 6-7-43]

Article XXX—Closing of Institutional User Establishments

SEC. 30.1 *What an institutional user who closes his Group I establishment must do.* (a) An institutional user who goes out of business at his Group I establishment must, within five (5) days after closing the establishment, notify the board to that effect. He may transfer any remaining stock of rationed foods in the same manner that a retailer is permitted to make transfers under the ration orders governing those foods. He must surrender to the board the stamps, certificates or ration checks so received.

SEC. 30.2 *What a person who closes his Group II or III establishment must do.* (a) An institutional user who goes out of business at his Group II or III establishment must notify the board. The notice must be given in writing, within five (5) days after he goes out of business. It must state:

(1) The name and address of the establishment;

(2) The inventory of rationed foods (in points for foods rationed under the point system and in pounds for other rationed foods) at the time he stopped doing business there; and

(3) The balances, if any, in the establishment's ration bank accounts, and the amount of any certificates or ration checks on hand, including the value of any certificate or ration check in the hand of his suppliers for rationed foods not yet shipped. If he has a ration bank account, he must also notify the district office, in the way required by General Ration Order No. 3A (the ration banking order).

(b) He must account to the Office of Price Administration for all stamps, certificates or ration checks he has for the establishment. If all his stocks of rationed foods have not been disposed of at the time of the notice, he must account for such stocks as soon as they have been liquidated. He may sell or transfer his unused stocks of rationed foods in the same way that a retailer is permitted to make sales or transfers under the ration orders governing those foods.

SEC. 30.3 *Closing of chain establishments*—(a) *Same rules apply to closing of entire chain.* The rules set forth in sections 30.1 and 30.2 apply where a person who has more than one institutional user establishment goes out of business at all of them, whether or not they were registered separately.

(b) *Closing of part of chain.* (1) A person who has several institutional user establishments, which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in section 30.1 or 30.2, whichever is applicable, as to each of the establishments at which he goes out of business.

(2) A person who has several institutional user establishments which are registered together may go out of business at one or more, but may continue to operate the others. In that case he must notify the board within five (5) days. If the establishments were in Group I, the rules of section 30.1 apply. If the establishments were in Group II or III, the notice must state:

(i) The name and address of the establishment or establishments;

(ii) The number of persons served (and in the case of the closing of Group III establishments the amount of rationed foods used and his dollar revenue) in December 1942, at the establishment or establishments being closed; and

(iii) The number of persons served in (and in the case of Group III establishments, the dollar revenue for) the establishment or establishments for the month in which they go out of business and for the two preceding months.

In the case of a Group II or III user, the board shall send the notification and his registration to the district office.

(c) The district office shall reduce the institutional user's allotments for the allotment period in which the establishments are closed (and, in the case of Group III establishments, his bases) by the amount allocable to the closed establishments. He must give up to the Office of Price Administration certificates or ration checks equal to the amount of the reduction in his allotments. If he does not have certificates or ration checks to give up, that amount shall be treated as excess inventory.

(d) Subsequent allotments for Group III institutional users shall be computed by using the bases as recomputed in accordance with paragraph (c), and the dollar revenue of, and number of persons served in, the establishments still in operation.

[Article XXX added by Amendment 24, 8 F.R. 7554, effective 6-7-43]

Effective Date

This general ration order shall become effective 12:01 a. m., March 1, 1943, except that sections 22.1 and 23.1 shall become effective February 20, 1943, and section 24.1 shall become effective February 23, 1943.

[Paragraph as amended by Amendment 1, 8 F.R. 2348, effective 2-23-43]

[Issued February 18, 1943]

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

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11556; Filed, July 17, 1943; 4:33 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 14,[1] Amdt. 2]

FIREWOOD

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

Section 1.3a (c) is amended by adding after the period of the end of the paragraph the sentence, "However, the provisions of this paragraph shall not apply to consumers who need firewood for any purpose other than heat, domestic hot water, or domestic cooking."

This amendment shall become effective on July 17, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 597, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1-U, 8 F.R. 1835; E.O. 9125, 7 F.R. 2719)

Issued this 17th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11559; Filed, July 17, 1943; 4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 586 Under § 1499.3 (b) of GMPR]

GENERAL FOODS SALES CO., INC.

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

---

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

[1] 8 F.R. 2595, 9010.

§ 1499.2124 *Authorization of maximum prices for sales of Teem by the Maxwell House Division of General Foods Sales Co., Inc.* (a) The General Foods Sales Co., Inc. ma ysell and deliver Teem at the following delivered prices:

Quantity:	*Price per case of 10 cartons containing 100 bags each*
Less than carload	$6.65
Pool cars	6.62½
Carload	6.61¾

(b) The above prices are prices before discounts. The General Foods Sales Co., Inc. shall reduce these prices by applying to them the same discounts and allowances which it customarily applied on similar sales of Maxwell House Red Tag Tea Balls.

(c) This Order No. 586 may be revoked or amended at any time by the Office of Price Administration.

(d) This order shall become effective July 19, 1943.

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

Issued this 17th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11558; Filed, July 17, 1943; 4:33 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 6]

LOGS AND BOLTS

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

Section 9, paragraph (f), unnumbered paragraph following subparagraph (3), is amended so that "July 15, 1943", the final date on which petitions may be filed, is changed to read "August 14, 1943".

This amendment shall become effective July 16, 1943.

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

Issued this 16th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11557; Filed, July 17, 1943; 4:34 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 1842]

PART 4—DELEGATION OF AUTHORITY

Section 4.1 (b) (8 F.R. 3217) is hereby amended by adding subparagraph (6) as follows:

§ 4.1 *Delegation of authority to the Under Secretary, First Assistant Secretary, and Assistant Secretary.* * * *

(b) *First Assistant Secretary.* * * *

(6) Patent Policies and Procedures.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 14, 1943.

[F. R. Doc. 43-11537; Filed, July 17, 1943; 10:04 a. m.]

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

[1] 8 F.R. 3670.

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4482, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167 (46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 475, 481, 489, 367, 526-526t), and Executive Order 9083, dated February 28, 1943 (7 F.R. 1609), the following amendment to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter F—Marine Engineering

PART 52—CONSTRUCTION

Section 52.14-4 (a) is amended to read as follows:

§ 52.14-4 *Installation.* (a) The steam drum of every boiler shall be equipped with not less than two safety valves of equa size. On those river steamers whose boilers are connected in batteries without means of shutting off one boiler from another, each battery of boilers shall be treated as a single boiler and equipped with not less than two safety valves of equal size.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

DAVIT

Welin Crescent sheath screw davit, Type B (Arrangement Dwg. No. 1074, dated 4 November, 1941) (Maximum working load of 5,250 pounds per arm), manufactured by Welin Davit and Boat Corp., Perth Amboy, N. J.

LINE-THROWING GUN

2½" line-throwing gun, Type "B" (Dwgs. CP1814A, dated 2 June, 1943; DP1814-AS, Rev. A, dated 1 June, 1943; DP1814-GB, Rev. A. dated 25 May, 1943; and DP1814-GC, Rev. A, dated 20 April, 1943), manufactured by Heat Transfer Products, Inc., New York, N. Y.

LIFE PRESERVER

Wilco Style 104 adult kapok life preserver (Standard Navy Type with body strap) Approval No. B-190 (Dwg. No. 2-104, dated 8 May, 1943, and Bureau of Ships ad Interim Specification 23P12 (INT), dated 1 December 1942), manufactured by Wilber & Son, San Francisco, Calif.

R. R. WAESCHE,
Commandant.

JULY 16, 1943.

[F. R. Doc. 43-11552; Filed, July 17, 1943; 1:17 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 1-3]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART A—MERCHANDISE TRAFFIC

In accordance with the provisions of paragraph (d), § 500.2a of General Order O.D.T. No. 1, as amended, it is hereby authorized, that:

§ 520.5 *Cotton consigned to or shipped from compress facilities or warehouses.* Merchandise consisting of cotton may be handled in cars between freight stations and compress facilities or warehouses located in the same municipality, contiguous municipalities, or within a zone adjacent to and commercially a part of any such municipality or municipalities, where carriers by railroad have entered into contracts under which such compress facilities or warehouses are depots for the delivery of cotton shipped by rail, or depots for the receipt of cotton intended for shipment by rail, or where, under applicable transit privileges, tariff rates include delivery to or receipt from such compress facilities or warehouses.

(E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 1, as amended, 7 F.R. 3046, 3213, 3753, 9744)

This General Permit ODT 1-3 shall become effective July 19, 1943.

Issued at Washington, D. C., this 19th day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-11593; Filed, July 19, 1943; 12:02 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 24—WEST CENTRAL REGION, NATIONAL WILDLIFE REFUGES

SWAN LAKE NATIONAL WILDLIFE REFUGE, MISSOURI

Under authority of section 10 of the Migratory Bird Conservation Act, of February 18, 1929 (45 Stat. 1222; 16 U. S. C. 715i), as amended, the following *Is hereby ordered:*

§ 24.886 *Swan Lake National Wildlife Refuge, Missouri; fishing.* Noncommercial fishing is permitted in the waters specified herein of the Swan Lake National Wildlife Refuge, Missouri, during the daylight hours of the period May 30 to September 15, inclusive, of each year in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges Under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), and subject to the following conditions, restrictions, and requirements:

(a) *Waters open to fishing.* The following waters of the refuge shall be open to fishing: *Area 1:* the area south of levee No. 1 in sections 3, 4, and 9, T. 55 N., R. 20 W.; *Area 2:* the waters adjacent to levee No. 3 in sections 6 and 7, T. 55 N., R. 20 W., and section 31, T. 56 N., R. 20 W.; and *Area 3:* the waters of Swan Lake adjacent to and within one-fourth mile of levee No. 4 in section 2, T. 55 N., R. 21 W., and in sections 26, 27, 34, and 35, T. 56 N., R. 21 W., including the area along the north shore line of Swan Lake between levee No. 4 and the picnic area. No other waters of the refuge shall be open to fishing.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Missouri. Fishing shall be by hook and line (including rod and reel) only, as defined by State law. The use of trot lines, set lines, bank lines, nets, seines, or other similar contrivances is prohibited.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Missouri State Conservation Commission, if such license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Missouri State Conservation Commission or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel and be restricted to such parking areas as may be designated by suitable posting by the officer in charge of the refuge.

(e) *Use of boats.* The use of rowboats, canoes, and other similar floating devices is permitted only in fishing Area 3, and the use of such boats, canoes, or other devices in any other part of the refuge is prohibited except for official purposes. The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(f) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JULY 7, 1943.

[F. R. Doc. 43-11504; Filed, July 17, 1943; 10:05 a. m.]

Chapter IV—Office of the Coordinator of Fisheries

[Order 1787, Amdt. 3]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

SALMON CANNING INDUSTRY ALASKA

Section 401.1 of Order No. 1787 dated March 3, 1943 (8 F.R. 2892), is hereby amended as follows:

1. Schedule A is amended by altering those items designated below in Districts numbered II, V, IX, X, XI, and XII, and by adding the items designated below in District numbered XIV, so that all said items appear as follows:

SCHEDULE A

Name of person	Nucleus plant	No. of lines
II ALASKA PENINSULA		
(2) P. E. Harris & Co., False Pass	P. E. Harris & Co., False Pass	2
(3) Pacific American Fisheries, Inc., King Cove	Pacific American Fisheries, Inc., King Cove	3
V COOK INLET		
(12) Nakiska Bay Packing Co., Boulder Point	Nakiska Bay Packing Co., Boulder Point	1
(13) Reilly & Williams Cannery, Cook Inlet	Reilly & Williams Cannery, Cook Inlet	1
IX ICY STRAIT		
(1) Burnett Inlet Salmon Co., Elfin Cove Cape Cross Salmon Co., Pelican City.	Burnett Inlet Salmon Co., Pelican City	1
X WESTERN DISTRICT		
(2) Todd Packing Co., Todd	Todd Packing Co., Todd	2
XI EASTERN DISTRICT		
(5) Sebastian Stuart Fish Co., Tyee	Sebastian Stuart Fish Co., Tyee	2
XII WEST COAST DISTRICT		
(3) Peratrovich & Son Packing Co., Klawock Craig Packing Co. (or successor operator, if any), Craig.	Peratrovich & Son Packing Co., Klawock	1
XIV OTHER DISTRICTS		
(1) Northern Commercial Co., Kwiguk	Northern Commercial Co., Kwiguk	1
(2) Bering Trading Co., Kwiguk	Bering Trading Co., Kwiguk	1

2. Paragraph (c) is amended by adding the following sentences at the end of the pargaraph, immediately before Schedule A:

* * * In any situation where, in the judgment of the Field Administrator, the circumstances do not permit the delay which would otherwise result, Schedule A may be amended or extended, or any item thereof altered or deleted by the Field Administrator, in such manner as he shall deem reasonable and advisable to secure maximum production with a minimum expenditure of critical materials and services. Any person claiming to be adversely affected by such amendment may file with the Fishery Coordinator a petition for relief as set out in paragraph (f); pending action on such petition, the amendment by the Field Administrator shall become and remain effective according to its terms.

3. Paragraph (d) is amended by altering the title thereof to read as follows: "Restrictions and authorizations applicable to specific persons named in Schedule A, by deleting subparagraphs (1) and (3), and by adding the following subparagraphs:

(4) Peninsula Packing Co., is authorized to operate its floating cannery independently in other areas after the close of operations at Port Moller.

(5) Peratrovich & Son Packing Co., Klawock, is authorized to operate one line exclusively for packing one-half pound cans, in addition to the authorization in Schedule A.

Issued this 15th day of July 1943.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-11571; Filed, July 19, 1943; 9:43 a. m.]

Notices

WAR DEPARTMENT.

[Royalty Adjustment Order W-2]

LES FILS DE J. KAHN, ET AL.

ORDER DISCONTINUING PAYMENT OF ROYALTIES

In the Matter of Les Fils de J. Kahn, and Rene J. Kahn Price, Licensors, and the Cleveland Pneumatic Tool Company, Licensee.

Whereas, pursuant to authority contained in the Act of October 31, 1942 (Public Law 768, 77th Congress) written notice was given on or about February 18, 1943 to Les Fils de J. Kahn, a co-partnership, and to Rene J. Kahn Price (said copartnership and said Price being jointly and severally hereinafter called "Licensor"), to The Cleveland Pneumatic Tool Company (hereinafter called "Licensee"), and to Benjamin Kaye of the firm of Kaye, Scholer, Fierman & Hays, Attorneys and Counsellors at Law, 149 Broadway, New York City, attorneys for

the aforesaid Licensors that the rates or amounts of royalties relating to certain alleged inventions, to wit, "Devices for Securing Together Articles such as Plates or the Like" described and claimed in Letters Patent of the United States No. 2,136,875 granted November 15, 1938, and "Devices for Assembling Plates or other Superposed Pieces" described and claimed in Letters Patent of the United States No. 2,187,929 granted January 23, 1940, as the same were specified in that certain agreement entered into between Licensor and Licensee on or about the 10th day of April, 1940, and which said royalties are directly or indirectly charged or chargeable to the War Department for or on account of manufacture, use, sale, or other disposition for the United States of the inventions hereinbefore described, were believed to be unreasonable or excessive taking into account the conditions of wartime production, and that until the making of an order herein no royalty should be paid by Licensee to Licensor on account of such manufacture, use, sale, or other disposition for the United States; and

Whereas said Licensor and Licensee, upon their request, have presented in writing and in person such facts and circumstances as they desired having a bearing upon the rates or amounts of royalties to be determined, fixed and specified by order pursuant to said Act;

Now, therefore, upon consideration of the facts and circumstances presented as aforesaid and taking into account the conditions of wartime production, *It is hereby ordered,* As follows: viz:

That, until further order, Licensee is directed not to make any further payments whatsoever of royalties to Licensor, pursuant to the agreement above mentioned or any other agreement which in any respect continues, supplements, modifies or supersedes the same, on account of any manufacture, use, sale or other disposition of said alleged inventions conducted for the War Department while sections 1 and 2 of said Act of October 31, 1942 remain in force.

W. F. VOLANDT,
Chief, Procurement Branch, Office, Assistant Chief of Air Staff, Material, Maintenance and Distribution.

The foregoing order is hereby approved in behalf of the Secretary of War.

By direction of the Under Secretary of War.

Dated: July 12, 1943.

FRED C. FOY,
Acting Director, Purchases Division.

[F. R. Doc. 43-11554; Filed, July 17, 1943; 3:26 p. m.]

DEPARTMENT OF THE INTERIOR

Bituminous Coal Division

OAKLAND COAL COMPANY

[Docket No. B-15]

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

On May 28, 1943, after due notice and hearing, W. A. Cuff, a duly designated Examiner of the Division, submitted a report in which he found that respondent, Oakland Coal Company, a registered distributor (Registration No. 6934), in accepting distributor's discounts on coal resold to Gallant Lumber and Coal Company, had not wilfully violated paragraphs (c), (d), (e) or (g) of its agreement by Registered Distributor, paragraphs 11 and 12 of section 4 II (i) of the Bituminous Coal Act or Rules 11 and 12 of section XIII of the Marketing Rules and Regulations. The Examiner recommended that an Order be entered in accord with these findings.

Upon full consideration I have determined that the proposed findings of fact and proposed conclusions of law of the Examiner adequately and correctly reflect the record and are fully supported by the evidence. No exceptions thereto having been filed, I believe that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the Director;

Accordingly, It is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered and determined, That Oakland Coal Company, a registered distributor (Registration No. 6934), in the acceptance and retention of distributor's discounts on the sale of coal to Gallant Lumber and Coal Company, as set forth in the notice of and order for hearing, has not wilfully violated paragraphs (c), (d), (e) or (g) of the Agreement by Registered Distributor executed by it, paragraphs 11 and 12 of section 4 II (i) of the Bituminous Coal Act of 1937, or Rules 11 and 12 of section XIII of the marketing rules and regulations;

It is further ordered, That the proceeding is dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc 43-11440; Filed, July 16, 1943; 1:24 p. m.]

[Docket No. C-15]

B. F. GOODRICH COMPANY

MEMORANDUM OPINION AND ORDER GRANTING EXEMPTION

In the matter of the application of the B. F. Goodrich Company for exemption.

On May 11, 1943, after notice and hearing, Travis Williams, a duly designated Examiner of the Division, submitted a Report in which he found that coal produced since June 22, 1942 at the coal mining properties located in Tuscarawas County, Ohio, owned by The B. F. Goodrich Company, has been produced by The B. F. Goodrich Company and has been transported by The B. F. Goodrich Company to itself for consumption by it. The Examiner found that for a period of some months prior to June 22, 1942, coal had been produced at the coal mining properties involved by an independent contractor, not by applicant for exemption, The B. F. Goodrich Company, but that, since June 22, 1942, The B. F. Goodrich Company has been engaged in the business of mining coal at the mining properties owned by it and has been consuming the coal so produced. The Examiner concluded that the transactions in coal covered by the application for exemption are exempt from section 4 of the Act by reason of the provisions of sections 4 II (1) and 4-A. He recommended that the application for exemption should be granted, effective as of June 22, 1942, but further recommended that the order granting exemption should be conditioned upon the annual filing by applicant of a verified statement indicating what changes, if any, have been effected in its coal mine activities in Tuscarawas County, Ohio.

Opportunity was afforded all parties to file exceptions to the Report of the Examiner. No exceptions have been filed.

I have considered the report of the Examiner and I find that it accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law, and recommendation set forth in the Report, and upon the entire record in this proceeding;

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That, effective as of June 22, 1942, the application of The B. F. Goodrich Company is granted; *Provided, however,* That the exemption granted by this order shall be deemed automatically terminated if The B. F. Goodrich Company fails to file annually from the date of issuance of this order a verified statement indicating what changes, if any, have been effected in its coal mining activities in Tuscarawas County, Ohio.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11441; Filed, July 16, 1943; 1:24 p. m.]

TRUCK COAL ASSOCIATION OF WESTERN PENNSYLVANIA

[Docket No. C-30]

ORDER DISMISSING APPLICATION

In the matter of the application of Truck Coal Association of Western Pennsylvania for provisional approval as a marketing agency.

An application, pursuant to section 12 of the Bituminous Coal Act of 1937 and pursuant to Order No. 6 of the National Bituminous Coal Commission, which order has been adopted and ratified as an order of the Bituminous Coal Division of the Department of the Interior, having been duly filed with the Bituminous Coal Division by the above-named party; and

It appearing that the matter concerned in the above-named application is of a controversial nature and would necessitate a hearing prior to final action and there being insufficient time before the expiration of the Bituminous Coal Act

of 1937 on August 24, 1943, to conduct such hearing and reach a final determination;

Now, therefore, *It is ordered,* That the application of Truck Coal Association of Western Pennsylvania for provisional approval as a Marketing Agency be and the same hereby is dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11443; Filed, July 16, 1943; 1:24 p. m.]

[Docket No. B-364]

RIO GRANDE COAL COMPANY

ORDER POSTPONING EFFECTIVE DATE OF CODE REVOCATION

In the matter of E. K. Olson, W. F. Olson, Francis Bradley, and Mrs. George M. Hansen, individually and as partners, doing business under the name and style of Rio Grande Coal Company.

In accordance with admissions and consent contained in an application for disposition without formal hearing, an order was entered on May 29, 1943, in the above-entitled matter revoking the Code Membership of E. K. Olson, W. F. Olson, Francis Bradley and Mrs. George M. Hansen, individually and as partners, doing business under the name and style of Rio Grande Coal Company, effective fifteen (15) days from the date thereof and providing for the payment of a tax in the amount of $1,828.39 by the Code Member as a condition precedent to restoration to membership in the Code.

On June 25, 1943, the Code Member filed additional information in the nature of a supplement to its original application for disposition without formal hearing, indicating inability to pay the amount of tax provided for in said order, and requesting reconsideration of the matter. On the basis of the facts recited in said supplemental statement, the Director is of the opinion that further consideration should be given this matter and that the effective date of revocation of the Code Membership of the Code Member should be postponed to August 15, 1943, pending such further consideration.

It is therefore ordered, Nunc pro tunc, that the effective date of revocation of the Code Membership of said E. K. Olson, W. F. Olson, Francis Bradley and Mrs. George M. Hansen, individually and as partners, doing business under the name and style of Rio Grande Coal Company, shall be August 15, 1943, instead of the date heretofore specified in the above-mentioned order of May 29, 1943.

In all other respects said order of May 29, 1943 shall remain in full force and effect.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11442; Filed, July 16, 1943; 1:24 p. m.]

[Docket No. 1525-FD]

LOGAN CLAY PRODUCTS COMPANY

ORDER CANCELLING HEARING AND DISMISSING APPLICATION

In the matter of the application of the Logan Clay Products Company for a determination of the status of the coal produced at the Logan Clay Products Mine No. 1, Hocking County, Ohio, in District No. 4, pursuant to section 4-A of the Bituminous Coal Act of 1937.

A hearing in the above designated docket having heretofore been duly scheduled; and in view of the fact that the Bituminous Coal Act of 1937 expires at 12:01 a. m. August 24, 1943, it appearing appropriate to cancel said hearing and dismiss the application;

Now, therefore, it is ordered, That the hearing now scheduled in the above designated docket be, and the same hereby is, cancelled and the application be, and the same hereby is, dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11446; Filed, July 16, 1943; 1:25 p. m.]

ORDER DISMISSING APPLICATIONS

In the matter of certain applications filed pursuant to Rule 10 of section II of the marketing rules and regulations and §§ 317.12 (b) (8) and 317.19 (c) (formerly §§ 304.12 (b) (8) and 304.19 (c) respectively), of the rules and regulations for the registration of distributors. Dockets Nos. 1497-FD, 1498-FD, D-19, D-22, D-25, D-26, D-28, D-29, D-30, D-32, D-33, D-34, D-35, D-36, D-37, D-38, D-39, D-40, D-41, D-42.

There are pending before the Division applications filed in each of the above designated dockets, upon which no hearings have been held; and it appearing appropriate, in view of the expiration of the Bituminous Coal Act of 1937 at 12:01 a. m. on August 24, 1943, to dismiss each of said applications;

Now, therefore, *It is ordered,* That effective midnight, August 23, 1943, each of the applications filed in the above designated dockets be, and the same hereby is dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11444; Filed, July 16, 1943; 1:24 p. m.]

ORDER DISMISSING APPLICATIONS

In the matter of all applications filed pursuant to sections 4-A and 4 II (1) of the Bituminous Coal Act of 1937 and miscellaneous applications requesting exemptions from the Act which are now pending. Docket Nos. C-2, C-9, C-14, C-21, C-25, C-28, C-29, 471-FD, 488-FD, 561-FD, 618-FD, 685-FD, 960-FD, 1109-FD, 1162-FD, 1171-FD, 1182-FD, 1183-FD, 1184-FD, 1185-FD, 1186-FD, 1190-FD, 1219-FD, 1222-FD, 1223-FD, 1324-FD, 1325-FD, 1326-FD, 1460-FD, 1461-FD, 1463-FD, 1465-FD, 1467-FD, 1469-FD, 1470-FD, 1477-FD, 1479-FD, 1481-FD, 1522-FD, 1523-FD, 1524-FD, 1525-FD, 1528-FD, 1529-FD, 1633-FD, 1868-FD, 1878-FD.

Applications in certain of the above designated dockets having been filed with the Bituminous Coal Division requesting exemptions under section 4-A and 4 II (1) of the Bituminous Coal Act of 1937, and miscellaneous applications for exemptions from the Act having been filed; and it appearing appropriate, in view of the expiration of the Bituminous Coal Act of 1937 at 12:01 a. m. on August 24, 1943, to dismiss each of the said applications;

Now, therefore, *It is ordered,* That effective midnight, August 23, 1943, each of the above-mentioned applications in the above designated dockets be, and the same hereby is, dismissed.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11445; Filed, July 16, 1943; 1:25 p. m.]

[Statement No. 101]

STATEMENT CONCERNING EXPIRATION OF COAL ACT

Statement of the Director concerning expiration of Coal Act and concerning petitions, applications and proceedings under the act and the rules and regulations promulgated thereunder.

In view of the expiration of the Bituminous Coal Act of 1937 and the various rules and regulations promulgated thereunder at 12:01 a. m., August 24, 1943, no petitions or applications filed pursuant thereto after 12:01 a. m., July 15, 1943 (including, without limitation, petitions filed pursuant to section 4 II (d) of the Act, applications for approval of sales agents' commissions filed pursuant to Rule 13 of section II of the marketing rules and regulations and applications for registrations as "registered distributors" filed pursuant to the rules and regulations for the registration of distributors) will be acted upon by the Director.

Similarly, if, in the opinion of the Director, appropriate action cannot be concluded prior to 12:01 a. m., August 24, 1943, with regard to any pending petition, application or proceeding, the petition, application or proceeding will be dismissed with such comment or statement as may be deemed advisable.

Appropriate dispositive action will be taken by the Director in regard to all petitions, applications or proceedings not covered by the foregoing paragraphs.

Dated: July 15, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11575; Filed, July 19, 1943; 10:27 a. m.]

General Land Office.

[Public Land Order 145]

NEVADA

ORDER WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943,[1] *It is ordered,* As follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use in connection with the prosecution of the war:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 36 E.,
sec. 33, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

The areas described aggregate 160 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, and the withdrawal for a proposed grazing district made by the Secretary of the Interior on November 30, 1937, so far as such withdrawals affect the above-described lands.

MICHAEL W. STRAUS,
Acting Secretary of the Interior.

JULY 8, 1943.

[F. R. Doc. 43-11505; Filed, July 17, 1943; 10:04 a. m.]

[Public Land Order 146]

CALIFORNIA

ORDER WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943,[1] and to section 3 of the act of June 17, 1902, 32 Stat. 388 (U.S.C., title 43, sec. 416), *It is ordered,* As follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 20 E.,
sec. 8;
sec. 17, N½.

The areas described aggregate 960 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for reclamation purposes made by the order of July 4, 1930, of the Secretary of the Interior, so far as such order affects the above-described lands.

Jurisdiction over the lands hereby reserved shall revert to the Department of the Interior, and to any other Department or agency of the Federal Government which had any jurisdiction over such lands immediately preceding the issuance of this order, according to their respective interests, upon expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered, pending classification and a determination as to whether the lands, or portions thereof, are needed for public purposes.

MICHEAL W. STRAUS,
Acting Secretary of the Interior.

JULY 8, 1943.

[F. R. Doc. 43-11506; Filed, July 17, 1943; 10:05 a. m.]

[1] 8 F.R. 5516.

Office of the Secretary.

WAGE FIXING PROCEDURES, FIELD EMPLOYEES, GRAZING SERVICE, DEPARTMENT OF THE INTERIOR

For the purpose of determining the prevailing rate of wages to be paid certain classes of field employees of the Grazing Service and to enable the payment to such employees of time and one-half for work in excess of 40 hours per week the following procedure is established:

I. *Wage Board.* A Wage Board, composed of three representatives of the Department, is hereby established to determine prevailing wages for similar work in the locality of their employment for persons employed by the Government in the various trades and occupations excluding employees whose wages are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior.

II. *Procedure to be Followed by Board.* In determining the prevailing wages of various trades and occupations being considered by the Board, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these trades and occupations from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established pursuant to the Davis-Bacon Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendations to the Secretary of the Interior as to the rates of wages to be paid to the Government employees of the classes above specified. The wages recommended shall become effective upon May 1, 1943, unless otherwise directed by the Secretary of the Interior: *Provided,* That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or when there is insufficient evidence to support the wage recommended.

III. *Effective Period of Approved Wage Determinations.* Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals, beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided; *Provided,* That the Secretary of the Interior may direct a review at any other time when, in his judgment, this is desirable.

Unless otherwise ordered, the Board shall be composed of these departmental representatives:

Duncan Campbell, who shall act as Chairman of the Board, and Guy W. Numbers, selected from the Office of the Secretary of the Interior,

Archie D. Ryan, selected from the Grazing Service.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 15, 1943.

[F. R. Doc. 43-11507; Filed, July 17, 1943; 10:05 a. m.]

RECOMMENDATIONS OF GRAZING SERVICE WAGE BOARD TO SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 15, 1943, and entitled "*Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior*" (*supra*), the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 9 of the Grazing Service. Region 9 is composed of the State of Arizona. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Grazing Service Wage Board finds that the hourly wage rates listed below are prevailing for construction work in the State of Arizona and recommends them for your adoption.

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for Grazing Service field employees
Blacksmith	$1.25	$1.25
Blacksmith helper	.90	.90
Carpenter	1.25	1.25
Compressor operator	1.00	1.00
Concrete finisher	1.37½	1.37½
Concrete mixer operator	1.25	1.25
Construction laborer	.82½	.82½
Construction laborer leadman	.92½	.92½
Electrician	1.50	1.50
Electrician helper	.90	.90
Grader operator (road or blade)	1.25	1.25
Heavy duty mechanic	1.37½	1.37½
Iron worker, reinforcing	1.37½	1.37½
Iron worker, structural	1.50	1.50
Jackhammer operator	1.00	1.00
Labor foreman	1.25	1.25
Mixed gang foreman	1.50	1.50
Apprentice engineer and oiler	.97½	.97½
Painter	1.25	1.25
Pile driver operator	1.50	1.50
Plasterer	1.50	1.50
Plumber	1.50	1.50
Powderman	1.25	1.25
Powderman helper	.82½	.82½
Rock crusher operator	1.25	1.25
Shovel or dragline operator	1.62½	1.62½
Stone mason	1.65	1.65
Teamster, 2 up	.82½	.82½
Teamster, 3 up	.87½	.87½
Teamster, 4 up	.92½	.92½
Tractor operator (under 50 horsepower)	1.25	1.25
Tractor operator (50 horsepower and over)	1.50	1.50
Truck driver	1.00	1.00
Truck driver, special	1.25	1.25
Well driller	1.25	1.25
Well driller helper	.90	.90

It is the understanding of the Wage Board that the Grazing Service employees paid in connection with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The Wage Board recommends that all field employees of the Grazing Service in Region 9 not allocated to grade and engaged in construction be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board further recommends that no person employed by the Grazing Service on or after May 1, 1943, shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 2nd day of July, 1943.

DUNCAN CAMPBELL,
Chairman.
ARCHIE D. RYAN,
Member.
GUY W. NUMBERS,
Member.

Approved: July 14, 1943.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-11508; Filed; July 17, 1943; 10:05 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 15, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM. PRODUCT. NUMBER OF LEARNERS. LEARNING PERIOD. LEARNER WAGE. LEARNER OCCUPATION. EXPIRATION DATE

Stoddard Manufacturing Company, 1809 South Federal Street, Mason City, Iowa; Refrigerators; six learners (T) in the occupations of hand assembling operations in the manufacture of wooden ice refrigerators for a period of 160 hours; expiring September 23, 1943.

Signed at New York, N. Y., this 17th day of July 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11590; Filed, July 19, 1943; 11:13 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learners Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Baker Clothes, 26th & Reed Streets, Philadelphia, Pennsylvania, Men's wool clothing, army overcoats; five percent (T); July 13, 1943 and expiring July 13, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garmerts Divisions of the Apparel Industry:

Aalf.-Baker Manufacturing Company, Le Mars, Iowa; Boys' & Men's overalls, 50 learners (E); effective July 12, 1943 and expiring January 12, 1944.

Anchor Sportswear Company, 415 Delaware Avenue, West Pittston, Pennsylvania; Infants' and children's wear; 30 learners (ALT); effective July 15, 1943, expiring January 25, 1944.

The B. V. D. Corporation, 527 West Pratt Street, Baltimore (1) Maryland; Union suits, pajamas, sport shirts; ten percent (T); effective July 19, 1943 and expiring July 19, 1944.

Blue Bell-Globe Manufacturing Company, Commerce, Georgia; denim coats, H. B. T. combat jackets; ten percent (T); effective August 21, 1943 and expiring August 21, 1944.

Bozart Company, Glens Falls, New York; Ladies blouses; 10 learners (T); effective July 19, 1943 and expiring July 19, 1944.

Cornbleet Brothers, Shwancetown, Illinois; Cotton wash dresses and rayon dresses; ten

percent (T); effective July 15, 1943, expiring July 15, 1944.

Great Lakes Garment Manufacturing Company, Onaway, Michigan; Cotton trousers for Navy, cotton play suits for civilians; ten learners (T); effective July 17, 1943 and expiring July 17, 1944.

Greenberg Clothing Company, Inc., 1010 Georgia Avenue, Chattanooga, Tennessee; Pants, jackets; 15 learners (ALT); effective July 19, 1943 expiring October 26, 1943.

M. Handelsman, 18 Jefferson Avenue, Elizabeth, New Jersey; Pants; ten learners (T); effective July 16, 1943, expiring July 16, 1944.

Marmon Sportswear Company, Brockton, Pennsylvania; Ladies' wearing apparel, slacks, blouses, cotton & rayon skirts, nurses' cotton uniforms; ten percent (T); effective July 14, 1943, expiring July 14, 1944.

Nelly Ann Dress Company, 140 West 54th Street, Chicago, Illinois; Dresses; ten percent (T); effective July 17, 1943, expiring July 17, 1944.

Ray Shire Dress Manufacturing Company, 151 Pryor Street, S. W. Atlanta, Georgia; Dresses; 10 learners (T); effective July 14, 1943, expiring July 14, 1944.

Reliance Manufacturing Company, South Magnolia Street, Laurel, Mississippi; Work pants and shirts, Navy shirts; ten percent (ALT); effective July 19, 1943, expiring January 7, 1944.

Victory Dress Company, 307 Penn Avenue, Scranton, Pennsylvania; Ladies' dresses; 15 learners (E); effective July 14, 1943, expiring July 14, 1944.

Wood Garment Manufacturing Company, Marionville, Missouri; Cotton Pants; 30 learners (E); effective July 19, 1943, expiring January 19, 1944.

Hosiery Industry

Amos & Smith Hosiery Company, Pilot Mountain, North Carolina; Full fashioned hosiery; ten percent (ALT); effective July 21, 1943, expiring January 21, 1944.

Belle Meade Hosiery, Inc., 31st & Centennial Blvd., Nashville, Tennessee; Seamless hosiery; ten learners (ALT); effective July 15, 1943, expiring January 15, 1944.

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina; Seamless hosiery; five learners (ALT); effective July 19, 1943, expiring January 4, 1944.

Harriman Hosiery Mills, Harriman, Tennessee; Seamless hosiery; 150 learners (ALT); effective July 14, 1943, expiring January 14, 1944. This certificate replaces the one previously issued effective April 5, 1943 and terminating October 5, 1943.

J. H. Kissinger Knitting Company, Inc., Market Street, Millersburg, Pennsylvania; Seamless hosiery; 5 learners (ALT); effective July 14, 1943 expiring January 7, 1944.

B. C. & C. W. Mayo, Tarboro, North Carolina; Seamless hosiery; ten percent (ALT); effective July 28, 1943, expiring January 28, 1944.

Philadelphia Hosiery Mills, Inc., Philadelphia, Tennessee, Seamless hosiery; 9 learners (T); effective July 14, 1943, expiring July 14, 1944.

Silver Knit Hosiery Mills, Inc., High Point, North Carolina; Seamless hosiery; five percent (ALT); effective July 19, 1943, expiring January 11, 1944.

Knitted Wear Industry

John B. Davidson Woolen Mills, Inc., Jackson & Elizabeth Streets, Eaton Rapids, Michigan; Wool hockey caps; 4 learners (T); effective July 19, 1943, expiring July 19, 1944.

Stratford Knitting Mills, Linfield, Pennsylvania; Cotton knitted winter weight ladies' pajamas & gowns, cotton knitted infants' sleeping garments (sacques, kimonos, gowns), five learners (E); effective July 14, 1943, expiring November 30, 1943.

Gloves Industry

Baus Manufacturing Company, First Street, Hopkinsville, Kentucky; Knit fabric & work gloves; 5 percent (T); effective July 13, 1943, expiring July 13, 1944.

The Daniel Hays Company, Inc., Gloversville, New York; Leather and fabric gloves; 5 learners (T); effective July 14, 1943, expiring July 14, 1944.

Artificial Feathers & Flowers Industry

Superior Molding Company, 66 West 38th Street, New York, New York; Artificial flowers and knitted novelties; 2 learners (T); effective July 16, 1943, expiring August 27, 1943.

Cigar Industry

Consolidated Cigar Corporation, 5-15 North Cherry Street, Poughkeepsie, New York; Cigars; ten percent (T); in the occupations of Cigar Machine Operator, Cigar Packer for 320 hours and Stripping Machine Operators for 160 hours at 75 percent of the applicable hourly minimum; effective July 15, 1943, expiring July 15, 1944.

Consolidated Cigar Corporation, 9th & Liberty Streets, Camden, New Jersey; Cigars; ten percent (T) in the occupations of Cigar Machine Operator and Cigar Packer for 320 hours and Stripping Machine Operators for 160 hours at 75 percent of the applicable hourly minimum; effective July 15, 1943, expiring July 15, 1944.

Consolidated Cigar Corporation, 737 Cortlandt Street, Perth Amboy, New Jersey; Cigars; ten percent (T) in the occupations of Cigar Machine Operator, and Cigar Packers for 320 hours and Stripping Machine Operators for 160 hours at 75 percent of the applicable hourly minimum; effective July 15, 1943, expiring July 15, 1944.

Textiles Industry

Aponaug Chenille Company, McComb, Mississippi, Cotton chenille garments; 70 learners (E); effective July 17, 1943, expiring January 17, 1944.

Aponaug Manufacturing Company, Aponaug Road, Kosciusko, Mississippi; Cotton textiles; 25 learners (ALT); effective July 17, 1943, expiring January 17, 1944.

Copland Fabrics, Inc., Burlington, North Carolina; Rayon cloth; 3 percent (T); effective July 21, 1943, expiring July 21, 1944.

Liberty Throwing Company, Inc., Pringle & Zerby Avenue, Kingston, Pennsylvania; Rayon yarn; six percent (ALT); effective July 21, 1943, expiring January 21, 1944.

Liberty Throwing Company, Inc., 203 East Church Street, Nanticoke, Pennsylvania; Rayon and cotton yarns; six percent (ALT); effective July 21, 1943, expiring January 21, 1944.

Macon Textiles, Inc., Lake Street, Macon, Georgia; Cotton and wool rayon; three percent (T); effective July 19, 1943, expiring July 19, 1944.

Micolas Cotton Mills, Incorporated, Opp, Alabama; Cotton; five percent (ALT); effective July 14, 1943, expiring January 14, 1944.

Poulan Cotton Mills, Poulan, Georgia, Osnaburg; 20 learners (ALT); effective July 19, 1943, expiring January 25, 1944.

Signed at New York, N. Y., this 17th day of July 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11591; Filed, July 19, 1943; 11:14 a. m.]

[Administrative Order 206]

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

INDUSTRY COMMITTEE APPOINTMENT

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 appoint on Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry the following additional members:

For the public:
Robert Patton, Columbus, Ohio.
Clarence E. Ayres, Austin, Tex.
Louis A. Wood, Eugene, Oreg.
For the employers:
M. L. Moringstar, Rathbury, Mich.
A. E. Isham, Redlands, Calif.
Glenn Phillips, Salinas, Calif.
For the employees:
Marie Wells, Los Angeles, Calif.
David Kaplan, Washington, D. C.
Margarita Rendon, San Antonio, Tex.

Industry Committee No. 62 will meet at 10:00 a. m. on July 27, 1943, in the Victoria Room of the Victoria Hotel, New York, New York.

Signed at New York, New York, this 15th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11589; Filed, July 19, 1943; 11:13 a. m.]

[Administrative Order 207]

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

COMMITTEE RESIGNATION AND APPOINTMENT

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 Harold E. Fey of Chicago, Illinois, and Hal P. Angus of Oakland, California, from Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry, and do appoint in their stead, respectively, Charles O. Gregory of Chicago, Illinois, as representative for the Public, and Jack Stallings of Sunnyvale, California, as representative for the Employees on such Committee.

The Committee will meet in the Victoria Room of the Hotel Victoria, New York, New York, at 10:00 a. m. on July 27, 1943.

Signed at New York, New York, this 15th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11588; Filed, July 19, 1943; 11:13 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5837]

JERSEY CENTRAL POWER AND LIGHT CO.

ORDER SUSPENDING SUPPLEMENTAL RATE SCHEDULES AND FIXING DATE FOR HEARING

JULY 15, 1943.

It appearing to the Commission that:

(a) Jersey Central Power & Light Company on March 24, 1931, entered into a formal agreement with Public Service Electric & Gas Company providing for the interchange of emergency power and service under terms and conditions therein specified; that this emergency interchange agreement has been designated in the files of the Commission as Jersey Central Power & Light Company Rate Schedule FPC No. 1.

(b) At approximately the same time Jersey Central and Public Service entered into an arrangement for the interchange of economy energy and service by means of the interconnection facilities provided under the agreement specified in (a) above; that such arrangement, when reduced to writing and filed with the Commission in accordance with the Commission's Order No. 36, will be designated in the files of the Commission as Jersey Central Power & Light Company Rate Schedule FPC No. 2.

(c) On May 3, 1943, the Supreme Court of the United States in Jersey Central Power & Light Co. *v.* Federal Power Commission, and New Jersey Power & Light Co. *v.* Federal Power Commission, Nos. 299 and 329, Oct. Term, 1942, upheld the Commission's determination In the Matter of New Jersey Power & Light Co., and Jersey Central Power & Light Co., Docket No. IT-5818, that Jersey Central was a "public utility" within the meaning of that term as used in the Federal Power Act, upon the basis of its ownership and operation of facilities for the transmission of electric energy in interstate commerce pursuant to the arrangements described in paragraphs (a) and (b), above.

(d) On June 15, 1943, the Commission received a copy of a letter written by Jersey Central Power & Light Company to Public Service Electric & Gas Company giving formal notice of its intention to terminate by Jersey Central Power & Light Company the agreement for the emergency interchange of power and service between the parties as provided for in the agreement of March 24, 1931; that this notice providing for the termination of emergency service has been designated in the files of the Commission as Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 1.

(e) On June 26, 1943, the Commission received a letter from Jersey Central Power & Light Company advising that 30 days from date the arrangement with Public Service Electric & Gas Company for the interchange of economy energy and service was to be terminated and at that time switches would be opened on the interconnection between Jersey Central and Public Service extending from South Amboy to Perth Amboy, New Jersey; that this notice has been designated in the files of the Commission as Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2.

(f) Jersey Central Power & Light Company proposes to open switches on the interconnection facilities between South Amboy and Perth Amboy, thereby endangering the continuity of service upon its own system as well as the system of Public Service Electric & Gas Company in case of an emergency.

(g) Unless suspended by order of the Commission, Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 1 and Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2 will permit Jersey Central Power & Light Company to alter and amend the arrangement for the supply of emergency power and service with Public Service Electric & Gas Company so that in every case of emergency it will be necessary to close the disconnect switches and bring the Jersey Central system and Public Service system into synchronism before the interchange of emergency power is possible, thereby endangering the continuity of customer service which the emergency interchange agreement is designed to safeguard; that necessary and resulting changes in operations on the system of Jersey Central and Public Service may and probably will result in higher costs in providing adequate generating reserves as a guarantee against service interruption in case of an emergency on either system, which increased costs must be borne by the ultimate consumer.

(h) Unless suspended by order of the Commission, Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2 would permit Jersey Central Power & Light Company to terminate the existing arrangement for the interchange of economy energy and service with Public Service Electric & Gas Company, resulting in the necessary use of higher cost generating facilities, waste of critical natural resources, and consequent higher costs, which must be borne by the consuming public; that the termination of the existing arrangement which has been operative since 1931 appears to be contrary to the public interest.

The Commission finds that:

It is necessary and appropriate in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in existing rate schedules providing for emergency interchange of electric energy and service and the interchange of economy energy and service and that the said supplements to existing rate schedules be suspended pending such hearing and the decision thereon.

The Commission, upon its own motion, Orders That:

(A) A public hearing be held on September 1, 1943, beginning at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the lawfulness of the proposed changes in service which will result if Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 1 and Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2 become effective.

(B) Pending such hearing and decision thereon, the changes in service provided for in Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 1, as well as the changes in service provided for in Supplement No. 1 to Jersey Central Power & Light Company Rate Schedule FPC No. 2, be and they are hereby suspended until December 15, 1943, and until such time thereafter as such schedules shall be made effective in the matter provided by the Federal Power Act under rules and regulations prescribed.

(C) During such period of suspension, the rates, charges, and service relating to the interchange of emergency energy and service, as well as interchange of economy energy and service as provided for, and as such service has been supplied in the past, under the arrangements embodied in Jersey Central Power & Light Company Rate Schedule FPC No. 1 and Jersey Central Power & Light Company Rate Schedule FPC No. 2 shall continue in full force and effect.

(D) At the hearing, the burden of proof to show the lawfulness of the proposed changes in service shall be upon Jersey Central Power & Light Company.

(E) Interested state commissions may participate in said hearing as provided in § 39.4 of the Rules of Practice and Regulations under the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-11569; Filed, July 19, 1943; 9:43 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 50 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to BREX 75238 and NADX 6255 containing potatoes originating in California now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Robert L. Berner Co., Chicago, for reconsignment to Champaign, Illinois, and Evansville, Indiana, respectively.

The waybills shall show reference to this special permit.

A copy of this permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11512; Filed, July 17, 1943; 11:10 a. m.]

[Special Permit 51 Under Service Order 123]

COMMON CARRIER BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to IC 55822 containing potatoes originating at Arvin, California, now on the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned Central Potato Company, Incorporated, Chicago.

The waybill shall show reference to this special permit.

A copy of this permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11513; Filed, July 17, 1943; 11:10 a. m.]

[Special Permit 52 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or initial icing and one reicing to PFE 27663 and PFE 71071 containing potatoes originating at Bakersfield, California, now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned to Zivi & Co. or Louie Cohen Co., Inc., Chicago.

The waybills shall show reference to this special permit.

A copy of this permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11514; Filed, July 17, 1943; 11:10 a. m.]

[Special Permit 53 Under Service Order 123]

COMMON CARRIERS BY RAILROAD

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Any common carrier by railroad to accord a second reicing after the first or intial icing and one reicing to PFE 16320 containing potatoes originating in California now on hand at the Chicago Produce Terminal Company tracks, Chicago, Illinois, consigned W. J. Engel Company, Chicago.

The waybill shall show reference to this special permit.

A copy of this permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 3d day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11515; Filed, July 17, 1943; 11:10 a. m.]

[Special Permit 54 Under Service Order 123]

LOUISIANA AND ARKANSAS RAILWAY CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Louisiana & Arkansas Railway Company to reice once in transit after the first or initial icing GARX 9414 containing potatoes originating at Hartford, Arkansas, now on hand at Baton Rouge, Louisiana.

The waybill shall show reference to this special permit.

A copy of this permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 4th day of July 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-11516; Filed, July 17, 1943; 11:10 a. m.]

NATIONAL LABOR RELATIONS BOARD.

POLICY AS TO RUN-OFF ELECTIONS

NOTICE OF OPEN HEARING

The Board now has under consideration a change in policy with respect to run-off elections. Before adopting a new policy, the Board wishes to have the criticisms and suggestions of labor organizations and employers.

An open hearing to discuss the recommended run-off policy will be held on Tuesday, August 3, 1943, at 2:00 p. m. in the Hearing Room on the first floor, Rochambeau Building, 815 Connecticut Avenue, Washington, D. C. All persons interested are invited to notify the Board by July 31, 1943, of their desire to appear at this hearing. Anyone unable to attend may present his views in writing. The Board will be glad to receive briefs from any interested parties, which are due not later than August 3, 1943.

The present policy of the National Labor Relations Board as to when run-off elections are ordered after inconclusive elections, and the form of the ballot, has been in effect for more than 3 years. The Board sets out here, briefly, the present policy and the plan which it is considering adopting.

Present policy. 1. Run-offs are ordered on request of any union on the ballot in the first ordered election, when the total of the votes for all unions constitutes a majority, unless the vote for "neither" is the largest, or unless two unions are tied, with no votes for "neither."

2. The run-off ballot carries the names of the two unions and drops the "neither."

3. In inconclusive elections involving three unions or more, a run-off keeps all the organizations on the ballot, dropping "none." If the run-off is inconclusive, a further run-off is ordered, eliminating the organization with the lowest number of votes.

4. Petitions are dismissed when "neither" receives a majority or plurality, and when votes are equally divided between two unions with no votes for "neither," or between one union and "neither" or "none."

Proposed policy. 1. That run-off elections be ordered automatically wherever none of the choices on the ballot has received a majority, but a majority have voted for union representation.

2. That the interest receiving the lowest vote be dropped, whether it is a union or "neither," and that the run-off ballot carry the two choices with the larger votes, i. e., either the two unions with the larger votes, or only the union with the largest vote where "neither" had the largest or the second largest vote.

3. That in inconclusive elections involving three unions or more, only the two interests with the largest votes be carried on the run-off ballot, unless the third interest is a union with more than 25 percent of the votes. (Or alternatively that the one lowest interest, whatever it is, be dropped, and successive run-offs, if necessary, be directed until one interest receives a majority.)

4. That petitions be dismissed (a) in the event that "neither" receives a majority; and (b) where there is a tie between two unions or between one union and "none," there being no other valid votes.

5. That the original Direction of Election authorize the Regional Director to direct a run-off forthwith, in accordance with established policy.

The form of run-off ballot under present policy, and under the proposed policy, for various types of distribution of votes in the first election, is as follows:

Votes in first election	Present policy	Proposed policy
Two unions first and second in number of votes, "neither" third.	Choice between two unions.	Choice between two unions.
"Neither" the second interest	Choice between two unions.	Vote for or against union with largest vote.
"Neither" the largest vote, but not a majority.	No run-off, dismiss.	Vote for or against union with largest vote.
"Neither" a majority	No run-off, dismiss.	No run-off, dismiss.
Three unions, with the "none" vote second or lower.	Choice among three unions.	Choice between two largest interests, either two unions or top union and "none".
Three unions, where third interest is union with more than 25 percent of the votes.	Choice among three unions.	Choice between three top interests.
Two unions tie, a few votes for "neither"	Choice between two unions.	Choice between two unions.
"Neither" tied with union with largest vote, and another union with smaller vote.	(No precedent)	Vote for or against union with largest vote.
"Neither" tied with union with smaller vote, another union having larger vote.	(No precedent)	Vote for or gainst union with largest vote.
"Neither" the largest vote but less than majority, two unions tie with smaller number of votes.	No run-off, dismiss.	Repeat election using same ballot as in first.

Dated Washington, D. C., July 16, 1943.
By direction of the Board.

DONN N. BENT,
Executive Secretary.

[F. R. Doc. 43-11485; Filed, July 16, 1943; 3:38 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1501]

THE YOKOHAMA SPECIE BANK, LTD., (HONOLULU)

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 The Yokohama Specie Bank, Ltd., a Japanese corporation, Tokyo, Japan, is a national of a designated enemy country (Japan);

2. Finding that said The Yokohama Specie Bank, Ltd., has an established agency or branch office at Honolulu, Hawaii engaged in the conduct of business within the United States and therefore is, to that extent, a business enterprise within the United States;

3. Finding, therefore, that the property described as follows:

All property of any nature whatsoever subject to the jurisdiction of the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, said Honolulu branch of the aforesaid The Yokohama Specie Bank, Ltd., is property of a business enterprise within the United States which is a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

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

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property 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.

The property herein vested, 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 May 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11467; Filed, July 16, 1943; 2:38 p. m.]

[Vesting Order 1631]

T. SUMIDA & COMPANY, LTD.

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

1. Finding that the following named persons, whose last known addresses appear opposite their respective names, are nationals of a designated enemy country (Japan):

Names:	*Last known addresses*
Tajiro Sumida	Osaka, Japan.
Seijiro Sumida	Hiroshima, Japan.
Koichiro Sumida	Osaka, Japan.

2. Finding that Daizo Sumida, Yoshio Tagashira and Shinzaburo Sumida, who are interned in the Territory of Hawaii, are subjects of Japan, and are nationals of a designated enemy country (Japan);

3. Finding that T. Sumida & Company, Ltd. is a corporation organized under the laws of and doing business in the Territory of Hawaii, and is a business enterprise within the United States;

4. Finding that 1,994 shares ofg 850 par value common capital stock of T. Sumida & Company, Ltd. are registered in the names of and owned by the following persons in the amounts appearing opposite their respective names:

Names:	*Number of shares*
Tajiro Sumida	50
Seijiro Sumida	50
Daizo Sumida	703
Yoshio Tagashira	1
Koichiro Sumida	450
Shinzaburo Sumida	680
Total	1,994;

5. Finding that said 1,994 shares constitute a substantial part (namely, approximately 99.70%) of all of the issued and outstanding capital stock of said business enterprise and represent control thereof:

6. Finding, therefore, that T. Sumida & Company, Ltd. is a national of a designated enemy country (Japan);

7. 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);

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

9. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described 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, 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.

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 June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11468; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1665]

ABE APPLIANCES

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 Joseph Chokichi Abe (also known as Chokichi, Abe, Kyozo Abe, and Portuguese Abe) is a citizen of Japan, whose last known address is 119 Yobu, Uto Machi, Uto Gunn, Kumamoto Prefecture, Japan, and is a national of a designated enemy country (Japan);

2. Finding that Abe Appliances is a sole proprietorship, doing business at Honolulu, Territory of Hawaii, and is a business enterprise within the United States;

3. Finding that Abe Appliances is owned and controlled by Joseph Chokichi Abe and is therefore a national of a designated enemy country (Japan);

4. Finding that the property described as follows:

All right, title and interest of Joseph Chokichi Abe (also known as Chokichi Abe, Kyozo Abe, and Portuguese Abe) in and to Abe Appliances (a sole proprietorship),

is an interest in said business enterprise which is a national of a designated enemy country (Japan);

5. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of, or the account of, or owing to said Abe Appliances,

is property of a business enterprise within the United States which is a national 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 consultation 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 the property described in subparagraphs 4 and 5 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 June 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11469; Filed, July 16, 1943; 2:39 p. m.]

[Vesting Order 1696]

CLAIM OF ALFA-ROMEO, S. A.

Re: Claim of Alfa-Romeo, S. A., for fair and just compensation, arising by reason of the requisitioning by the War Production Board of 1,070,640 pounds of steel billets owned by Alfa-Romeo, S. A.

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 Alfa-Romeo, S. A., is a corporation organized under the laws of Italy, with its principal place of business at 33, Via M. U. Traiano, Milano, Italy, and is a national of a designated enemy country (Italy);

2. Finding that Alfa-Romeo, S. A., is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title and interest, of any name or nature whatsoever, of Alfa-Romeo, S. A., in and to a claim for fair and just compensation, arising by reason of the requisitioning by the War Production Board of 1,070,640 pounds of steel billets, pursuant to Requisition No. 297, dated October 6, 1942,

is property which is in condemnation or other similar proceedings and which is payable or deliverable to, or claimed by, a national of a designated enemy country, and is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

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

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property 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 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" 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 June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11470; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1697]

CLAIM OF "CORRADO" SOCIETA ANONIMA DI NAVIGAZIONE

Re: Claim of "Corrado" Societa Anonima di Navigazione for just compensation arising out of the requisitioning by the United States Maritime Commission of the S. S. Dino, a vessel owned by "Corrado" Societa Anonima di Navigazione.

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 "Corrado" Societa Anonima di Navigazione is a business enterprise organized under the laws of the Kingdom of Italy with its principal place of business at Salita S. Nicolosio 1-10, Genoa, Italy, and is a national of a designated enemy country (Italy);

2. Finding that "Corrado" Societa Anonima di Navigazione is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title and interest, of any name or nature whatsoever, of "Corrado" Societa Anonima di Navigazione, in and to a claim for just compensation arising out of the requisitioning by the United States Maritime Commission of title to and possession of the S. S. Dino, including all tackle, apparel, furniture, spare parts, gear and equipment, and all stores and supplies, including fuel aboard the vessel,

is property which is in libel or other similar proceedings and which is payable or deliverable to, or claimed by, a national of a designated enemy country, and is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

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

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property 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 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" 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 June 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11471; Filed, July 16, 1943; 2:39 p. m.]

[Vesting Order 1699]

INVENTION AND DISCLOSURE THEREOF OF HOLGER HESSE

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 Holger Hesse is a resident of Denmark and a citizen of Germany and is therefore a national of foreign countries (Denmark and Germany);

2. Finding that the disclosure and other property related thereto identified in subparagraph 3 hereof are property of Holger Hesse;

3. Finding that the disclosure identified as follows:

TC No.	Inventor	Title	Date of Disclosure
TC-143	Holger Hesse	Method and device for regulating temperatures	5-1-41

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of a national of foreign countries (Denmark and Germany);

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

5. Deeming it necessary in the national interest;

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

Such property, and any or all of the proceeds thereof, shall be held in 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" 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 June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11472; Filed, July 16, 1943; 2:38 p. m.]

[Vesting Order 1706]

INTEREST OF SIEMENS & HALSKE A. G.

Re: Interest of Siemens & Halske A. G. in an agreement with Eastman Kodak Company relating to magazine reloading fees.

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 Siemens & Halske A. G. is a corporation organized under the laws of Germany with its principal place of business at Berlin, Germany, and is therefore a national of a designated enemy country (Germany);

2. Finding that the property described in subparagraph 3 hereof is property of Siemens & Halske A. G.;

3. Finding that the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Siemens & Halske A. G. by virtue of an agreement dated November 16, 1939 (including all modifications thereof and supplements thereto, if any) by and between Siemens & Halske A. G. and Eastman Kodak Company, which agreement relates, among other things, to certain magazine reloading fees payable to Siemens & Halske A. G.,

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

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

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

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property 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 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" 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 June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11473; Filed, July 16, 1943; 2:38 p. m.]

[Vesting Order 1766]

AMERICAN FELSOL 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 54 of July 22, 1942, that Roland Kommandit Gesellschaft, G. m. b. H., Essen, Germany, is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany);

2. Finding that American Felsol Company is a corporation organized under the laws of and doing business in the State of Ohio, and is a business enterprise within the United States;

3. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Roland Kommandit Gesellschaft, G. m. b. H., and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to it by said American Felsol Company 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 enforce and collect such obligations, and including particularly the interest aggregating $3,430 represented by a dividend of $14.00 a share declared on June 8, 1942, and payable to Roland Kommandit Gesellschaft, G. m. b. H., as the then registered holder of 245 shares of the capital stock of American Felsol Company,

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

4. 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);

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

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property 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 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 July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11474; Filed, July 16, 1943; 2:42 p. m.]

[Vesting Order 1768]

ESTATE OF MARY ALBERS

In re: Estate of Mary Albers, deceased; File D-28-3723; E. T. sec. 6265.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Du Page, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Du Page County, Illinois; and

(2) Such property and interests are payable and deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Theodore Schumacher	Germany.
Gustave Schumacher	Germany.
Gesine Ahrens	Germany.
Gustave Ahrens	Germany.
Wilhelm Schwerdtfeger	Germany.
Adele Schwerdtfeger	Germany.
Bertha Rippe	Germany.
Christine Entelmann	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Theodore Schumacher in the sum of $1,152.67, Gustave Schumacher in the sum of $1,152.67, Gesine Ahrens in the sum of $763.53, Gustave Ahrens in the sum of $763.53, Wilhelm Schwerdtfeger in the sum of $553.18, Adele Schwerdtfeger in the sum of $553.18, Bertha Rippe in the sum of $553.18 and Christine Entelmann in the sum of $553.18, which amounts were deposited with the Treasurer of Du Page County, Illinois, on August 22, 1941, pursuant to order of the court of August 18, 1941, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11475; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1769]

ESTATE OF ANNA BAESSLER

In re: Estate of Anna Baessler, deceased; File No. D-28-3566; E. T. Sec. 5776.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Mrs. Hedwig Weidman	Dieppist. 9, Hersfeld, Germany, or Berlin, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such

person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Mrs. Hedwig Weidman in the sum of $225.50, which amount was deposited with the Treasurer of Cook County, Illinois, on October 15, 1941, pursuant to order of the court of October 15, 1941, to the credit of the aforesaid national,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11476; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1770]

ESTATE OF STEPHEN BENCS

In re: Estate of Stephen Bencs (also known as Steve Bench), deceased; File D-34-557; E. T. sec. 6315.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Taft Faust, Clerk of Court, Livingston, Louisiana, as depositary, acting under the judicial supervision of the Twenty-first Judicial District Court of Livingston Parish, Louisiana; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Alexander Fordor	Sajokapolna, Hungary.
Lidia Fordor Nagy	Sajokapolna, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Alexander Fordor in the sum of $2,169.52 and Lidia Fordor Nagy in the sum of $2,169.52, which amounts were deposited in the Registry of the Twenty-first Judicial District Court of Livingston Parish, Louisiana, pursuant to Court Order entered April 5, 1943, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11477; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1771]

ESTATE OF NATALE CANTALE

In re: Estate of Natale Cantale, deceased; File D-38-480; E. T. sec. 5496.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Salvatore Lupica, Administrator, 3538 Orange Avenue, Cleveland, Ohio, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Cuyahoga;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Brother of Natale Cantale, deceased (name unknown).	Tortorici, Messina, Italy.
Sister of Natale Cantale, deceased (name unknown).	Tortorici, Messina, Italy.
Person or persons, names unknown, the legal heirs of Natale Cantale, deceased.	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultations and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of the brother and sister, names unknown, of Natale Cantale, deceased, and person or persons, names unknown, the legal heirs of Natale Cantale, deceased, and each of them, in and to the estate of Natale Cantale, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and 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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11478; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1772]

ESTATE FIORENTINO CARRERA

In re: Estate of Fiorentino Carrera, deceased; File D-38-1041; E. T. sec. 2890.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Beniamino Di Sebastiano, Administrator c. t. a., acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Lucia Carrera	Italy.
Carmine Carrera	Italy.
Michele Carrera	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lucia Carrera, Carmine Carrera and Michele Carrera, and each of them, in and to the estate of Fiorentino Carrera, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and 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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11479; Filed, July 16, 1943; 2:35 p. m.]

[Vesting Order 1774]

TRUST FOR EDWIN G. FAUST AND PAUL D. FAUST

In re: Trust for the benefit of Edwin G. Faust and Paul D. Faust under agreement dated October 24, 1929; File D-28-2425; E. T. sec. 3708.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Mercantile Trust Company, Substituted Trustee, acting under the judicial supervision of the Circuit Court Number 2 of Baltimore City, Maryland;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Paul D. Faust	Germany.
Edwin G. Faust	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Paul D. Faust and Edwin G. Faust, and each of them, in and to the Trust created for the benefit of Paul D. Faust and Edwin G. Faust under an agreement dated October 24, 1929,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11480; Filed, July 16, 1943; 2:36 p. m.]

[Vesting Order 1775]

ESTATE OF NATHANIEL E. FRIEDMAN

In re: Estate of Nathaniel E. Friedman, deceased; File No. D-34-143; E. T. Sec. 5658.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Melvina Lefkovitz	Rakoczi—Korut 56 Kassa, Hungary.
Saline Friedman	Rakoczi—Korut 56 Kassa, Hungary.
Hermine Friedman	Rakoczi—Korut 56 Kassa, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Melvina Lefkovitz in the sum of $343.69, Saline Friedman in the sum of $343.69, and Hermine Friedman in the sum of $343.69, which amounts were deposited with the Treasurer of Cook County, Illinois, on April 5, 1941, pursuant to order of the court of March 17, 1941, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11481; Filed, July 16, 1943; 2:36 p. m.]

[Vesting Order 1776]

ESTATE OF MICHAEL F. GIRTEN

In re: Estate of Michael F. Girten, deceased; File No. D-28-3513; E. T. Sec. 5737.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Margarethe Schubert	Germany.
Antonie Zeller	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Margarethe Schubert in the sum of $242.17 and Antonie Zeller in the sum of $337.52, which amounts were deposited with the Treasurer of Cook County, Illinois, on April 1, 1942, pursuant to order of the court of March 26, 1942, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11482; Filed, July 16, 1943; 2:36 p. m.]

[Vesting Order 1777]

ESTATE OF EMMA JULIANE HELMKE

In re: Estate of Emma Juliane Helmke, deceased; File No. D-28-3516; E. T. sec. 5740.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Peter Riepen	Oster York, Kreis York, Alten Lande, Hanover, Germany.
Gesine Helmke	Oster York, Kreis York, Alten Lande, Hanover, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consulation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Peter Riepen in the sum of $100.00, and Gesine Helmke in the sum of $50.00, which amounts were deposited with the Treasurer of Cook County, Illinois, on December 18, 1940, pursuant to order of the court of December 16, 1940, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11483; Filed, July 16, 1943; 2:36 p. m.]

[Vesting Order 1778]

ESTATE OF ADOLPH IGERSHEIMER

In re: Estate of Adolph Igersheimer, deceased; File No. D-28-3524; E. T. sec. 5710.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ida Hemmerdinger	Hasselbrookstrasse #68 Hamburg, Germany.
Bertha Sternfeld	#43 Karlstrasse 43, Heilbronn, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Ida Hemmerdinger in the sum of $396.20 and Bertha Sternfeld in the sum of $396.20, which amounts were deposited with the Treasurer of Cook County, Illinois, on February 19, 1942, pursuant to order of the court of December 12, 1941, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11449; Filed July 16, 1943; 2:36 p. m.]

[Vesting Order 1779]

ESTATE OF ARMAND KLESSE

In re: Estate of Armand Klesse, deceased; File D-28-3761; E. T. sec. 6359.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jacob V. Schaetzel, Trustee, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
The daughters, names unknown, of Franz Klesse, deceased.	Germany.
The surviving spouse or children of the daughters, names unknown, of Franz Klesse, deceased.	Germany.
Martha Pohl and her surviving spouse or children.	Germany.
Heinrich Galle and his surviving spouse or children.	Germany.
Hedwig Klesse and her surviving spouse or children.	Germany.
The surviving spouse or children, names unknown, of Franz Klesse, deceased.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of the daughters, names unknown, of Franz Klesse, deceased brother, the surviving spouse or children of the daughters, names unknown, of Franz Klesse, deceased, Martha Pohl and her surviving spouse or children, Heinrich Galle and his surviving spouse or children, Hedwig Klesse and her surviving spouse or children and the surviving spouse or children, names unknown, of Franz Klesse, deceased nephew, and each of them, in and to the Estate of Armand Klesse, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and 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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11450; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1780]

ESTATE OF PITRO LEMBO

In re: Estate of Pitro Lembo, deceased; File No. D-38-519; E. T. sec. 5733.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois, and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Filomena Lembo	Lucera Foggia, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Filomena Lembo in the sum of $211.53, which amount was deposited with the Treasurer of Cook County, Illinois, on January 19, 1942, pursuant to order of the court of January 7, 1942, to the credit of the aforesaid national,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11451; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1781]

ESTATE OF ALFRIEDA JOHANNA EICHHOLZ MOLITOR

In re: Estate of Alfrieda Johanna Eichholz Molitor, deceased; Proceedings entitled "Succession of Mrs. Alfrieda Johanna Eichholz, widow of Franz or Frank Molitor; File D-28-1756; E. T. sec. 900.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Whitney National Bank of New Orleans, Executor, acting under the judicial supervision of the Civil District Court for the Parish of Orleans, State of Louisiana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals;	*Last known address*
Mrs. Elise Molitor Schmidt	Germany.
Mrs. Anna Molitor Prier	Germany.
Mrs. Eva Molitor Smitt	Germany.
Child or children, names unknown, of Mrs. Bobbett Molitor Richer, who died a resident of Germany.	Germany.
Child or children, names unknown, of Mrs. Marie Molitor Kunkle, who died a resident of Germany.	Germany.
Child or children, names unknown, of Adam Molitor, who died a resident of Germany.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Elise Molitor Schmidt, Mrs. Anna Molitor Prier, Mrs. Eva Molitor Smitt, child or children, names unknown, of Mrs. Bobbett Molitor Richer, who died a resident of Germany, child or children, names unknown, of Mrs. Marie Molitor Kunkle, who died a resident of Germany, and child or children, names unknown, of Adam Molitor, who died a resident of Germany and each of them in and to the Estate of Alfrieda Johanna Eichholz Molitor, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and 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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11452; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1782]

ESTATE OF GIUSEPPE MUGNAINI

In re: Estate of Giuseppe Mugnaini, deceased; File No. D-38-523; E. T. sec. 5805.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Fedora Angeloni Mugnaini.	Ponte San Pietro, Prov. of Lucca, Italy.
Maria Grazia Mugnaini.	Ponte San Pietro, Prov. of Lucca, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Fedora Angeloni Mugnaini in the sum of $269.80, and Maria Grazia Mugnaini in the sum of $539.58, which amounts were deposited with the Treasurer of Cook County, Illinois, on January 5, 1942, pursuant to order of the court of November 24, 1941, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11453; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1783]

ESTATE OF JOSEPH NEUHUETTLER

In re: Estate of Joseph Neuhuettler, deceased; File No. D-28-3554; E. T. sec. 5722.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Joseph Neuhuettler	Kaiserstein bruk Bei Bruck, a/d Leitha, Germany.
Mary Fink	Meiersdorf Bei Weiner, Neustadt, Germany.
Therese Susenbeck	Kaiserstein bruk Bei Bruck, a/d Leitha, Germany.
Regina Strasser	Vienna, Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Joseph Neuhuettler in the sum of $286.06, Mary Fink in the sum of $142.69, Therese Susenbeck in the sum of $142.69, and Regina Strasser in the sum of $142.70, which amounts were deposited with the Treasurer of Cook County, Illinois, on May 6, 1942, pursuant to order of the court of March 5, 1941, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11454; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1784]

ESTATE OF KATHE POSPISCHIL

In re: Estate of Kathe Pospischil, deceased; File No. D-28-2071; E. T. sec. 2366.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Hans Felsegg	Salzburg, Germany (Austria).

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Hans Felsegg in the sum of $1,480.78, which amount was deposited with the Treasurer of Cook County, Illinois, on November 4, 1942, pursuant to order of the court of October 1, 1942, to the credit of the aforesaid national,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11455; Filed, July 16, 1943; 2:37 p. m.]

[Vesting Order 1785]

ESTATE OF JOHN GABRIEL SCHAEFER

In re: Estate of John Gabriel Schaefer, deceased; File No. D-28-3548; E. T. sec. 5716.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Karl Schaefer	Betra-Post Dettinger, Hohenzollern, Germany.
Maria Schaefer	Betra-Post Dettinger, Hohenzollern, Germany.
Agatha Zimmerman	Betra-Post Dettinger, Hohenzollern, Germany.
Martin Schaefer	Betra-Post Dettinger, Hohenzollern, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Karl Schaefer in the sum of $305.54, Maria Schaefer in the sum of $305.54, Agatha Zimmerman in the sum of $437.14, and Martin Schaefer in the sum of $305.54, which amounts were deposited with the Treasurer of Cook County, Illinois, on November 26, 1941, pursuant to order of the court of October 30, 1941, to the credit of the aforesaid nationals,

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.

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

Dated: July 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11456; Filed, July 16, 1943; 2:38 p. m.]

[Vesting Order 1786]

ADLANCO X-RAY CORPORATION

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

1. Having found in Vesting Order No. 425 of December 1, 1942, that Adlanco X-ray Corporation, a corporation organized and doing business under the laws of the State of New York, is a business enterprise within the United States and is a national of a designated enemy country (Germany);

2. Having found in said Vesting Order No. 425 of December 1, 1942, that Siemens-Reiniger-Werke, a corporation organized under the laws of Germany, is a national of a designated enemy country (Germany);

3. Finding that General Radiological, Ltd., a corporation organized and doing business under the laws of Great Britain, with its principal office at London, England, was a wholly owned subsidiary of the said Siemens-Reiniger-Werke, and is a national of a designated enemy country (Germany);

4. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the said Gen-

eral Radiological, Ltd. in and to all obligations, contingent or otherwise, and whether or not matured, owing to it by said Adlanco X-ray Corporation, 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 enforce and collect such obligations, and including particularly an obligation represented on the books of Adlanco X-ray Corporation as an account payable in the amount of $20,033.75 due said General Radiological, Ltd.,

is an interest in Adlanco X-ray Corporation held by a national of a designated enemy country (Germany);

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 hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination 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 July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11457; Filed, July 16, 1943; 2:43 p. m.]

[Vesting Order 1788]

ESTATE OF MARGARETA ALBER

In re: Estate of Margareta Alber, deceased; File D-28-3810; E. T. sec. 6432.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John F. Kappel, Executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Margaret Kappel	Germany.
Alma Kappel	Germany.

And determining that—

(3) If such nationals are persons NOT within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Margaret Kappel, and Alma Kappel and each of them, in and to the Estate of Margareta Alber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11458; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1789]

TRUST UNDER WILL OF ELIZABETH B. AMER

In re: Trust under the Last Will of Elizabeth B. Amer, deceased; File D-28-2030; E. T. sec. 2170.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by First National Bank and Trust Company of Evanston, 800 Davis Street, Evanston, Illinois, Trustee, acting under the judicial supervision of the Circuit Court of Cook County, State of Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
John Baurle (sometimes known as Johann Baeuerle).	Weilheim near Hechingen, Germany.
Anna Baurle (sometimes known as Anna Christine Baeuerle).	Hechingen, Gammertinger Str. 21, Germany.
Otto Baurle (sometimes known as Otto Baeuerle).	Burladingen near Hechingen, Germany.
Barbara Baurle Hofer (sometimes known as Barbara Anna Baeuerle Hofer).	Hechingen, Schadenweiler Str. 52, Germany.
Sophie Baurle (sometimes known as Sofie Baeuerle).	Hechingen, Gammertinger Str. 21, Germany.
Emily Baurle (sometimes known as Emilie Baeuerle).	Hechingen, Gammertinger Str. 21, Germany.
Person or persons, names unknown, consisting of other descendants of John Baurle, Senior (sometimes known as John Baeuerle, Senior), brother of Elizabeth B. Amer and father of the above-mentioned nationals.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of John Baurle (sometimes known as Johann Baeuerle), Anna Baurle (sometimes known as Anna Christine Baeuerle), Otto Baurle (sometimes known as Otto Baeuerle), Barbara Baurle Hofer (sometimes known as Barbara Anna Baeuerle Hofer), Sophie Baurle (sometimes known as Sofie Baeuerle), Emily Baurle (sometimes known as Emilie Baeuerle), and person or persons, names unknown, consisting of other descendants of John Baurle, Senior (sometimes known as John Baeuerle, Senior), brother of Elizabeth B. Amer and father of the above-mentioned nationals, and each of them, in and to the Trust under the Last Will of Elizabeth B. Amer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the

interest of and for the benefit of the United States.

Such property, and 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11459; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1790]

ESTATE OF BERTHA BERGER

In re: Estate of Bertha Berger, deceased; File D-28-3661; E. T. sec. 5988.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by August B. Mugge, 1713 Hills Avenue, Tampa, Florida, Executor, acting under the judicial supervision of The County Judge's Court in and for Hillsborough County, State of Florida;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Marie Diegelmann (nee Mugge)	Germany.
Walter Mugge	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Maria Diegelmann (nee Mugge) and Walter Mugge, and each of them, in and to the estate of Bertha Berger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determinaion 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11460; Filed, July 16, 1943; 2:40 p. m.]

[Vesting Order 1791]

ESTATE OF JOHN CAPOCCIAMO

In re: Estate of John Capocciamo, deceased; File D-38-1124; E. T. Sec. 2742.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Potter Title and Trust Company, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Nicolina Capocciamo	Italy.
Giacinita Capocciamo	Italy.
Cesidia Capocciamo	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Nicolina Capocciamo, Giacinita Capocciamo and Cesidia Capocciamo, and each of them, in and to the estate of John Capocciamo, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11461; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1792]

TRUST UNDER WILL OF VITTORIO CUNEO

In re: Trust under the Will of Vittorio Cuneo, deceased; File D-38-1032; E. T. Sec. 2839.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of America National Trust and Savings Association, Trustee, acting under the judicial supervision of the Superior Court, State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Queirolo Dasolina (Dasolini) Cueno	Italy.
Valierio (Valerio) Cuneo	Italy.
Maria (Marie) Cuneo	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Queirolo Dosolina (Dosolini) Cueno, Vallerio (Valerio) Cuneo and Maria (Marie) Cuneo, and each of them, in and to the Trust Estate created under the Will of Vittorio Cuneo, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11462; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1793]

ESTATE OF MARGARET P. DALY

In re: Estate of Margaret P. Daly, deceased; File D-34-65; E. T. Sec. 862.

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

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James W. Gerard and H. Carroll Brown as executors and trustees acting under the judicial supervision of the Surrogate's Court, New York County, New York and the District Court of the Fourth Judicial District in the State of Montana, in and for the County of Ravalli

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals:	*Last known address*
Count Anton Sigray	Hungary.
Countess Harriot D. Sigray	Hungary.
Margit Sigray	Hungary.
The issue of Margit Sigray, whose names are unknown.	Hungary.
Amelia Zeh	Germany.

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Count Anton Sigray, Countess Harriot D. Sigray, and Amelia Zeh, and each of them, in and to the estate of Margaret P. Daly, deceased, including real, personal and mixed property and all other assets, however the same may be described, which constitute the said Estate of Margaret P. Daly, deceased, and

All right, title, interest and claim of any kind or character whatsoever of Harriot D. Sigray, Margit Sigray, the issue of Margit Sigray, whose names are unknown, and each of them, in and to the trust created for the benefit of Marcus Daly under the Last Will and Testament of Margaret P. Daly, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11463; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1794]

TRUST UNDER WILL OF HORACE DAVIS

In re: Trust under will of Horace Davis, deceased; File D-66-311; E. T. Sec. 2565.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by American Trust Company, Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Louisa Bancroft Davis	Italy.

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Louisa Bancroft Davis in and to the Trust Estate created under the Will of Horace Davis, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11464; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1795]

ESTATE OF MARY DUNDEK

In re: Estate of Mary Dundek (also known as Meri Dundek), deceased; File D-34-139; E. T. Sec. 5425.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Rev. Stephen Csepke, 105 West Second Street, Niles, Ohio, Executor, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Trumbull;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals:	*Last known address*
Joseph Molnar	Berlin, Germany.
Denes Molnar	Budapest, Hungary.
Joseph Lakatos	Kenyeri vas megye, Hungary.
John Lakatos	Kenyeri vas megye, Hungary.
Mary Lakatos	Kenyeri vas megye, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joseph Molnar, Denes Molnar, Joseph Lakatos, John Lakatos, and Mary Lakatos, and each of them, in and to the estate of Mary Dundek (also known as Meri Dundek), deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY, *Alien Property Custodian.*

[F. R. Doc. 43-11465; Filed, July 16, 1943; 2:41 p. m.]

[Vesting Order 1796]

ESTATE OF EMMA H. ECKERT

In re: Estate of Emma H. Eckert, deceased; File D-28-3717; E. T. sec. 6180.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Hans Roedel, 1410 West Burleigh Street, Milwaukee, Wisconsin, Executor, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Herman Hoffmann	Harra Thuringen, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Herman Hoffman in and to the estate of Emma H. Eckert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and 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.

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

Dated: July 12, 1943.

[SEAL] LEO T. CROWLEY, *Alien Property Custodian.*

[F. R. Doc. 43-11466; Filed, July 16, 1943; 2:41 p. m.]

[Subordination Order 1]

CLAIM AGAINST AMBER MINES, INC.

Whereas all of the issued and outstanding shares of the capital stock of Amber Mines, Inc., a New York corporation, were owned and held by Preussische Berg Werks und Heuten, A. G., a national of a designated enemy country (Germany), and were vested by the undersigned by Vesting Order No. 43 dated July 1, 1942 (7 F.R. 5104, July 7, 1942); and

Whereas a certain claim against Amber Mines Inc., in the sum of $26,446.84, owned by Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H., both nationals of a designated enemy country (Germany), was vested by Vesting Order No. 350 dated November 11, 1942 (7 F.R. 9799, November 25, 1942), as amended; and

Whereas Amber Mines, Inc. is presently being liquidated;

Now, 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 Amber Mines, Inc., Preussische Bernstein Manufactur, and Staatliche Bernstein Manufactur G. m. b. H. were subsidiaries of Preussische Berg Werks und Heuten, A. G. and were dominated by it, and that all said business enterprises were in fact adjuncts and parts of a single organization; and

2. Finding that the advances by Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H. to Amber Mines, Inc., which resulted in said claim of $26,446.84, were in the nature of capital contributions to Amber Mines, Inc.; and

3. Finding that the assets of Amber Mines, Inc. are insufficient to pay all claims against it in full; and

4. Determining that it is equitable and in the national interest of the United States to subordinate said claim of Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H. to the claims of other creditors of Amber Mines, Inc.;

Hereby directs Amber Mines, Inc., and its duly authorized officers, to subordinate the claim of Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H. in the sum of $26,446.84, heretofore vested by the undersigned as aforesaid, to the claims of other creditors of and claimants against Amber Mines, Inc.; and further

Directs Amber Mines, Inc. to pay all its creditors, except Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur G. m. b. H., in full and to deliver and pay over to the undersigned all assets remaining after such payments, the same to be applied on account of the said claim hereby directed to be subordinated.

Executed at Washington, D. C., July 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11549; Filed, July 16, 1943; 2:39 p. m.]

[Subordination Order 2]

CLAIM AGAINST BYK, INC.

Whereas all of the issued and outstanding shares of the capital stock of Byk, Inc., a Delaware corporation, were owned and held by or for Byk-Guldenwerke Chemische Fabrik, A. G., a national of a designated enemy country (Germany), and were vested by the undersigned by Vesting Order No. 34, dated June 30, 1942 (7 F.R. 5077, July 4, 1942); and

Whereas a certain claim against Byk, Inc., in the sum of $17,108.25, owned by Byk-Guldenwerke Chemische Fabrik, A. G., was vested by Vesting Order No. 363, dated November 13, 1942 (7 F.R. 9470, November 18, 1942); and

Whereas Byk, Inc., is presently being liquidated;

Now, 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 Byk, Inc., was a wholly owned subsidiary of Byk-Guldenwerke Chemische Fabrik, A. G., and was dominated by it, and that both said business enterprises were in fact adjuncts and parts of a single organization; and

2. Finding that the advances by Byk-Guldenwerke Chemische Fabrik, A. G. which resulted in said claim of $17,108.25 were in the nature of capital contributions to Byk, Inc.; and

3. Finding that the assets of Byk, Inc., are insufficient to pay all claims against it in full; and

4. Determining that it is equitable and in the national interest of the United States to subordinate said claim of Byk-Guldenwerke Chemische Fabrik, A. G. to the claims of other creditors of Byk, Inc.;

Hereby directs Byk, Inc. and its duly authorized officers to subordinate the claim of Byk-Guldenwerke Chemische Fabrik, A. G. in the sum of $17,108.25, heretofore vested by the undersigned, as aforesaid, to the claims of other creditors of and claimants against Byk, Inc.; and further

Directs Byk, Inc. to pay all its creditors except Byk-Guldenwerke Chemische Fabrik, A. G. in full, and to deliver and pay over to the undersigned all assets remaining after such payments, the same to be applied on account of said claim hereby directed to be subordinated.

Executed at Washington, D. C., July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11550; Filed, July 16, 1943; 2:39 p. m.]

[Subordination Order 3]

CLAIM AGAINST STEFFENS, JONES & CO., INC.

Whereas all of the issued and outstanding shares of the capital stock of Steffens, Jones & Co., Inc., New York, New York, a New York corporation, were owned by Dr. Robert F. Lachman, a national of a designated enemy country (Germany), and were vested by the undersigned in Vesting Order No. 214 of October 3, 1942, as amended December 29, 1942 (8 F.R. 200, January 5, 1943); and

Whereas certain claims against Steffens, Jones & Co., Inc., aggregating $48,736.74, owned by Dr. Robert F. Lachman and by Julius Lachman, a national of a designated enemy country (Germany), were vested by the said vesting order, as amended; and

Whereas Steffens, Jones & Co., Inc. is presently being liquidated;

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

1. Finding that all of the issued and outstanding shares of the capital stock of Steffens, Jones & Co., Inc. were owned and held by the said Dr. Robert F. Lachman, and the the business of said corporation was dominated and controlled by him;

2. Finding that Steffens, Jones & Co., Inc. was, by virtue of the acts of Dr. Robert F. Lachman and Julius Lachman, initially improperly and insufficiently capitalized;

3. Finding that the advances by Dr. Robert F. Lachman, which resulted in a claim by him of $34,308.83 against said corporation, were in fact capital contributions to Steffens, Jones & Co., Inc. and were not intended to create an enforceable debt obligation;

4. Finding that the advances made by Julius Lachman, which resulted in a claim in his name of $14,427.91, were in fact made for and for the benefit of Dr. Robert F. Lachman and were controlled by him and were in fact capital contributions to Steffens, Jones & Co., Inc. and that the said Dr. Robert F. Lachman had agreed to subordinate the said claim and that it was not to be paid unless and until the other creditors of the corporation were paid in full;

5. Finding that the assets of Steffens, Jones & Co., Inc. are insufficient to pay all claims against it in full; and

6. Determining that it is equitable and in the national interest of the United States to subordinate the claims of and in the names of Dr. Robert F. Lachman and Julius Lachman to the claims of other creditors of Steffens, Jones & Co., Inc.;

Hereby directs Steffens, Jones & Co., Inc., and its duly authorized officers, to subordinate the claims in the names of Dr. Robert F. Lachman and Julius Lachman aggregating $48,736.74 heretofore vested by the undersigned, as aforesaid, to the claims of other creditors of and claimants against Steffens, Jones & Co., Inc.; and further

Directs Steffens, Jones & Co., Inc. to pay all its creditors in full, except the claims in the names of the said Dr. Robert F. Lachman and Julius Lachman and to deliver over to the undersigned all the assets remaining after such payments, the same to be applied on account of the said claim hereby directed to be subordinated.

Executed at Washington, D. C., July 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11551; Filed, July 16, 1943; 2:39 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 20A-1]

STARKVILLE, MISSISSIPPI, AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of and between Starkville and State College, Mississippi, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

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

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

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

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

6. Any operator duly authorized or permitted to operate taxicabs within the

[1] Filed as part of the original document.

area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-1" and, unless otherwise directed should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

8. This order shall become effective July 26, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of July 1943.

JOSEPH B. EASTMAN,
Director.
Office of Defense Transportation.

APPENDIX 1

S. W. Johnson, Starkville, Mississippi.
R. E. Josey, Starkville, Mississippi.
J. W. Patrick, Starkville, Mississippi.
Raymond V. Ray, Starkville, Mississippi.
R. W. Wellington, Starkville, Mississippi.
Hugh W. Wade, Starkville, Mississippi.
J. H. Peters, Starkville, Mississippi.
W. V. Shearer, Jr., Starkville, Mississippi.

[F. R. Doc. 43-11600; Filed, July 19, 1943; 12:02 p. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 15, 1943.

Order No.:	*Name*
RPS 64, Order 106	A. J. Lindemann & Hoverson Co.
RMPR 125, Order 36	National Bearing Metals Corp.
RMPR 125, Order 37	The Standard Brass Foundry Co.
RMPR 125, Order 38	A. W. Cadman Mfg. Co.
MPR 134, Order 7	Bunting Tractor Co.
MPR 188, Order 202, Amendment 1	Sonotone Corp.
MPR 188, Order 296, Amendment 1	E. A. Myers & Sons.
MPR 188, Order 507	Herzog Iron Works.
MPR 188, Order 1 under Order A2	Thomas A. Wagner.
MPR 213, Order 6, Amendment 1	Fulton Metal Bed Mfg. Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERWIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11493; Filed, July 17, 1943; 9:36 a. m.]

[Order 1 Under § 1499.19a of GMPR]

DISTRIBUTION YARD SALES OF HARDWOOD LUMBER

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1499.19a of the General Maximum Price Regulation, *It is ordered:*

(a) *Maximum prices for distribution yard sales of hardwood lumber.* The maximum prices for distribution yard sales of hardwood lumber, shall be the seller's present maximum prices as established under the General Maximum Price Regulation, *Provided*, That the seller may agree with the buyer to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery.

(b) *Definition of distribution yard sale of hardwood lumber.* For the purposes of this order, a "distribution yard sale of hardwood lumber" is any sale of hardwood lumber which is not a "sale for direct mill shipment" or a sale "where shipment originates at the mill", as those terms are used in the hardwood lumber regulation applying in the region where the particular lumber was produced. Where the origin of the particular lumber is unknown or is in an area not covered by specific hardwood lumber regulation, the lumber may be considered as having originated from the nearest hardwood lumber producing area covered by specific regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order becomes effective July 17, 1943.

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

Issued this 17th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-11545; Filed, July 17, 1943; 12:04 p. m.]

PURCHASERS OF LOGGING SERVICES AND STUMPAGE

REQUEST FOR APPROVAL OF PROGRAM INVOLVING JOINT ACTION

JULY 3, 1943.

The CHAIRMAN, WAR PRODUCTION BOARD:

In order for the Office of Price Administration adequately to discharge its duties under the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, it is necessary that buyers of logging services and stumpage, who are subject to Supplementary Services Regulation No. 16 (8 F.R. 8750) under Maximum Price Regulation 165, as amended—Services, and to Maximum Price Regulation 348, as amended—Logs and Bolts (8 F.R. 3670, 5163, 5565, 6356, 8751), act together in a manner proper to the preparation of joint petitions for area pricing.

Section 1499.666 of Supplementary Services Regulation No. 16 under Maximum Price Regulation 165 reads as follows:

§ 1499.666 *Logging services and stumpage.*—(a) *Maximum prices on certain logging services.* The maximum prices established by Maximum Price Regulation No. 165—Services, for logging services are modified in the following respects:

(1) When a proposal for dollars-and-cents maximum prices on contract logging is filed under section 9 of Maximum Price Regulation No. 348—Logs and Bolts, the maximum prices for those services may be suspended by the Lumber Branch, Office of Price Administration, under the following conditions:

(i) In the case of any petition filed under section 9 of Maximum Price Regulation No. 348, filed before July 15, 1943, the petitioners may have the operation of their ceiling prices on the logging services they purchase suspended during the forty-five days immediately following the filings. The privilege can be used only by those who join in the petition.

(ii) Petitioners who, in good faith, are preparing petitions may start the forty-five day period of suspension running before the completion of the petition by filing, instead of the petition, a letter stating that the petition is in preparaion and giving an outline of the proposed area and plan. In such cases the total exemption period will not be more than forty-five days from the filing of the letter.

(iii) The letter or petition must establish that the supply of the service is required to meet military or essential civilian needs and cannot be obtained at the March 1942 level of prices; that it is impracticable to adjust the maximum price for the service under the adjustment provisions of Maximum Price Regulation No. 165; and that the need is so urgent, action cannot be delayed pending preparation and consideration of the proposal.

(2) At the conclusion of the suspension period the maximum prices on contract logging services for the particular area involved shall be the dollars-and-cents prices set forth in an appropriate appendix to this regulation or, if no dollars-and-cents prices have been established, the maximum price shall be that established for the supplier under the first applicable paragraph of §§ 1499.102 and 1499.103 of Maximum Price Regulation No. 165.

(b) *Definition.* As used in this Supplementary Services Regulation, the term "logging services" means services in connection with the production of logs, bolts, cordwood and other primary forest products (including all operations in connection therewith, such as felling, bucking, cutting, skidding, yarding, peeling, loading, and reloading, et cetera).

A new paragraph (f) has been added to section 9 of Maximum Price Regulation 348—Logs and Bolts, to read as follows:

(f) *Inclusion of contract logging and stumpage proposals in petition.* A petition for area pricing may include a proposal for a ceiling price system for contract logging and stumpage. When this is done, temporary suspension of ceiling prices set out in the preced-

ing paragraph (e) may be granted by the Lumber Branch, Office of Price Administration, on the ceiling prices on contract logging established by any regulation, provided conditions of paragraph (e) are met and the following conditions are established by the letter of intent or petition:

(1) The supply of the service is required to meet military or essential civilian needs and cannot be obtained at the March 1942 level of prices.

(2) It is impracticable to adjust the maximum price for the service under the adjustment provisions of Maximum Price Regulatiton No. 165.

(3) The need is so urgent that action cannot be delayed pending preparation and consideration of the proposal.

An area pricing petition may be submitted for contract logging or stumpage apart from log purchases, in any case in which the petitioners show that they do not buy logs. The petition must be filed not later than July 15, 1943, to obtain the benefit of the suspension. Since pulpwood is not subject to this regulation, proposals on contract logging of pulpwood may be filed under this section only where the pulpwood is cut in conjunction with some other forest products.

Notwithstanding the above provisions, contract logging services remains subject to Maximum Price Regulation No. 165 and the proposal will be processed under that Regulation or Supplementary Service Regulation No. 16.

Under date of April 21, 1943, this Office requested your approval of a program involving joint action by purchasers of logs and bolts. The request appears in 8 F.R. 5577. Certificate 56 approving such program was issued by your Office April 24, 1943 and appears in 8 F.R. 5578. The amendment to Maximum Price Regulation 348 and Supplementary Services Regulation No. 16 under Maximum Price Regulation 165 are to be administered in conjunction with the program approved in the foregoing Certificate 56. The original program related to area pricing covering the purchase of logs and bolts; this request will permit purchasers of logging services and stumpage to discuss in meetings or in correspondence the following additional matters in connection with proposals for area pricing:

1. Prices of services in connection with the production of logs, bolts, cordwood and other primary forest products, including all operations in connection therewith, such as felling, bucking, cutting, skidding, yarding, peeling, loading, reloading, etc.; contract logging in connection therewith.

2. Stumpage prices.

All joint actions and discussions contemplated by these regulations are to relate directly, and are restricted, to the proper preparation of petitions for area pricing under section 9 of Maximum Price Regulation 348 and Supplementary Services Regulation No. 16 under Maximum Price Regulation 165. If the actions or discussions in concert go beyond this limitation, the entire course of joint conduct shall be considered improper and subject to the restrictions of law which would apply in the absence of any certification by you pursuant to this recommendation. Specifically, but not exclusively, the following actions or discussions shall be deemed to be improper:

1. Discussions relating to products made from logs and bolts, including matters of prices, costs of production, and trade practices, or the like.

2. Discussions relating to allocations of contract loggers, of territories within a given area, to allocations to particular buyers of sellers or of products.

3. The use of any coercion, direct or indirect, to secure participation of any individual or group in the permissible discussions or the petitions. Coercive practices include the imposition of any condition or prerequisites to participation, such as requiring the joining of an association, grading bureau, or the like.

4. Interfering with, or preventing, the communication to the Office of Price Administration, of the separate views or expressions of any affected individual or group. This includes preventing a person from joining in the petition with reservations or conditions.

It appearing that some joint discussions and actions by buyers of logging services and of stumpage are in conformity with Supplementary Services Regulation No. 16 under Maximum Price Regulation 165 and Maximum Price Regulation 348, as amended, and that the effectuation thereof will accomplish the purposes of the regulation, I have approved the program set out in Supplementary Services Regulation No. 16 and section 9 of Maximum Price Regulation 348, as amended, and recommend that you find and certify pursuant to section 12 of Public Law 603, 77th Congress (56 Stat. 357) the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with this Recommendation and Supplementary Services Regulation No. 16 under Maximum Price Regulation 165 and section 9 of Maximum Price Regulation 348, is requisite to the prosecution of the war.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11597; Filed, July 19, 1943; 11:34 a. m.]

[Region VIII Order G-2 Under MPR 154]

ADJUSTED MAXIMUM PRICES FOR ICE IN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by 1393.8 (c) of Maximum Price Regulation No. 154: *It is hereby ordered:*

(a) The adjusted maximum price for sales of ice at wholesale and retail in Victorville, Oro Grande, and Adelanto, California shall be as follows:

Type of sale	Quantity unit	Adjusted maximum price
Wholesale	Ton	$9.00
Retail	25 pounds	.25
	50 pounds	.40
	100 pounds	.70
	200 pounds	1.20

(b) The adjusted maximum price for sales of ice at wholesale and retail in Lucerne Valley, California shall be as follows:

Type of sale	Quantity unit	Adjusted maximum price
Wholesale	Ton	$11.00
Retail	25 pounds	.30
	50 pounds	.45
	100 pounds	.80
	200 pounds	1.40

(c) This order shall terminate September 1, 1943.

This order shall become effective June 26, 1943.

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

Issued this 26th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-11486; Filed, July 15, 1943; 12:39 p. m.]

[Region VIII Order G-2 Under 18 (c), Amdt. 8]

FLUID MILK AND CREAM IN CALIFORNIA

Amendment No. 8 to Revised Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c), as amended, of the General Maximum Price Regulation)—Adjusted Maximum Prices of Fluid Milk and Cream at Wholesale and Retail in Certain Localities in The State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that Revised Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation) be amended as set forth below:

(a) Schedule B as amended is hereby further amended by striking out the schedule of prices under the heading "Ukiah Valley Marketing Area" and substituting in place and stead thereof the following:

[Not less than 3.8% milk fat]

	Wholesale delivered	Retail store	Retail home delivered
Gallon	$0.49	$0.54	$0.59
Half-gallon	.25	.29	.29
Quart	.125	.145	.15
Pint	.0675	.085	.....
Half-pint	.041	.....	.....

(b) Schedule B is hereby further amended by adding at the end of Schedule B the following:

[Not less than 3.8 percent milk fat]

	Wholesale delivered	Retail store	Retail home delivered
Point Arena (Mendocino County) radius of 5 miles:			
Quart, glass or fibre	$0.11	$0.13	$0.13
Half-pint	.035		
Mendocino (Mendocino County) radius of 5 miles:			
Quart	.12	.14	.14
Half-pint	.04		
Fort Bragg (Mendocino County) radius of 7 miles:			
Quart	.125	.145	.15
Half-pint	.04		
Willits (Mendocino County):			
Quart	.12	.14	.14
Half-pint	.04		
Laytonville (Mendocino County):			
Quart	.12	.14	.14
Half-pint	.04		

(c) Schedule A as amended is hereby further amended by inserting after the schedule of prices under the heading "San Luis Obispo Marketing Area" the following:

NOTE: The maximum price of milk sold in fibre containers to Camp Roberts shall be $.125 per quart.

(d) Schedule C as amended is hereby further amended by inserting after the schedule of prices under the heading "Monterey-Santa Cruz Marketing Area" the following:

NOTE: The maximum price of milk sold in fibre containers to Camp Roberts shall be $.125 per quart.

(e) Schedule A as amended is hereby further amended by adding after the schedule of prices under the heading "Santa Barbara Marketing Area and Ventura County" the following:

	Wholesale delivered	Retail store	Retail home delivered
Half and half quarts (12 percent milk fat)	$0.30	$0.34	$0.34

(f) Schedule C is hereby further amended by adding after the schedule of prices under the heading "San Francisco Marketing Area" the following:

	Wholesale delivered	Retail store	Retail home delivered
Half and half quarts (12 percent milk fat)	$0.28	$0.33	$0.35

(g) Section 3 (e) is hereby amended to read as follows: Except as otherwise specifically provided, the name of any city or town includes the area within a radius of three miles from the city limits if such city or town is an incorporated municipality, and within a radius of three miles from the center of such city or town if it is not an incorporated municipality. This amendment to Order G-2 shall become effective June 21, 1943.

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

Issued this 17th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-11487; Filed, July 16, 1943; 12:38 a. m.]

[Region VIII Order G-2 Under 18 (c), Amdt. 9]

FLUID MILK AND CREAM IN CALIFORNIA

Amendment No. 9 to revised Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly revised Order No. 3 under section 18 (c), as amended, of the General Maximum Price Regulation)—Adjusted Maximum Prices of Fluid Milk and Cream at Wholesale and Retail in Certain Localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and §1499.18(c) as amended of the General Maximum Price Regulation, Order No. G-2 under § 1499.18(c) as amended of the General Maximum Price Regulation (formerly Order No. 3 under section 18 (c) of the General Maximum Price Regulation) is hereby amended in the following particulars:

(a) Section 2 (c) is amended to read as follows:

(c) The adjusted maximum price of fluid milk and buttermilk in quart, pint and half pint containers, sold or delivered to the Armed Forces of the United States, or to any person who, pursuant to a contract with the Armed Forces of the United States, operates subsistence facilities or furnishes meals to members of the Armed Forces exclusively, and to federal, state, county and municipal institutions in the localities specified in Schedules A, B, and C attached hereto, shall be computed as follows:

From the adjusted maximum price specified in Schedules A, B, and C attached hereto for the locality involved for sales at wholesale of milk sold in the same type of container, the following amounts shall be deducted:

	Each
For quarts	$0.01
For pints	.0075
For ½ pints	.005

This amendment shall become effective upon issuance.

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

Issued this 21st day of June 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-11488; Filed July 15, 1943; 12:38 p. m.]

[Region VIII Order G-2 Under 18 (c), Amdt. 10]

FLUID MILK AND CREAM IN CALIFORNIA

Amendment No. 10 to Revised Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Revised Order No. 3 under § 18 (c), as amended, of the General Maximum Price Regulation)—Adjusted Maximum Prices of Fluid Milk and Cream at Wholesale and Retail in Certain Localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that Revised Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation) be amended as set forth below:

(A) Schedule B as amended is hereby further amended by adding at the end thereof the following:

[Not less than 3.8% milk fat]

	Wholesale delivered	Retail store	Retail home delivered
Alturas (Modoc County):			
Gallon container or four quarts			$0.50
Quart, glass or fibre	$0.105	$0.125	.13
Half pint	.035		
Canby and Adin (Modoc County):			
Quart, glass or fibre	.11	.13	
Tionesta (Modoc County):			
Quart, glass or fibre	.12	.14	

This amendment to Order No. G-2 shall become effective July 1, 1943.

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

Issued this 28th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-11489; Filed, July 15, 1943; 12:38 p. m.]

[Region VIII Order G-2 Under 18 (c), Amdt. 11]

FLUID MILK AND CREAM IN CALIFORNIA

Amendment No. 11 to Revised Order No. G-2 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Revised Order No. 3 under § 18 (c) as amended of the General Maximum Price Regulation)—Adjusted Maximum Prices of Fluid Milk and Cream at Wholesale and Retail in Certain Localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation it is hereby ordered that Revised Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation) be amended as set forth below:

(a) Schedule A as amended is hereby further amended by striking out the schedule of prices under the heading "Los Angeles Marketing Area" and substituting in place and stead thereof the following:

Not less than	Wholesale delivered		Retail store		Retail home delivered	
	3.4 percent milk fat	4.2 percent milk fat	3.4 percent milk fat	4.2 percent milk fat	3.4 percent milk fat	4.2 percent milk fat
Milk prices:						
Gallon, glass	$0.46		$0.51		$0.54	
Half-gallon, glass	.235	$0.265	.27	$0.30	.29	$0.32
Half-gallon, fibre	.24	.27	.27	.30	.29	.32
Quart, glass	.1175	.1325	.135	.15	.145	.16
Quart, fibre	.12	.135	.135	.15	.145	.16
Pint, glass	.065	.075	.0825	.0875	.0925	.0975
Pint, fibre	.07	.08	.0825	.0875	.0925	.0975
Half-pint, glass	.039	.043				
Half-pint, fibre	.044	.048				
One-third quart	.0467	.053				
Cream prices (not less than 19 percent):						
Quart	$0.415		$0.45			
Pint	.22		.25			
Half-pint	.12		.14		$0.16	
"Half and half" prices (not less than 12 percent milk fat):						
Gallon	1.06					
Quart	.27		.30			
Pint	.14		.16		.18	

This amendment shall become effective July 15, 1943.

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

Issued this 9th day of July, 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-11490; Filed, July 15, 1943; 12:38 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER NO. 51

The following orders under General Order No. 51 were filed with the Division of the Federal Register on July 15, 1943.

REGION III

Dayton Order No. 5, Filed 9:49 a. m.
Saginaw Order No. 7, Filed 9:33 a. m.
Saginaw Order No. 8, Filed 9:37 a. m.
Saginaw Order No. 9, Filed 9:36 a. m.

REGION V

Oklahoma City Order No. G-4, Filed 9:32 a. m.
Dallas Order No. 3, Filed 9:32 a. m.
Shreveport Order No. 5, Filed 9:35 a. m.
New Orleans Order No. 1, Amendment No. 3, Filed 9:35 a. m.
New Orleans Order No. 5, Filed 9:34 a. m.

REGION VI

La Crosse Order No. 3, Amendment No. 1, Filed 2:42 p. m.
La Crosse Order No. 4, Amendment No. 1, Filed 2:42 p. m.
La Crosse Order No. 5, Filed 2:44 p. m.
Fargo-Moorhead Order No. 6, Filed 2:43 p. m.
Quad-Cities Order No. 4, Filed 2:43 p. m.
Des Moines Order No. 4, Filed 2:37 p. m.
Milwaukee Order No. 3, Amendment No. 1, Filed 2:44 p. m.
Duluth-Superior Order No. 3, Amendment No. 1, Filed 2:43 p. m.
Peoria Order No. 4, Filed 2:45 p. m.
Springfield Order No. 7, Filed 2:42 p. m.
Springfield Order No. 8, Filed 2:45 p. m.

REGION VII

Utah State Order No. 1, Amendment No. 1, Filed 9:40 a. m.
Boise Order No. 5, Amendment No. 2, Filed 9:46 a. m.
Boise Order No. 6, Amendment No. 2, Filed 9:45 a. m.
Boise Order No. 9, Filed 9:45 a. m.
Colorado State Order No. 2, Amendment No. 1, Filed 9:47 a. m.
Colorado State Order No. 3, Amendment No. 1, Filed 9:47 a. m.
Colorado State Order No. 4, Amendment No. 1, Filed 9:47 a. m.
Colorado State Order No. 9, Amendment No. 1, Filed 9:46 a. m.
New Mexico Order No. 5, Amendment No. 2, Filed 9:29 a. m.
New Mexico Order No. 7, Filed 9:49 a. m.
New Mexico Order No. 7, Amendment No. 1, Filed 9:29 a. m.
New Mexico Order No. 8, Filed 9:48 a. m.
Montana State Order No. 1 Filed 9:44 a. m.
Montana State Order No. 2, Filed 9:43 a. m.
Montana State Order No. 3, Filed 9:42 a. m.
Montana State Order No. 4, Filed 9:42 a. m.
Montana State Order No. 13, Filed 9:41 a. m.
Montana State Order No. 14, Filed 9:41 a. m.
Montana State Order No. 15, Filed 9:40 a. m.
Montana State Order No. 16, Filed 9:39 a. m.
Montana State Order No. 17, Filed 9:38 a. m.
Montana State Order No. 18, Filed 9:38 a. m.
Montana State Order No. 19, Filed 9:37 a. m.

REGION VIII

Nevada Order No. 4, Filed 2:37 p. m.
Los Angeles Order No. 3, Amendment No. 3, Filed 2:37 p. m.
Sacramento Order No. 5, Amendment No. 1, Filed 2:37 p. m.
Sacramento Order No. 3, Amendment No. 1, Filed 2:39 p. m.
Sacramento Order No. 3, Amendment No. 2, Filed 2:39 p. m.
Phoenix Order No. 3, Amendment No. 1, Filed 2:39 p. m.
Spokane Order No. 3, Amendment No. 2, Filed 2:39 p. m.
Spokane Order No. 4, Filed 2:41 p. m.
Seattle Order No. 3, Amendment No. 3, Filed 2:41 p. m.
Seattle Order No. 4, Amendment No. 3, Filed 2:40 p. m.
Seattle Order No. 5, Amendment No. 2, Filed 2:40 p. m.
Seattle Order No. 6, Amendment No. 2, Filed 2:40 p. m.
Seattle Order No. 7, Amendment No. 1, Filed 2:40 p. m.
Seattle Order No. 8, Filed 2:40 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11494; Filed, July 17, 1943; 9:27 a. m.]

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket 21]

MUNICIPAL DOCKS RAILWAY, JACKSONVILLE, FLA.

ORDER DESIGNATING EXAMINER

Whereas, the issues determined in the opinion of the General Counsel of February 26, 1943, L-43-163, relating to the employer status under the Railroad Unemployment Insurance Act of the Municipal Docks Railway (sometimes called Municipal Docks and Terminals Railway) of the City of Jacksonville, Florida, were, on June 30, 1943, ordered reopened by the General Counsel, pursuant to the authority vested in him by Part 319 of the Regulations governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, for further consideration and proceedings; and

Whereas, the said order of June 30, 1943, provided that the determination of the employer status of the Municipal Docks Railway would proceed on the basis of the record theretofore made in the proceeding, unless on or before July 20, 1943, any properly interested party should express an intention to submit additional evidence or to present argument in accordance with §§ 319.42 and 319.45 of the said Regulations; and

Whereas, on July 7, 1943, the Municipal Docks Railway through its attorney requested an opportunity to be heard further on the question of the employer status of the Municipal Docks Railway under the Railroad Unemployment Insurance Act:

Now, therefore, for the conduct of such proceedings as may be necessary for the further consideration of all the issues determined in the General Counsel's opinion of February 26, 1943, L-43-163, relating to the employer status under the Railroad Unemployment Insurance Act of the Municipal Docks Railway, the General Counsel, pursuant to the authority vested in him by § 319.45 of the regulations governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, hereby designates Mr. A. M. Kobrick to serve as Examiner, with all powers, duties and functions accrued to such Examiner pursuant to such designation under Part 319 of the said regulations. The Examiner shall arrange for a hearing at the earliest date meeting the convenience of parties of interest, and shall notify all parties properly interested in any issue involved in the proceeding of their rights to participate in the proceeding and to present evidence and argument.

[SEAL] JOSEPH H. FREEHILL,
General Counsel.

JULY 12, 1943.

[F. R. Doc. 43-11570; Filed, July 19, 1943; 9:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-20, 59-8, 54-75]

COMMONWEALTH & SOUTHERN CORPORATION (DEL.)

ORDER AUTHORIZING PAYMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of July 1943.

In the matter of The Commonwealth & Southern Corporation (Delaware), Respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware), and its subsidiary companies, Respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), Applicant, File No. 54-75.

Order authorizing payments by Transportation Securities Corporation upon its outstanding notes owned by Ohio Edison Company and The Commonwealth and Southern Corporation (Delaware),

The Commonwealth & Southern Corporation, a registered holding company, having filed a Plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of enabling the company to comply with section 11 (b) (2) of the Act and with this Commission's order dated April 9, 1942 directing the company to change its equity capitalization to a single class of common stock; and

Such Plan providing, among other things, that Transportation Securities Corporation, a non-utility subsidiary of The Commonwealth & Southern Corporation, shall bring to completion its program for the disposition of its transportation assets and shall apply the proceeds of such disposition to payments proportionately upon its outstanding income notes, owned respectively by The Commonwealth & Southern Corporation and by Ohio Edison Company, one of its public-utility subsidiary companies; and

This Commission having previously reserved jurisdiction over the use by Transportation Securities Corporation of the cash proceeds of $950,000 received in an earlier transaction; and

The Commonwealth & Southern Corporation having requested that this Commission enter an order authorizing payments by Transportation Securities Corporation, from funds available for such purpose, proportionately upon the principal amount of its note indebtedness;

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That Transportation Securities Corporation be and hereby is authorized to make payments, from the proceeds of the disposition of its assets and any other funds available for such purpose, proportionately on the principal amount of its note indebtedness to The Commonwealth & Southern Corporation and Ohio Edison Company and that jurisdiction be and hereby is released with respect to the use by Transportation Securities Corporation of the above amount of $950,000 in cash.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11503; Filed, July 17, 1943; 10:04 a. m.]

[File No. 70-754]

INTERNATIONAL UTILITIES CORPORATION

ORDER PERMITTING DECLARATION

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 July, A. D. 1943.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the declaration and payment by International Utilities Corporation, a registered holding company, out of capital or unearned surplus, of a regular quarterly dividend on August 1, 1943, on its $3.50 Prior Preferred Stock, at the rate of 87½¢ per share on the 95,946 shares of such stock presently outstanding, the aggregate amount of such payment being $83,952.75;

Said declaration having been filed on June 28, 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 declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named person having requested that said declaration become effective on or about July 17, 1943; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration 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 declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11562; Filed, July 19, 1943; 9:42 a. m.]

[File No. 70-749]

SOUTH CAROLINA ELECTRIC AND GAS CO. AND GENERAL GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of July 1943.

South Carolina Electric & Gas Company, a subsidiary of General Gas & Electric Corporation, a registered holding company, which, in turn, is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of the Act of the issue and sale, in accordance with Rule U-50 promulgated under the Act, of $20,000,000 principal amount of First Mortgage Bonds dated July 1, 1943, and maturing July 1, 1973; and General Gas & Electric Corporation having filed a declaration pursuant to section 12 (f) of the Act and Rule U-43 thereunder with respect to the sale to South Carolina Electric & Gas Company of $391,000 principal amount of Broad River Power Company (now South Carolina Electric & Gas Company) First and Refunding Mortgage 5% Bonds, Series due 1954, and $650,000 principal amount of Lexington Water Power Company First Mortgage 5% Bonds, Series due 1968, for the purpose of redemption; and South Carolina Electric & Gas Company having requested that the ten-day period for inviting bids, as provided by Rule U-50 (b), be shortened to a period of not less than six days; and having requested the rescission of the condition with respect to the restriction on common stock dividends, contained in the order of the Commission dated June 15, 1943 (South Carolina Electric & Gas Company, File No. 70-591); and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its Findings and Opinion herein;

It is ordered, That the ten-day period for inviting bids, as provided by Rule U-50 (b), be shortened to a period of not less than six days.

It is further ordered, That subject to Commission approval by further order, after the terms of the bond financing have been determined by competitive bidding, that said application be and hereby is granted, and said declaration be and hereby is permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24 and to the following additional condition in lieu of the condition with respect to the restriction on common stock dividends contained in the order of the Commission dated June 15, 1943:

That South Carolina Electric & Gas Company, the consolidated company, is prohibited, subject to further order of this Commission either upon the Commission's own motion or upon application of the consolidated company, South Carolina Electric & Gas Company, from declaring or paying any dividends on its common stock except out of earnings realized subsequent to the date of the consummation of the proposed refunding, and then only if the balance in earned surplus is not reduced below the balance at the date of the consummation of the proposed refunding, plus $200,000 for each twelve months elapsed since the date of the refunding, until such time as the earned surplus of the consolidated company, South Carolina Electric & Gas Company, has reached the amount of $1,575,000.

It is further ordered, That jurisdiction be and hereby is reserved over the fees of Milbank, Tweed & Hope and the legal expenses of South Carolina Electric & Gas Company in connection with the present application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11563; Filed, July 19, 1943; 9:42 a. m.]

[File No. 1-618]

THE CONNECTICUT AND PASSUMPSIC RIVERS RAILROAD CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

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

In the matter of The Connecticut and Passumpsic Rivers Railroad Company, First Mortgage 4% Bonds, due April 1, 1943.

The Boston Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the First Mortgage 4% Bonds, due April 1, 1943, of The Connecticut and Passumpsic Rivers Railroad Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 26, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11564; Filed, July 19, 1943; 9:42 a. m.]

[File No. 1-1300]

A. NASH COMPANY

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

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

In the matter of The A. Nash Company, $25 Par Common Stock.

The Cincinnati Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $25 Par Common Stock of The A. Nash Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:30 a. m. on Wednesday, August 18, 1943, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That C. J. Odenweller, Jr. an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11565; Filed, July 19, 1943; 9:42 a. m.]

[File No. 1-1408]

THE MOORES-CONEY CORPORATION

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

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

In the matter of The Moores-Coney Corporation, Class A Common Stock, no par value, Class B Common Stock, no par value.

The Cincinnati Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Class A Common Stock, No Par Value and Class B Common Stock, No Par Value of The Moores-Coney Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:15 a. m. on Wednesday, August 18, 1943, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That C. J. Odenweller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11566; Filed, July 19, 1943; 9:42 a. m.]

WILLIAM R. CARVER

FINDINGS AND ORDER SUSPENDING REGISTRATION

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

In the matter of William R. Carver, 120 East Washington Street, Syracuse, New York.

1. William R. Carver (the "registrant") is registered as a dealer pursuant to section 15 of the Securities Exchange Act of 1934.

2. The Commission, on the basis of facts reported to it, ordered a hearing pursuant to section 15 (b) of the Securities Exchange Act to determine whether or not the allegations of fact set out in said order are true and whether or not said registration should be revoked or suspended pending final determination. The facts alleged, if true, tend to show that the registrant is permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of Onondaga, entered on or about February 19, 1943, from engaging in and continuing certain conduct and practices in connection with the sale of securities.

3. Notice of the proceeding was sent by registered mail to the registrant at the address designated by him in his application for registration as amended. The notice was returned unclaimed. The registrant did not appear and was not represented at the hearing.

4. The trial examiner filed an advisory report, a copy of which was mailed to the registrant and returned unclaimed.

5. On an independent review of the record, we find that registrant is permanently enjoined by a decree of the Supreme Court of the State of New York from selling securities within the State of New York unless and until he meets certain conditions prescribed in said decree.

Because notice of our proceeding was not received by the registrant, we do not decide at this time whether or not his registration should be revoked. However, in view of the injunction described above, we find that it is necessary in the public interest and for the protection of investors that Carver's registration be suspended pending final determination of whether or not his registration should be revoked, which matter will be determined when he comes in to be heard or notice is received by him. *It is, therefore, ordered,* Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of William R. Carver be, and it hereby is, suspended until further order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-11567; Filed, July 19, 1943; 9:42 a. m.]

PATRICK H. MCCLELLAN

FINDINGS AND ORDER REVOKING REGISTRATION

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

In the matter of Patrick H. McClellan, 125 Burnet Avenue, Syracuse, New York.

1. Patrick H. McClellan (hereinafter referred to as the registrant) is registered as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934

2. The Commission, on the basis of facts reported to it, instituted a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether or not the registration of the registrant should be revoked.

3. After due notice a hearing was held. The registrant did not appear and was not represented at the hearing.

4. The Trial Examiner filed an advisory report in which he found that on April 14, 1943, a judgment was entered in the Supreme Court of the State of New York permanently enjoining the registrant, among other things, from engaging in the sale of securities.

5. On an independent review of the record, we adopt the Trial Examiner's findings and find further that revocation of the registration of Patrick H. McClellan as a broker and dealer is in the public interest. On the basis of the foregoing, and pursuant to section 15 (b) of the Securities Exchange Act of 1934;

It is ordered, That the registration of Patrick H. McClellan as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 43-11568; Filed, July 19, 1943; 9:43 a. m.]

WAR PRODUCTION BOARD.

[Certificate 96]

PURCHASERS OF LOGGING SERVICES AND STUMPAGE

APPROVAL OF JOINT ACTION PROGRAM

To the ATTORNEY GENERAL:

I submit herewith a memorandum dated July 3, 1943, from the Administrator of the Office of Price Administration describing a program for joint action and discussion by purchasers of logging services and stumpage[1] relating to the preparation of petitions for area pricing under Maximum Price Regulation 348, as amended. The program is to be administered in conjunction with a related program certified on April 24, 1943 (Certificate No. 56).

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the program as described in the memorandum; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such approval is requisite to the prosecution of the war.

Dated: July 16, 1943.

DONALD M. NELSON, *Chairman*.

[F. R. Doc. 43-11536; Filed, July 19, 1943; 11:34 a. m.]

---

[1] *Supra*.